

Enrolled Ordinance 172-021

ADOPT REVISED DISTRICT ZONING MAPS OF THE WAUKESHA COUNTY
SHORELAND FLOODLAND PROTECTION ORDINANCE AND THE
WAUKESHA COUNTY ZONING CODE (SCZ-1841)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on June 23, 1970 and the Waukesha County Zoning Code on February 26, 1959; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinances pursuant to Sections 59.69 and 59.692, Wisconsin Statutes; and

WHEREAS, the matter was referred to and considered by the Waukesha County Park and Planning Commission, which recommended approval and reported that recommendation to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, as required by Sections 59.69 and 59.692 of the Wisconsin State Statutes.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Protection Ordinance adopted on June 23, 1970 and the Waukesha County Zoning Code adopted on February 26, 1959 are hereby amended to adopt revised district zoning maps. The amendments are more specifically described in the "Staff Report and Recommendation" on file in the office of the Waukesha County Department of Parks and Land Use and made a part of this Ordinance by reference SCZ-1841.

BE IT FURTHER ORDAINED that the Waukesha County Clerk shall file a certified copy of this Ordinance with each of the Town Clerks within Waukesha County.

BE IT FURTHER ORDAINED that this Ordinance shall be in full force and effect upon passage, approval and publication.

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
ZONING MAP AMENDMENT

FILE NO.: SCZ-1841

DATE: July 20, 2017

PETITIONER: Waukesha County Park and Planning Commission

LOCATION:

The map amendments pertain to unincorporated shoreland areas, countywide, that are subject to the Waukesha County Shoreland and Floodland Protection Ordinance. The map amendments also pertain to the non-shoreland portions of the Towns of Oconomowoc and Ottawa that are subject to the Basic County Zoning Code. Shorelands are lands that are located within 1,000' of public lakes or ponds, lands within 300' of navigable streams or to the full extent of the associated 100-year floodplain if the floodplain extends a distance greater than 1,000' from a lake or public pond or 300' from a navigable stream, respectively.

PROPOSED ZONING:

The proposed countywide map modernization would rezone lands to and from various zoning categories. The mapping updates encompass revisions to the eleven township zoning maps for the communities within the County that are subject to County shoreland and floodplain zoning or general County zoning.

PUBLIC HEARING DATE:

July 20, 2017.

PUBLIC REACTION:

Draft maps were circulated to all eleven towns several months in advance of the public hearing to solicit comments from communities. All submitted community comments have been addressed in the preparation of the subject zoning maps. If any additional comments are offered by the public at the July 20, 2017 public hearing, such comments can be addressed as part of the Park and Planning Commission's action.

COMPLIANCE WITH THE COMPREHENSIVE DEVELOPMENT PLAN FOR WAUKESHA COUNTY:

The proposed map updates implement recommendations of the County Development Plan by adjusting C-1 Conservancy Overlay District boundaries to be consistent with revised FEMA mapping to ensure that lands are safe from flooding. Hydric soils that were previously zoned Exclusive Agricultural Conservancy District will be zoned HG High Groundwater District to more clearly identify soils with hydric conditions, which furthers the plan's recommendation of directing development away from severely drained soils.

OTHER CONSIDERATIONS:

The proposed zoning maps (see maps on the Planning and Zoning Division web page at www.waukeshacounty.gov/planningandzoning, click on "Mapping Resources") will, if approved, serve as the official zoning maps of the Waukesha County Shoreland and Floodland Protection Ordinance. In addition, the maps for the Towns of Oconomowoc and Ottawa would serve as the official Basic Zoning Code maps for these two towns that are subject to the Basic Zoning Code.

The following is a summary of the proposed amendments; the first list addresses map changes that relate to all eleven maps, while the second list addresses town-specific map changes:

Summary of proposed map amendments- multiple towns affected:

- **C-1 District.** Complete converting C-1 Conservancy District mapping to an overlay scheme, utilizing the most current 2010 DNR Wetland Inventory and FEMA floodplain mapping and other flood study boundaries, as previously adopted into the text of the Shoreland Ordinance.
- **EC District boundaries.** Complete converting EC Environmental Corridor District mapping to an overlay scheme while incorporating the revised SEWRPC 2010 Environmental Corridor boundaries, inclusive of SEWRPC's 2016 Environmental Corridor refinements that removed farmed floodplain areas from the regional Environmental Corridor inventory.
- **Rock River Basin FEMA mapping.** Incorporate FEMA floodplain mapping for the Rock River watershed in parts of Delafield, Genesee, Merton and Lisbon. The subject FEMA study was previously adopted into the text of the Shoreland Ordinance.
- **Finalize conversion to HG District.** Complete the rezoning of undeveloped lands within non-farmland preservation areas that contain hydric soils from the Exclusive Agricultural Conservancy District to the HG High Groundwater District. State farmland preservation requirements necessitated that farmland preservation lands with hydric soils be differentiated from other undeveloped lands with hydric soils.
- **P-I Zoning-public lands.** Recognize recent land acquisitions by State, County or local units of government by establishing P-I Public and Institutional District designations for publicly owned land that does not otherwise contain protected natural resources (i.e. farmland owned by the State within the Kettle Moraine State Forest).
- **Recent navigability determinations.** Incorporate shoreland jurisdictional changes as a result of recent DNR navigability determinations.
- **Remove Aerial Map Background.** Overlay district boundaries create a degree of visual clutter, so the removal of the aerial photo background helps to improve readability of paper and PDF maps. Because most map users are using the County GIS to view zoning data, aerial photos can be turned on and off in conjunction with zoning layers.

Summary of other proposed Town-specific zoning map revisions:

- **Brookfield:** Revise Shoreland zoning of parcels that encompass "The Corners" and "Poplar Creek Club" projects to more appropriate zoning districts to align with the recently approved mixed use projects.
- **Delafield:** Incorporate text in the legend of Town of Delafield map that denotes that all shoreland jurisdictional areas within the Town are subject to the Delafield Shoreland Overlay District. Add boundaries of Town Planned Unit Developments (PUDs) that are partially within County Shoreland jurisdiction. Also, amend zoning of the north part of the former Hussein property on Maple Avenue from A-2 to R-2 to provide a single zoning district for the property.
- **Eagle:** Amend the zoning of the portion of the former Camtec property within Shoreland jurisdiction to the AT Agricultural Transition District to match the Town's action regarding the same property, given the recent expiration of a conditional rezone.
- **Genesee:** Update Genesee Shoreland map to recognize Genesee's adoption of Town Zoning in non-shoreland areas while also matching use designations adopted by the Town for specific parcels.
- **Merton:** Update Merton map to incorporate the North Lake Overlay District boundary, which correlates to, recently adopted ordinance text amendments. This district was requested by the lake district and

supported by the Town in order to protect properties from flooding in areas below the documented “high floods of record elevation.”

- **Oconomowoc:** Place parcels within the right-of-way of S.T.H. 16 into the road right of way category.
- **Ottawa:**
 - Refine HG High Groundwater District mapping.
 - Amend Cramer property to FLP District per owner request and per recent plan amendment.
 - Amend St. Bruno’s Cemetery and one acre recently acquired to P-I District.
 - Amend Heath property to A-T District, consistent with recent acquisition from Lad Lake.
 - Amend Houk holdings to A-T District, consistent with current use.
 - Place all lake access points into P-I District.
- **Vernon:** Update Vernon map to recognize Vernon’s recent adoption of Town Zoning in non-shoreland areas.

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved**. The modernized zoning maps bring consistency to zoning maps in shoreland areas of all eleven towns. All eleven maps will be current with regards to 2014 FEMA floodplain boundaries and this project will also finalize the conversion to natural resource overlay districts which creates efficiency for making natural resource updates in the future. Other map edits clarify recent jurisdictional changes and address town-specific needs and requests. Several towns have either recently adopted or are in process of updating their general zoning maps to generally align with this project, which will create a new level of consistency countywide.

Respectfully submitted,

Jason Fruth

Jason Fruth
Planning and Zoning Manager

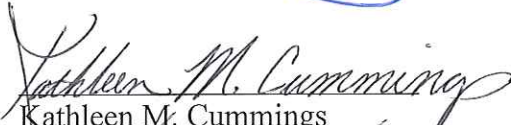
Enclosures: Maps (The eleven proposed zoning maps are available on the Waukesha County website (www.waukeshacounty.gov/planningandzoning; click “Mapping Resources.”)


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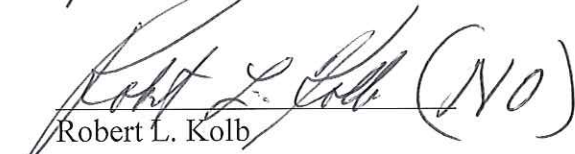
ADOPT REVISED DISTRICT ZONING MAPS OF THE WAUKESHA COUNTY
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Presented by:
Land Use, Parks, and Environment Committee

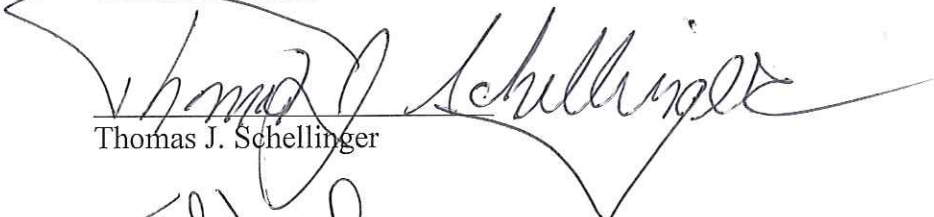

David D. Zimmermann, Chair

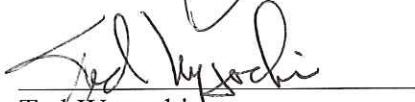

Kathleen M. Cummings


Keith Hammitt



Robert L. Kolb


William Mitchell


Thomas J. Schellinger


Ted Wysocki

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, was presented to the County Executive on:

Date: 8/28/17, 
Kathleen Novack, County Clerk

The foregoing legislation adopted by the County Board of Supervisors of Waukesha County, Wisconsin, is hereby:

Approved: X

Vetoed: _____

Date: 8/28/17, 
Paul Farrow, County Executive

Roll Call	Discussion	Voting...	Results	Agenda	Setup	Options
D1 - Kolb		Absent				
D2 - Zimmermann		(M) AYE				
D3 - Morris		AYE				
D4 - Batzko		AYE				
D5 - Dondlinger		AYE				
D6 - Walz		AYE				
D7 - Grant		AYE				
D8 - Michalski		Notified				
D9 - Heinrich		AYE				
D10 - Swan		AYE				
D11 - Howard		AYE				
D12 - Wolff		AYE				
D13 - Decker		AYE				
D14 - Wood						AYE
D15 - Mitchell						(2) AYE
D16 - Crowley						AYE
D17 - Paulson						AYE
D18 - Nelson						AYE
D19 - Cummings						AYE
D20 - Schellinger						AYE
D21 - Zaborowski						AYE
D22 - Wysocki						AYE
D23 - Hammitt						AYE
D24 - Whittow						AYE
D25 - Johnson						AYE

172-0-021

Passed (23 Y - 0 N - 2 Absent)

Majority Vote

