

**SHEBOYGAN COUNTY    ORDINANCE NO. 02 (2013/14)**

**Re: Redesignation of Navigable Waterways in Shoreland-Floodplain Ordinance**

**WHEREAS**, the determination of whether a waterway is "navigable" carries significant consequences, including establishing the jurisdictional limits of Sheboygan County's Shoreland-Floodplain Ordinance, and

**WHEREAS**, the definition of "navigable" found in sec. 144.26, Stats., has frequently led to disagreements between (and occasionally within) agencies as to whether a particular location is a navigable waterway, and

**WHEREAS**, the Sheboygan County Planning Department staff, in cooperation with the Wisconsin Department of Natural Resources staff, last completed a partial re-study and remapping of navigable waterways in 2009 resulting in the amendment of the shoreland zoning map by Ordinance No. 9 (2009/10), and

**WHEREAS**, since that time, there have been a variety of navigability issues at various spots throughout Sheboygan County and new maps with those navigability issues addressed would benefit landowners, developers, planners, and others concerned by:

- consistency in application
- substantially improved accuracy
- faster response to inquiries

and

**WHEREAS**, in addition to the changes made necessary by the navigability redeterminations as set forth above, the maps need to reflect a Resolution by the Town of Wilson Board on July 2, 2012, which rescinded the Town's prior Resolution granting to Sheboygan County extended shoreland/wetland jurisdiction, and

**WHEREAS**, the Planning, Resources, Agriculture, and Extension Committee has, pursuant to Wis. Stat. § 59.69(5)(e), held a public hearing regarding the proposed changes to the County's shoreland zoning maps on May 2, 2013, and

**WHEREAS**, the Planning, Resources, Agriculture, and Extension Committee believes it is in the public interest to approve new maps with the aforementioned changes as the official Shoreland District Maps for the affected towns;

**NOW, THEREFORE**, the County Board of Supervisors of the County of Sheboygan does ordain as follows:

Section 1. **Amending Shoreland Districts**. The "Shoreland Zoning Map, Sheboygan County, Wisconsin" referred to in Section 72.07 of the County Shoreland-Floodplain Ordinance, is hereby amended to reflect the corrected shoreland jurisdictional limits as presented at the meeting cited above.

Section 2. **Amending Section 72.07.** Section 72.07 of the Sheboygan County Code is amended as follows (redlining indicates additions; strikeouts indicate deletions):

SHORELAND DISTRICTS AND BOUNDARIES. The areas of Sheboygan County regulated by this Ordinance as described in Sections 72.05 and 72.06 of this Code are hereby divided into two (2) districts as defined and described in the following Sections 72.09 and 72.10.

The boundaries of the districts shall follow the boundaries illustrated on the following maps which are hereby adopted and made a part of this Ordinance and which are on file with the Department: "Shoreland Zoning Map, Sheboygan County, Wisconsin" and the supporting Wisconsin Wetland Inventory Maps for Sheboygan County as revised by the DNR and presented to the County in April 2009 and as presented most recently at the public hearing held by the Sheboygan County Planning, Resources, Agriculture, and Extension Committee on July 9, 2009 ~~May 2, 2013~~.

Section 3. **Effective Date.** The herein Ordinance shall take effect upon enactment and publication.

Respectfully submitted this 21st day of May, 2013.

**PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE\***

Michael S. Ogea  
Michael S. Ogea, Chairperson

Keith Ablor  
Keith Ablor, Vice-Chairperson

Al Bosman  
Al Bosman, Secretary

James Baumgart  
James Baumgart

Fran Damp  
Fran Damp

Opposed to Introduction:

ENACTED 06.18.2013

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