

SHEBOYGAN COUNTY ORDINANCE NO. 05 (2015/16)

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, 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 June 9, 2015, 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 most recently at the public hearing held by the Sheboygan County Planning, Resources, Agriculture, and Extension Committee on ~~May 2, 2013~~June 9, 2015.

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

Respectfully submitted this 16th day of June, 2015.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Keith Abler
Keith Abler, Chairperson

Fran Damp
Fran Damp, Vice-Chairperson

Libby Ogea
Libby Ogea, Secretary

James Baumgart
James Baumgart

Edward J. Procek
Edward J. Procek

Opposed to Introduction:

*County Board members signing only

ENACTED 07.21.2015

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