

**SHEBOYGAN COUNTY    ORDINANCE NO. 11 (2008/09)**

**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 2005 resulting in the amendment of the shoreland zoning map by Ordinance No. 13 (2005/06) and Ordinance No. 23 (2005/06), 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 12, 2008, 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):

72.07 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.

(1) — ~~The SHORELAND WETLAND DISTRICT.~~

(2) — ~~The SHORELAND DISTRICT.~~

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" as presented most recently at the public hearing held by the Department on ~~January 24, 2006~~ June 12, 2008.

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

Respectfully submitted this 19th day of August, 2008.

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

Jacob Van Dixhorn  
Jacob Van Dixhorn, Chairperson

Keith Ablor  
Keith Ablor, Vice-Chairperson

Michael S. Ogea  
Michael S. Ogea, Secretary

James Baumgart  
James Baumgart

Al Bosman  
Al Bosman

ENACTED 09.16.2008

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