

SHEBOYGAN COUNTY ORDINANCE NO. 07 (2009/10)

Re: **Redesignation of Navigable Waterways and Wetlands in Shoreland Ordinance**

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

WHEREAS, the definition of "navigable" found in Wis. Stat. § 144.26 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, has completed a partial re-study and remapping of navigable waterways in 2005 resulting in the amendment of the shoreland zoning map by Ordinance Nos. 13 and 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, in addition to the navigability re-study and remapping referred to above, in April 2009 the Wisconsin Department of Natural Resources has provided Sheboygan County with digitized County maps which need to replace the paper wetland inventor which is incorporated into the current official maps, 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 July 9, 2009, 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 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 (additions indicated by redlining, deletions by strikeouts):

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.

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 Final Wisconsin Wetland Inventory Maps for Sheboygan County prepared as revised by the DNR on September 29, 1982, both as revised on April 18, 1987, and presented to the County in April 2009 and as presented most recently at the public hearing held by the Department Sheboygan County Planning, Resources, Agriculture, and Extension Committee on June 12, 2008 July 9, 2009.

Section 3. **Correcting Typographical Errors.** Section 72.13(4) is amended to reference Section 72.15(2), not 72.16(2); and Section 72.23(1) is amended to reference Section 72.19, not 72.22.

Section 4. **Effective Date.** The herein Ordinance shall take effect upon enactment.

Respectfully submitted this 21st day of July, 2009.

PLANNING, RESOURCES, AGRICULTURE, AND EXTENSION COMMITTEE*

Jacob Van Dixhorn
Jacob Van Dixhorn, Chairperson

Keith Abler
Keith Abler, Vice-Chairperson

Michael S. Ogea
Michael S. Ogea, Secretary

James Baumgart
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ENACTED 08.18.2009

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