

ENROLLED ORDINANCE 169-47

AMEND THE WAUKESHA COUNTY SHORELAND AND FLOODLAND PROTECTION  
ORDINANCE TO REPEAL AND RECREATE SECTION 9 RELATIVE TO EC  
ENVIRONMENTAL CORRIDOR DISTRICT REGULATIONS AND SECTIONS  
2(b)(48) AND 2(b)(49) ENVIRONMENTAL CORRIDOR DEFINITIONS (SZ-1459J)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Protection Ordinance on January 23, 1970, and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Section 59.692, Wisconsin Statutes, and

WHEREAS, the subject matter of this Ordinance having been duly referred to and considered by the Waukesha County Park and Planning Commission after Public Hearing and the giving of requisite notice of said hearing, and the recommendation thereon reported to the Land Use, Parks and Environment Committee and the Waukesha County Board of Supervisors, Waukesha County, Wisconsin as required by Section 59.692 of the Wisconsin Statutes, and

WHEREAS, the Waukesha County Shoreland and Floodland Protection Ordinance has historically identified the EC Environmental Corridor District with varying titles throughout the text of the ordinance.

THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the official name of the environmental corridor zoning district the EC Environmental Corridor District and the editor of the code of ordinances is granted the authority to amend all references within the Waukesha County Shoreland and Floodland Protection Ordinance to refer to the district as the EC Environmental Corridor District or abbreviate the reference as the EC District.

BE IT FURTHER ORDAINED that Sections 9, 2(b)(48) and 2(b)(49) of the Waukesha County Shoreland and Floodland Protection Ordinance are repealed and recreated to read as follows:

**Repeal and re-create Section 9 to read:**

**SECTION 9 EC ENVIRONMENTAL CORRIDOR DISTRICT**

**(a) Purpose and Intent**

The EC Environmental Corridor District, as mapped or intended to be mapped, includes non-wetland/floodplain Primary and Secondary environmental corridors and Isolated Natural Resource Areas as defined in this Ordinance, and is intended to be used to preserve, protect, enhance, and restore significant woodlands, upland wildlife habitat areas, scenic overlooks, slopes exceeding twelve (12) percent, and upland wooded areas, while also affording an opportunity to use the site for limited residential purposes, in concert with the goal and intent of the Regional Land Use Plan, Comprehensive Development Plan for Waukesha County, or locally adopted plan, which recommends that residential densities in such areas not exceed one unit per five acres for all parcels which lie entirely within the environmental corridor. Where questions arise as to the exact location or boundary of an environmental corridor, the extent and location of such corridors shall be refined and finally determined by infield investigation by the Zoning

Administrator or his/her designee, and a notation shall be made on the District Zoning map of the Waukesha County Shoreland and Floodland Protection Ordinance indicating that such a determination has been made for future reference and map amendment purposes.

**(b) Use Regulations**

1. Any uses permitted in the C-1 Conservancy District with the following exceptions:
  - A. Whenever possible, pasturing and grazing of livestock shall be located outside of the environmental corridor.
  - B. The cultivation of agricultural crops, except silviculture when done in accordance with the use regulations outlined in the C-1 Conservancy District.
2. Single-family dwellings.
3. Keeping of poultry and livestock on not less than five (5) acres of land where there shall be no more than one head of livestock or twenty (20) poultry for the first three (3) acres of land, and one additional head of livestock or twenty (20) additional poultry for each additional one (1) acre of land thereafter. The keeping of hogs, male goats or fur-bearing animals shall not be permitted.
4. The following accessory buildings and uses, subject to the conditions specified:
  - A. Private garages, when located on the same lot, and not involving the conduct of a business; provided, however, that no private garage shall be erected unless that principal building to which such garage is an accessory use has been erected or is to be erected simultaneously with said garage.
  - B. Quarters for household or farm employees; provided, however, that such quarters shall be occupied only by individuals employed full time on the premises and their families.
  - C. Stables, barns, or poultry houses, which house livestock or poultry, shall not be less than fifty (50) feet from an adjacent property line.
5. A sign in accordance with Section 18(a)7.
6. Hobby kennel in accordance with Section 18(a)8.
7. Guesthouses are prohibited in the EC Environmental Corridor District.
8. The establishment and enhancement of public parks and recreation areas, wilderness or walk-in unimproved boat access sites, natural and outdoor education areas, historic and scientific areas, wildlife refuges, game preserves, and wildlife habitat areas, provided that any tree and vegetation removal and subsequent restoration done in the EC Environmental Corridor District and any improvements and/or construction shall be approved by the Zoning Administrator

before beginning any development activities. Vegetative restoration may be allowed within the corridor for the purpose of improving wildlife habitat or to otherwise enhance wildlife values provided all necessary permits are obtained and said activities shall only be approved after review and approval and issuance of all permits, as required. Roads and trails to service the recreational and wildlife areas, etc. may be permitted, but said roads and trails may not include vegetation removal or other construction activity within the corridor without obtaining all approvals, as required.

(c) **Building Location**

1. Setback: Fifty (50) feet minimum.
2. Offset: Thirty-five (35) feet minimum. In the case of existing legal non-conforming principal or accessory structures that are less than the required thirty-five (35) foot minimum, an extension or addition may be allowed closer than thirty-five (35) feet as long as said extension or addition does not extend or encroach closer to the side lot line than the existing structure to which it is attached, at its closest point as measured in this Ordinance, and in no case shall be less than twenty (20) feet unless a Special Exception is granted by the Board of Adjustment to allow such extension or addition, and with the requirement that all of the disturbance regulations of Section 9 of this Ordinance be met as applicable.
3. Shore Setback: Seventy-five (75) feet minimum.

(d) **Height Regulations**

1. Principal Building: Thirty-five (35) feet maximum.
2. Accessory Building:
  - A. Farm: Sixty (60) feet maximum.
  - B. Other: Fifteen (15) feet maximum.

(e) **Area Regulations**

1. Floor Area:
  - A. Minimum Required
    - i. First floor: Eight hundred and fifty (850) square feet.
    - ii. Total: Eleven hundred (1,100) square feet.
  - B. Maximum F.A.R. permitted: Lots that are less than two (2) acres in area are restricted to a maximum F.A.R. of fifteen (15) percent.
2. Lot size:
  - A. Minimum area: The overall density of parcels lying entirely within the environmental corridor shall be not more than one (1) dwelling unit per

five (5) acres of corridor area, with no lot area being less than two (2) acres in size. On parcels which contain area outside of the environmental corridor or partially within the environmental corridor and in a zoning category requiring less than a five (5) acre lot, the five (5) acre density requirement shall not apply and the lot can be the size required for that adjacent zoning category, as determined by the Zoning Administrator, as long as any land altering activity and/or building envelopes are located outside of the corridor area and appropriately restricted as such on the face of the Certified Survey Map, Subdivision Plat or other document approved by the Waukesha County Park and Planning Commission or the Zoning Administrator and recorded in the office of the Register of Deeds. The overall goal of this requirement is to obtain a maximum density of building activity within the environmental corridor of not more than one (1) dwelling unit for each five (5) acres of environmental corridor lands.

- B. Lands which lie within a larger parcel or tract of land, the remainder of which is zoned either A-P Agricultural Land Preservation District or A-T Agricultural Land Preservation Transition District, shall have a minimum (gross) parcel size of thirty-five (35) acres.

3. Preservation of Open Space:

- A. For parcels lying entirely within the EC Environmental Corridor District, no open space regulation shall apply. However, the maximum area of disturbance in the EC Environmental Corridor District for all land altering activities and vegetative removal, including building sites, septic areas, and drive areas, shall be the greater of 15,000 square feet or fifteen (15) percent of a parcel's area, up to a maximum of 32,670 square feet, and a deed restriction shall be recorded in the office of the Register of Deeds describing the permitted area of disturbance at time of Zoning Permit issuance.
- B. For parcels which lie partially within and partially outside of the EC Environmental Corridor District, the area of disturbance as described in Section 3(A) above shall be limited to that area outside of the EC Environmental Corridor District unless otherwise permitted by a building envelope on a certified survey map, subdivision plat, or other document, or unless the developable area of a parcel (that area that is not constrained by zoning district setback and offset requirements and that is located outside of the EC Environmental Corridor District) is less than the greater of 15,000 square feet or fifteen (15) percent of the area of a parcel, up to a maximum of 32,670 square feet.

If the developable area on a lot is less than the above specified thresholds, a maximum area of disturbance within the EC Environmental Corridor District, as described in Section 3(A) above, up to the amount of area needed to achieve a 15,000 square foot developable area or a developable area of up to fifteen (15) percent of the area of the parcel, up to a maximum of 32,670 square feet of disturbance area, as described in Section 3(A) above, may be permitted by the Zoning Administrator provided a deed restriction is recorded in the office of the Register of Deeds describing and authorizing the area of disturbance. The maximum

area of disturbance within the environmental corridor portion of such a lot shall be determined by calculating the available developable area that is located outside of the environmental corridor and subtracting the available developable area from the above described 15,000 square foot or 15% threshold.

4. Tree and Vegetation Cutting and Removal:

- A. All tree and native brush and understory vegetation cutting and removal within the EC Environmental Corridor District shall require a Zoning Permit in accordance with Section 3(d)9 of this Ordinance, with the following exceptions:

The removal of invasive species or the removal of vegetation necessitated by the extension of utilities to public or private property shall not require a Zoning Permit. In addition, the Zoning Administrator may waive Zoning Permit requirements for tree cutting or vegetation removal in the event of widespread storm damage or for the cutting of trees that present a safety hazard.

- B. Except for those activities conducted in accordance with the provisions of Section 9(e)3 above, tree and vegetation cutting and removal in the EC Environmental Corridor District shall be limited to the cutting and removal of dead, dying, and diseased trees or vegetation; the cutting and removal of invasive species; the cutting and removal of trees and vegetation related to the implementation of a forest management plan approved by the Zoning Administrator or his/her designee; and the tree and vegetation cutting and removal shall be conducted in accordance with the applicable provisions of Section 3(d)9 of this Ordinance, in order to protect natural beauty and wildlife habitat and to prevent erosion. Cutting and removal activities must demonstrate enhancement of the environmental corridor. The Zoning Administrator may consult with natural resource experts at the Southeastern Wisconsin Regional Planning Commission or other governmental agencies to determine the appropriateness of the proposed cutting or removal activities and to solicit recommendations regarding any required re-planting or restoration requirements in order to ensure that the project does not have an adverse impact on the natural environment.

## **SECTION 2**

### **Repeal and re-create Section 2(48) to read:**

48. Environmental Corridors: Environmental corridors (Primary, Secondary, and Isolated Natural Resource Areas) are concentrations of key significant natural resource elements including surface water such as lakes, streams, and rivers and their associated undeveloped floodlands and shorelands; woodlands, wetlands, and wildlife habitat; prairie remnants; areas of groundwater discharge and recharge; unfarmed wet, poorly drained and organic soils, rugged terrain and high relief topography; and significant geological formations and physiographic

features. In general, Primary Environmental Corridors are concentrations of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width. Secondary Environmental Corridors are concentrations of significant natural resources at least 100 acres in area and at least one mile in length (possibly smaller and shorter if considered a primary link). Isolated Natural Resource Areas are concentrations of significant natural resources at least five acres in area and at least 200 feet in width. Generalized environmental corridor boundaries are mapped by the Southeastern Wisconsin Regional Planning Commission, typically at five-year intervals, and precise boundaries are field delineated by or reviewed and approved by the Southeastern Wisconsin Regional Planning Commission Staff. A description of the processes for further defining and delineating Primary and Secondary Environmental Corridors and Isolated Natural Resource Areas is set forth in the Southeastern Wisconsin Regional Planning Commission's Technical Record, Volume 4, No. 2 and is incorporated herein by reference.

**Repeal and re-create Section 2(49) to read:**

49. Environmentally significant areas: Environmentally significant areas are lands which are zoned as C-1 Conservancy District, A-E Exclusive Agricultural Conservancy District, or EC Environmental Corridor District, or are designated as Primary Environmental Corridor, Secondary Environmental Corridor, or Isolated Natural Resource area on the Waukesha County Comprehensive Development Plan.

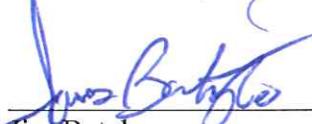
BE IT FURTHER ORDAINED that this Ordinance shall become effective upon passage and publication.

BE IT FURTHER ORDAINED that all Ordinances inconsistent with or in contravention of the provisions of this Ordinance are hereby repealed.

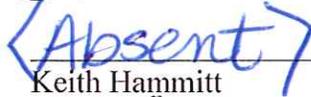
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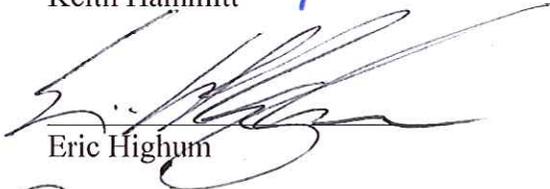
Presented by:  
Land Use, Parks, and Environment Committee

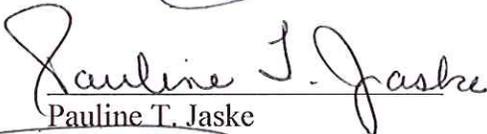
  
Walter L. Kolb, Chair

  
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Jennifer Grant

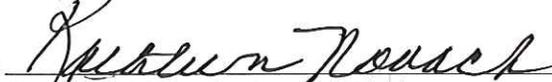
  
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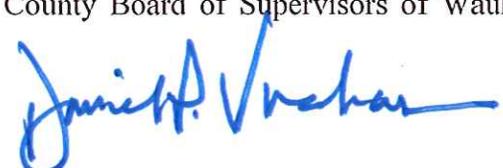
  
Pauline T. Jaske

  
Thomas J. Schellinger

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

Date: 8/26/14,   
Kathleen Novack, County Clerk

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

Approved: X  
Vetoed: \_\_\_\_\_  
Date: 8-27-14,   
Daniel P. Vrakas, County Executive

WAUKESHA COUNTY BOARD OF SUPERVISORS

V

DATE-08/26/14

(ORD) NUMBER-1690047

1 R. KOLB.....AYE	2 D. Zimmermann.....AYE
3 R. MORRIS.....AYE	4 J. BATZKO.....AYE
5 J. BRANDTJEN.....AYE	6 J. WALZ.....AYE
7 J. GRANT.....AYE	8 E. HIGHUM.....AYE
9 J. HEINRICH.....AYE	10 D. SWAN.....AYE
11 C. HOWARD.....AYE	12 P. WOLFF.....AYE
13 P. DECKER.....AYE	14 C. PETTIS.....AYE
15 W. KOLB.....AYE	16 M. CROWLEY.....AYE
17 D. PAULSON.....AYE	18 L. NELSON.....AYE
19 K. CUMMINGS.....AYE	20 T. SCHELLINGER....AYE
21 W. ZABOROWSKI.....AYE	22 P. JASKE.....AYE
23 K. HAMMITT.....	24 S. WHITTOW.....
25 G. YERKE.....AYE	

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-23

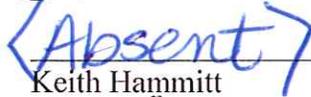
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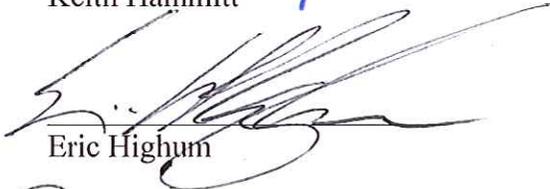
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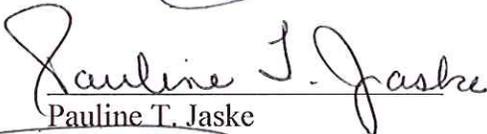
  
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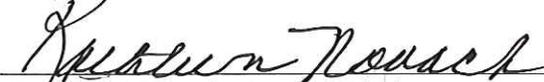
  
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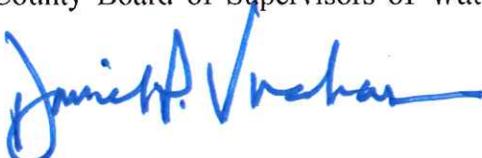
  
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| 25 G. YERKE.....AYE      |                          |

TOTAL AYES-23

TOTAL NAYS-00

CARRIED \_\_\_\_\_

DEFEATED \_\_\_\_\_

UNANIMOUS   X  

TOTAL VOTES-23