

ENROLLED ORDINANCE 178-63

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND
FLOODLAND SUBDIVISION CONTROL ORDINANCE (RZ128)

WHEREAS, the Waukesha County Board of Supervisors enacted the Waukesha County Shoreland and Floodland Subdivision Control Ordinance on June 23, 1970; and

WHEREAS, the Waukesha County Board of Supervisors may make amendments to such Ordinance pursuant to Chapter 236, Wisconsin Statutes; and

WHEREAS, the proposed amendments to the Waukesha County Shoreland & Floodland Subdivision Control Ordinance remove references to the Waukesha County Shoreland & Floodland Protection Ordinance and insert references to the recently adopted Waukesha County Shoreland Protection Ordinance and the Waukesha County Floodland Protection Ordinance; and

WHEREAS, the Waukesha County Department of Parks and Land Use held a public hearing on September 21, 2023; and

WHEREAS, the proposed amendments have been duly referred, considered, and approved by the Waukesha County Park and Planning Commission at its meeting of September 21, 2023; and

WHEREAS, the Waukesha County Park and Planning Commission has forwarded the proposed amendments and the Staff Report and Recommendation to the Land Use, Parks and Environment Committee and to the Waukesha County Board of Supervisors with its recommendation that the proposed amendments be approved.

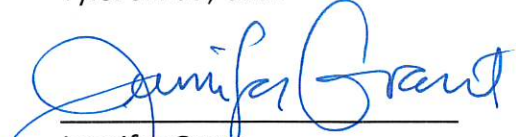
THE COUNTY BOARD OF SUPERVISORS OF THE COUNTY OF WAUKESHA ORDAINS that the Waukesha County Shoreland and Floodland Subdivision Control Ordinance is hereby amended to remove references to the Waukesha County Shoreland & Floodland Protection Ordinance and insert references to the recently adopted Waukesha County Shoreland Protection Ordinance and the Waukesha County Floodland Protection Ordinance, as more specifically described in the "Staff Report and Recommendation" by reference RZ128, on file in the office of the Waukesha County Department of Parks and Land Use, and made a part of this Ordinance.

ADOPT TEXT AMENDMENTS TO THE WAUKESHA COUNTY SHORELAND AND FLOODLAND
SUBDIVISION CONTROL ORDINANCE (RZ128)

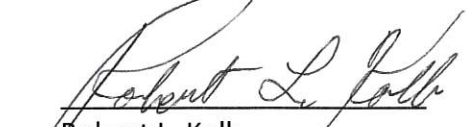
Presented by:

Land Use, Parks, and Environment Committee


Tyler J. Foti, Chair


Jennifer Grant

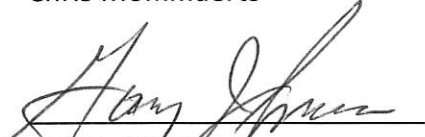

Christine M. Howard


Robert L. Kolb



Brian Meier

Absent

Chris Mommaerts


Gary J. Szpara

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

Date: 12/1/23, 
Margaret Wartman, County Clerk

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

Approved: X
Vetoed: _____

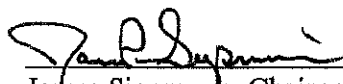
Date: 12/4/23, 
Paul Farrow, County Executive


COMMISSION ACTION

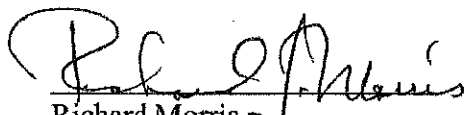
The Waukesha County Park and Planning Commission after giving consideration to the subject matter of the Ordinance to amend the Waukesha County Shoreland and Floodland Subdivision Control Ordinance hereby recommends **approval** of **RZ128 (Text Amendment)** in accordance with the attached "Staff Report and Recommendation".

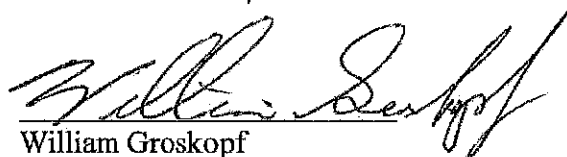
PARK AND PLANNING COMMISSION


September 21, 2023


James Siepmann, Chairperson


Robert Peregrine


Richard Morris


William Groskopf


Gary Szpara

WAUKESHA COUNTY DEPARTMENT OF PARKS AND LAND USE
STAFF REPORT AND RECOMMENDATION
TEXT AMENDMENTS TO THE
WAUKESHA COUNTY SHORELAND AND FLOODLAND
SUBDIVISION CONTROL ORDINANCE

FILE NO.: RZ128

DATE: September 21, 2023

PETITIONER: Waukesha County Park and Planning Commission

REQUEST:

Proposed amendments to the Waukesha County Shoreland and Floodland Subdivision Control Ordinance to update ordinance cross references to the recently adopted Waukesha County Floodland Protection Ordinance and Waukesha County Shoreland Protection Ordinance.

PUBLIC HEARING DATE:

September 21, 2023

PUBLIC COMMENT:

Any comments offered by the public at the September 21, 2023, hearing will be made a part of the record and considered in the final staff recommendation.

STAFF ANALYSIS:

On August 22, 2023, the Waukesha County Board adopted enrolled ordinances 178-38 and 178-39. Those respective ordinances created the Waukesha County Floodland Protection Ordinance and adopted a revised shoreland zoning ordinance to be called the Waukesha County Shoreland Protection Ordinance. As a result, the Waukesha County Shoreland and Floodland Protection Ordinance regulations will now be contained in the standalone floodplain and shoreland ordinances noted above.

The Waukesha County Shoreland and Floodland Subdivision Control Ordinance, which regulates land divisions, contains numerous text references to the Waukesha County Shoreland and Floodland Protection Ordinance. This amendment would update those references to reflect the standalone shoreland and floodplain ordinances that will become effective on October 19, 2023. In addition, a few minor edits were made to ensure this ordinance is referred to as the Waukesha County Shoreland and Floodland Subdivision Control Ordinance consistently throughout the document. A draft of the ordinance with proposed changes tracked (Exhibit A) is located at www.waukeshacounty.gov/planningandzoning (click the “Zoning Ordinances” and “Draft County/Town Ordinances” tabs).

STAFF RECOMMENDATION:

It is the opinion of the Planning and Zoning Division Staff that this request be **approved** subject to the following conditions.

1. This approval is subject to the final review of the Waukesha County Corporation Counsel’s office.

These minor ordinance amendments will keep the text references within the county's land division review ordinance in line with naming conventions of the recently adopted standalone shoreland and floodplain zoning ordinances.

Respectfully submitted,

Jason Fruth

Jason Fruth,
Planning and Zoning Manager

Enclosures: Exhibit A (draft zoning ordinance located at www.waukeshacounty.gov/planningandzoning -at bottom of page, click the blue "Zoning Ordinances" tab and then "Draft County/Town Ordinances") OR use the following link:

<https://www.waukeshacounty.gov/globalassets/parks--land-use/planning-zoning/draft-subdivision-control-ordinance-2023/draft-subdivision-control-ordinance.pdf>

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Proposed Amendments to the
Waukesha County Shoreland and Floodland Subdivision Control Ordinance
RZ128

REVISED 8/25/23

*Note: To assist the reader, additions are identified in **red** and **blue** print and deletions contain a strike through format.*

TITLE (TOC Page)

Repeal and Recreate

~~**WAUKESHA COUNTY SUBDIVISION CONTROL ORDINANCE**~~

WAUKESHA COUNTY SHORELAND AND FLOODLAND SUBDIVISION CONTROL ORDINANCE

SECTION 1

Repeal and Recreate subsection 1.6

Title

The name of this ordinance shall be known and cited as the "Waukesha County Shoreland and Floodland Subdivision Control Ordinance."~~"Floodland and Shoreland Subdivision Control Ordinance for Waukesha County."~~

SECTION 2

Repeal and Recreate subsection 2.2

Compliance

No person, firm, or corporation shall divide any land, located within the jurisdictional limits of these regulations which result in a subdivision, minor land division, or replat, as defined herein; no such subdivision, minor land division or replat, shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all the requirements of this Ordinance, and

- A. Provisions of Chapter 236 Wisconsin State ~~Statues~~Statutes.
- B. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of public interest and investment in the highway system; if the land owned or controlled by the subdivider abuts a State trunk highway or connecting street and all provisions of TRANS 233.
- C. State Department of Natural Resources rules setting water quality standards, preventing and abating pollution and regulating septic systems.
- D. The Waukesha County Code of Ordinances regarding "Regulation of Private Sewage Disposal Systems, No. 151-34" which regulates all lands to be divided which are not served by public sewer or provisions of such service have not been made.

E. The Waukesha County Development Plan and all Development Plan elements including the Park and Open Space element.

F. The Waukesha County Construction Site, Erosion Control and Stormwater Management Ordinance.

~~G.~~ The Waukesha County Shoreland ~~and Floodland~~ Protection Ordinance.

~~G-H.~~ The Waukesha County Floodland Protection Ordinance.

~~H-I.~~ The rules of the Waukesha County Department of Public Works "Establishing Regulations for Access To and Work Within County Highway Rights-of-Way Ordinance 156-0-70", and the Waukesha County Street and Highway Width Map.

~~I-J.~~ The Land Division Checklist adopted by separate resolution by the County Board which is attached hereto and incorporated herein as an exhibit, including any amendments that may be made thereto from time to time by the County Board by separate resolution.

SECTION 7

Repeal and Recreate Section 7.5(E)

E. Lot area and width shall comply with the standards set forth in Table 1 of this Ordinance. Said standards are also cross- referenced in the Waukesha County Shoreland ~~and Floodland~~ Protection Ordinance.

(Appendix)

Repeal and Recreate Table 1

Table 1

Minimum Lot Area and Width Requirements

	Minimum Lot Size	Minimum Lot Width
A-B Agricultural Business District	Five (5) acres, unless the Town Plan Commission determines that an existing use on a smaller parcel is appropriate and consistent with Section 13(a) of the County Shoreland & Floodland Protection Ordinance.	Three hundred (300) feet.
A-1 Agricultural District	Three (3) acres.	Two hundred (200) feet.
A-2 Rural Home District	Three (3) acres.	Two hundred (200) feet.
A-3 Suburban Estate District	Two (2) acres.	One hundred seventy-five (175) feet.
A-4 Country Estate District	One and one-half (1 1/2) acres.	Two hundred (200) feet.
A-5 Mini-Farm District	Five (5) acres.	Three hundred (300) feet.

AD-10 Agricultural Density-10 District	One acre.	One hundred fifty (150) feet.
A-T Agricultural Transition District	Twenty (20) acres.	Three hundred (300) feet.
B-1 Restricted Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-2 Local Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-3 General Business District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
B-4 Community Business District	Sewered: Twenty thousand (20,000) square feet. Unsewered: Total site may not be less than ten (10) acres with outlots being created by a PUD.	One hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).
B-P Mixed Use Business Park District	<u>Sewered</u> : Twenty thousand (20,000) square feet. <u>Unsewered</u> : Forty thousand (40,000) square feet.	One hundred twenty (120) feet (sewered) and two hundred forty (240) feet (unsewered).
DOD Downtown Okauchee District	Fourteen thousand (14,000) square feet	Eighty-four (84) feet
C-1 Conservancy District and C-1 Conservancy Overlay District	There are no specific minimum lot area or width requirements although conservancy zoned lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, shall have a minimum area requirement of that non-conservancy district, as specified in this table.	
EC Environmental Corridor District and E-C Environmental Corridor Overlay District	Two acres. Density parameters also apply pursuant to the Waukesha County Shoreland & Floodland Protection Ordinance.	None

EFD Existing Floodplain Development Overlay District	The lot area requirements of the base underlying zoning district shall apply. If no underlying use district has been established, the lot size provisions of the R-3 District shall apply.	The lot width requirements of the underlying zoning district shall apply. If no underlying use district has been established, the lot width provisions of the R-3 District shall apply.
FLC Farmland Conservancy District	Thirty-five (35) acres for agricultural parcels. New residences require rezoning to R-1 District and compliance with maximum parcel size standards of the Waukesha County Shoreland and Floodland Protection Ordinance.	None
FLP Farmland Preservation District	Thirty-five (35) acres for agricultural parcels. New residences require rezoning to R-1 District and compliance with maximum parcel size standards of the Waukesha County Shoreland and Floodland Protection Ordinance.	None

HG High Groundwater District	Five (5) acres, except that for HG lands that lie within a larger parcel or tract of land, the remainder of which is zoned in any other district, said parcel shall comply with the minimum (gross) parcel size requirement of that non HG district.	None
M-1 Limited Industrial District	One (1) acre.	One hundred fifty (150) feet.
M-2 General Industrial District	One (1) acre.	One hundred fifty (150) feet.
Q-1 Quarrying District	Three (3) acres.	Two hundred (200) feet.
R-1 Residential District*	One (1) acre. Note: Maximum parcel size requirements of the Waukesha County Shoreland & Floodland Protection Ordinance apply to lands rezoned R-1 from FLP or FLC Districts.	One hundred fifty (150) feet.
R-2 Residential District*	Thirty thousand (30,000) square feet.	One hundred twenty (120) feet.
R-3 Residential District*	Twenty thousand (20,000) square feet.	One hundred twenty (120) feet.
RRD-5 Rural Residential Density District	One (1) acre.	One hundred and fifty (150) feet.
*Thirty percent (30%) reduction in lot area and width requirements available if property is served by public sewer.		
Lot size and lot width requirements may be reduced pursuant to Conditional Use or other provisions of the Waukesha County Shoreland and Floodland Protection Ordinance.		

Editor's Notes:

Table 1 was created by Enrolled Ordinance 171-37, effective 09/28/16.

Table 1 was amended by Enrolled Ordinance 174-9, effective 05-04-2019, to add the DOD Downtown Okauchee District.

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VOTE RESULTS >

24 YES

0 NO

0 ABSTAIN

1 ABSENT

Ordinance 178-O-063

Ordinance 178-O-063: Adopt Text Amendments to the Waukesha County Shoreland and Floodland Subdivision

 **Passed By Majority Vote**

D1 - Foti	AYE	D10 - Thieme	AYE	D19 - Enriquez	AYE
D2 - Weil	AYE	D11 - Howard	AYE	D20 - Schellinger	AYE
D3 - Morris	AYE	D12 - Wolff	AYE	D21 - Gaughan	AYE
D4 - Batzko	AYE	D13 - Decker	AYE	D22 - Szpara	AYE
D5 - Grant	AYE	D14 - Mommaerts	AYE	D23 - Hammitt	AYE
D6 - Walz	AYE	D15 - Kolb	ABSENT	D24 - Bangs	AYE
D7 - LaFontain	AYE	D16 - Crowley	AYE	D25 - Johnson	AYE
D8 - Koremenos	AYE	D17 - Meier	AYE		
D9 - Heinrich	AYE	D18 - Nelson	AYE		