

Chapter 74

ZONING*

* **Editors Note:** Printed in this Code as chapter 74 are the provisions in the pamphlets entitled "Zoning Ordinance" and "Shoreland Zoning Ordinance," which contain all the zoning provisions adopted by the county board through the time of this republication. For codification purposes, a system of headings, catchlines, capitalization, citation to state statutes, and expression of numbers in text has been used to conform to the Code of Ordinances. Otherwise the zoning provisions have been included substantially as enacted.

Amendments to the pamphlets printed in this chapter are indicated by parenthetical history notes following amended provisions. The absence of a history note indicates that the provision remains unchanged from the original pamphlets, as amended through the time of this republication. Obvious misspellings and punctuation errors have been corrected without notation. Material added for clarity has been enclosed in brackets [].

Cross References: Planning, zoning, sanitation and solid waste management committee, § 2-271 et seq.; land disturbance, erosion control and stormwater management provisions, § 26-31 et seq.; one- and two-family dwelling erosion control provisions, § 26-106 et seq.; farmland preservation, § 26-211 et seq.; excavations, § 54-41 et seq.; telecommunications, ch. 64.

State Law References: Authority regarding zoning, Wis. Stats. § 59.69.

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ZONING ORDINANCE

DIVISION 1.

INTRODUCTION

Sec. 74-26. Authority.

This ordinance is adopted under the authority granted by Wis. Stats. §§ 59.692, 59.694 and 87.30 and amendments thereto. The Board of Supervisors of the County of Walworth, Wisconsin, do ordain as follows:

Sec. 74-27. Title.

This ordinance shall be known as, referred to, and cited as the "Zoning Ordinance, Walworth County, Wisconsin" and hereinafter referred to as the "ordinance."

Sec. 74-28. Purpose.

The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of the county and its communities and to protect the natural and agricultural resources, as identified and mapped in the County Land Use Plan, the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the County Zoning Map.

Further purposes include utilizing conservation development design to encourage restoration of previously drained wetlands, reforesting former woodlands, replanting native species of grasses and wildflowers in reclaimed prairies, and utilizing stormwater management strategies to replenish aquifers and to recharge groundwater supplies through infiltration measures, and to minimize surface runoff, wherever feasible.

In addition, conservation development design is recognized as a practical tool to help protect interconnected networks of open space, to protect water resources, to sustain a diversity of native vegetation and wildlife, and to help establish substantial buffers along scenic roadways, existing protected land, and actively-

worked farmland.
(Amd. of 7-13-04)

Sec. 74-29. Intent.

It is the general intent of this ordinance to:

- (1) Regulate the use of all structures, lands, and waters outside of the shoreland areas of Walworth County;
- (2) Regulate lot coverage, population density and distribution, and the location and size of all structures outside of the shoreland areas of Walworth County;
- (3) Secure safety from fire, flooding, panic, and other dangers;
- (4) Provide adequate light, air, sanitation and drainage;
- (5) Further the appropriate use of land and conservation of natural resources;
- (6) Obtain the wise use, conservation, development, and protection of the county's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;
- (7) Prevent overcrowding and avoid undue population concentration and urban sprawl;
- (8) Stabilize and protect the natural beauty and property values of the county;
- (9) Lessen congestion in and promote the safety and efficiency of the streets and highways;
- (10) Facilitate the adequate provision of public facilities and utilities;
- (11) Preserve natural growth and cover and promote the natural beauty of the county;
- (12) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the county;
- (13) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- (14) To preserve the beauty and rural character of the county through the permanent preservation of meaningful open space and sensitive natural resources;
- (15) To preserve prime agricultural land by concentrating housing on lands that have low agricultural potential;
- (16) To provide commonly-owned open space areas for passive and/or active recreational use by

residents of the development and, where specified, the larger community;

- (17) To provide a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (18) To provide buffering between residential development and non-residential uses;
- (19) To meet demand for housing in a rural setting;
- (20) To provide an opportunity to create an interconnected network of protected lands;
- (21) To protect the quality and abundance of ground water resources; and
- (22) To protect and restore environmentally sensitive areas, biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.

Additionally, it is intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

(Amd. of 7-13-04)

Sec. 74-30. Abrogation and greater restrictions.

It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions the provisions of this ordinance shall govern.

Sec. 74-31. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements liberally construed in favor of the county and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes. This ordinance shall be interpreted and applied in its entirety and shall be consistent with the purpose and intent of this ordinance. Where a provision of this ordinance is required by a standard in Chapters NR 115 and NR 116, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the Chapters NR 115 and NR 116 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(Ord. of 6-11-02; Ord. No. 575-09/09, pt. I, 9-8-09)

Sec. 74-32. Severability and nonliability.

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of the ordinance shall not be affected thereby. This ordinance shall not create a liability on the part of, or a cause of action against, the county or any office or employee thereof for any damages that may result from reliance on this ordinance.

If any application of this ordinance to a particular structure, land or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgement shall not be applicable to any other structure, land, or water not specifically included in said judgement.

The county does not guarantee, warrant, or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils, and hereby asserts that there is no liability on the part of the board of supervisors, its agencies, or employees for any flood damage, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this ordinance.
(Ord. of 6-11-02)

Sec. 74-33. Conflicting ordinances.

All prior county ordinances, or parts of ordinances and amendments thereto conflicting with this ordinance, are hereby repealed and superseded by this ordinance.

All other ordinances enacted by the county under Wis. Stats. §§ 59.69, 59.692, 59.694 and 87.30 relating to floodlands and shorelands, including the "Shoreland Zoning Ordinance for Walworth County" adopted by the board of supervisors on January 12, 1971, are hereby repealed and superseded by this ordinance.

Sec. 74-34. Adoption and effective date.

This ordinance shall be effective after a public hearing, recommendation by the county zoning agency, and hereafter referred to as committee; adoption by the county board of supervisors; and publication or posting as provided by law.
(Ord. of 6-11-02; Amd. of 4-22-04)

DIVISION 2.

GENERAL PROVISIONS

Sec. 74-35. Introduction.

The proper regulation of the use of certain structures, lands, and waters, only through the use of the zoning districts contained within this ordinance, is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this ordinance.

Sec. 74-36. Jurisdiction.

The provisions of this ordinance shall apply to all structures, land, water and air within the unincorporated areas of Walworth County, Wisconsin, except shorelands.

Sec. 74-37. Compliance.

No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning

permit, except minor structures, and without full compliance with the provisions of this ordinance and all other applicable local, county, and state regulations.

Nothing herein contained shall require any changes in plans, construction, size, or designated use of any building, or part thereof, for which a zoning permit has been issued before the effective date of this ordinance and the construction of which shall have been completed within 24 months from the date of such permit.

The zoning administrator shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. All violations of this ordinance shall be reported to the corporation counsel who shall bring action to enforce the provisions of this ordinance.

Access. The zoning administrator and his deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, they are refused entry after presentation of proper identification, they may procure a special inspection warrant in accordance with Wis. Stats. § 66.0119.

Sec. 74-38. Use regulations.

Only the following uses and their essential services shall be allowed in any district:

- (1) Principal uses specified for a district.
- (2) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home and professional occupations as defined herein. An accessory structure cannot contain a separate dwelling unit.

The size (square footage at ground floor elevation) of accessory structures shall be based on lot area. The lot area shall be considered the net area less areas zoned C-1 and C-4.

The total accessory structure floor area shall be calculated as follows:

Parcel from 0 to 12,000 square foot is limited to 10% of lot area in accessory structures;

Parcel 12,001 sq. ft. to 1.99 acres is limited to 1,200 sq. ft. of accessory structures;

Parcel two acres to 2.99 acres is limited to 1,700 sq. ft. of accessory structures;

Parcel three acres to 3.99 acres is limited to 2,200 sq. ft. of accessory structures;

Parcel four acres to 4.99 acres is limited to 2,700 sq. ft. of accessory structures;

Parcel five acres or more is limited to 1.5% of lot area in accessory structures.

The height and location of accessory structures shall be as follows:

Accessory structures are permitted in the rear and side yards of all lots, and in the street yards of waterfront lots, flag lots, through lots, corner lots and lots of one acre or more in size. When located in the side yard and the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback. Only boathouses, boat hoists, and piers shall be permitted in the shoreyard.

Accessory structures 1,200 square feet or less in size shall not exceed 17 feet in height. When located in the side yard they shall conform to the setbacks required by the zone district and/or division 7 of this article. When located in the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback except an alley which shall be at least five feet. When located in the street yard on waterfront lots, they shall not be located closer than three feet to the lot line, five feet to an alley line, nor ten feet to the road right-of-way. When located in the rear yard they shall not be located closer than three feet to the lot line.

Accessory structures greater than 1,200 square feet shall not exceed 25 feet in height, and shall maintain the setbacks required by the zone district for the principal structure.

The above size, height, and locational requirements are applicable to accessory structures used for residential purposes in all zone districts where they are a permitted or conditional use. The requirements are not applicable to boathouses, accessory structures used for agricultural purposes in the A-1, A-2, and A-3 districts nor for accessory structures used for business, industrial, public, or recreational purposes.

- (3) Conditional uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the committee in accordance with procedures and standards established in division 4 of this article.
- (4) Uses not specified in this section may be permitted by the board of adjustment after the committee has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
- (5) Temporary uses, such as shelters for materials and equipment being used in the construction of a permanent structure and temporary living quarters beyond that permitted in (6), may be permitted by the board of adjustment, as provided for under section 74-111 of this chapter.
- (6) Temporary living quarters while constructing a new single family residence is permitted in any district that permits a single family residence as a principal use provided all of the following minimum requirements are met:
 - a. Approval is limited to 18 months or occupancy, whichever comes first with the removal of the temporary living quarters within 60 days of occupancy of the new single family residence.
 - b. Signed and notarized agreement to abate temporary quarters, on forms provided by the

zoning administrator, to be recorded in the register of deeds office.

- c. Shall be required to meet district setback requirements.
- d. Shall have an issued zoning permit for the new single family residence.
- e. Shall comply with well and sanitary regulations.

- (7) Performance standards listed in division 8 shall be complied with by all uses in all districts, except where specifically exempted in division 8.

(Ord. of 6-11-02; Amd. of 4-19-05; Ord. No. 353-04.06, pt. 1, 4-20-06; Ord. No. 428-04/07, pt. I, 4-17-07; Ord. No. 445-07/07, pt. I, 7-10-07; Ord. No. 474-01/08, pt. I, 1-8-08; Ord. No. 560-06/09, pt. I, 6-9-09)

Sec. 74-39. Site regulations.

All lots shall abut upon a public street or other officially approved way for a frontage of at least 50 feet; all principal structures shall be located on a lot; and, except in the A-1, A-2, A-3, P-1, P-2, R-4, R-5, R-6, R-8 and B-5 Districts or as otherwise provided for in this ordinance as a planned residential development or a planned unit development, only one principal structure shall be located, erected, or moved onto a lot.

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedications has not been secured.

Width and area of all lots not served by a public sanitary sewage system or other approved system shall be sufficient to permit the use of a private on-site wastewater treatment system (POWTS) designed in accordance with the county sanitary ordinance.

The width of all lots which have soils suitable for the use of a private onsite wastewater treatment system shall not be less than 150 feet and the area of all such lots shall not be less than 40,000 square feet per dwelling unit to be constructed on the lot.

The width and area of all lots shall meet each of the minimum district requirements. A road/street separates a parcel of land provided there is at least 150 feet in lot width, 40,000 square feet in lot area and 50 feet of frontage on an officially approved way.

All land divisions which encompass divisions resulting in parcels of land less than 35 acres which are not otherwise controlled by the Walworth County subdivision control ordinance, shall be subject to a review process under this ordinance. The review process shall also include the sale or exchange of parcels or portions thereof of land between owners of adjoining property to assure additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances. The review process shall use the appropriate application form and an instrument prepared by a registered land surveyor licensed in the state.

Tree cutting, shrubbery clearing, and earth movements shall be conducted in accordance with the county's conservation standards and, except as provided below, shall require a zoning permit and a conservation plan. In addition, the county zoning administrator may, where appropriate, require an applicant to furnish a

surety to enable the county to carry out land restoration work in the event of default by the applicant in carrying out an approved conservation plan. The amount of such surety shall be determined by the zoning administrator, and the form and type of all sureties shall be approved by the park and planning commission. The county zoning administrator may, as appropriate, request a review of the proposed cutting, clearing, or earth movement activity by the Wisconsin Department of Natural Resources, the USDA Natural Resource Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a zoning permit but not to exceed 30 days. All cutting, clearing, and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the county. Paths and trails shall not exceed ten feet in width and shall be so designed and constructed as to result in the least removal and disruption of natural ground cover and minimum impairment of natural beauty. The following activities shall be conducted in accordance with the county's conservation standards, but shall not require a zoning permit:

- (1) Normal excavation for structural foundations, driveways, on-site sewage disposal systems, swimming pools, and utility installations for single-family and two-family dwellings.
- (2) Other excavations not exceeding 10,000 square feet in area on property not abutting a lake or stream.
- (3) Normal plowing and working of land for gardens and yards.
- (4) Normal trimming, pruning, and shearing of trees and shrubs for culture and maintenance.
- (5) Removal of dead, diseased, or insect-infested trees or shrubs.
- (6) Earth movements related to essential farming and other agricultural activity, including sod farming.
- (7) Public road construction.
- (8) Drain tile laying.
- (9) Top soil removal.
- (10) Removal of trees and shrubs for site preparation purposes in connection with construction of single-family or two-family dwellings.
- (11) Forest management activities such as timber harvesting and timber stand improvement.

No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be so located, stored, or discharged in a way that would be likely to run off, seep, or wash into surface of ground waters.

(Amd. of 4-19-05; Amd. of 5-10-05; Ord. No. 391-10/06, pt. I, 10-10-06; Ord. No. 428-04/07, pt. II, 4-17-07; Ord. No. 472-12/07, pt. I, 12-11-07)

Sec. 74-40. Sanitary regulations.

No private onsite wastewater treatment system or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without a sanitary permit and without full compliance with the county sanitary ordinance. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 811 and 812, Wisconsin Administrative Code.

No zoning permit shall be issued until a safe and adequate water supply and sewage disposal system is assured and a sanitary permit is issued.
(Amd. of 5-10-05)

Secs. 74-41, 74-42. Reserved.

Sec. 74-43. Steep land regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to all lands having slopes of 12 percent or greater as shown on the operational soil survey maps prepared by the USDA Soil Conservation Service in cooperation with the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator:

- (1) All construction of public and private roads shall be of sound engineering design and shall be so treated so as to prevent erosion in accordance with the county's conservation standards.
- (2) Boathouse shall not be located on lands having a 12 percent slope or greater and shall be located so as to minimize land disturbance activities and shoreland vegetation removal.
- (3) Tillage and grazing is permitted only if conducted in accordance with the county's conservation standards. Spreading of manure or fertilizer on frozen ground and establishment of feed lots shall be prohibited when such practice would cause direct runoff of pollutants into a drainageway or watercourse.
- (4) Tree cutting and shrubbery clearing for the purpose of changing land use from wildlife or woodlot management shall be conducted in accordance with the county's conservation standards and shall completely prevent erosion and sedimentation and promote the preservation of scenic beauty.

Sec. 74-43.1. Erodible land regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to the following lands as shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator.

Tillage is permitted on the following organic and sandy soils, which soils are subject to wind erosion, only if conducted in accordance with the county's conservation standards.

134 - CtB, CtE	451 - Ht
280 - BpB, CrE2	452 - Ac, Pa
288 - BpB, BpC2, CtE	453 - Ac
316 - BpB, BpC2	454 - Pa
410 - CtB, CtE	455 - Pa
	459 - Ru
456 - Pa	460 - Ru
457 - Pa	461 - Ru
458 - Rv	

Tillage and grazing is permitted on all lands having an erosion factor of three only if conducted in accordance with the county's conservation standards.

Sec. 74-43.2. Soil capability regulations.

In addition to any other applicable use, site or sanitary regulations, the following restrictions and regulations shall apply to the following soils as shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator:

Because of their erodibility and very low agricultural capabilities, tillage is permitted on the following rough, broken, sandy, stony, or escarpment soils only when conducted in accordance with the county's conservation standards:

3 -	281 - BpB
75 - CeB2, CeC2, CrE2, RsF	282 - CeB2, CeC2, CfC3, CrD2, CfD3
96 - CeB2, CeC2, CfC3, CrD2, CrE2, RsF	288 - BpB, BpC2, CtE
271 - BpB, BpC2	419 - SfB

Farm drainage systems may be installed on the following soils, which soils are subject to a flooding hazard and which have generally unsuitable soil characteristics for an operative drainage system, only if installed in accordance with the county's conservation standards:

4 - Mf	11W - Am, Ww
10W - WW	452 - Pa, Ac

Because of very severe limitations for pasturing, grazing is permitted on the following soils only when conducted in accordance with the county's conservation standards:

Mf	419 - SfB
416 -	452 - Pa, Ac

Sec. 74-44. Pet and animal regulations.

(a) Household pets shall be permitted in all zoning districts; provided that not more than four dogs or four cats are kept on any one premises, and provided further that no animals, or pets are bred or reared on such premises for commercial purposes or sold therefrom. Notwithstanding the foregoing, however, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight months.

(b) All animals other than household pets shall be permitted only in the agricultural, C-1 and C-2 conservation districts, and park districts and the B-5 business district. Structures used for the housing of animals, other than household pets, must be located at least 100 feet from all property lines. Livestock structures for fewer than 1,000 animal units shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries. Livestock structures for 1,000 animal units or more shall be at least 200 feet from property lines, wetland boundaries and floodplain boundaries and 150 feet from an access right-of-way.

Animal Units

For animal units not listed, the equivalency to animal units shall be based on live animal weights. In those cases, 1000 pounds of live weight is equivalent to one animal unit.

Number Equivalent to 500 Animal Units	Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
		DAIRY CATTLE:	
350	700	Milking and dry cows	1.4
450	900	Heifers (800 to 1,200 lbs.)	1.1
835	1,670	Heifers (400 to 800 lbs.)	0.6
2,500	5,000	Calves (under 400 lbs.)	0.2
		BEEF CATTLE:	
500	1,000	Steers or cows (800 lbs. to mkt.)	1.0
1,000	2,000	Calves (under 600 lbs.)	0.5
350	700	Bulls	1.4
		SWINE:	
1,250	2,500	Pigs (55 lbs. to mkt.)	0.4
5,000	10,000	Pigs (up to 55 lbs.)	0.1
1,250	2,500	Sows	0.4
1,000	2,000	Boars	0.5
		SHEEP:	
5,000	10,000	Per animal	0.1
		HORSES:	
250	500	Per animal	2.0
		DUCKS:	
2,500	5,000	Per bird (wet lot)	0.2
50,000	100,000	Per bird (dry lot)	0.01
		CHICKENS:	
50,000	100,000	Layers	0.01
100,000	200,000	Broilers	0.005
50,000	100,000	Broilers (continuous overflow watering)	0.01
15,000	30,000	Layers or broilers (liquid manure system)	0.033
		TURKEYS:	
27,500	55,000	Per bird	0.018
		COMBINED ANIMAL UNITS:	

500	1,000	Calculated total	
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(Amd. of 8-9-05)

Sec. 74-45. Reduction or joint use.

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

Sec. 74-46. Violations.

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this ordinance. In case of any violation, the county board of supervisors, the zoning administrator, the committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

Sec. 74-47. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the county zoning administrator issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00 and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be enforced pursuant to Wis. Stat. § 59.69(11).

(Amd. of 5-10-05)

Sec. 74-48. Single-family dwelling and two-family dwelling requirements.

No single-family dwelling or two-family dwelling shall be erected or installed in any zoning district unless it meets all of the following:

- (1) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), which meets the standards set forth in subchapters III, IV, and V of chap. ILHR 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the building inspector. In townships that utilize a building officer, that officer shall require a plan approved by a registered architect, registered professional engineer, or certified building inspector to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.

(2) Is properly connected to utilities.

(3) Shall have a minimum width of 22 feet.

(4) Shall have a core area of living space at least 22 feet by 22 feet in size.
(Ord. of 6-11-02; Amd. of 4-22-04)

DIVISION 3.

ZONING DISTRICTS

Sec. 74-49. Establishment.

For the purpose of this ordinance, the County of Walworth, State of Wisconsin, outside the limits of incorporated villages, cities, and shorelands, is hereby divided into the following zoning districts, namely:

A-1	Prime Agricultural Land District
A-2	Agricultural Land District
A-3	Agricultural Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing, and Marketing District
A-5	Agricultural-Rural Residential District
C-1	Lowland Resource Conservation District
C-2	Upland Resource Conservation District
C-3	Conservancy-Residential District
P-1	Recreational Park District
P-2	Institutional Park District
R-1	Single-Family Residence District (Unsewered)
R-2	Single-Family Residence District (Sewered)
R-2A	Single-Family Residence District (Sewered)
R-3	Two-Family Residence District (Sewered or Unsewered)
R-4	Multiple-Family Residence District (Sewered or Unsewered)
R-5	Planned Residential Development District (Unsewered)
R-5A	Planned Residential Development District (Sewered)
R-6	Planned Mobile Home Park Residence District

R-7	Mobile Home Subdivision Residence District (Sewered or Unsewered)
R-8	Multiple Family District (Sewered or Unsewered)
B-1	Local Business District
B-2	General Business District
B-3	Waterfront Business District
B-4	Highway Business District
B-5	Planned Commercial-recreation Business District
B-6	Bed and Breakfast District
M-1	Industrial District
M-2	Heavy Industrial District
M-3	Mineral Extraction District
M-4	Sanitary Landfill District

The boundaries of these districts are hereby established as shown on a map entitled "Zoning Map, Walworth County, Wisconsin," which accompanies and is a part of this ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad right-of-way, or such lines extended; and lines identifying boundaries of natural resource areas, as shown by changes in vegetation, slope, and other natural resource base features; unless otherwise noted on the zoning map. All notations, references, and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.

(Ord. No. 466-11/07, pt. I, 11-13-07)

Sec. 74-50. Zoning map.

The official copy of the zoning map shall be adopted as part of this ordinance and shall be available to the public in the office of the county zoning administrator. The administrator shall from time to time update the zoning map as necessary to reflect changes in zoning district boundaries effected under division 12 of this ordinance.

County zoning maps in digital format developed with geographic information systems software shall replace the hard copy zoning maps first incorporated into the zoning ordinance on August 13, 1974. Copies of the zoning maps shall be made available to the public on-line and in the office of the county zoning administrator.

(Ord. No. 575-09/09, pt. II, 9-8-09)

Sec. 74-51. Agricultural districts.

A-1 Prime agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Department of Agriculture, Soil Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture (Wis. Stats. ch. 91.01(10)). All structures and improvements must be consistent with agricultural use.

(1) *Principal uses.*

- a. Single-family dwelling.
- b. Dairying.
- c. Floriculture (cultivation of ornamental flowering plants).
- d. Grazing, subject to regulations in division 2.
- e. Livestock raising, except commercial feed lots.
- f. Orchards.
- g. Paddocks.
- h. Plant nurseries.
- i. Poultry raising, except commercial egg production.
- j. Raising of grain, grass, mint, and seed crops.
- k. Raising of tree fruits, nuts, and berries.
- l. Sod farming.
- m. Vegetable raising.
- n. Viticulture (grape growing).
- o. Equestrian trails.
- p. Forest and game management.
- q. Greenhouses.
- r. Nature trails and walks.
- s. Stables.
- t. Apiculture (beekeeping).
- u. Roadside stands not exceeding one per farm.
- v. The separation of farm structures from farmland. Farm residences or structures which existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a

larger farm parcel for the purposes of farm consolidation. The separation must conform with the regulations set forth in sections 74-39 and 74-40 of this ordinance; the parcel shall not be less than 40,000 square feet in area, nor greater than the larger of either five acres in area, or the acreage necessary to maintain the minimum yard required in the A-1, A-2, or A-3 district; it shall not leave the balance of the land in a substandard condition; and the property owner will be required to record deed restrictions on both the farm separation parcel and on a parcel which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the farm separation parcel, and which meets the intent of these provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the adjoining acreage without first obtaining a conditional use approval from the committee and that no land may be deeded to the separation parcel which increases its size above that outlined above without first obtaining proper approval which may include a rezone.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers not permitted in the principal use section.
- b. Housing for seasonal or migratory farm workers.
- c. Commercial feed lots.
- d. Livestock sales facilities.
- e. Veterinarian services for farm animals.
- f. Commercial fur farms.
- g. Commercial egg production.
- h. Land restoration.
- i. Mobile homes for farm laborers.
- j. Business directory signs.
- k. Sewage disposal plants.
- l. Airports, airstrips, landing fields and heliports, which are related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the site.
- m. Governmental and cultural uses, such as fire, and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.

- n. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- o. Schools and churches.
- p. Composting.
- q. Home occupations.
- r. More than one farm dwelling. If approval is granted for more than one farm dwelling, each additional dwelling may be separated from the farm lot provided that any parcel so created conforms with all regulations set forth in section 74-39 and 74-40 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks.
- s. Farm family business.
- t. Hunting and fishing club land without structures.

(3) *Area, height and yard requirements.*

Lot (farm size)		Area	Minimum 35 acres
		Width	Minimum 300 feet
Building			
	Farm dwelling	Height	Maximum 45 feet
	Agricultural structures	Height	Maximum two times their distance from the nearest lot lines (See division 9)
Yards			
	Farm dwelling and agricultural structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be located at least 100 feet from all lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highway (not including freeways)	Minimum 85 feet

Existing Substandard Lots - See section 74-92.

A-2 Agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance

agricultural lands historically utilized for crop production but which are not included within the A-1 prime agricultural land district and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural-related farming activity.

(1) *Principal uses.*

- a. All principal uses permitted in the A-1 prime agricultural land district.
- b. Single-family detached dwellings.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers not permitted in the principal use section.
- b. Housing for seasonal or migratory farm workers.
- c. Commercial feed lots.
- d. Animal hospitals, shelters and kennels.
- e. Veterinarian services.
- f. Commercial fur farms.
- g. Commercial egg production.
- h. Land restoration.
- i. Ski hills.
- j. Hunting and fishing clubs.
- k. Recreation camp.
- l. Commercial stables and retail sales related to the stable subject to committee review and approval.
- m. Mobile homes for farm laborers.
- n. Business directory signs (exceeding two).
- o. Sewage disposal plants.
- p. Airports, airstrips and landing fields.
- q. Utilities, provided all principal structures and uses associated with the utility are not less

than 50 feet from all district lot lines except business, park and industrial.

- r. Schools and churches.
- s. Composting.
- t. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- u. Home occupations.
- v. More than one farm dwelling per section 74-61.
- w. Bed and breakfast establishments.
- x. Conservation development design (five or more dwelling units).

(3) *Conventional design.*

Area, height, and yard requirements.

Lot (farm size)		Area	Minimum 20 acres
		Width	Minimum 300 feet
Building		Height	Maximum 45 feet
	Farm dwelling and agricultural structures	Height	Maximum two times their distance from the nearest lot line (see division 9)
Yards			
	Farm dwelling and agricultural structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from all lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal hwy. (not including freeways)	Minimum 85 feet

(4) *Existing substandard lots.* See section 74-92.

(5) *Conservation developments (five or more dwelling units).*

- a. Maximum density: one dwelling unit per 20 acres.

b. Area, height and yard requirements:

Lot size		Area	Minimum 20,000 square feet
		Width	Minimum 100 feet
Building		Height	Maximum 45 feet
	Farm dwelling and agricultural structures	Height	Maximum two (2) times their distance from the nearest lot line (see division 9)
Yards		Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines In the case of no lot lines, minimum 20-foot dwelling separation.
		Animals	Structures used for the housing of animals shall be located at least 100 feet from all property lines
(The zoning agency may modify the interior setback for structures used to house animals to a minimum 25-foot interior setback. The developer must first demonstrate to the county zoning agency that the district requirement for agricultural structures cannot be met due to unique shape or characteristic of the property.)			
		Street:	
		Subdivision road	Minimum 40 feet
		Town road	Minimum 200 feet
		County road	Minimum 250 feet
		State and federal highways	Minimum 300 feet (not including freeways)
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be allowed

c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a

modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

A-3 Agricultural land holding district. The primary purpose of this district is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing incorporated urban centers within Walworth County where urban expansion is planned to take place on the adopted regional land use plan and adopted municipal land use plans that refine and detail the regional land use plan. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the appropriate planning bodies no less frequently than every five years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

- (1) *Principal uses.* All principal uses permitted in the A-1 prime agricultural land district.
- (2) *Conditional uses.* (See division 4.)
 - a. Housing for farm laborers not permitted in the principal use section.
 - b. Housing for seasonal and migratory farm workers.
 - c. Livestock sales facilities.
 - d. Animal hospitals, shelters and kennels.
 - e. Commercial fur farms.
 - f. Commercial egg production.
 - g. Land restoration.
 - h. Ski hills.
 - i. Mobile homes for farm laborers.
 - j. Business directory signs (exceeding two).
 - k. Sewage disposal plants.
 - l. Airports, airstrips and landing fields.

- m. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
- n. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- o. Schools and churches.
- p. Composting.
- q. Home occupations.
- r. More than one farm dwelling per section 74-61.
- s. Bed and breakfast establishments.

(3) *Area, height and yard requirements.*

Lot (farm size)		Area	Minimum 35 acres
		Width	Minimum 300 feet
Building			
	Farm dwelling and agricultural structures	Height	Maximum 45 feet
		Height	Maximum two times their distance from the nearest lot line (see division 9)
Yards			
	Farm dwelling and agricultural structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highway (not including freeways)	Minimum 85 feet

Existing substandard lots - See section 74-92.

A-4 Agricultural related manufacturing, warehousing and marketing district. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.

(2) *Conditional uses.*

- a. Contract sorting, grading and packaging services for fruits and vegetables.
- b. Corn shelling, hay balling, and threshing services.
- c. Bottling of spring water.
- d. Grist mill services.
- e. Horticultural services.
- f. Poultry hatchery services.
- g. Production of animal and marine fat oils.
- h. Canning of fruits, vegetables, preserves, jams and jellies.
- i. Canning of specialty foods.
- j. Preparation of cereals.
- k. Production of natural and processed cheese.
- l. Production of chocolate and cocoa products.
- m. Coffee roasting and production of coffee products.
- n. Production of condensed and evaporated milk.
- o. Wet milling of corn.
- p. Cottonseed oil milling.
- q. Production of creamery butter.
- r. Drying and dehydrating fruits and vegetables.
- s. Preparation of feeds for animals and fowl.
- t. Production of flour and other grain mill products.
- u. Blending and preparing of flour.
- v. Fluid milk processing.

- w. Production of frozen fruits, fruit juices, vegetables and other specialties.
- x. Malt production.
- y. Meat packing.
- z. Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- aa. Poultry and small game dressing and packing providing that all operations be conducted within enclosed buildings.
- bb. Milling of rice.
- cc. Production of sausages and other meat products providing that all operations be conducted within an enclosed building.
- dd. Production of shortening, table oils, margarine, and other edible fats and oils.
- ee. Milling of soy bean oil.
- ff. Milling of vegetable oil.
- gg. Sugar processing and production.
- hh. Production of wine, brandy, and brandy spirits.
- ii. Livestock sales facilities.
- jj. Grain elevators and bulk storage of feed grains.
- kk. Fertilizer production, sales, storage, mixing, and blending.
- ll. Sale or maintenance of farm implements and related equipment.
- mm. Transportation-related activities primarily serving the basic agricultural industry.
- nn. Living quarters for watchman or caretaker.
- oo. Off-season storage facilities.
- pp. Animal hospitals, shelters and kennels.
- qq. Veterinarian services.

- rr. Land restoration.
- ss. Business directory signs (exceeding two).
- tt. Sewage disposal plants.
- uu. Airports, airstrips and landing fields.
- vv. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
- ww. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- xx. Schools and churches.
- yy. Contractors storage yards.
- zz. Production, packing, packaging and light assembly of products from furs, glass, metals, papers, leather, plaster, plastics, textiles and wood.
- aaa. Composting.
- bbb. Commercial greenhouse.
- ccc. Flea markets.
- ddd. Commercial stables.
- eee. Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items is subject to detailed plan approval by the committee.

(3) *Area, height and yard requirements.*

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, all required yards, and off street parking and loading as required by section 74-74 of this ordinance
Building	Height	Maximum 70 feet
Yards	Rear	Minimum 75 feet
	Side	Minimum 75 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet

	County road	Minimum 65 feet
	State and federal hwys. (not including freeways)	Minimum 85 feet

A-5 Agricultural-rural residential district. The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soils, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in the Walworth County Land Division Ordinance.

(1) *Principal uses.*

- a. Single-family dwellings.
- b. [Reserved.]
- c. Orchards.
- d. Vegetable raising.
- e. Plant nurseries.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.

- a. Greenhouses.
- b. Roadside stands not exceeding one per farm.
- c. Residential accessory structures.
- d. Agricultural structures.

(3) *Conditional uses.*

- a. Sewage disposal plants.
- b. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
- c. Utilities, provided all principal structures and uses are not less than 50 feet from all district lot lines except business, park and industrial.

- d. Schools and churches.
- e. Home occupations.
- f. Bed and breakfast establishments.
- g. Planned residential developments.

(4) *Area, height and yard requirements.*

Lot	Area	Minimum 40,000 square feet
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	Country road	Minimum 65 feet
	State and federal Highway (not including freeways)	Minimum 85 feet
	Animals	Structures used for the housing of animals must be located at least 100 feet from all property lines

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Amd. of 5-10-05; Amd. of 8-9-05; Ord. No. 315-09/05, pt. I, 9-8-05; Ord. No. 331-01/06, pt. III, 1-10-06; Ord. No. 353-04/06, pt. II, 4-20-06; Ord. No. 462-10/07, pt. I, 10-9-07; Ord. No. 466-11/07, pt. II, 11-13-07)

Sec. 74-52. Conservation districts.

C-1 Lowland resource conservation district. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such uses; protect natural watersheds; and protect the water based recreational resources of the county.

- (1) *Principal uses.* The following uses are permitted in this district provided that such uses are conducted in accordance with the county's conservation standards and do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, water courses, water regimen, or topography.
 - a. Farming and related agricultural uses when conducted in accordance with the county's conservation standards, not including the erection of buildings or structures.
 - b. Boat landing sites.

- c. Drainage.
- d. Fish hatcheries.
- e. Flood overflow and movement of water.
- f. Forest and game management.
- g. Hunting and fishing.
- h. Impoundments.
- i. Navigation.
- j. Park and recreation areas, not including the location or erection of buildings or structures.
- k. Stream bank protection.
- l. Swimming beaches.
- m. Wilderness areas and wildlife preservation and refuges.
- n. Hiking and nature trails.
- o. Wild crop harvesting.

(2) *Conditional uses.* (See division 4.)

- a. Land restoration.
- b. Golf courses and country clubs.
- c. Yachting clubs and marinas.
- d. Hunting and fishing clubs.
- e. Recreation camps.
- f. Public and private campgrounds.
- g. Sewage disposal plants.
- h. Utilities, provided all principal structures and uses are not less than 50 feet from all district lot lines except business, park and industrial.

- (3) *Area, height and yard requirements.* None. No buildings or structures permitted.

C-2 Upland resource conservation district. The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farm lands, and abandoned mineral extraction lands within the county. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the county, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the county yet permit larger residential lots in these environmentally sensitive areas.

- (1) *Principal uses.*

- a. Single-family detached dwellings.
- b. Forest preservation.
- c. Forest and game management.
- d. Parks and recreation areas; arboreta; botanical gardens.

- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.

- a. Stables.
- b. Residential accessory structures.
- c. Agricultural structures.

- (3) *Conditional uses.* (See division 4.)

- a. Animal hospitals, shelters and kennels.
- b. Land restoration.
- c. Golf courses.
- d. Ski hills.
- e. Yachting clubs and marinas.
- f. Hunting and fishing clubs.
- g. Recreation camps.

- h. Public or private campgrounds.
- i. Commercial stables.
- j. Planned residential developments.
- k. Sewage disposal plants.
- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- m. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, and park and ride facilities.
- n. Bed and breakfast establishments;
- o. Conservation development design (five or more dwelling units);
- p. Commercial arboretum (outside primary environmental corridors);
- q. Commercial greenhouse (outside primary environmental corridor).

(4) *Conventional design.*

Area, height, and yard requirements:

Lot		Area	Minimum 5 acres
		Width	Minimum 300 feet
Building			
	Dwelling	Height	Maximum 45 feet
Yards			
	Dwelling and accessory structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highway (not including freeways)	Minimum 85 feet
		Shore	Minimum 75 feet
		Animals	Structures used to house animals must be located at least 100 feet from all property lines

- (5) *Existing substandard lots. See section 74-92.*
- (6) *Conservation developments (five or more dwelling units).*
- a. Maximum density: one dwelling unit per five acres.
- b. Area, height and yard requirements:

Lot size		Area:	Minimum 20,000 square feet
		Width:	Minimum 100 feet
Building:		Height:	Maximum 45 feet
	Yards:	Rear:	Minimum 20 feet
	Farm dwelling and agricultural structures	Side:	Minimum 10 feet from lot lines In the case of no lot lines minimum 20-foot dwelling separation
		Animals:	Structures used for the housing of animals shall be located at least 100 feet from all property lines
		Street:	
		Subdivision road	Minimum 40 feet
		Town road	Minimum 200 feet
		County road	Minimum 250 feet
		State and federal highways (not including freeways)	Minimum 300 feet
		Shore:	An absolute minimum shoreyard setback of 75 feet shall be provided Shoreland setback averaging with adjacent parcels shall not be permitted

- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the

minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

(The zoning agency may modify the interior setback for structures used to house animals to a minimum 25-foot interior setback. The developer must first demonstrate to the county zoning agency that the district requirement for agricultural structures cannot be met due to unique shape or characteristic of the property.)

C-3 Conservancy-residential district. The primary purpose of this district is essentially the same as that of the C-2 district, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those upland environmental corridors which already have been divided into relatively small parcels or which, because of their proximity to urban areas, have a very high residential value potential. It is thus intended that this district recognize and attempt to balance man's need for shelter locations with his need to protect and restore the natural environment. Because of its residential character and smaller lot area minimum, farming and commercial recreation uses are not permitted.

(1) *Principal uses.*

- a. Forest preservation.
- b. Forest and game management.
- c. Single-family detached dwellings.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.

- a. Residential accessory structures.

(3) *Conditional uses.*

- a. Animal hospitals, shelters and kennels.
- b. Land restoration.
- c. Planned residence developments.
- d. Sewage disposal plants.

- e. Utilities, provided all principal structures and uses are not less than 50 feet from all district lot lines except business, park and industrial.
- f. Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
- g. Bed and breakfast establishments.
- h. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements:

Lot	Area	Minimum 100,000 square feet
	Width	Minimum 200 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 20 feet
	Street:	
	Subdivision:	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

- a. Maximum density: One dwelling unit per 100,000 sq. ft.
- b. Area, height and yard requirements:

Lot size		Area	Minimum 20,000 square feet
		Width	Minimum 100 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side:	Minimum 10 feet from lot lines. In the case of no lot lines minimum 20-foot dwelling separation
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 150 feet
		County road	Minimum 200 feet
		State and federal highways (not including freeways)	Minimum 250 feet

		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted
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- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Amd. of 5-10-05; Ord. No. 331-01/06, pts. I--III, 1-10-06; Ord. No. 369-07/06, pt. I, 7-11-06)

Sec. 74-53. Park districts.

P-1 Recreational park district.

(1) *Principal uses.*

- a. Parks, general recreation.
- b. Parks, leisure and ornamental.
- c. Forest reserves.
- d. Boat rentals and boat access sites.
- e. Golf courses and country clubs.

- f. Gymnasiums and athletic clubs.
- g. Ice skating.
- h. Picnic grounds.
- i. Playfields and athletic fields.
- j. Playgrounds.
- k. Play lots and tot lots.
- l. Recreational access ways.
- m. Forest and game management.

(2) *Conditional uses.* (See division 4.)

- a. Golf courses and country clubs.
- b. Ski hills.
- c. Yachting clubs and marinas.
- d. Hunting and fishing clubs.
- e. Recreation camps.
- f. Public or private campgrounds.
- g. Cultural activities.
- h. Amusement activities.
- i. Public assembly uses.
- j. Commercial stables.
- k. Archery ranges.
- l. Golf driving ranges.
- m. Firearm ranges.
- n. Sports fields.

- o. Polo fields.
- p. Skating rinks.
- q. Sewage disposal plants.
- r. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
- s. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- t. Schools and churches.
- u. Recycling centers.
- v. Composting.
- w. Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- x. Land restoration.
- y. Caretaker's quarters.

(3) *Area, height and yard requirements.*

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off street parking and loading required by sections 74-74 and 74-75, and all required yards
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet

P-2 Institutional park districts.

(1) *Principal uses.*

- a. Churches, synagogues, and temples.
- b. Rectories and convents.
- c. College dormitories.
- d. Hospitals.
- e. Junior colleges.
- f. Monasteries.
- g. Nurses homes.
- h. Nursing homes.
- i. Nursery schools and day care centers.
- j. Orphanages.
- k. Retirement homes.
- l. Universities and colleges.
- m. Lodges and fraternal buildings.
- n. Town halls, town garage, police and fire stations.
- o. Golf courses.

(2) *Conditional uses.* (See division 4.)

- a. Golf course country clubs.
- b. Ski hills.
- c. Yachting clubs and marinas.
- d. Recreation camps.
- e. Public or private campgrounds.
- f. Cultural activities

- g. Public assembly uses.
- h. Commercial stables.
- i. Archery ranges.
- j. Golf driving ranges.
- k. Firearm ranges.
- l. Sports fields.
- m. Polo fields.
- n. Sewage disposal plants.
- o. Airports, airstrips, landing fields, and heliports.
- p. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- q. Schools and churches.
- r. Governmental and cultural uses such as community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- s. Colleges, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories.
- t. Recycling centers.
- u. Composting.
- v. Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- w. Land restoration.

(3) *Area, height and yard requirements.*

Lot (Sewered)	Area	Minimum 10,000 square feet
	Width	Minimum 100 feet
Lot (Unsewered)	Width and area of all lots to be determined in accordance with section 74-39	
Building	Height	Maximum 45 feet

Yards	Rear	Minimum 25 feet
	Side	Minimum 25 feet
	Street:	
	Subdivision Road	Minimum 25 feet
	Town Road	Minimum 50 feet
	County Road	Minimum 65 feet
	State and Federal Hwys (not including freeways)	Minimum 85 feet

(Ord. of 6-11-02; Amd. of 1-14-03; Ord. No. 466-11/07, pt. III, 11-13-07)

Sec. 74-54. Residence districts.

R-1 Single-family residence district (unsewered). The single-family residence district is hereby established to provide locations for and maintain values of low density single-family development only.

- (1) *Principal uses.*
 - a. Single-family detached dwellings on lots not served by public sanitary sewer.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
 - a. Residential accessory structures.
- (3) *Conditional uses.* See div. 4.
 - a. Golf courses and country clubs.
 - b. Planned residential developments.
 - c. Home occupations including barbering and beauty culture.
 - d. Sewage disposal plants.
 - e. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - g. Schools and churches.
 - h. Bed and breakfast establishments.

- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height, and yard requirements.

Lot	Width and area of all lots to be determined in accordance with section 74-39	
	Area	Minimum 40,000 square feet
	Width	150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Existing substandard lots. See section 74-92.*

(6) Conservation developments (five or more dwelling units).

a. Maximum density: One dwelling unit per 40,000 sq. ft.

b. Area, height and yard requirements:

Lot size		Area	Minimum 20,000 square feet
		Width	Minimum 100 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines In the case of no lot lines minimum, 20-foot dwelling separation
		Street:	
		Subdivision road	Minimum 15 feet
		Town road	Minimum 100 feet
		County road	Minimum 125 feet
		State and federal highways (not including freeways)	Minimum 150 feet

		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted
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- c. Minimum required open space: 33 percent of the total area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-2 Single-family residence district (sewered). The single-family residence district is hereby established to provide locations for and maintain values of low density single-family development only.

- (1) *Principal uses.*
- a. Single-family detached dwellings on lots served by public sanitary sewers.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
- a. Residential accessory structures.
- (3) *Conditional uses.* See div. 4.
- a. Golf courses and country clubs.

- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- g. Schools and churches.
- h. Bed and breakfast establishments.
- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (Not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

- a. Maximum density: one dwelling unit per 15,000 sq. ft.
- b. Area, height and yard requirements:

Lot size	Area	Minimum 10,000 sq. ft.
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	Width	Minimum 65 feet
Building	Height	Maximum 45 feet
Yards:	Rear	Minimum 10 feet
	Side	Minimum 10 Feet from lot lines In the case of no lot lines, minimum 20-foot dwelling separation
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways)	Minimum 150 feet
	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

- c. Minimum required open space: 20 percent of the total area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-2A Single-family residence district (sewered). The primary purpose of the R-2A district is to require larger residential sewerred lots in environmentally sensitive areas. Such environmentally sensitive areas may include but not be limited to, environmental corridors, shoreland areas, and significant woodlands.

- (1) *Principal uses.*

- a. Single-family detached dwellings on lots served by public sanitary sewers.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
- a. Residential accessory structures.
- (3) *Conditional uses:* (See division 4.)
- a. Golf courses and country clubs.
 - b. Planned residential developments.
 - c. Home occupations including barbering and beauty culture.
 - d. Sewage disposal plants.
 - e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - g. Schools and churches.
 - h. Bed and breakfast establishments.
 - i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
 - j. Conservation development design (five or more dwelling units).
- (4) *Conventional design.*

Area, height, and yard requirements:

Lot	Area	Minimum 40,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet

	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

a. Maximum density: one dwelling unit per 40,000 sq. ft.

b. Area, height and yard requirements:

Lot size	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Min. 10 feet from lot lines. In the case of no lot lines minimum, 20-foot dwelling separation
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways)	Minimum 150 feet
	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be allowed

c. Minimum required open space: 50 percent of the total area consistent with the prioritized list of resources to conserve and other design considerations of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the

district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-3 Two-family residence district (sewered or unsewered).

- (1) *Principal uses.*
 - a. Single-family detached dwellings.
 - b. Two-family dwellings (duplex).
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
 - a. Residential accessory structures.
- (3) *Conditional uses.* See div. 4.
 - a. Golf courses and country clubs.
 - b. Planned residential developments.
 - c. Home occupations including barbering and beauty culture.
 - d. Sewage disposal plants.
 - e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - g. Schools and churches.
 - h. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
 - i. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot (sewered)	Area	Minimum 15,000 square feet per duplex building
	Width	Minimum 100 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-39	
	Area	Minimum 40,000 square feet per dwelling unit
	Width	150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (Not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

a. Maximum density: (sewered) one dwelling unit per 7,500 sq. ft. (unsewered) 40,000 sq. ft. per dwelling unit.

b. Area, height and yard requirements:

Lot size (sewered)	Area	Minimum 5,000 square feet per dwelling unit
	Width	Minimum 75 feet
Lot size (unsewered)	Area	Minimum 10,000 square feet per dwelling unit
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 15 feet
	Side	Minimum 10 feet from lot lines In the case of no lot lines, minimum 20-foot building separation
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways)	Minimum 150 feet

	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be allowed
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c. Minimum required open space:

Sewered: 20 percent of the total area consistent with the Prioritized List of Resources to Conserve and Other Design Considerations of Section 11.9 A of the Walworth County Subdivision Ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

Unsewered: 50 percent of the total area consistent with the Prioritized List of Resources to Conserve and Other Design Considerations of Section 11.9 A of the Walworth County Subdivision Ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation

development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-4 Multiple-family residence district (sewered or unsewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
- (3) *Conditional uses.*
 - a. Golf courses and country clubs.
 - b. Planned residential developments.
 - c. Lodged and fraternal buildings.
 - d. Nursing homes.
 - e. Nursery schools and day care centers.
 - f. Retirement homes.
 - g. Home occupations including barbering and beauty culture.
 - h. Single-family dwellings.
 - i. Two-family dwellings.
 - j. Multiple-family dwellings.
 - k. Parks and playgrounds.
 - l. Sewage disposal plants.
 - m. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - n. Schools and churches.

- o. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- p. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- q. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- r. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Area, height and yard requirements.*

Multiple-family density		Maximum six dwelling units per net developable acre.
Lot (sewered)	Width	Minimum two-family 80 feet
		Minimum multiple family 100 feet
		Single-family 100 feet
	Area	Minimum two-family 12,000 square feet
		Minimum multiple family 15,000 square feet
		Single-family 15,000 square feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-39	
	No more than 4 dwelling units per building shall be permitted on an unsewered lot.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet (sewered)
		Minimum 15 feet (unsewered)
	Street:	
	Subdivision Road	Minimum 25 feet
	Town Road	Minimum 50 feet
	County Road (Not including freeways)	Minimum 85 feet

- (5) *Park and open space lands.* Park and open space land, exclusive of required yards, access drives, and parking area shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that such area shall have its least dimension more than one-fourth its length.

R-5 Planned residential development district (unsewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
- (3) *Conditional uses.*
 - a. One-family detached dwellings.
 - b. One-family semi-detached dwellings.
 - c. One-family attached dwellings.
 - d. Two-family dwellings.
 - e. Multiple-family dwellings.
 - f. All principal uses permitted in the B-1 local business district, provided that such uses shall not occupy more than 15 percent of the total development area, which include the following: bakeries, barber shops; beauty shops; business offices; clinics; clothing and apparel stores; clubs; confectioneries; delicatessens; drug stores; fish markets; florists; fruit stores; gift stores; grocery stores; hardware stores; hobby shops; lodges; meat markets; optical stores; packaged beverage stores; professional offices; restaurants; self-service and pickup laundry and dry cleaning establishments; sporting goods stores; supermarkets; tobacco stores and vegetable stores.
 - g. Golf courses and country clubs.
 - h. Ski hills.
 - i. Home occupations including barbering and beauty culture.
 - j. Sewage disposal plants.
 - k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - m. Schools and churches.

- n. Reserved.
- o. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- p. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- q. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Development density.*

Unsewered development: 150 feet in width and 40,000 square feet of lot area per dwelling unit.

- (5) *Park and open space land.* Park and open space land, exclusive of required yards, access drives, and parking areas, shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that each area shall have its least dimensions more than one-fourth its length.

(6) *Height and yard requirements.*

Building height		Maximum 45 feet
Yards-Interior	Street	Minimum 25 feet
	Rear	Minimum 40 feet
	Side	Minimum single-family detached 10 feet
	Single-family semi-detached	10 feet from a common wall
	Two-family	10 feet
	Multiple family	15 feet
In cases of no interior lot lines, a minimum building separation shall be maintained equal to twice the interior setback requirement noted above.		
Yards-Perimeter		Minimum 50 feet from the exterior boundary of the development parcel
Yards-Exterior	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal hwy. (not including freeways)	Minimum 85 feet

R-5A Planned residential development district (sewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance

with the procedures established in division 4.

- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
- (3) *Conditional uses.*
 - a. One-family detached dwellings.
 - b. One-family semi-detached dwellings.
 - c. One-family attached dwellings.
 - d. Two-family dwellings.
 - e. Multiple-family dwellings.
 - f. All principal uses permitted in the B-1 local business district, provided that such uses shall not occupy more than 15 percent of the total development area, which include the following: bakeries, barber shops, beauty shops, business offices, clinics, clothing and apparel stores, clubs, confectioneries, delicatessens, drug stores, fish markets, florists, fruit stores, gift stores, grocery stores, hardware stores, hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry cleaning establishments, sporting goods stores, supermarkets, tobacco stores and vegetable stores.
 - g. Golf courses and country clubs.
 - h. Ski hills.
 - i. Home occupations including barbering and beauty culture.
 - j. Sewage disposal plants.
 - k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
 - l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - m. Schools and churches.
 - n. Reserved.

- o. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- p. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- q. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Development density.*

Sewered development: Maximum eight dwelling units per net developable acre.

- (5) *Park and open space land.* Park and open space land, exclusive of required yards, access drives, and parking areas, shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that each area shall have its least dimensions more than one-fourth its length.

(6) *Height and yard requirements.*

Building	Height	Maximum 45 feet
Yards-Interior	Street	Minimum 25 feet
	Rear	Minimum 40 feet
	Side	Minimum single-family detached
		Single-family semi-detached
		Two-family
		Multiple family
In cases of no interior lot lines, a minimum building separation shall be maintained equal to twice the interior setback requirement noted above.		
Yards-perimeter		Minimum 50 feet from the exterior boundary of the development parcel
Yards-exterior	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal hwys. (not including freeways)	Minimum 85 feet

R-6 Planned mobile home park residence district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or

buildings shall be subject to the requirements of section 74-38.

a. Residential accessory structures.

(3) *Conditional uses.*

a. Mobile and modular homes.

b. Planned residential development.

c. Accessory buildings for the purpose of providing laundry and recreational facilities and for the sale of convenience food and related items primarily for and to mobile home residents.

d. Golf courses and country clubs.

e. Home occupations including barbering and beauty culture.

f. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.

g. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.

h. Schools and churches.

i. Model mobile home and related temporary real estate sales office located within the model unit.

j. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.

k. Single-family detached dwellings:

1. (Sewered) 100-foot width and 15,000 sq. ft. per dwelling unit;

2. (Unsewered) 150-foot width and 40,000 sq. ft. per dwelling unit.

(4) *Mobile home development density.* Maximum five dwelling units per net developable acre.

(5) *Mobile home area, height and yard requirements.*

Site development	Area	Minimum 10 acres
	Width	Minimum 450 feet

	Open Space	Minimum 20 percent of development area exclusive of required yards and access drives.
Interior	Area per mobile home unit	Minimum 6,950 sq. ft.
	Width	Minimum 50 feet
Structures	Height	Maximum 30 feet
Yards		
Site development	Rear	Minimum 40 feet
	Side	Minimum 40 feet
	Street:	
	Subdivision Road	Minimum 25 feet
	Town Road	Minimum 50 feet
	County Road	Minimum 65 feet
	State and Federal Hwys (Not including freeways)	Minimum 85 feet
Yards: Dwelling (Interior)	Rear	Minimum 20 feet
	Side	Minimum 15 feet
	Street	Minimum 20 feet

R-7 Mobile home subdivision residence district (sewered or unsewered).

(1) *Principal uses.*

- a. Mobile and modular homes.
- b. Single-family detached dwellings.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.

(3) *Conditional uses.*

- a. Golf courses and country clubs.
- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- f. Schools and churches.

- g. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- h. Parks and playgrounds.
- i. Model mobile home and related temporary real estate sales office located within the model unit.
- j. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Area, height and yard requirements.*

Lot (Sewered)	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Lot (Unsewered)	Width and area of all lots to be determined in accordance with section 74-39.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision Road	Minimum 25 feet
	Town Road	Minimum 50 feet
	County Road	Minimum 65 feet
	State and Federal Hwys (Not including freeways)	Minimum 85 feet

R-8 Multiple family residence district (sewered or unsewered).

- (1) *Principal uses.*
 - a. Multiple family dwelling units.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-38.
 - a. Residential accessory structures.
- (3) *Conditional uses.*
 - a. Golf courses and country clubs.
 - b. Single-family dwellings.

- c. Two-family dwellings.
- d. Planned residential developments.
- e. Home occupations including barbering and beauty culture.
- f. Sewage disposal plants.
- g. Governmental and cultural uses, such as police stations, community centers, libraries, public emergency shelters, museums, and park and ride facilities.
- h. Parks and playgrounds.
- i. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- j. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- k. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.
- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.

(4) *Area, height and yard requirements.*

Lot (Sewered)	Width	Minimum 85 feet
	Area	Minimum 10,890 square feet
Lot (Unsewered)	Width and area of all lots to be determined in accordance with section 74-39	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal hwys. (not including freeways)	Minimum 85 feet

Existing substandard lots: See section 74-92.

- (5) *Development density.* Maximum four dwelling units per net developable acre.
- (6) *Park and open space.* Park and open space land, exclusive of required yards, access drives, and

parking areas shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that such area shall have its least dimension more than one-fourth its length.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Ord. No. 331-01/06, pts. IV--VII, 1-10-06; Ord. No. 333-01/06, pt. I, 1-10-06; Ord. No. 353-04/06, pt. III, 4-20-06; Ord. No. 436-05/07, pt. I, 5-8-07; Ord. No. 466-11/07, pt. IV, 11-13-07)

Sec. 74-55. Business districts.

B-1 Local business district.

(1) *Principal uses.* The following uses are principal uses provided that they shall be retail establishments selling and storing primarily new merchandise.

- a. Bakeries.
- b. Beauty shops.
- c. Clinics.
- d. Clubs.
- e. Delicatessens.
- f. Fish markets.
- g. Fruit stores.
- h. Grocery stores.
- i. Hobby shops.
- j. Meat markets.
- k. Packaged beverage stores.
- l. Restaurants.
- m. Sporting goods stores.
- n. Tobacco stores.
- o. Antique shops.
- p. Barber shops.

- q. Business offices.
- r. Clothing and apparel stores.
- s. Confectioneries.
- t. Drug stores.
- u. Florists.
- v. Gift stores.
- w. Hardware stores.
- x. [Reserved.]
- y. Optical stores.
- z. Professional offices.
- aa. Self service and pickup laundry and dry cleaning establishments.
- bb. Supermarkets.
- cc. Vegetable stores.

(2) *Conditional uses.*

- a. One residential dwelling unit when located within the principal business structure.
- b. Off-season storage facilities.
- c. Lodges and fraternal buildings.
- d. Nursing homes.
- e. Nursery and day care centers.
- f. Retirement homes.
- g. Vehicle sales and services.
- h. Public parking lots.
- i. Taxi stands.

- j. Sewage disposal plants.
- k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
- l. Utilities, provided all principal structures and uses are not less than 50 feet from all district lot lines except business, park and industrial.
- m. Schools and churches.
- n. Car washes.
- o. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 7,500 square feet
	Width	Minimum 75 feet
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 30 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet

B-2 General business district.

(1) *Principal uses.*

- a. All principal uses permitted in the B-1, local business district.
- b. Appliance stores.
- c. Caterers.
- d. Churches.

- e. Clothing repair shops.
- f. Crockery stores.
- g. Department stores.
- h. Electrical supply.
- i. Financial institutions.
- j. Food lockers.
- k. Furniture stores.
- l. Furniture upholstery shops.
- m. Heating supply.
- n. Hotels and motels.
- o. Laundry and dry cleaning establishments employing not over seven persons.
- p. Liquor stores, bars, taverns, cocktail lounges.
- q. Music stores.
- r. Newspaper office and press rooms.
- s. Night clubs and dance halls.
- t. Office supplies.
- u. Pawn shops.
- v. Personal service establishments.
- w. Pet shops.
- x. Photographic supplies.
- y. Plumbing supplies.
- z. Printing.
- aa. Private clubs.

- bb. Private schools.
- cc. Publishing.
- dd. Radio broadcasting studios.
- ee. Second-hand stores.
- ff. Television broadcasting studios.
- gg. Trade and contractor's office.
- hh. Upholster's shops.
- ii. Variety stores.
- jj. Boat and marine supplies not including manufacturing.
- kk. Gasoline service stations.
- ll. Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.*

- a. One residential dwelling unit when located within the principal business structure.
- b. Animal hospitals, shelters and kennels.
- c. Public assembly uses.
- d. Commercial recreational facilities.
- e. Off-season storage facilities.
- f. Lodges and fraternal buildings.
- g. Nursing homes.

- h. Nursery and day care centers.
- i. Retirement homes.
- j. Drive-in theaters.
- k. Funeral homes.
- l. Drive-in banks.
- m. Drive-in food and beverage establishments
- n. Vehicle sales and services.
- o. Public parking lots.
- p. Taxi stands.
- q. Sewage disposal plants.
- r. Building contractors storage yards.
- s. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
- t. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- u. Heliports, bus and rail depot.
- v. Schools and churches.
- w. Hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories.
- x. Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.
- y. Tanning studios.
- z. Small engine repair shops.
- aa. Flea markets.
- bb. Tattoo parlors.

- cc. Car wash.
- dd. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 7,500 square feet
	Width	Minimum 75 feet
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width	Minimum 150 feet
Building	Height	Maximum 55 feet
Yards	Rear	Minimum 30 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet

B-3 Waterfront business district.

(1) *Principal uses.*

- a. Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.*

- a. All principal and conditional uses permitted in the B-1 and B-2 districts.
- b. Boat rental and boat access sites.
- c. Boats and marine supplies.
- d. Bowling alleys.

- e. Hotels, motels and tourist courts.
- f. Bait shops.
- g. Restaurants.
- h. Skating rinks.
- i. Sporting goods and supplies.
- j. Supper clubs.
- k. Swimming beaches and pools.
- l. Taverns and bars.
- m. Yachting clubs and marinas.
- n. Bath houses.
- o. Boat liveries.
- p. Dance halls.
- q. One residential dwelling unit when located within the principal business structure.
- r. Public assembly uses.
- s. Commercial recreational facilities.
- t. Off-season storage facilities.
- u. Lodges and fraternal buildings.
- v. Nursing homes.
- w. Nursery and day care centers.
- x. Retirement homes.
- y. Drive-in food and beverage establishments.
- z. Vehicle sales and services.
- aa. Public parking lots.

- bb. Taxi stands.
- cc. Sewage disposal plants.
- dd. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- ee. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- ff. Schools and churches.
- gg. Planned unit developments.

(3) *Area, Height and Yard Requirements.*

Lot (sewered)	Area	Minimum, sufficient area for the principal structure and its buildings, off-street parking and loading areas required by sections 74-74 and 74-75, and all required yards
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet

B-4 Highway business district.

(1) *Principal uses.*

- a. Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure. Residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public

playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.*

- a. All principal and conditional uses permitted in the B-1 and B-2 districts.
- b. Automobile and truck retail services.
- c. Automobile repair services.
- d. Bar and taverns.
- e. Candy, nut and confectionery sales.
- f. Gasoline service stations.
- g. Gift stores.
- h. Hotels, motels and tourist courts.
- i. Night clubs and dance halls.
- j. Restaurants.
- k. Sales, service and installation of tires, batteries and accessories.
- l. One residential dwelling unit when located within the principal business structure.
- m. Animal hospital, shelters and kennels.
- n. Yachting clubs and marinas.
- o. Public assembly uses.
- p. Commercial recreations facilities.
- q. Off-season storage facilities.
- r. Lodges and fraternal buildings.
- s. Nursing homes.

- t. Nursery and day care centers.
- u. Retirement homes.
- v. Drive-in food and beverage establishments.
- w. Drive-in banks.
- x. Vehicle sales and services.
- y. Public parking lots.
- z. Taxi stands.
- aa. Sewage disposal plants.
- bb. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- cc. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- dd. Schools and churches.
- ee. Commercial greenhouse.
- ff. Planned unit developments.
- gg. Commercial arboretum.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-74 and 74-75, and all required yards
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width:	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 40 feet
	Side	Minimum 40 feet

	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet

B-5 Planned commercial-recreational business district. The primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Conditional uses.*
 - a. Aircraft landing and takeoff fields.
 - b. Amusement parks and miniature golf courses.
 - c. Boat rentals and boat access sites.
 - d. Planned campground developments.
 - e. Dance halls.
 - f. Restaurants, taverns, bars, and night clubs.
 - g. Drive-in movies.
 - h. Dude ranches.
 - i. Fairgrounds.
 - j. Health and recreational resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25 percent of the total floor area of the principal resort buildings:

Retail sales.

1. Antiques.
2. Books.
3. Camera and photographic supplies.

4. Candy, nut and confectionery.
5. China, glassware, and metal-ware.
6. Cigars, cigarettes, and tobacco.
7. Flowers.
8. Fur apparel.
9. Gifts stores.
10. Jewelry.
11. Men's and boy's clothing and furnishings
12. Music supplies.
13. Newspapers and magazines.
14. Shoes.
15. Sporting goods.
16. Stationery.
17. Toys.
18. Women's and girl's clothing and furnishings.
19. Drug stores.

Personal services.

1. Artists services.
2. Barber services.
3. Beauty services.
4. Dry cleaning.
5. Laundry.
6. Photographic studios.

- 7. Shoe repair and cleaning services.
- 8. Custom tailoring.
- 9. Travel arranging services.
- k. Go-cart tracks.
- l. Golf courses and related facilities.
- m. Hotels and motels.
- n. Penny arcades.
- o. Race tracks.
- p. Commercial stables.
- q. Roller skating rinks.
- r. Skiing and tobogganing.
- s. Snowmobile trails.
- t. Swimming beaches.
- u. Skeet trap and rifle ranges.
- v. Single-family and multiple family dwelling units when located on the same site with health or recreational resorts provided, however, that the transfer of ownership of any dwelling units may only include therewith a fractional interest in the site on which the dwelling units is located, and such transfer shall not result in a subdivision or minor subdivision as defined under the Walworth County Land Division Ordinance. Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.
- w. Animal hospitals, shelters and kennels.
- x. Golf courses and country clubs.
- y. Yachting clubs and marinas.
- z. Public or private campgrounds.
- aa. Cultural activities.

- bb. Amusement activities.
- cc. Public assembly uses.
- dd. Archery ranges.
- ee. Golf driving ranges.
- ff. Firearm ranges.
- gg. Sports fields.
- hh. Polo fields.
- ii. Skating rinks.
- jj. Commercial recreational facilities.
- kk. Off-season storage facilities.
- ll. Lodges and fraternal buildings.
- mm. Nursing homes.
- nn. Nursery and day care centers.
- oo. Retirement homes.
- pp. Drive-in theaters.
- qq. Vehicle sales and services.
- rr. Public parking lots.
- ss. Taxi stands.
- tt. Sewage disposal plants.
- uu. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- vv. Airports, airstrips, landing fields, and heliports.
- ww. Utilities, provided all principal structures and uses associated with the utility are not less

than 50 feet from all district lot lines except business, park and industrial.

- xx. Schools and churches.
- yy. Commercial water slides.

(3) *Area, height and yard requirements.*

Dwelling unit density (sewered). No planned development approved as a conditional use in the B-5 zone may, with respect to that area exclusively devoted to residential land uses, exceed ten dwelling units per net developable acre.

Building	Height	Maximum, commercial structures 85 feet, residential structures 45 feet
Yards (interior)	Rear	Minimum 40 feet
	Side	Minimum 15 feet
	Street	Minimum 25 feet
Yards (perimeter)		Minimum 75 feet
Yards (street)	Subdivision	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
Open space		Minimum 70% of total lot area

B-6 Bed and breakfast district. The bed and breakfast district is a commercial district, hereby, established to provide areas to include bed and breakfast establishments which meet all state code requirements for such establishments.

(1) *Principal uses.*

- a. Bed and breakfast establishments-commercial means any place of lodging that:
 1. Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients;
 2. Provides no meals other than breakfast and provides the breakfast only to its lodgers;
 3. Is the owner's personal residence;
 4. Is occupied by the owner at the time of rental;
 5. Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence;

and

6. Has had completed structural additions in accordance with Wis. Stats. § 254.61(1).

(2) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 15,000 square feet
	Width	Minimum 100 square feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-39.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	75 feet

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 5-10-05; Ord. No. 369-07/06, pt. II, 7-11-06; Ord. No. 466-11/07, pt. V, 11-13-07; Ord. No. 561-06/09, pt. II, 6-9-09; Ord. No. 563-06/09, pt. I, 6-9-09)

Sec. 74-56. Industrial districts.

M-1 Industrial district.

(1) *Principal uses.*

- a. Automotive upholstery.
- b. Cleaning, pressing and dying.
- c. Commercial bakeries.
- d. Commercial greenhouses.
- e. Distributors.
- f. Food locker plants.
- g. Printing.
- h. Publishing.

- i. Trade and contractors offices.
- j. Warehousing.
- k. Wholesaling.
- l. Retail sales and service facilities, such as retail outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- m. Automotive proving grounds.
- n. Manufacture, fabrication, processing or packaging of food but not including, because of noxious odors, cabbage, fish and fish products, meat and meat products, pea vining, and commercial egg production.

(2) *Conditional uses.*

- a. Living quarters for watchman or caretaker.
- b. Farm machinery plants.
- c. Machine shops.
- d. Painting.
- e. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood
- f. Automotive body repairs.
- g. Laboratories.
- h. Manufacture and bottling of nonalcoholic beverages.
- i. Storage and sale of machinery and equipment.
- j. Manufacture, fabrication, processing, packaging, and packing of confections; cosmetics; electrical appliances; electronic devices; instruments; jewelry, pharmaceutical; tobacco; and toiletries.
- k. Sewage disposal plants.
- l. Commercial service facility such as restaurants and fueling stations (see section 74-65/74-192).

- m. Building contractors storage yard.
- n. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- o. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- p. Recycling centers.
- q. Composting.
- r. Garbage dumpster rental.
- s. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-74 and 74-75, and all required yards
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width	Minimum 150 feet
Building	Height	Maximum 55 feet
Yards	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highway (not including freeways)	Minimum 85 feet
	Rear	Minimum 30 feet, except 50 feet when abutting a residential district
	Side	Minimum 30 feet, except 50 feet when abutting a residential district

M-2 Heavy industrial district.

(1) *Principal uses.*

- a. All principal uses permitted in the M-1 industrial district.
- b. Freight yards, terminals, and transshipment depots.
- c. Inside storage.
- d. Breweries.

(2) *Conditional uses.*

- a. Living quarters for watchman or caretaker.
- b. Crematories.
- c. All conditional uses in the M-1 district.
- d. Pea vineries.
- e. Creameries.
- f. Condenseries.
- g. Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, destrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles and varnish.
- h. Manufacture, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar and yeast.
- i. Manufacture and bottling of alcoholic beverages.
- j. Bag cleaning, bleacheries, canneries, cold storage warehouses, electric and steam generating plants, electroplating, enameling, forges, foundries, garbage, incinerators, lacquering, lithographing, offal, rubbish, or animal reduction, oil, coal, and bone distillations, refineries, road test facilities, slaughterhouses, smelting, stockyards, tanneries, and weaving.
- k. Outside storage and manufacturing areas.
- l. Wrecking, junk, demolition, automobile salvage yards, and scrap yards.

- m. Commercial service facilities.
- n. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- o. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- p. Recycling centers.
- q. Composting.
- r. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-74 and 74-75, and all required yards.
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements.
	Width	Minimum 150 feet
Building	Height	Maximum 70 feet
Yards	Street:	
	Subdivision	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highway (not including freeways)	Minimum 85 feet
	Rear	Minimum 30 feet, except 50 feet when abutting a residential district
	Side	Minimum 30 feet, except 50 feet when abutting a residential district

M-3 Mineral extraction district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.

(2) *Conditional uses.*

- a. Aggregate or ready-mix plant.
- b. Clay, ceramic, and refractor minerals mining.
- c. Crushed and broken stone quarrying.
- d. Mixing of asphalt.
- e. Nonmetallic mining services.
- f. Processing of top soil.
- g. Sand and gravel quarrying.
- h. Washing, refining, or processing of rock, slate, gravel, sand or minerals.
- i. The extension of any existing mineral extraction related uses.
- j. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
- k. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- l. Recycling centers.
- m. Composting.

(3) *Yard requirements.* All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. The Committee may vary this requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in a continuous phase and the barrow material is replaced on site for the re-establishment of the original grade after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this Ordinance. In no case shall the setback requirement be reduced to less than 2 1/2 times the proposed maximum depth. All accessories, such as offices, parking areas, and stock piles, shall be at least 100 feet from any right-of-way or property line.

M-4 Sanitary landfill district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Conditional uses.*

- a. Sanitary landfill operations.
- b. Incinerators.
- c. Sewage disposal plants.
- d. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- e. Recycling centers.
- f. Composting.
- g. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
- h. Contaminated soil reclamation.

(3) *Yard and height requirements.*

Yard	All operations shall be at least 200 feet from the right-of-way of any public or approved private street or property line.	
Structures	Height	Maximum 45 feet.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 5-10-05; Ord. No. 466-11/07, pt. VI, 11-13-07)

Sec. 74-57. Wellhead protection overlay district--Town of Bloomfield.

(a) *General.*

- (1) *Purpose and authority.* The residents of the Pell Lake Sanitary District No. 1 situated in the Town of Bloomfield, Walworth County, Wisconsin, depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this wellhead protection overlay district is to institute land use regulations and restrictions to protect the Pell Lake Sanitary District's municipal water supply and well fields, and to promote the district's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Pell Lake Sanitary District situated in the Town of Bloomfield, Walworth County, Wisconsin.

Statutory authority of the county to enact these regulations is established by Wis. Stats. § 59.69 which specifically added groundwater protection to the statutory authorization for planning and zoning to protect public health, safety and welfare.

- (2) *Application of regulations.* The regulations specified in this wellhead protection ordinance shall apply only to lands within 1,200 feet of the Pell Lake Sanitary District municipal well (cones of

depression), located in sections 14 and 15, T 1 N, R 18 E, Town of Bloomfield, Walworth County, Wisconsin.

(b) *Definitions.*

- (1) *Aquifer.* A saturated, permeable geologic formation that contains and will yield significant quantities of water.
- (2) *Cone of depression.* The area around a well, in which the water level has been lowered at least one foot by pumping the well. For the ease of determination, the cone of depression for groundwater protection overlay district A has been established as being 1,200 feet from the Pell Lake Sanitary District wells.
- (3) *Recharge area.* Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.
- (4) *Well field.* A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(c) *District boundary established.* The boundary of the wellhead protection overlay district is hereby established as shown on the map entitled "Pell Lake Sanitary District No. 1, Environmental Concerns Map-Figure 2" and shall consist of the entire area that is situated within 1,200 feet of the Pell Lake Sanitary District wells.

(d) *Groundwater protection overlay district A.*

- (1) *Intent.* The primary portion of the Pell Lake Sanitary District recharge area to be protected is the land within 1,200 feet of the Pell Lake wells.
- (2) *Prohibited uses.* The following commercial uses, as defined in NR § 500.03, Wis. Adm. Code and/or generally described below are prohibited uses within the groundwater protection overlay district A. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
 - a. Any solid waste storage facility.
 - b. Transportation facility.
 - c. Transfer facility.
 - d. Incineration facility.
 - e. Air curtain destructor facility.
 - f. Processing facility.

- g. Wood burning facility.
 - h. One time disposal facility.
 - i. Small demolition facility.
 - j. Sanitary landfill.
 - k. Coal storage area.
 - l. Salt or deicing material storage area.
 - m. Gasoline or fuel oil storage tanks that have not received written approval from the Department of Commerce or its designated agent under § 10.10.
 - n. Bulk fuel storage facilities.
 - o. Pesticide or fertilizer handling or storage facilities.
- (3) Where any of the uses in paragraphs (b) above exist within groundwater protection overlay district A on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (e) *Groundwater protection overlay district B.*
- (1) *Intent.* A second portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 1,000 feet of the Pell Lake Sanitary District well. Land use restrictions within groundwater protection overlay district B are more restrictive than in overlay district A because of shorter flow times and a smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district B. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
- a. All prohibited uses listed in overlay district A.
 - b. Land application of municipal, commercial or industrial waste.
 - c. Industrial, commercial or municipal wastewater lagoons or storage structures.
 - d. Commercial storage or stacking of manure.

- e. Septic tanks or soil absorption units receiving 8,000 gallons or more per day.
- (3) Where any of the uses in paragraph (b) above exist within groundwater protection overlay district B on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (f) *Groundwater protection overlay district C.*
- (1) *Intent.* A third portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 600 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district C are more restrictive than overlay districts A and B because of shorter flow times and a smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district C. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
- a. All prohibited uses listed under overlay districts A and B.
 - b. Gasoline or fuel oil storage tanks that have received written approval from the Department of Commerce or its designated agent under § 10.10.
 - c. Where any of the uses in paragraph (b) above exist within groundwater protection overlay district C on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (g) *Groundwater protection overlay district D.*
- (1) *Intent.* A fourth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 400 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district D are more restrictive than in overlay districts A, B and C because of shorter flow times and smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district D. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
- a. All prohibited uses listed in Overlay Districts A, B, and C.

- b. Cemetery.
 - c. Stormwater drainage pond.
- (3) Where any of the uses in paragraph (b) above exist within groundwater protection overlay district D on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (h) *Groundwater protection overlay district E.*
- (1) *Intent.* A fifth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 200 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district E are more restrictive than in overlay districts A, B, C, and D because of shorter flow times and smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district E. These uses are prohibited based on a high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
- a. All prohibited uses listed in overlay districts A, B, C, and D.
 - b. Sanitary sewer main.
 - c. Lift station.
 - d. Single-family fuel oil tank.

A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association (AWWA) 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

- (3) Where any of the uses in paragraph (b) above exist within groundwater protection overlay district E on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (i) *Groundwater protection overlay district F.*
- (1) *Intent.* A sixth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 50 feet of the Pell Lake Sanitary District wells. Land use restrictions within

groundwater protection overlay district F are more restrictive than in overlay districts A, B, C, D, and E because of shorter flow times and smaller potential for remediation, dilution and attenuation.

(2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district F. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.

a. All prohibited uses listed in overlay districts A, B, C, D and E.

b. Storm sewer main.

(3) Where any of the uses in paragraph (b) above exist within groundwater protection overlay district F on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

(j) *Penalties.* Any person who fails to comply with the provisions of this section shall upon conviction thereof, forfeit not less than \$10.00 nor more than \$200.00, and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the Walworth County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

DIVISION 4.

CONDITIONAL USES

Sec. 74-58. Application.

Pre-application for subdivision/condominium requests. A pre-application meeting shall be required prior to the submittal of any conditional use request for subdivisions/condominiums. The pre-application process shall include a sketch plan prepared by a registered land surveyor and the applicable fee. The plans submitted shall be reviewed in a meeting scheduled by the county. The plans shall be reviewed for issues related to, but not limited to, platting, zoning, sanitation, stormwater, highway and parks. If a pre-application meeting is held during the changes and amendment (rezone) process, a pre-application meeting is not required during this process.

Application for conditional use permits shall be made to the county zoning administrator on forms furnished by the administrator and shall include the following where pertinent and necessary for proper review by the committee:

(1) *Name and addresses* of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.

- (2) *Description of the subject site* by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - (3) *Plat of survey* prepared by a land surveyor registered in the state or other map drawn to scale and approved by the county zoning administrator, showing the location, property boundaries, dimensions, elevations, uses, and existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic highwater lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.
 - (4) *Additional information* as may be required by the committee, county zoning administrator, county land conservation or county sanitarian, such as ground surface elevations, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, floodproofing measures, soil type, slope, stormwater consistent with the stormwater management ordinance, and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure of its affects and flood flows.
 - (5) *Applications.* A party shall not initiate action for a conditional use permit affecting the same land more than twice every 12 months. The 12 months to be calculated from the date of the conclusion of the first county planning, zoning, and sanitation committee public hearing. If a change in a county zoning ordinance or state statute affects the subject matter of the permit request, the party may apply again even if there have been two actions on the same land within the 12-month period.
 - (6) *Submission to township.* A party shall submit a copy of the same application for a conditional use permit to the township where the parcel is located. An applicant shall receive a recommendation from the appropriate township concerning all conditional use applications.
- (Amd. of 7-13-04; Amd. of 1-11-05; Ord. No. 419-03/07, pt. I, 3-13-07; Ord. No. 466-11/07, pt. VII, 11-13-07)

Sec. 74-59. Review and approval of conditional uses.

The committee shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and shall hold a public hearing after publishing a Class 2 notice thereof under Wis. Stats. ch. 985. A recommendation from the appropriate township must be received before a public hearing may be held. Township recommendations must be submitted by the applicant to the department no later than one week prior to the scheduled hearing. An applicant may be charged a re-notice fee if the recommendation of the township is not received one week prior to the scheduled hearing.

The committee may authorize the county zoning administrator to issue a conditional use permit after

review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the county and its communities. Written notice of the proposed conditional use shall be submitted to the department of natural resources 10 days prior to said hearing.

Conditions such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, light, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the county planning and development committee upon its finding that these are necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of 1965, and to meet the provisions of the state floodplain and shoreland management programs.

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards shall be required of all conditional uses. Variances shall only be granted as provided in division 10.

Decisions. The committee may make a decision on conditional use applications at the next regularly scheduled meeting of the committee.

Appeals. All appeals regarding conditional uses shall be made to the Walworth County Circuit Court via certiorari. Appeals must be commenced seeking the remedy available by certiorari within 30 days after the filing of the decision by the committee.

Existing uses. All uses existing at the effective date of this ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this ordinance, are hereby declared to be conforming conditional uses. Any proposed change to the existing use, shall be subject to the conditional use procedures as if such use were being established anew. Also, any addition or alteration to existing structures or improvements which exceed 25 percent of the prior structure size or increase by 25 percent or more prior intensity of use shall be subject to the conditional use procedures as if such use were being established anew. Other than as above restricted, additions, alterations, or extensions to existing structures or improvements are not prohibited provided such changes do not result in a change in the existing use or otherwise violate any provision of the applicable zoning ordinances of Walworth County, Wisconsin. Campgrounds; salvage, wrecking, junk, demolition, and scrap yards; mineral extraction and related uses; and sanitary landfill uses shall be, unless a waiver is granted by the Administrator, additionally subject to the registration regulations set forth in section 74-62, 74-65, 74-67 and 74-68 respectively.

A copy of all conditional use permits shall be transmitted to the state department of natural resources within 10 days after the issuance of the decision.
(Amd. of 7-13-04; Amd. of 1-11-05)

Sec. 74-60. Reserved.

Sec. 74-61. Agricultural and related uses.

Except where specifically permitted as a principal use in division 3, the following agricultural and related uses shall be conditional uses and may be permitted as specified. All conditional uses in the A-1 district are limited to those that are consistent with agricultural use and found to be necessary in light of alternative locations available for any such uses (Wis. Stats. ch. 91.01(10)). In approving or disapproving the location of a conditional use, the county park and planning commission shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular land use problems related to development of the site or sites proposed.

- (1) *Single-family dwellings* exceeding one per farm in A-1, A-2, and A-3 districts provided, however, that such dwellings may only be permitted when consistent with an agricultural use and that are occupied by an owner of the parcel, or a person who, or a family of which at least one adult member earns the majority of his or her gross income from conducting the farm operations on the parcel, or a parent or child of an owner who conducts the majority of the farm operations on the parcel, or a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel and laborers principally engaged in a principal or approved conditional use and only when the need for such additional units to support and carry on the principal or approved conditional use has been established. If conditional use approval is granted for one or more additional dwellings, such dwellings may be separated from the farm lot provided however, that any parcel so created conforms with all regulations set forth in sections 74-39 and 74-40 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks.
- (2) *Housing* for migratory or seasonal farm workers in the A-1, A-2 and A-3 Districts.
- (3) *Commercial feed lots/livestock facility* in the A-1, A-2, and A-4 districts in accordance with the provisions of Wis. Stats. § 93.90, and ATCP 51 of Wis. Administrative Rules, if applicable, inclusive of all future amendments to any provisions of those sections of the Wisconsin Statutes and Administrative Rule. Applications for livestock facilities shall be approved unless the committee finds based on clear and convincing information and documentation that the application does not comply with requirements of the regulations.
- (4) *Livestock sales barns* in the A-1, A-3 and A-4 districts.
- (5) *Animal hospitals, shelters, and kennels* in the A-2, A-3, A-4 and A-5 agricultural districts, conservancy districts and the B-2, B-4 and B-5 business districts provided that the lot area is not less than five acres and further provided that, if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.
- (6) *Veterinarian services* in the A-2 and A-4 districts.
- (7) *Commercial stables* in the A-2, A-4, C-2, P-1, P-2 and B-5 districts.

- (8) *Commercial raising* and propagation of fur-bearing animals in the A1, A-2 and A-3 districts.
- (9) *Commercial egg production* in the A-1, A-2 and A-3 districts.
- (10) *Land restoration* in all agricultural and conservancy districts when conducted in accordance with the county conservation standards.
- (11) *Agricultural-related manufacturing, warehousing, and marketing activities* in the A-4 district, including contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; spring water bottling; grist mill services; horticultural services; poultry hatchery services; production of animal and marine fat and oil; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of chocolate and cocoa products; coffee roasting and production of coffee products; production of condensed and evaporated milk; wet milling of corn, cottonseed oil milling; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of feeds for animal and fowl; production of flour and other grain mill products; blending and preparing of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; malt production; meat packing; fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; poultry and small game dressing and packing, providing that all operations be conducted within an enclosed building; milling of rice; production of sausages and other meat products; providing that all operations be conducted within an enclosed building; production of shortening, table oils, margarine and other edible fats and oils; milling of soy bean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy and brandy spirits; livestock sales facilities; grain elevators and bulk storage of feed grain; fertilizer production, sales, mixing, storage and blending; sales or maintenance of farm implements and related equipment; and transportation-related activities primarily serving the basic agricultural industry. Any outside storage or display areas in conjunction with the above commercial and related uses may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the area be closer than 25 feet to any right-of-way.

Placement of structures in the A-1 prime agricultural land district, A-2 agricultural land district and A-3 agricultural holding district on parcels where the separation of farm structures has been approved and separated.

Farm family business is a use which is accessory to an agricultural use consisting of uses listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm family business may be permitted as a conditional use for farm owners if limited to existing farm residence or farm structures not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business (see Wis. Stats. 91.75(8))

- (12) Signage for approved business on A-4 provided the sign is located at least five feet from property lines.

- (13) Off-season storage facilities for boats, and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes in the A-4 district. Any outside storage or display areas in conjunction with this use may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.
- (14) Hunting and fishing club land without structures in the A-1 zoning districts.
- (15) *Retail sales* related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items is subject to detailed plan approval by the committee.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 1-11-05; Amd. of 3-8-05; Amd. of 5-10-05; Amd. of 8-9-05; Ord. No. 315-09/05, pt. II, 9-8-05; Ord. No. 353-04/06, pt. IV, 4-20-06)

Sec. 74-62. Recreational and related uses.

Except where specifically permitted as a principal use in division 3, the following recreational related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular problems related to development of the site or sites as proposed.

- (1) *Golf courses and country clubs* in all residential and park districts, the C-1 and C-2 conservancy districts, and the B-5 business district.
- (2) *Hunting and fishing clubs* in the A-2, C-2 and P-1 districts.
- (3) *Ski hills* in the A-2, A-3, P-1, P-2, C-2, R-5 and B-5 districts.
- (4) *Yachting clubs and marinas* in the P-s, P-2, C-1, C-2, B-4 and B-5 Districts.
- (5) *Recreational camps* in the A-2, P-1, P-2, C-1 and C-2 districts subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a. *Yards.* There shall be a yard on each side of a recreational camp as follows:

Street	Minimum 100 feet.
Rear	Minimum 100 feet.
Side	Minimum 50 feet.

- b. *Screening.* There shall be a condition of the granting of the permit for a recreational camp, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs, and trees, be allowed to grow and develop in all required yards, except noxious plants, weeds, and trees, or that vegetation

of equivalent density be planted therein so as to provide a natural screen between a camp and neighboring areas and so that required yards shall be unused and unusable for general purposes of camp operation.

- c. *Off-street parking:* Off-street parking shall be provided on the premises of any such recreational camp, but not in any required yard, equal to not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operated in connection with such camping.
 - d. *Sewage disposal:* Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by Chapter COMM 83 of the Wisconsin Administrative Code and constructed and maintained as required by the county sanitary ordinance.
 - e. *Water supply:* Where public water is not available, the well or well supplying any camping area shall comply with Chapter NR 112 of the Wisconsin Administrative Code, except that well pits or pump pits shall not be permitted.
- (6) *Public or private campgrounds* in the P-1, P-2, C-1, C-2 and B-5 districts subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
- a. *Camping area location.* The temporary accommodation of persons providing their own means of shelter is permitted only in the locations approved on the site development plan, as required under section 74-58 of this ordinance. In approving such locations, the park and planning commission shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent overcrowding and the development of unhealthful or unsanitary conditions on the premises. Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.
 - b. Within the camping areas approved on the site plan, every camping unit shall be located on a generally well-drained ground, and no camping unit nor any building or structure related to the operation of such camping area, shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard, or other source of pollution. No camping unit shall be located more than 400 feet from a toilet or service building.
 - c. *Camping unit definition.* Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motor home, camping trailer, and tent. A camping unit shall not exceed a maximum living area of 400 square feet.

d. *Minimum camping unit site area.* There shall be not less than 4,000 square feet of land per camping unit exclusive of required yards, parking lots, and areas devoted to permanent buildings and their grounds. Camping unit site areas shall be located and spaced at least 75 feet center to center. No camping unit shall be located within 50 feet of any other camping unit. Group camping shall be permitted only in an area designated for such use on the approval site development plan. Automobiles, except self-propelled camping units, shall not be parked in any such designed group camping area except for loading and unloading purposes.

e. *Yards.* A yard shall be provided along each side of the camp except that part which fronts on a lake or stream course.

Street	Minimum 100 feet.
Rear	Minimum 100 feet.
Side	Minimum 50 feet.

f. *Screening.* It shall be a condition of the granting of the permit for such camp and a continuing condition for its operation, that the natural vegetation, including grasses, flowers, shrubs, and trees be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein, so as to provide a natural screen between such camp and adjacent properties.

g. *Off-street parking.* Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit. Each such parking space shall be not less than 12 feet in width and a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.

h. *Water supply.* There shall be an adequate source of pure water with supply outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted, nor shall any drinking water faucets be placed in any toilet rooms.

i. *Sewage disposal.* Sanitary sewage and waste disposal facilities shall be provided as required by the Wisconsin Administrative Code, Chapter H-78 and constructed and maintained as required by the sanitary ordinance.

j. *Drives and walkways.* There shall be a system of driveways and walkways connecting every camp unit within any camping area with a public street or highway. Such driveways shall be not less than 16 feet in width and such walkways shall be not less than five feet in width. All driveways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Driveways shall be well lighted at night and shall be unobstructed at any time.

- k. *Maintenance*: It shall be a condition on the granting of a permit for the camping area, and a continuing condition for the operation of the same that:

Drainage of the area shall be maintained and camping units placed on well drained ground.

Required yards shall be maintained.

Water supply, sanitary sewage, and waste disposal facilities shall be maintained.

Driveways, walkways, and parking areas shall be maintained.

All requirements of Chapter H-78 of the Wisconsin Administrative Code shall be met and maintained.

- l. *Permit renewal*. Any conditional use permit issued for a campground, including permits issued to existing operations, shall be in effect for a one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the county park and planning commission after a public hearing.
- m. *Existing operations*. Within 60 days after the effective date of this ordinance, all existing campground operations in a town shall be required to register with the county zoning administrator, and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data maps showing existing campground layout, and such other data as may be necessary to enable the county zoning administrator, to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the county zoning administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in sections 74-46 and 74-47. Notwithstanding the foregoing, however, the county zoning administrator, may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.
- (7) *Planned campground developments*. Planned campground developments are conditional uses in the B-5 zoning district subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
- a. *Planned campground development area location*. In approving such locations, the committee shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent

overcrowding and the development of unhealthful or unsanitary conditions on the premises.

Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited. Compliance with this requirement shall be the responsibility of the campground association.

Within the camping areas approved on the site plan, every camping unit shall be located on generally well-drained ground, and no camping unit nor any building or structure related to the operation of such camping area, shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard, or other source of pollution.

- b. *Camping unit definition.* Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motorhome, camping trailer and park model. A camping unit shall not exceed a maximum living area of 400 square feet. All camping units shall remain mobile. The original wheel assembly shall not be removed, wheels shall be in contact with the pad, the pad shall not exceed 6" above the original grade and the unit shall not be installed upon footings nor a foundation.
- c. *Perimeter yards.* There shall be a bufferyard on all sides of a planned campground development as follows:
 - Street: Minimum 100 feet.
 - Rear: Minimum 100 feet.
 - Side: Minimum 50 feet.
- d. *Screening.* There shall be a condition if granting the permit for a planned campground development and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs and trees be allowed to grow and develop in all perimeter yards (except noxious plants, weeds and trees), or the vegetation of equivalent density be planted therein so as to provide a natural screen between the campground and neighboring areas and so that perimeter yards shall be unused and unusable for general purposes of the camp operation.
- e. *Off-street parking.* Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operating in connection with such camping, but not to be located in any required yard. Each such parking space shall not be less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.

- f. *Sewage disposal.* Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by chapter COMM 83 of the Wisconsin Administrative Code and constructed and maintained as required by the county sanitary ordinance. No camping unit shall be located more than 400 feet from a toilet or service building.
- g. *Water supply.* There shall be an adequate source of pure water with water outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet rooms.
- h. *Interior roadways and walkways.* There shall be a system of roadways and walkways connecting every unit within any camping area with a public street or highway. Such roadways shall be not less than 16 feet in width and such walkways shall be not less than five feet in width, unless by means of a conditional use permit, the width of the roadway(s) or walkway(s) within the planned campground are modified by the county zoning agency. All roadways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Roadways shall be well lit at night and shall be unobstructed at all times.
- i. *Interior setback requirements.*
- Ten foot street yard setback requirement from edge of pavement of the interior roadways. (Corner lots require two streetyard setbacks.)
- Five foot side yard setback requirement.
- Five foot rear yard setback requirement.
- 75 foot shore yard setback requirement.
- j. *Storage shed.*
- The storage shed shall be freestanding in its construction.
- Maximum size not to exceed 100 square feet.
- Height not to exceed 10' from original grade to peak.
- If located in the rear yard shall be located at least three feet from lot lines.

If located in the street yard shall be located at least ten feet from the pavement of the interior roadway and five feet from the side lot line.

If located in the side yard shall be located at least five feet from the lot lines.

If located in the shore yard shall be located at least five feet from the side property line and 75 feet from the ordinary highwater mark.

- k. *Structures.* (Including but not limited to enclosures, porches, decks, gazebos, and stairways.)

The structure shall be freestanding in its construction. A nonpermanent weather/storm seal may be used to adjoin the camping unit to the enclosure, deck, and/or gazebo. Structures shall be required to maintain the interior setback requirements as listed above.

HVAC, plumbing and electrical shall be subject to all applicable codes.

Height not to exceed 17 feet or the height of the ridge line of the camping units original roof whichever is less. A combination of structures not to exceed the size/square footage of the existing camping unit is permitted subject to meeting setback requirements.

- l. *Maintenance.* It shall be a condition on the granting of a permit for the camping area, and the continuing condition for the operation of the same that:

1. Drainage of the area shall be maintained and camping units placed on well drained ground.
2. Required yards shall be maintained.
3. Water supply, sanitary sewage, and waste disposal facilities shall be maintained.
4. Roadways, walkways, and parking areas shall be maintained.
5. All requirements of Chapter HSS 178 of the Wisconsin Administrative Code shall be met and maintained.

- m. *Permit renewal.* Any conditional use permit issued for a planned campground development including permits issued to existing operations, shall be in effect for a one-year period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the committee after a public hearing.

- n. *Existing operations.* Within 60 days after the effective date of the adopted policy dated February 20, 1998, all existing campground operations shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present

operation, including the boundaries of the operation, ownership date, maps showing existing campground layout, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any site within the existing operation which does not comply with this registration requirement shall be required to meet current ordinance requirements.

- (8) *Cultural activities*, such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos in the P-1, P-2 and B-5 districts.
- (9) *Amusement activities* such as fair grounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers in the P-1 and B-5 districts.
- (10) *Public assembly uses* such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums in the P-1, P-2, B-2, B-3, B-4 and B-5 districts.
- (11) *Commercial stables* in the A-2, C-2, P-1, P-2 and B-5 districts.
- (12) *Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks* in the P-1, P-2 and B-5 districts.
- (13) *Commercial recreation facilities*, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks, and theaters in the B-2, B-3, B-4 and B-5 business districts.
- (14) *Off-season storage facilities for boats and other recreational vehicles*, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in all business, industrial and A-4 districts. Any outside storage or display areas in conjunction with this use may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way."
- (15) *Hotels, motels and tourist courts* in the B-3, B-4 and B-5 districts.
- (16) *Commercial arboretum* in the C-2 districts outside environmental corridors and in the B-4 district.

(Ord. of 6-11-02; Ord. No. 315-09/05, pt. III, 9-8-05; Ord. No. 369-07/06, pt. III, 7-11-06; Ord. No. 561, pt. II, 6-9-09)

Sec. 74-63. Residential and related uses.

Except where specifically permitted as a principal use in division 3 the following residential and quasi-residential uses shall be conditional uses and may be permitted as specified. In approving or disapproving the

location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular land use problems related to development of the site or sites as proposed.

(1) Conservation development design.

- a. Applicability. Conservation development design may be used on a voluntary basis for all residential developments with five or more dwellings in the A-2, C-2, C-3, R-1, R-2, R-2A and R-3 zoning districts and requires conditional use approval.
- b. Intent.
 1. To conserve conservation land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodlands and wetlands, by protecting them from development. Where applicable, conservation land shall be laid out in general accordance with the wide, open space networks advocated by the Southeastern Wisconsin Regional Planning Commission, to encourage protection of an interconnected system of conservation lands.
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of paving required for residential development.
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and by minimizing development on steep slopes.
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 5. To conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the adopted County Land Use Plan.
 6. To create neighborhoods with direct access to open land, with amenities in the form of conservation land.
 7. To provide for the conservation and maintenance of conservation land within the county to achieve the above-mentioned goals and for active or passive recreational use by residents.
 8. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodlands, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and fieldstone walls).

9. To provide standards that preserve the unique characteristics of individual properties so that their special or noteworthy features may be designed around and conserved.
 10. To encourage the protection of the elements of the county's beauty and rural character.
- c. General regulations for conservation development design: The design of all new subdivisions and other development projects using conservation design shall be governed by the following requirements for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts:
1. Conservation development application, procedure, and approval process: The developer/applicant must follow the conservation development application, procedure, and approval process as identified in section 4.11 of the county subdivision control ordinance.
 2. Site design. A site context map, existing resources and site analysis map, and sketch plan overlay sheet shall be prepared, as required by sections 5-A., 5-A.1, 5-A.2, and 5-A.3 of the county subdivision control ordinance. All conservation-design development projects shall use the four-step design process for conservation subdivision set forth in section 5-A.4 of the subdivision control ordinance.
 3. The calculation of site capacity, or the number of dwelling units permitted on a site, shall be based on net buildable area (NBA). The site capacity shall be obtained by dividing the net buildable area within each district by the residential density allowed in the district. Fractional dwelling yield totals may not be combined between different zoning district. The applicant shall determine the net buildable area (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:

Gross tract area: _____ acres

From the gross tract area, subtract the following:

All lands located within existing and proposed street rights-of-way: _____ acres

All wetland areas: _____ acres

All of the area located within a pond, lake, or stream channel: _____ acres

The result is the net buildable area (NBA): _____ acres

Note: Where two or more categories overlap, the overlapping acreage shall be

counted only once, using the most restrictive classification.

- d. Uses for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts:
1. All residential accessory structures are permitted subject to limitations of division 2.
 2. Accessory uses permitted on conservation lands are limited to the following:
 - i. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 - ii. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles unless specifically approved in the conditional use permit, rifle ranges, and other uses similar in character.
 - iii. Active noncommercial public and private recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation land or five acres, whichever is less. Playing fields, playgrounds and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be graded and dust-free, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
 - iv. Golf courses, provided they do not comprise more than half of the minimum required conservation land, but not including driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum conservation land requirement; their parking and access ways may be paved and lighted.
 - v. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land and also designed to maximize infiltration and groundwater recharge. Individual private wells and/or septic system disposal fields (filter beds) may be located within the common open space in conservation developments, in which case their maintenance responsibility shall lie with the owner of the dwelling to which it is connected. In such situations, the owners association shall be responsible for pumping the septic tanks (which may be located within individual house lots) on a periodic basis, according to the county sanitary ordinance.
 - vi. Easements for drainage access sewer or water lines, or other public purposes.

2. Access to conservation land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- i. A density bonus shall be allowed at the specified rate for each of the following up to a 20 percent site capacity maximum:
1. A ten percent density bonus shall be allowed for increasing the total shoreyard setback to 150 feet from the ordinary high-water mark of navigable lakes, ponds, flowages and streams.
 2. A five percent density bonus shall be allowed for increasing the total shoreyard setback to 100 feet from the ordinary high-water mark of navigable lakes, ponds, flowages and streams.
 3. A ten percent density bonus shall be allowed for providing a 75-foot buffer (setback) from the entire edge of a non-zoned (isolated) wetland. To qualify for this bonus the applicant shall meet conservation standards as determined by the land conservation committee.
 4. A five percent density bonus shall be allowed for developments that preserve intact, with the exception of allowable open space uses, areas designated as environmental corridors. To qualify for this bonus there shall be a minimum of ten percent of the project site within the environmental corridor.
 5. A five percent density bonus shall be allowed for providing ten percent greater conservation land (open space) than required for the development.
 6. A ten percent density bonus shall be provided if the owner provides, fee simple dedication of an access easement for public use of parks and/or trails to a public agency with approved acceptance pursuant to section 11.9-B(b)(3) of the subdivision control ordinance.
 7. A five percent density bonus shall be provided if the owner provides a conservation easement to a public agency with approved acceptance pursuant to section 11.9-B(b)(4) of the subdivision ordinance.
 8. A five percent density bonus shall be provided if the owner provides permanent preservation of a significant archaeological site not already required to be preserved by state or federal preservation requirements.
 9. A five percent density bonus shall be provided if the owner provides for restoration or rehabilitation with active maintenance of native plant species on 50 percent or greater of the required open space/conservation lands. Active maintenance must be part of a Land Stewardship plan as specified in section 11.9-B(d) of the subdivision ordinance.

10. A five percent density bonus shall be provided if the owner provides a fee simple dedication to a nonprofit conservation organization or the dedication of a conservation easement to a nonprofit conservation organization pursuant to subsections 11.9-B(b)(5) and (6) of the subdivision control ordinance.
11. A five percent density bonus shall be provided if a nonprofit conservation organization or public agency holds a conservation easement on the conservation land and the subdivider has created a stewardship fund or endowment sufficient to generate annual interest to cover the costs that the nonprofit conservation organization or public agency incur for monitoring the conservation land annually and taking the appropriate enforcement actions for violations or encroachment within the conservation land. The endowment fund may also be used to cover the cost of any insurance required of the holder of the conservation easement. This density bonus is only considered when a conservation easement is held on undivided conservation land. A density bonus can not be considered when a conservation easement is obtained on an individual subdivision lot or lots. The county and the local unit of government shall review any maintenance agreement and endowment fund established by the subdivider and the nonprofit conservation organization or public agency.
12. A five percent density bonus shall be allowed for providing for the reuse or preservation of historical structure(s) located on a site. The structure(s) must be on the state or federal register of historic places. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.
13. A five percent density bonus shall be allowed for providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income household, as defined by the U.S. Department of Housing and Urban Development.

The minimum conservation land requirement must be met when using the density bonus.

- j. Intersections and access: New intersections with existing public streets shall be minimized.
- k. The conservation design review standards as specified in section 11.9-A of the county subdivision control ordinance shall be followed in design of a conservation development for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts. Section 11.9-A of the subdivision ordinance provides the prioritized list of resources to be conserved and other design considerations for the development.
- l. The common conservation lands, including common elements or outlots, shall be deed restricted and conditioned by the conditional use approval to remain open, jointly owned by undivided percentage interest and appurtenant to each buildable lot/units created by the conservation development design. The developer/applicant shall follow the conservation land ownership and maintenance standards as specified in section 11.9-B of

the county subdivision control ordinance for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts. This section provides for the permanent protection of the conservation land, ownership, the maintenance and operation of the conservation land, the land stewardship plan.

(2) *Planned residential developments* in the A5, R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-2, C-3 and B-5 districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations, excluding exterior district setback requirements, may be modified provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions.

	Area (sewered)	Minimum of 2/3 of the minimum lot area for the district in which located
	Area (unsewered)	Minimum 20,000 sq. ft. and adequate sanitation
	Width (sewered)	Minimum of 2/3 of the minimum lot width for the district in which located
	Width (unsewered)	Minimum consistent with conservation design standards or 2/3 of the minimum lot width for the district in which located
Yards	Street: (Interior)	Minimum 10 feet
	Rear	Minimum 5 feet or 10 feet separation
	Side	Minimum 5 feet or 10 feet separation

- (3) *Fraternities*, lodges, and meeting structures of a noncommercial nature in the R-4 residential, and all business districts provided all principal structures and uses are not less than 25 feet from any lot line.
- (4) *Rest Homes*, nursing homes, home for the aged, clinics, and children's nurseries or day care centers in the R-4 residential and all business districts provided all principal structures and uses are not less than 50 feet from any lot line.
- (5) *Barbering and beauty culture* operations in all residential districts, not to exceed 25 percent of the total floor area. Such operations shall not involve any external alteration that would effect a substantial change in the residential character of the building.
- (6) *Home occupations* and professional offices in all districts, not to exceed 25 percent of the total floor area. Such operations shall not involve any external alteration that would effect a substantial change in the residential character of the building.
- (7) *Mobile homes*, in the A-1, A-2 and A-3 districts when necessary and essential to the principal or

conditional permitted use.

- (8) *Two-family dwellings and multi-family dwellings* in the R-4 residential district.
- (9) *One-family detached dwellings, one-family semi detached dwellings; one-family attached dwellings; two-family dwellings; multiple-family dwellings; and all principal uses permitted in the B-1 local business district, provided that such business uses shall not occupy more than 15 percent of the total development area, in the R-5 planned residential development district.*
- (10) *Mobile home dwellings and single-family dwellings* in the R-6 planned mobile home park residence district.
- (11) *One residential dwelling unit* in the B-1, B-2, B-3 and B-4 business districts when located within the principal business structure.
- (12) *Model apartments, model condominiums and related temporary real estate sales office located within the model unit and related temporary real estate sales office trailers in the R-4, R-5 and R-8 districts, model mobile home and related temporary real estate sales office located within the model unit in the R-6 and R-7 district, model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit and related temporary real estate sales office trailers in the R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7 and R-8 districts, model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit and temporary real estate sales office trailers in the R-3, R-4, R-5 and R-8 districts, may be permitted as a conditional use if limited to the following:*
 - a. Models may be located in all new subdivisions for a period not to exceed three years from the date of issuance of a zoning permit.
 - b. Models shall not be used as a real estate office other than incidental to showing the model dwelling.
 - c. Models shall be designed in such a manner as to blend with existing neighborhood environments.
 - d. Models shall not be open beyond 9:00 p.m.
 - e. One sign may be permitted provided, however, that it is no larger than four feet by six feet and further provided that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.
 - f. Models shall be completely landscaped and have a paved driveway within one year from the date of issuance of the zoning permit.
 - g. No parking lots shall be created that would not normally be found in a single-family development.

h. Sufficient parking shall be provided in model home driveways and may be provided on subdivision roads, but in no case shall the parking be allowed on any federal, state, county or town highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.

(13) *Bed and breakfast establishments* in the A-2, A-3, A-5, C-2, C-3, R-1, R-2, R-2A, districts provided the owner of the bed and breakfast establishment resides in the establishment. No bedrooms shall be permitted to be located in an accessory structure. No more than four bedrooms shall be rented to no more than a total of ten tourists or transients. Individual rentals shall not exceed 14 consecutive days in length. No retail sales shall occur in a bed and breakfast establishment. No meal except breakfast is served and the breakfast is provided only to lodgers. The establishment was originally built and occupied as a single-family residence or, prior to the use as a place of lodging, was converted to use and occupied as a single-family residence. One exterior advertising sign, not exceeding nine square feet in area, may be erected on the premises (see sections 74-82/74-211).

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Amd. of 5-10-05; Ord. No. 436-05/07, pt. II, 5-8-07; Ord. No. 462-10/07, pt. I, 10-9-07; Ord. No. 466-11/07, pt. VIII, 11-13-07; Ord. No. 563-06/09, pt. II, 6-9-09)

Sec. 74-64. Commercial and related uses.

Except where specifically permitted as a principal use in division 3 the following commercial and related uses shall be conditional uses and may be permitted as specified. Any outside storage or display areas in conjunction with the following commercial and related uses may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way. In approving or disapproving the location of a conditional use the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in section 74-28 and 74-29 and upon the particular land use problems related to development of the site or sites as proposed.

Drive-in theaters in the B-2 and B-5 districts provided that a planting screen at least 25 feet wide is created along any side abutting a residential district.

Drive-in establishments serving food or beverages for consumption outside the structure in the B-2, B-3 and B-4 districts.

Funeral homes in the B-2 district provided all principal structures and uses are not less than 25 feet from any lot line.

Drive-in banks in the B-2 and B-4 districts.

Vehicle sales, service, washing, and repair stations, garages, taxi stands, and public parking lots, in all business districts provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line, and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street.

Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height. Car wash facilities shall be installed in such a manner as not to cause spray or run-off water to encroach upon any adjoining properties or public right-of-ways.

Boat rental and boat access sites. Boats and marine supplies, not including manufacturing; boat liveries, bait shops; taverns; bars, restaurants and supper clubs; sporting goods supply stores; swimming beaches; bath houses; and yachting clubs in the B-3 waterfront business district.

Automobile and truck retail services. Automobile repair services; bars, taverns, restaurants, night clubs, and dance halls; candy, nut, and confectionery sales; gasoline service stations; gifts, novelty and souvenir sales; and sales, service, and installation of tires, batteries, and accessories in the B-4 highway business district.

Planned commercial recreation facilities in the B-5 planned commercial recreation business district, including aircraft landing and takeoff fields; amusement parks and miniature golf courses; boat rentals and boat access sites; campgrounds; dance halls; restaurants, taverns, bars, night clubs; drive-in movies; dude ranches; fair grounds; health and recreational resorts; retail sales of antiques, books, cameras, and photographic supplies, candy, nut, and confectionery, china, glassware, and metalware, cigars, cigarettes, and tobacco, flowers, fur apparel, gifts, novelties, and souvenirs, jewelry, men's and boy's clothing and furnishings, music supplies, newspapers and magazines, shoes, sporting goods, stationery, toys, women's and girl's clothing and furnishings, and drug stores; personal services, including artists services, barber services, beauty services, dry cleaning, photographic studios, shoe repairing cleaning services, custom tailoring, and travel arranging services; go-cart tracks; golf courses and related facilities; hotels and motels; penny arcades; race tracks; riding stables; roller skating rinks; skiing and tobogganing; snowmobile trails; swimming beaches; skeet, trap, and rifle ranges; and single-family and multiple-family dwelling units when located on the same site with health or recreational resorts, provided that the transfer of any dwelling units may only include therewith a fractional interest in the site on which the dwelling unit is located.

Business directory signs exceeding three per business in all agricultural districts.

Flea markets in the A-4, B-2, B-3 and B-4 districts.

Commercial greenhouse in the A-4, C-2 (outside primary environmental corridors) and B-4 districts.

Hotels, motels and tourist courts in the B-3, B-4, and B-5 districts.

Planned unit developments in the B-1, B-2, B-3, and B-4 districts, provided that no planned unit development shall be approved which includes uses not permitted in the given district. The district regulations, excluding exterior district setback requirements, may be modified by the committee provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions. Area, width and yard requirements of the district shall apply. Building separation: The minimum building separation shall be 30 unless modified by the committee, provided the minimum building separation is never reduced below 20 feet.

Signage provisions under section 74-86 for on-premise signs in the B-1, B-2, B-3, B-4, B-5 zoning

districts may be modified by the committee but no sign shall be closer than five feet to any property line. (Ord. of 6-11-02; Amd. of 1-11-05; Amd. of 5-10-05; Ord. No. 369-07/06, pt. IV, 7-11-06; Ord. No. 466-11/07, pt. IX, 11-13-07)

Sec. 74-65. Industrial and related uses.

Except where specifically permitted as a principal use in division 3 the following industrial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular land use problems related to development of the site or sites as proposed.

- (1) *Sewage disposal plants* in all districts.
- (2) *Pea vineries, creameries, and condenseries* in the A-4 and M-2 districts.
- (3) *Manufacture and processing* of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lamp-black, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lampblacking, size, starch, stove polish, textiles, and varnish in the M-2 district.
- (4) *Manufacturing, processing, and storage* of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast in the M-2 district.
- (5) *Manufacture and bottling* of alcoholic beverages in the M-2 district.
- (6) *Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating, enameling; forges; foundries; garbage; incinerators; lacquering; lithographing; offal, rubbish or animal reduction, oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stock-yards; tanneries; and weaving* in the M-2 district.
- (7) *Outside storage and manufacturing areas* in the M-1 and M-2 districts.
- (8) *Wrecking, junk, demolition, automobile salvage yards and scrap yards* in the M-2 district subject to the following regulations and such other regulations as the county park and planning commission may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
 - a. *Location.* Every wrecking, junk, demolition, automobile salvage yard or scrap yard shall be located at least 1,000 feet from the boundary of any Residential or park district or the B-1 business district, and shall further be located at least 1,000 feet from the nearest

residence, not including the residence of the owner or operator of the yard.

- b. *Street yard.* No wrecking, junk, demolition, or scrap yard operation shall be conducted within 150 feet of any existing or proposed street, road, or highway right-of-way line.
- c. *Screening.* Every wrecking, junk, demolition, or scrap yard shall be surrounded by a suitable fence or dense evergreen planting screen which shall completely prevent a view of the yard operations from any other property or public right-of-way. Such fence or screen shall be at least six feet in height, and shall have no openings more than two inches in width other than approved entrances or exits. Such fence or screen shall be kept in proper repair at all times.
- d. *Operations.* All junk, scrap, salvage, and other material shall be kept within the fence or screen, but shall not be piled against it.
- e. *Permit renewal.* Any conditional use permit issued for a wrecking, junk, demolition, or scrap yard, including permits issued to existing operations, shall be in effect for a one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the county park and planning commission after a public hearing.
- f. *Existing operations.* Within 60 days after the effective date of this ordinance, all existing wrecking, junk, demolition, and scrap yards in a town shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in sections 74-47 and 74-48. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.
- g. *Revocation of permit.* Upon the complaint of the county zoning administrator or any interested person, the committee shall hold a public hearing to determine whether a wrecking, junk, demolition, automobile salvage yard or scrap yard permit shall be revoked, notice of such hearing to be given to all interested parties, including the town board concerned. After such public hearing, the committee may order the permit revoked, if evidence presented at such hearing discloses that the provisions of this ordinance are being willfully violated.

- (9) *Commercial service facilities*, such as restaurants and fueling stations, in the M-1, and M-2 districts provided all such services are physically and else-wise oriented toward industrial district users and employees and other users are only incidental customers.
- (10) *Living quarters for watchmen or caretakers* in the M-1 and M-2 industrial districts and the A-4 agricultural district.
- (11) *Building contractor storage yards* in the B-2, M-1, M-2 and A-4 districts.
- (12) *Electric power generation plants* in the M-2 district.
- (13) *Planned unit developments* in the M-1 and M-2 districts, provided that no planned unit development shall be approved which includes uses not permitted in the given district. The district regulations, excluding exterior district setback requirements, may be modified by the committee provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions.

Area, width and yard requirements of the district shall apply.

Building separation: The minimum building separation shall be 30 feet unless modified by the committee, provided the minimum building separation is never reduced below 20 feet.

- (14) *Signage provisions* under section 74-86 for on-premise signs in the M-1, M-2, M-3 and M-4 zoning districts may be modified by the committee but no sign shall be closer than five feet to any property line.

(Amd. of 1-11-05; Amd. of 5-10-05)

Sec. 74-66. Public and semi-public uses.

Except where specifically permitted as a principal use in division 3 the following public and semi-public uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in sections 74-28 and 74-29 and upon the particular land use problems related to development of the site or sites as proposed.

- (1) *Airports, airstrips, and landing fields*, excluding heliports, in all agricultural districts, and the P-2 and B-5 districts, provided, in the A-1 district, the same is related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property, and provided, further, that the site area is not less than 20 acres.
- (2) *Heliports* in all agricultural districts, and the P2, B-2 and B-5 districts, provided that in the A-1 district, the same is related to agricultural activities, including those which are used to assist the

owner or operator with a means of transportation to and from the property, and provided, further, that the principal structures and uses are not less than 100 feet from any residential district boundary.

- (3) *Governmental and cultural uses* such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums in all districts.
- (4) *Utilities* in all districts provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park, and industrial. Utilities required to obtain a certificate of convenience and public necessity from the Wisconsin Public Service Commission or those utilities required to obtain a Federal Energy Regulatory Commission certificate shall be exempt from obtaining a conditional use permit.
- (5) *Public passenger transportation terminals* such as bus and rail depots, except airports, airstrips, and landing fields, are allowed in the B-2 district, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- (6) *Public, parochial, and private elementary* and secondary schools and churches in all residential, business, agricultural and park districts, provided the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- (7) *Colleges; universities; hospitals.* Sanitariums; religious, charitable, penal and correctional institutions, cemeteries, and crematories in the P-2 and B-2 districts provided all principal structures and uses are not less than 50 feet from any lot line.
- (8) *Lake management facilities and activities* including equipment and vehicles used in lake weed harvesting and off loading activities in the P-1 and P-2 districts.

(Ord. of 6-11-02; Amd. of 1-14-03; Ord. No. 332-01/06, pt. I, 1-10-06)

Sec. 74-67. Mineral extraction and related uses.

Mineral extraction related uses in the M-3 mineral extraction district, including aggregate or ready-mix plants; clay, ceramic, and refractor minerals mining; crushed and broken stone quarrying; mixing of asphalt; nonmetallic mining services; processing of top soil; sand and gravel quarrying; washing, refining, or reprocessing of rock, slate, gravel, sand, or mineral; and the extension of any existing mineral extraction related uses.

All of the above stated mineral extraction and related uses shall be subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.

- (1) *Plat of survey.* Submittal of a plat of survey showing, as appropriate, the data and information set forth in section 74-58, topographic data (minimum contour interval of five feet vertical), existing natural resource base data, the location of existing and proposed access roads, and the depth of existing and proposed excavations and an approved reclamation plan.

- (2) *Operations plan.* Submittal of an operations plan, including at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; reclamation plan and proposed hours of operation.
- (3) *Restoration plan.* Submittal of a restoration plan, which shall include all pertinent data related to proposed restoration of the site. Elements of the plan may include identification of natural features to be protected, proposed final contours (minimum contour interval of five feet vertical), type of fill, depth of restored topsoil, planting or reforestation, sodding or seeding, timing and completion data, or any other data applicable to the subject site. The restoration plan shall conform to the standards specified by the county conservation standards.
- (4) *Permit duration.* Any conditional use permit issued for a mineral extraction or related use under this section shall be in effect for a time period that shall be specified on the approved operations plan. Any variances in operations from those specified under the operations plan, or any expansion of an approved mineral extraction site or operation, shall require a new conditional use permit in accordance with the procedures set forth in sections 74-58 and 74-59. In this context, the term "expansion" shall refer both to new geographical areas of operation and to new or different operational methods and procedures.
- (5) *Existing operations:* Within 60 days after the effective date of this ordinance, all existing mineral extraction uses in a town shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in section 74-47. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.

(Ord. of 6-11-02)

Sec. 74-68. Sanitary landfill uses.

Sanitary landfill operations and incinerators in the M-4 sanitary landfill district.

All such operations shall be subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

Uses to comply with Wisconsin Administrative Code, applicable state statutes and Walworth County Solid Waste Management Plan. All sanitary landfill operations must be conducted in strict accordance with the provisions of the Wisconsin Administrative Code, and Wis. Stats. ch. 289. Any proposal must also demonstrate

its compatibility with the Walworth County Solid Waste Management Plan.

Plat of survey. Applicants shall submit a plat of survey showing as appropriate, the data and information set forth in section 74-58, topographic data (minimum contour interval two feet), existing natural resource base data, the location of existing and proposed excavation and fills. Subsurface investigation: Including subsoil description and groundwater depth and movement.

Operations plan. All applications shall submit an operations plan that shall include at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of the water to be used; a description of proposed leachate, litter, noise, rodent and dust control procedures; and proposed hours of operation.

Restoration plan. All applications shall submit a restoration plan showing at least proposed contours (minimum contour interval of two feet), a type of fill depth of restored topsoil, planting or reforestation, and timing and completion date.

Permit renewal. Any conditional use permit issued for a use permitted in this section, including permits issued to existing operations, shall be in effect for a specified time period, but not to exceed two years. Such permit may be renewed upon application for successive periods, not to exceed two years each. Modifications to previous conditions or additional conditions may be imposed upon application for renewal, provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the county park and planning commission after a public hearing.

Existing operations. Within 60 days after the effective date of this ordinance, all existing sanitary landfill operations in a town shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operations only. Any existing operation which does not comply with provisions in section 74-35 and 74-36 shall be penalized in accordance with provisions in section 74-47. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.

Sec. 74-69. Recycling in the P-1, P-2, M-1, M-2, M-3 and M-4.

Materials are not to be stored longer than six months on property. Materials are to be containerized or stored in buildings. The following information will be required as part of the conditional use application:

- (1) A legal description of the property and the facility boundaries.
- (2) The present ownership of the proposed facility property.
- (3) Surrounding land uses.

- (4) The area served, including population.
- (5) The consistency of facility development with area wide solid waste plans and land use plans.
- (6) The types of vehicles and access routes used to transport solid waste to and from the facility.
- (7) The persons responsible for facility construction and operation.
- (8) Any additional procedures for the control of dust, odors, fire, vermin, insects, rodents, filth, and windblown materials, if appropriate.
- (9) The names and locations of all solid waste disposal facilities at which solid waste will be disposed.
- (10) Overall facility layout.
- (11) Potential markets for the recyclables.
- (12) A timetable for construction and operation.
- (13) The tentative operating schedule for the facility.
- (14) Provisions for protection of groundwater and surface waters during facility construction and operation.
- (15) An estimate of the quantities and characteristics of the waste to be processed.
- (16) A discussion of operating personnel responsibilities; hours of operation; methods of controlling fire, odors, and windblown materials; methods of controlling access. Persons responsible for operation and record keeping; names of facility licensee and owner; record keeping. Names and locations of solid waste disposal facilities at which any waste generated by the recycling operation will be disposed.

Sec. 74-70. Yard waste composting in the A-1, A-2, A-3, A-4, P-1, P-2, M-1, M-2, M-3, and M-4.

Yard waste composting sites are regulated under the Wisconsin State Natural Resources Code NR Ch. 502 and have the following locational standards:

- (1) No person may establish, construct, operate, maintain or permit the use of property for any facility regulated under this chapter within the following areas, unless a waiver from the department of natural resources has been granted:
 - a. Within 1,000 feet of any navigable lake, pond or flowage.
 - b. Within 300 feet of any navigable river or stream.

- c. Within a floodplain.
- d. Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the highway or park.
- e. Within 10,000 feet of any airport runway used or planned to be used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston type aircraft or within other areas where a substantial bird hazard to aircraft would be created. This criterion is applicable only when the facility will be used for handling putrescible waste.
- f. Within 1,200 feet of any public or private supply well.

In addition to the required DNR site approval the county zoning ordinance requires a conditional use hearing on any compost facility over 20 cubic yards. (A backyard or neighborhood compost site under 20 cubic yards is exempt from the conditional use requirement.) The following information will be required as part of the conditional use application:

- a. A legal description of the property and the facility boundaries.
- b. The present ownership of the proposed facility property.
- c. Land use within 1/4 mile of the proposed facility. Particular note shall be made of parks, hospitals, nursing homes and areas of archaeological and historical significance.
- d. The area served, including population.
- e. The consistency of facility development with area wide solid waste plans and land use plans.
- f. The predominant types of vegetation and wildlife within the proposed facility boundaries.
- g. The types of vehicles and access routes used to transport solid waste to and from the facility.
- h. The persons responsible for facility construction and operation.
- i. Any additional procedures for the control of dust, odors, fire and windblown materials, if appropriate.
- j. The names and locations of all solid waste disposal facilities at which solid waste will be disposed.
- k. Overall facility layout.

- l. Potential markets for the compost.
- m. A timetable for construction and operation.
- n. The tentative operating schedule for the facility.
- o. Provisions for protection of groundwater and surface waters during facility construction and operation.
- p. A discussion of facility features such as: residence time and process temperatures for the compost; configuration of the facility; sizing of surface water drainage control structures; methods of controlling windblown materials; and methods of controlling windblown materials; and methods of screening the facility from the surrounding area, if appropriate.
- q. An estimate of the quantities and characteristics of the waste to be processed.
- r. A discussion of operating personnel responsibilities; hours of operation; methods of controlling fire, odors, and windblown materials; methods of controlling access. Persons responsible for operation and record keeping; names of facility licensee and owner; record keeping. Names and location of solid waste disposal facilities at which any waste generated by the composting operation will be disposed.

(2) *Plans.* The plan of operation shall include a map which contains the following information:

An existing conditions map, which shows the entire facility and the area within 1/2 mile. A USGS map can be used to satisfy this requirement. This map shall include the proposed facility boundary, property lines, easements and right-of-way, roads, utilities, and other structures, topography, drainage swales, surface waters, wetlands, floodplains and similar drainage features; wooded areas; screening, means of access control, areas to be cleared of vegetation, and other site features; and other features as appropriate.

Not to include solid waste and sludge composting which require a different DNR license.

Sec. 74-71. Nonconforming uses.

When a principal nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the provisions of this ordinance, except that such principle nonconforming structure may be restored, in all zoning districts, after obtaining conditional use approval from the committee. Such park and planning commission shall not be allowed to give conditional use approval if the restoration exceeds the overall area and height of the damaged structure prior to said structure being damaged. Additionally, such conditional use approval shall require insofar as practical, that the restored structure conform with the established building setback lines along arterial streets, highways, and yards.

Sec. 74-71.1. Revocation.

Grounds for revocation of the conditional use permit, pursuant to section 74-162 and division 4 of this ordinance, shall be limited to one of the following findings:

- (1) The owner/applicant of such site fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit;
- (2) The owner/applicant has failed to comply with the conditions of approval imposed.
- (3) If the zoning agency approved the conditional use for a specified amount of time with a known expiration date then, the conditional use shall be automatically revoked upon passing of the expiration date without implementation of the revocation process. The property owner may petition for an extension of the conditional use prior to the expiration date.
- (4) Conditional use permits that have not been actively exercised on a yearly basis since issuance may be subject to dismissal without prejudice. Dismissal without prejudice shall occur without implementation of the revocation process. In order to dismiss a conditional use without prejudice the county zoning administrator or designee shall provide certified notice to the current property owner indicating dismissal of the conditional use shall occur after 60 days of the notice. The notice shall state that the dismissal is the result of the owner's failure to actively exercise the conditional use activity on a yearly basis. The property owner may contest the dismissal by providing a written request of appeal before the county zoning agency within 30 days of the notice issuance. It shall be the responsibility of the property owner to verify the continued conditional use activity on a yearly basis before the county zoning agency. The owner shall be required to pay an associated review fee as established by the county zoning agency. Conditional use permits for livestock operations may be dismissed without prejudice according to the same notice procedure stated above if the permit holder fails to do the following within two years after issuance: begin populating the new or expanded livestock facility; begin construction on all of the new structures proposed by the permit.

(Ord. No. 364-06/06, pt. I, 6-13-06)

Sec. 74-71.2. Revocation process.

- (a) The owner/applicant of such site shall be notified by certified mail of noncompliance by the Walworth County Department of Planning, Zoning and Sanitation.
- (b) The owner/applicant shall comply with such notice within 30 days to the satisfaction of the Walworth County Planning, Zoning and Sanitation Department.
- (c) If compliance is not obtained within 30 days, the Walworth County Department of Planning, Zoning and Sanitation shall notify the committee of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)
- (d) The Walworth County Planning, Zoning and Sanitation Department shall petition the Walworth County Board for a public hearing before the committee following publication of a class 2 notice in the legal newspaper of Walworth County.

(e) A copy of a hearing notice shall be mailed certified to the owner of record of the property at least two weeks prior to the hearing date.

(f) A representative of the Walworth County Planning, Zoning and Sanitation Department shall appear at the hearing before the committee to present the evidence of noncompliance. All other interested parties may also give testimony to the committee.

(g) In compliance with the procedures of a conditional use hearing, a written decision of the committee will be made.

DIVISION 5.

TRAFFIC, PARKING AND ACCESS

Sec. 74-72. Traffic visibility.

No obstruction, such as structures, parking or vegetation shall be permitted in any district above the height of two and one-half feet above the plane through the mean centerline roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located 50 feet from their point of intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space be increased to 100 feet along each right-of-way line from their point of intersection.

Sec. 74-73. Loading requirements.

In all districts adequate loading areas shall be provided and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

Sec. 74-74. Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

Number of Parking Stalls

Single-family dwellings	2 stalls for each dwelling
Mobile homes	2 stalls for each mobile home
Multi-family dwellings	1.5 stalls for each dwelling unit.
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees.

Hospitals, clubs, lodges sororities, dormitories, lodgings and boarding houses.	1 stall for each 4 beds plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 4 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor.
Churches, theaters, auditoriums community centers, vocational and night schools, and other places of public assembly.	1 stall for each 5 seats
Restaurants, bars, places of entertainment, repair shops retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 3 employees
Financial institutions; business, governmental, and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley
Housing for the elderly	1 stall for each dwelling
	Unit plus 1 stall for every eight units for guest parking
Colleges, high schools	1 stall per employee plus 1 stall per 5 students
Elementary, middle schools	1 stall per employee
Trade schools	1 stall per 2 students
	Plus 1 stall per employee and/or teacher
Day care	1 stall per staff member
	Plus 1 stall per 5 students plus 1 space per facility vehicle
Bed and breakfast	1 stall for each guest
Room plus	1 stall for each 3 employees
Commercial riding stables	1 space for each four stalls
Commercial feed lots	1 stall per employee on largest shift
Golf course	1 stall per employee on largest shift and 6 stalls per golf hole plus
	50% of spaces otherwise required for any accessory uses (eg. Bars, restaurants)
Golf driving range	1 stall per employee on largest work shift and 1 stall per tee
Home occupation	2 stalls in addition to requirement for residence
Model homes	4 spaces per model
Beauty salons, barber	3 spaces per chair

- (1) *Uses not listed.* In the case of structures or uses not mentioned, the provisions for a use which is similar shall apply.
- (2) *Combinations* of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (3) *Adequate access* to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one-and two-family dwellings and at least 24 feet wide for all other uses.
- (4) *Size* of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- (5) *Location* to be on the same lot as the principal use, or on a lot not over 400 feet from the principal use. Parking stalls and interior driveways located in the A-4, P-1, P-2, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2 districts shall be located at least 25 feet from any public right-of-way. Parking stalls and interior driveways located in the A-4, P-1, P-2, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2 districts shall be located at least 25 feet from any public right-of-way. Parking stalls and driveways in the A-4, P-1, P-2, R-4, R-8, B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, and M-4 districts shall be located at least 25 feet from any R-1, R-2, R-2A, R-3, R-5, R-6, R-7, and A-5 district lot line and at least five feet from any property line. No parking stall or driveway is permitted within the shoreyard.
- (6) *Surfacing.* All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- (7) *Curbs and barriers* shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (8) *Existing uses.* Uses existing on the effective date of this ordinance which do not have the required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless additional parking spaces in compliance with the setback requirements and equal to the parking requirement for the expansion are provided as part of the expansion.
- (9) *Change of use.* Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces in compliance with the setback requirements and equal to the difference in required parking spaces between the existing use and the proposed use.
- (10) *Parking areas* existing on the effective date of this ordinance which do not meet the setback requirements may be continued as established. Once the parking area has been changed so as to comply with the provisions of this ordinance it shall not revert back. If the parking area is discontinued or terminated for a period of 12 months, any future use shall conform to the provisions of this ordinance.

(Ord. of 6-11-02)

Sec. 74-75. Driveways.

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

- (1) *Openings* for vehicular ingress and egress shall not exceed 35 feet at the property line.
- (2) *Vehicular entrances and exits* to drive-in theaters, banks, and restaurants; motels, funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, hospital, park playground, library, or other place of public assembly.

(Ord. of 6-11-02; Ord. No. 466-11/07, pt. X, 11-13-07)

Sec. 74-76. Highway access.

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (1) *Freeways, interstate highways*, and their interchanges or turning lanes nor to intersecting or intersection streets within 1,500 feet of the most remote end of the taper of the turning lanes.
- (2) *Arterial streets* intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
- (3) *Access barriers*, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets or highways.
- (4) *Temporary access* to the above rights-of-way may be granted by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

DIVISION 6.

SIGNS*

* **Editors Note:** An amendment of October 14, 2003, amended the Code by repealing former div. 6, §§ 74-77--74-88, and adding a new div. 6. Former div. 6 pertained to similar subject matter, and derived from the original "Zoning Ordinance" pamphlet; an Ord. of June 11, 2002; and an amendment of January 14, 2003.

Sec. 74-77. Purpose.

Depending on their size, number and character, signs either provide useful information or detract from the quality of life for residents and attractiveness of the county. Large and tall signs threaten scenic beauty and distract motorists. Therefore, the purpose of this division is to protect public health, safety and welfare and specifically to promote the safety of public travel on roads. In addition, it is the intent of Walworth County to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. This division is authorized, in part, by Wis. Stats. § 59.70(22).
(Amd. of 10-14-03, pt. I)

Sec. 74-78. General requirements.

- (a) All signs are prohibited in any zoning district except as provided in sections 74-82, 74-83, 74-84, 74-85 and 74-86.
- (b) Back-to-back signs shall constitute one sign within the meaning of this division.
- (c) All parts of a sign shall meet the setbacks as provided herein.
- (d) All signs are prohibited from being illuminated except those specifically provided for in sections 74-82, 74-85 and 74-86.
- (e) No sign shall contain, include or be illuminated by a flashing or moving light or be composed of any animated part, except as exempted under law.
- (f) Illuminated signs shall be effectively shielded so as to prevent beams of light from being directed on any adjoining property or portion of a street or road or to impair the vision of any motorist. All such signs shall conform to the electrical code. Any illuminated sign located within 500 feet of a residential zone shall be extinguished at the close of business conducted within the building or upon the premises to which the sign is attached or located, or at 11:00 p.m., whichever is earlier.
- (g) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.
- (h) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.
- (i) No sign shall encroach in any street or highway right-of-way.
- (j) In the case of signage not enumerated, the provision governing a sign that is similar shall apply.
- (k) Billboards are prohibited except as provided in section 74-85 and are further prohibited within 2,000 feet of any state designated rustic road.
- (l) The owner of any sign shall keep it in sound condition, well maintained and in good appearance and repair and shall maintain the premises on which the sign is located in a clean, sanitary and inoffensive

condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds.

(m) Abandoned signs shall be promptly removed by the owner of the property upon which said abandoned sign is located.

(n) Where state or federal law governing signs contains more restrictive conditions, such state or federal law conditions shall apply. Signs shall be subject to any restrictions lawfully enacted by any town, city or village. Where such ordinance provides more restrictive conditions, such conditions shall apply. (Amd. of 10-14-03, pt. I; Ord. No. 459-09/07, pt. I, 9-11-07; Ord. No. 466-11/07, pt. XI, 11-13-07; Ord. No. 562-06/09, pt. I, 6-9-09)

Sec. 74-79. Facing.

Only those signs enumerated in sections 74-82, 74-83, 74-84, 74-85, 74-86 but not including off-premise signs, shall be permitted to face a R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-8, A-5, C-2 and C-3 district within 100 feet of such district boundary. (Amd. of 10-14-03, pt. I)

Sec. 74-80. Existing signs.

Signs lawfully existing at the time of the adoption or amendment of this division may be continued although the use, size or location does not conform with the provisions of this division. Such signs shall be subject to the nonconforming use or substandard structure provisions of division 7 as applicable. (Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. II, 6-9-09)

Sec. 74-81. Permit required.

No person shall locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign without first obtaining a zoning permit, except as provided herein, and without being in conformity with the provisions of this article. (Amd. of 10-14-03, pt. I)

Sec. 74-82. Signs permitted in all zoning districts.

The following signs may be erected, placed, posted or exhibited in any zoning district without a permit and subject to the conditions herein specified: and shall not be included in the determination of type, number or area of signs allowed in any zoning district:

- (1) Name, occupation and warning signs not over two square feet in area, provided the same is limited to one for each premises and the same is located at least five feet from the outer limit of the street or highway right-of-way.
- (2) Real estate signs, single or double faced, not over nine square feet in area and six feet in height on property in residential zones and 32 square feet or less and six feet in height on property in nonresidential zones, provided there is no more than one sign for each premise and it is located at least five feet from the street or highway right-of-way, ten feet from the side property lines and

50 feet from any intersection.

- (3) Directional signs not over two square feet in area provided such sign is located at least 50 feet from any intersection and five feet from the street or highway right-of-way. Each institution erecting such signs shall be limited to three in number.
- (4) "No Hunting" and "No Trespassing" signs, provided the sign does not exceed two square feet in area.
- (5) Memorial signs, tablets, names of buildings and the date of erection when cut into any masonry, surface or when constructed of metal and affixed flat against a structure.
- (6) Recreational signs within a municipal park not over nine square feet in area, six feet in height and located at least five feet from the street or highway right-of-way and ten feet from any intersection.
- (7) Any federal, state or local government sign, without limitation.
- (8) Official signs such as traffic control, parking restrictions, warning, information and notices as required by law.
- (9) Window signs placed on the inside of commercial buildings provided such sign does not exceed 25 percent of the glass pane upon which the sign is displayed. Such signs may be illuminated and may be changeable copy when the building is open for business.
- (10) A sign appurtenant to a home occupation or daycare, limited to one sign per parcel and provided said sign does not exceed nine square feet in area and six feet in height, is located at least five feet from the street and highway right-of-way at least ten feet from a side property line, and 50 feet from any intersection.
- (11) A sign appurtenant to a bed and breakfast establishment limited to one sign per parcel and provided that said sign does not exceed nine square feet in area and six feet in height, is located at least five feet from the street and highway right-of-way, at least ten feet from a side property line, and 50 feet from any intersection.
- (12) A sign appurtenant to a community-based residential facility limited to one sign per parcel and provided that said sign does not exceed nine square feet in area and six feet in height, is located at least five feet from the road and highway right-of-way, at least ten feet from a side property line, and 50 feet from any intersection.
- (13) Rummage/garage sale signs. Rummage or garage sale signs not to exceed nine square feet in area and six feet in height, provided that such signs are limited to 72 hours per sale. A maximum of three such signs shall be allowed off-premises.
- (14) Except as may be necessary to ensure traffic or pedestrian safety, the provisions of this division do not apply to signs containing political messages erected on property during election campaign

periods. Such signs shall not be located within 50 feet of an intersection. The person or organization responsible for the erection or distribution of any such sign and the owner of the property upon which the sign is located, shall cause the same to be removed within 72 hours following the election campaign period.

(Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. III, 6-9-09)

Sec. 74-83. Signs permitted in all agricultural and conservation districts.

The following on-premise ground signs may be erected, placed or posted in all A-1, A-2, A-3, A-4, A-5, C-2 and C-3 districts without a permit and subject to the conditions herein specified:

- (1) Agricultural signs pertaining to the sale of products actually grown on a farm or to membership in agricultural or agricultural-related organizations which shall not exceed 24 square feet in area for any one sign, provided that no more than two signs are permitted on any one farm, shall not exceed six feet in height, such signs are located at least five feet from the street or highway right-of-way, are at least ten feet from a side property line, such signs are more than 50 feet from any intersection and are located on the same premises as the products for sale.
- (2) An on-premise business sign on lands zoned A-4 reviewed and approved as part of a conditional use process provided the sign is located at least five feet from all property lines.
- (3) A sign appurtenant to an approved conditional use limited to one sign per parcel and does not exceed nine square feet in area, is located at least five feet from the road right-of-way, at least ten feet from a side property line and shall not exceed six feet in height and shall be located at least 50 feet from any intersection.
- (4) Seasonal signs not to exceed nine square feet in area. Such signs shall be located at least five feet from the road right-of-way, at least ten feet from a side property line, shall not exceed six feet in height and shall be located at least 50 feet from any intersection.

(Amd. of 10-14-03, pt. I; Amd. of 1-11-05; Ord. No. 562-06/09, pt. IV, 6-9-09)

Sec. 74-84. Temporary signs or banners.

The following signs may be placed, posted or exhibited in any zoning district without a zoning permit and subject to the conditions herein specified:

- (1) Construction announcement signs not to exceed 32 square feet in area and six feet in height which announce new subdivisions, new industrial parks and similar facilities, provided the sign is located on the premises where the new facility is located, one sign is permitted per facility and the sign is located at least five feet from the outer limits of the street or highway right-of-way and at least 50 feet from any intersection. For the purposes of this provision, a temporary construction announcement sign is one that will be used for no more than one year;
- (2) A sign pertaining to drives or events of civic, philanthropic, educational, religious, or nonprofit organizations of not more than 12 square feet and six feet in height may be erected, placed, posted or exhibited in any district provided the sign is located at least five feet from the street or

highway right-of-way and at least 75 feet from any intersection. For the purposes of this provision, a temporary drive or event sign is one that will be used for no more than 30 days and not more than four events per calendar year shall be allowed; events may not be consecutive and at least 30 days shall have elapsed between events.

(Amd. Of 10-14-03, pt. I)

Sec. 74-85. Signs permitted in all zoning districts.

The following on-premise signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:

(1) *Churches or schools.*

- a. Signs shall not exceed 25 square feet in area.
- b. Signs shall be setback a minimum of five feet from all property lines.
- c. Signs shall be located at least 50 feet from any intersection.
- d. Signs shall not exceed six feet in height.
- e. Changeable copy panels are permitted.
- f. Only two permanent signs are permitted per church or school, only one of which may be a monument style sign and only one of which may be wall or awning style sign. This wall sign may only display the name of the church or school.
- g. May be illuminated but shall be extinguished by 11:00 p.m.
- h. Score boards do not require permits and may only be illuminated during game times.

(2) *Permanent subdivision or development signs.*

- a. Signs shall not exceed 25 square feet in area.
- b. Signs shall be setback a minimum of five feet from all property lines.
- c. Signs shall be located at least 50 from any intersection.
- d. Signs shall not exceed six feet in height.
- e. Only one sign which may be a monument style sign is permitted.
- f. Such sign shall only be used to identify the subdivision name.
- g. The zoning agency may modify the location of an on-premise sign to an abutting parcel

through conditional use review and approval. The zoning agency shall first determine it to be impractical to locate an on-premise sign on the parcel of concern and the proposed location on an abutting parcel must be next to the approved existing access to the parcel of concern. An on-premise sign on an approved abutting parcel shall not count as the on-premise sign for that parcel. The zoning agency may also modify the height, setback and number of on-premise signs on abutting parcels after considering such evidence and need as may be presented at the public hearing bearing upon the general purpose and intent of this chapter and each institution erecting such signs shall be limited to three in number. A modified sign under this section shall meet all other requirements of the sign code.

- (3) *Nonconforming business signs.* Signs (including but not limited to changeable copy) over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length. Such signs may be illuminated only when the building is open for business.

(Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. V, 6-9-09)

Sec. 74-86. Signs permitted in certain business, industrial and park districts.

(a) The following illuminated and changeable copy on-premise signs may be erected, placed or posted in all B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4, P-1 and P-2 districts with a permit and subject to the conditions herein specified, unless reviewed and modified by the committee through the conditional use process:

- (1) Wall signs not exceeding 200 square feet in display area for any one premises;
- (2) Projecting signs not exceeding 100 square feet in display area on all sides for any one premises. Projecting signs shall be located not less than ten feet from all lot lines; shall not extend more than 6 feet in any required yard and shall not exceed 20 feet in height.
- (3) Freestanding signs, limited to one sign per parcel, provided the height of sign does not exceed 30 feet and further provided said sign is located no closer than five feet from a right-of-way, is no closer than ten feet from a side lot line, 50 feet from any intersection and does not exceed 100 square feet in display area on any one side nor 200 square feet in display area on all sides.
 - a. The zoning agency may modify the location of an on-premise sign to an abutting parcel through conditional use review and approval. The zoning agency shall first determine it to be impractical to locate an on-premise sign on the parcel of concern and the proposed location on an abutting parcel must be next to the approved existing access to the parcel of concern. An on-premise sign on an approved abutting parcel shall not count as the on-premise sign for that parcel. The zoning agency may also modify the height, setback and number of on-premise signs on abutting parcels after considering such evidence and need as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance and each institution erecting such signs shall be limited to three in number. A modified sign under this section shall meet all other requirements of the sign code.

(b) The following off-premise/billboard signs may be erected, placed or posted in all B-1, B-2, B-4, M-1 and M-2 districts, with a permit, and subject to the conditions specified herein. No billboard shall:

- (1) Be located within 50 feet of the existing or proposed right-of-way of any federal, state or county trunk highway or any town road or any street measured horizontally along a line normal or perpendicular to the center of the highway;
- (2) Be located within a 2,000-foot radius of any other off-premises sign, within 2,000 feet of any intersection, within 2,000 feet of the property line of any airport, airfield or landing strip, within 2,000 feet of any state designated rustic road or within 2,000 feet of an allowable district boundary;
- (3) Exceed 15 feet in height above the mean centerline street grade and not exceed 32 square feet on one, nor 64 square feet on all sides of any one sign.

(c) Notwithstanding the foregoing, in no case shall the total square footage of signage on any parcel exceed 400 square feet unless an on-premise sign is modified by the committee.

(Amd. of 10-14-03, pt. I; Amd. of 1-11-05; Ord. No. 386-09/06, pt. I, 9-7-06; Ord. No. 562-06/09, pt. VI, 6-9-09)

Sec. 74-87. Enforcement and penalties.

In addition to any penalty provided in this code, the zoning administrator shall have the authority to order the painting, repair, alteration or removal of any signs that become dilapidated, abandoned or a physical hazard to the public safety.

The zoning administrator shall also have the authority to immediately abate any sign of a physical hazard to public safety at the expense of the sign owner.

(Amd. of 10-14-03, pt. I)

Sec. 74-88. Reserved.

DIVISION 7.

NONCONFORMING USES, STRUCTURES, AND LOTS

Sec. 74-89. Existing nonconforming uses and structures.

The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform with the provisions of this ordinance, except that:

Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted or moved.

Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50 percent

of the municipality's assessed value of the structure over the life of the structure established upon application for the first zoning permit for any addition and/or alteration identifying a legal nonconforming use, unless it is permanently changed to conform to the use provisions of this ordinance.

Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.

If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water, shall conform to the provisions of this ordinance.

When a principal nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the provisions of this ordinance or except as provided in section 74-71.

Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use or structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the board.

A current file of all nonconforming uses and structures shall be maintained by the zoning administrator listing the following: property location, use of the structure, land, or water; and assessed value of the structure. (Ord. of 6-11-02)

Sec. 74-90. Existing substandard structures.

The use of a structure (principal and/or accessory) existing at the time of the adoption or the amendment of this ordinance may be continued although the structure's size and or location does not conform to the required yard, height, parking, loading, access, and lot area provisions of this ordinance.

Additions and enlargements to existing substandard structures (principal and/or accessory) are permitted and shall conform with the established building setback line of all side yard, street yard and rear yards, but may never be closer than five feet to any lot line, and shall conform to the required shoreyard, height, parking, loading, and access provisions of this ordinance.

Existing substandard structures (principal and/or accessory) which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed to their original design (building envelope) and location (footprint) and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shoreyard, height, parking, loading, and access provisions of this ordinance.

Existing substandard structures (principal and/or accessory) may be moved, removed, razed, and reconstructed, or replaced to their original design (building envelope) and location (footprint) and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer

than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shoreyard, height, parking, loading, and access provision of this ordinance.

The provisions of this section are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by public sanitary sewer.
(Ord. of 6-11-02; Amd. of 1-14-03)

Sec. 74-91. Changes and substitutions.

Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading, and access provisions of this ordinance, it shall not revert back to a nonconforming use or substandard structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and a substituted use shall become subject to all the conditions required by the board.

Sec. 74-92. Existing substandard lots.

In any residential, conservation, or agricultural district, a one-family detached dwelling and its accessory structures may be erected on an existing substandard legal lot or parcel of record in the county register of deeds office before the effective date or amendment of this ordinance, provided such lot or parcel meets frontage requirements per section 74-39 and all the following minimum substandard lot requirements--and further provided that all requirements of the county sanitary ordinance are met:

Lot	Width	Minimum 50 feet (public sewerage). 65 feet (septic system).
	Area	Minimum 7500 square feet (public sewerage) 10,000 square feet (septic system).
Yards	Street	Minimum 25 feet; corner lots shall have two such yards.
		Minimum 50 feet from state and federal road right-of-ways or 110 feet from the centerline, whichever is greater
	Rear	Minimum 25 feet from lot line.
(Sewered)	Side:	10 feet
(Unsewered)		Minimum 16 percent of the lot width on each side but not less than five feet from the lot line. See section 74-107.

Once a substandard lot has been changed or altered so as to comply with the standard provisions of this article, it shall not revert back to a substandard lot. The combination of pre-platted lots under one tax key number constitutes a change or alteration.

(Ord. of 6-11-02; Ord. No. 353-04/06, pt. V, 4-20-06)

DIVISION 8.

PERFORMANCE STANDARDS

Sec. 74-93. Compliance.

This ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and waters shall hereafter, in addition to their use, site and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the Wisconsin Departments of Commerce and Natural Resources in the Wisconsin Administrative Code.

Sec. 74-94. Air pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringleman Chart described in the Wisconsin Administrative Code.

Sec. 74-95. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187 degrees F.	400,000
105 degrees F. to 187 degrees F.	200,000
Below 105 degrees F.	100,000

Sec. 74-96. Glare and heat.

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Sec. 74-97. Water quality protection.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or

inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life.

In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standards set forth in NR ch. 102 of the Wisconsin Administrative Code for all navigable waters in the county.

Sec. 74-98. Reserved.

Sec. 74-99. Odors.

Except in the A-1, A-2, and A-3 Districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control is set out in the Wisconsin Administrative Code.

Sec. 74-100. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Sec. 74-101. Vibration.

No activity in any district except the M-1 and M-2 districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 or M-2 districts shall emit vibrations which exceed the following displacement measured with a three component measuring system:

Frequency (Cycles Per Second)	Displacements (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

DIVISION 9.

MODIFICATIONS

Sec. 74-102. Height.

The district height limitations stipulated elsewhere in this ordinance may be exceeded but such

modification shall be in accord with the following:

- (1) *Special structures*, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, substations, and smoke stacks, shall not exceed in height their distances from the nearest lot line.
- (2) *Essential services*, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
- (3) *Communication structures*, such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three times their distance from the nearest lot line. Utility cabinets shall be setback a distance equal to two (2) times their height from the nearest lot line.
- (4) *Agricultural structures*, such as barns, silos, tanks, and windmills, shall not exceed in height two times their distance from the nearest lot line.
- (5) *Public or semipublic facilities*, multiple-family structures, and commercial and industrial structures, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structures exceeds the district's maximum height requirement.
- (6) *Any structure located* within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

(Ord. of 6-11-02)

Sec. 74-103. Yards.

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

- (1) *Uncovered stairs*, landings, terraces, balconies, decks and fire escapes may project into any required yard, except shoreyard, but not to exceed six feet and not closer than three feet to any lot line.
- (2) *Architectural projections*, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed three feet.
- (3) *Residential fences* are permitted on the property lines, but shall not in any case exceed a height of six feet in the side and rear yards, shall not exceed a height of four feet in the shore yard, shall not exceed a height of six feet in the street yard and shall not be closer than two feet to any existing public right-of-way. Fences are not permitted to cross between property lines within the 75-foot shoreyard setback and shall not create a barrier to wildlife movement and shall maintain natural shoreland beauty. Entrance pillars may be permitted on either side of the driveway/ access to the lot provided the pillars shall not be closer than two feet to any right of way, shall not exceed two feet in width and shall not exceed six feet in height.
- (4) *Security fences* are permitted on the property lines in all districts except residential districts, but

shall not exceed ten feet in height, shall not be closer than two feet to any existing public right-of-way, and shall be of an open type similar to woven wire or wrought iron fencing. Screening for garbage containers of a closed fence type may be permitted in all business, industrial and park districts except provided it does not exceed six feet in height, is not located in the street yard and shall not be closer than ten feet to a property line.

- (5) *Essential services, utilities, electric power and communication transmission lines* are exempt from the yard and distance requirements of this ordinance, except as provided in section 74-66.
- (6) *Landscaping and vegetation* are exempt from the yard requirements of this ordinance, except as provided in section 74-72.
- (7) Utility cabinets shall be setback a distance equal to two (2) times their height from the nearest lot line
- (8) The county road setback requirement is permitted to be reduced to 40 feet on lots and/or parcels located in both a sanitary sewer and water district with written verification of approvals for sewer and water hookup.

(Ord. of 6-11-02; Ord. No. 392-10/06, pt. I, 10-10-06; Ord. No. 407-01/07, pt. I, 1-9-07)

Sec. 74-104. Reduced frontage.

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

Sec. 74-105. Average street yards.

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting principal structures on each side but in no case less than 15 feet in any business district.

Sec. 74-106. Noise.

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

Sec. 74-107. Reduced side yards.

The side yards may be modified down to a minimum of 16 percent of the lot width on each side for any lots having a lot width of less than 100 feet, but in no case shall it be less than five feet. This modification applies to unsewered districts only.

DIVISION 10.

BOARD OF ADJUSTMENT

Sec. 74-108. Establishment.

There is hereby established a Board of Adjustment for the County of Walworth for the purpose of hearing appeals and applications and granting variances to the provisions of this ordinance in harmony with the purpose of intent of this ordinance.

Sec. 74-109. Membership and organization.

The board of adjustment shall consist of three members and two alternates appointed by the chairman of the county board and approved by the county board of supervisors. The chairman shall make his nominations at least one month prior to their appointment.

- (1) *Terms* shall be for staggered three-year periods.
- (2) *Eligibility.* Members of the board shall reside within the county and outside the limits of incorporated areas providing, however, that no two members shall reside in the same town.
- (3) *Chairman.* The board shall choose its own chairman.
- (4) *The zoning administrator* shall attend all meetings for the purpose of providing technical assistance when requested by the board of adjustment.
- (5) *Official oaths* shall be taken by all members in accordance with Wis. Stats. § 19.01 within ten days of receiving notice of the appointment.
- (6) *Vacancies* shall be filled for the unexpired terms in the same manner as appointments for a full term.

(Ord. No. 446-07/07, pt. I, 7-10-07)

Sec. 74-110. Rules.

The county board hereby adopts rules for the conduct of the business of the board of adjustment in accordance with the provisions of this ordinance. The board may adopt further rules as necessary.

- (1) *Meetings* shall be held at the call of the chairman and shall be open to the public.
- (2) *Minutes* of the proceedings and a record of all actions shall be kept by the board, showing the vote of each member upon each question, the reasons for the board's determination, and its finding of facts. These records shall be immediately filed in the office of the board and shall be a public record.
- (3) *The concurring vote* of two members of the board shall be necessary to take official action; correct an error; grant a variance; make an interpretation; and permit a temporary, unclassified or substituted use.
- (4) *Limitation on applications.* A party shall not initiate action for a variance affecting the same land

more of then than once every 12 months unless there is a substantial change in the proposed structure location. The 12 months to be calculated from effective date of the Walworth County Board of Adjustment's decision.

Sec. 74-111. Powers.

The board of adjustment shall have the following powers:

- (1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator.
- (2) *Variances.* To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this ordinance shall be observed and the public health, safety, and welfare preserved, and substantial justice done.
- (3) *No variance* shall have the effect of permitting any use in a district that is prohibited in that district.
- (4) *Interpretations.* To hear and decide applications for interpretations of the zoning regulations and the location of the boundaries of the zoning district, floodlands, and shorelands after the county park and planning commission has made a review and recommendation. Floodland and shoreland boundaries shall be altered by the board of zoning adjustment only when the applicant presents evidence that clearly and conclusively establishes that the location as shown on the zoning map is incorrect.
- (5) *Substitutions.* To hear and grant applications for the substitution of more or equally restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the county zoning administrator has made a review and recommendation. Whenever the board permits such a substitution, the use may not thereafter be changed without application.
- (6) *Unclassified uses.* To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the county park and planning commission and the county zoning administrator have made a review and recommendation.
- (7) *Temporary uses.* To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the county zoning administrator has made a review and recommendation. To hear and grant applications for temporary living quarters beyond those permitted in section 74-38/74-163 for a period not to exceed 12 months, due to unique circumstances and provided the request is compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the board of adjustment, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this ordinance shall be required.

(8) *Permits.* The board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.

(9) *Assistance.* The board may request assistance from any other county officers, departments, commissions, and boards.

(10) *Oaths.* The chairman may administer oaths and compel the attendance of witnesses.

(Ord. No. 466-11/07, pt. XII, 11-13-07; Ord. No. 560-06/09, pt. II, 6-9-09; Ord. No. 575-09/09, pt. III, 9-8-09)

Sec. 74-112. Appeals and applications.

Appeals to the board of adjustment may be taken by any persons aggrieved or by any officer, department, board, or bureau of the county or municipality affected by the decision of the zoning administrator. Such appeals shall be filed in the office of the zoning administrator within 30 days after the date of written notice of the decision or order of the zoning administrator. Applications may be made by the owner or lessee of the structure, land, or water to be affected at any time and shall be filed in the office of the zoning administrator. Such appeals and application shall include the following:

- (1) *Name and address* of the appellant or applicant and all abutting opposite property owners of record.
- (2) *Plat of survey* prepared by a registered land surveyor in the State of Wisconsin or other map drawn to scale and approved by the county zoning administrator showing all of the information required under section 74-119 for a zoning permit.
- (3) *Additional information* required by the deputy zoning administrator, county zoning administrator, board of adjustment or county zoning agency.
- (4) *Fee Receipt* from the zoning administrator.

Sec. 74-113. Hearings.

The board of adjustment shall fix a reasonable time and place for the hearing, publish a class two notice thereof and shall give due notice of the parties in interest, the zoning administrator, and the county zoning agency. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The board of adjustment may grant continuances or adjourn hearings from time to time.

Sec. 74-114. Findings.

No variance to the provisions of this ordinance shall be granted by the board unless it finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings.

- (1) *Exceptional circumstances.* There must be exceptional extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply

generally to other properties or uses in the same district and the granting of the variance would not be of so general or recurrent nature as to suggest that the zoning ordinance should be changed.

- (2) *Absence of detriment.* That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.
- (3) *Unnecessary hardship.* The applicant must demonstrate that (1) literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant; (2) the hardship is due to special conditions unique to the property. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.

Sec. 74-115. Decision.

The board of adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the board's decision to the appellant or applicant and the zoning administrator.

- (1) *Conditions* may be placed upon any zoning permit ordered or authorized by the board.
- (2) *Variances, substitutions, or use permits* granted by the board shall expire within 12 months unless substantial work has commenced pursuant to such grant.

DIVISION 11.

ADMINISTRATION

Sec. 74-116. Zoning administrator.

There is hereby created the office of zoning administrator for Walworth County who shall have the following duties and powers.

Sec. 74-117. Duties.

It shall be the duty of the zoning administrator to administer, supervise, and enforce the provisions of this ordinance and to:

- (1) *Record* all permits issued, inspections made, work approved, and other official actions.
- (2) *Inspect* all structures, lands, and waters as often as necessary to reasonably assure compliance with this ordinance.
- (3) *Investigate* all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this ordinance to the owner, resident agent,

contractor, subcontractor or occupant of the premises, and report uncorrected violations to the corporation counsel in a manner specified by him.

- (4) *Assist* the corporation counsel in the prosecution of ordinance violations.

Sec. 74-118. Powers.

The zoning administrator shall have all the powers necessary to enforce the provisions of this ordinance without limitation by reason of enumeration, including the following:

- (1) *Issue zoning permits* as provided for in section 74-119 upon application for the erection or use of a structure, land, or water where such erection or use complies with all the provisions of this ordinance.
- (2) Issue a zoning permit for temporary living quarters as provided in section 74-119/74-248(1)--(5) upon application where temporary living quarters comply with section 74-38/74-163 and any other applicable provisions of this ordinance.
- (3) *Access* to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wis. Stats. § 66.122, except in cases of emergency when he shall have the right of immediate entry.
- (4) *Prohibit* the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- (5) *Recommend* to the committee any additional use regulations as he shall deem necessary.
- (6) *Request assistance* and cooperation from the sheriff, county surveyor, and corporation counsel.
- (7) *Designate deputy zoning administrators* subject to confirmation by the county park and planning commission for the purpose of performing further inspections and reporting violations.

(Ord. No. 560-06/09, pt. III, 6-9-09)

Sec. 74-119. Zoning permit.

Applications for a zoning permit shall be made to the zoning administrator on forms furnished by the administrator and shall include the following where pertinent and necessary for proper review:

- (1) *Names and addresses* of the applicant, owner of the site, architect, professional engineer, and contractor.
- (2) *Description of the subject site* by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.

- (3) *Plat of survey* prepared by a registered land surveyor in the State of Wisconsin or other map drawn to scale and approved by the county zoning administrator, showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; ordinary high-water mark, channel, floodway, floodplain (using NGVD or NAVD), and shoreland boundaries; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show type, slope, boundaries of soils shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
- (4) *Additional information* as may be required by the committee or the county zoning administrator.
- (5) *Fee receipt* from the county treasurer in an amount specified in section 74-121 of this ordinance.
- (6) *Zoning permit* shall be granted or denied in writing by the zoning administrator within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 24 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, and the applicant shall reapply for a zoning permit before recommending work on the structure. Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- (7) *No zoning permit* shall be required for essential services, residential fences per section 74-103, and an accessory structure 100 square foot or less in size (except planned campground developments) but shall still be required to maintain the setback and use requirements of the ordinance including, but not limited to, section 74-166.

(Ord. No. 560-06/09, pt. III, 6-9-09; Ord. No. 575-09/09, pt. IV, 9-8-09)

Sec. 74-120. Foundation survey requirements.

(a) Except as provided for in subsection (b), any person erecting, moving enlarging or reconstructing a structure, which under this ordinance requires a zoning permit, and the submittal of a plat of survey with the proposed structure(s) located on the survey by a Registered Land Surveyor of the State of Wisconsin shall upon completion of the construction of footings, concrete slab or other foundations, submit to the zoning administrator a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, 100-year floodplain elevations and size of the following: The boundaries of the lot, all existing structures (including foundations) and their relationship to the lot lines. The zoning administrator shall compare the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. Construction may continue, but a foundation survey shall be submitted to the zoning department for review within 30 days of backfilling the foundation. If more than 30 days is needed, due to extenuating circumstances, to provide a foundation survey a written request shall be submitted to the zoning department whereby additional time may be granted in 15-day increments. All construction shall be in full compliance of the zoning ordinances of the county. If a zoning violation is later determined, the applicant, owner and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages.

(b) A foundation survey shall not be required for the construction of any structure located at least 150 feet from all property lines of the applicable zoning district. An inspection of the foundation shall be completed by the zoning administrator within 30 days of notification comparing the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. If more than 30 days is needed to complete the inspection, the zoning department will call the person that scheduled the inspection to request the additional time. Construction may continue upon notification to the zoning department, but, all construction shall be in full compliance with the zoning ordinances of the county. If a zoning violation is later determined, the applicant, owner and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages.

(c) Failure to comply with the requirements of this section shall be grounds for the issuance of a stop work order and/or citations pursuant to the Code of Ordinances.
(Ord. of 6-11-02)

Sec. 74-121. Permit fees.

Where required, all persons, firms or corporations shall pay a fee according to the approved schedule of fees of the land management department.
(Ord. of 6-11-02)

Sec. 74-122. Double fee.

A double fee may be charged by the zoning administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

Sec. 74-123. Remedial action.

Whenever an order of the zoning administrator has not been complied with after written notice has been mailed to the owner, resident agent or occupant of the premises, the county board of supervisors, the zoning administrator, or the corporation counsel may institute appropriate legal action of proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

DIVISION 12.

CHANGES AND AMENDMENTS

Sec. 74-124. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice requires, the county board of supervisors may, by ordinance, change the district boundaries or amend or supplement the regulations established by this ordinance in accordance with the provisions of the Wisconsin Statutes.

Sec. 74-125. Initiation.

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the town board of any town wherein the ordinance is in effect, by any member of the county board, or by the committee.

- (1) *Limitation on applications.* A party shall not initiate action for a zoning change affecting the same land more often than once every 12 months unless there is a substantial change in the area or a change in use. The 12 months to be calculated from effective date of the committee's public hearing.
- (2) *Pre-application for subdivision/condominium requests.* A pre-application meeting shall be required prior to the submittal of a petition for any change to the district boundaries or amendments to the regulations for a subdivision/condo development. The pre-application process shall include a sketch plan prepared by a registered land surveyor and the applicable fee. The plan submitted shall be reviewed in a meeting scheduled by the county. The plans shall be reviewed for issues related to, but not limited to, platting, zoning, sanitation, stormwater, highway and parks. If a pre-application meeting is held during the conditional use process, a pre-application meeting is not required during this process.

(Ord. 419-03/07, pt. II, 3-13-07)

Sec. 74-126. Petition.

Petition for any change to the district boundaries or amendments to the regulations shall be filed with the county clerk and the appropriate township clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (1) Petitioners name, address, phone number, and interest in property (owner, broker, etc.).
- (2) Existing zoning district.
- (3) Proposed zoning district.
- (4) Proposed use (a statement of the type, extent, area, etc. of any development project).
- (5) Compatibility with county plans (a statement of conditions warranting change in zoning).
- (6) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- (7) Legal description of property to be rezoned prepared by a registered land surveyor in the State of Wisconsin.
- (8) Plat of survey prepared by a registered land surveyor in the State of Wisconsin showing the location, boundaries, dimensions, uses, and size of the following: Subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water channel, floodway, floodplain, and shoreland boundaries; and existing high water channel, floodway, floodplain and shoreland boundaries; and existing and proposed street, side and rear yards. In

addition, the plat of survey shall show type, slope, boundaries of soils shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission. A scale plot plan may be acceptable in place of a plat of survey only if the land to be rezoned is an entire recorded tax parcel with an accurate legal description(s) or if the land to be rezoned is a complete zone district portion(s) of a recorded multiple zoned parcel and the remnant district portion(s) not to be rezoned is excluded in the legal description.

- (9) Additional information as may be requested by committee.
- (10) Fee receipt from zoning administrator.
- (11) *Township decision.* A decision from the appropriate township must be received before a public hearing may be held with respect to a petition for any change to the district boundaries. Township decisions must be submitted by the applicant to the department no later than one week prior to the scheduled hearing. An applicant may be charged a re-notice fee if the decision of the township is not received one week prior to the scheduled hearing.
- (12) *Decisions.* The committee may make a decision on any change to the district boundaries or amendments to the regulations at the next regularly scheduled meeting of the committee provided the committee received the decision of the township.

The procedure to be followed with respect to a petition for any change to the district boundaries or amendments to the regulations shall be as set forth in Wis. Stats. ch. 59.69.
(Amd. of 1-11-05)

Sec. 74-127, 74-128. Reserved.

Sec. 74-129. Text and map amendments to the A-1 district.

The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:

- (1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.
- (2) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.
- (3) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

Land which is rezoned under this section shall be subject to the lien provided under Wis. Stats. §§ 91.19(8)--(10) for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under Wis. Stats. §§ 91.19(8)--(10) shall be paid by the

governmental unit initiating the action. The department of agriculture, trade and consumer protection shall be notified of all rezonings under this section.

Sec. 74-130. Effective date.

The amending ordinance shall become effective immediately after public hearings held by the committee, adoption by the county board of supervisors and publication or posting as provided by law.

DIVISION 13.

DEFINITIONS

Sec. 74-131. Definitions.

For the purpose of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

A zones: Areas of potential flooding shown on a county's "flood insurance rate map" or "flood hazard boundary map" which would be inundated by the regional flood as defined herein. These areas may be numbered as A0, A1 to A99, or be unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Abandoned sign: Any sign located on a property which becomes vacant and is unoccupied for a period of 30 days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business activity, service or product sold on the premises.

Accessory use or structure: A use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use or the principal structure. An accessory structure cannot contain a separate dwelling unit, nor be used for overnight stays.

Adult entertainment use: An establishment consisting of, including, or having the characteristics of any or all of the following:

- (1) *Adult bookstore:* An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (2) *Adult cabaret:*
 - a. An establishment devoted to adult entertainment either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein;*

- b. A cabaret that features topless and/or bottomless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein*, for observation by patrons.
- (3) *Adult mini motion picture theater*: An enclosed building with a capacity for less than fifty persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (4) *Adult motion picture theater*: An enclosed building with a capacity for fifty or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (5) *Adult oriented establishment*: Shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein*, to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

**Specified anatomical areas*: Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

**Specified sexual activities*: Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochism, fellatio or cunnilingus. Fondling or erotic touching of human genitals, pubic region, or buttock or female breast.

Agricultural use: Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis. Stats. 91.01, 92.10)

Airport, public: Any airport which complies with the definition contained in Wis. Stats. § 114.002(18m)(a), or any airport which serves or offers to serve any common carriers engaged in air transport.

Alley: A special public right-of-way affording only secondary access to abutting properties.

Animal unit: Has the meaning given in NR-243.03(3). For animal units not listed, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Area, net developable: Those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, all lands having slopes of 20 percent or greater, and all lands proposed for commercial or business land uses.

Area, total lot: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Arterial street: A public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways, and parkways.

Attached or attachment: The minimum requirement for attachments shall include all of the following:

- (1) The attachment, when possible, must extend from original grade to the roof line of one or more of the connected structures;
- (2) The attachment must be completely enclosed by a roof, walls, and floor (openings only for windows, skylights, doors, etc., are allowed);
- (3) The attachment must be accessible from all connecting structures;
- (4) The attachment as well as the connecting structures must meet applicable Uniform Dwelling Codes for foundation requirements; and
- (5) The attachment should be similar in design and materials to the connected structure(s).

Automotive proving grounds: An area used for testing and measuring the durability, safety, performance, emissions and related functions of passenger vehicles, light-duty trucks, and multi-purpose vehicles which functions are consistent with the design, development, engineering, manufacturing, and marketing of such vehicles and the administration of the same, but does not include public performance and racing whether by paid admission or otherwise, of motorcycles, go-carts, or race cars.

Automotive salvage yard: Any premises on which more than one self-propelled vehicle, not in running and/or operating condition, is not stored within an enclosed building. Running and/or operating conditions shall be a vehicle currently licensed, registered and operating in accordance with all applicable regulations of the department of motor vehicles for the State of Wisconsin.

Banner: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind. Flags, shall not be considered banners for the purpose of this chapter.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement: That portion of any structure located partly below the average adjoining lot grade.

Bed and breakfast establishment: Any place of lodging, in compliance with Wis. Stats. 254.61(1), that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bed and breakfast establishment--commercial: Any place of lodging, in compliance with Wis. Stats. § 254.61(1), that provides eight or fewer rooms for rent to no more than a total of 20 tourist or transients in the B-6 district, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Billboard: Any off-premises sign, except political signage, exceeding 12 square feet in area.

Boardinghouse: A building other than a hotel or restaurant where meals or lodging are regularly furnished by prearrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Boathouse, private: An accessory building in the shoreyard on the same lot with a residence, designed for the protection or storage of watercraft and related marine equipment, which shall not be used for either temporary or permanent dwelling purposes, and shall not exceed 14 feet from the water surface to the ceiling or to the supporting members of a flat or deck roof, but this regulation shall not prohibit the construction of a gable roof above such height limit, nor the temporary erection of flexible coverings or sunshades over flat roofs or decks.

Building: Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building area: The total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building height: The vertical distance, measured from the lowest finished grade along the street yard elevation of the structure, to the ridge of the highest roof line of the structure; including the roofs of architectural projections such as cupolas, domes, steeples, and gables. Flat roofs shall be measured to the highest point of the roof surface including such architectural projections as railings and walls.

Building inspector: A person certified by the department of commerce to engage in the administration and enforcement of the Uniform Dwelling Code for the State of Wisconsin.

Building officer: A person other than a certified building inspector having duties that do not include the administration and enforcement of the uniform dwelling code.

Building, detached: A principal building surrounded by open space on the same lot.

Building, principal: A building in which the principal use of the lot on which it is located is conducted.

Building line: A line between which any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance.

Buildable lot area: That portion of a lot remaining after required yards have been provided.

Bulkhead line: A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to Wis. Stats. § 30.11. Filling and development is only permitted on the landward side of such bulkhead line.

Business: An occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

Campground, planned campground development: A parcel or tract of land maintained, intended, or used for the purpose of supplying nonpermanent overnight accommodations to persons in a recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motorhome, camping trailer, and park model, as well as other permitted structures as specified in section 74-62(7)/74-189(7).

Campground, public or private: Any parcel or tract of land maintained, intended, or used for the purpose of supplying non-permanent overnight accommodations to persons providing their own means of shelter in a portable device or recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motorhome, camping trailer, park model, buses, automobiles, tents or sleeping bags.

Camping unit: Any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van pick-up truck, tent or other mobile recreational vehicle.

Carport: A structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purpose of this ordinance, a carport shall be considered to be the equivalent of a garage.

Car washes: Any facility used for the washing of vehicles requiring the installation of special equipment or machinery and plumbing affixed to or affixed separate of a structure.

Cemetery: As defined in Wisconsin State Statutes Chapter 157

Centralized sanitary sewerage system: A system designed to collect, convey, and treat sanitary and other wastes from a number of individual waste sources and which operates a sewage treatment facility approved by the Wisconsin Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewerage system served by a septic tank shall not, therefore, be termed or classified as a centralized sanitary sewerage system. Such centralized sanitary sewerage systems may be publicly or privately owned and operated, but in every case is subject to the rules and regulations for the Wisconsin Department of Natural Resources.

Certificate of compliance: A floodplain certification issued by the zoning administrator stating that the use of land or a building, the elevation of the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Changeable copy sign: A sign that is designed so that characters, letters or illustrations can be changed

or rearranged without altering the face or the surface of the sign. Such sign shall not contain, include or be illuminated by a flashing or moving light or be composed of any animated part. Each change of message shall be accomplished in one second or less and each message shall remain in a fixed position for at least two seconds. The use of traveling messages or segmented messages is prohibited.

Channel: A natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Channeling: The act or action which results in an interconnection of two bodies of water, usually navigable by surface craft.

Clinic: An establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

Clothing repair shops: Shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, clothes pressing shops, but not employing over five persons.

Clothing stores: Retail stores where clothing is sold, such as department stores, dry goods and shoe stores, dress, hosiery, and millinery shops.

Club: An association of persons using a building or group of buildings for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

Cluster treatment systems: A cluster treatment system collects, conveys and treats sanitary waste and other waste water from a number of individual waste sources and is operated by a governmental unit with sanitary powers. A cluster treatment system shall include treatment systems that employ an aerated lagoon, together with a spray irrigation system. Such systems shall include those that involve a traditional septic field serving multiple homes which is thereafter collected into the cluster system. Effluent may be transported via a combination of pressure collection and local holding tank contract hauling. Cluster treatment systems are designed specifically as a means to replace or provide for failed or sub-code private sewerage systems installed prior to the availability of the new cluster system service. As such they are not designed to serve all properties within a community. Neither the properties served by the clusters nor others within the governmental district shall be considered as served by a public or centralized sanitary sewerage system for purpose of invoking any of the sewerage zoning categories.

Commercial arboretum: A place where many kinds of trees and shrubs are grown for exhibition, study and retail sale.

Commercial greenhouse: A structure or nursery used to raise vegetables, flowers, and similar materials for retail sale excluding roadside stands.

Commercial recreation facilities: Such as but not limited to arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle

ranges, Turkish baths, skating rinks, and theaters.

Commercial stable: A building or premises used for the boarding, riding, driving, jumping or training of horses or animals as a business.

Committee: That commission, also known as the Walworth County Zoning Agency, created and designated by the county board under Wis. Stats. § 59.69 to act in matters pertaining to county planning and zoning.

Composting: A controlled process of degrading organic material by micro-organisms (not to include solid waste and sludge composting).

Condominium: A property subject to a condominium declaration established in accordance with Wis. Stats. ch. 703.

Conservation area/unbuildable. That portion of the proposed subdivision parcel within the identified conservation land (open space) of the proposed development containing floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

Conservation development. A residential development in which dwellings are located in a manner that reduces the area of land needed to be cleared, graded, and converted from agricultural, woodland, or wildlife habitat uses to building sites, driveways, and yard space. In such developments, lot sizes, dimensions, and setbacks are reduced from those typically required for conventional developments, although the total number of dwellings is not increased (unless provided for through density bonuses specifically authorized under the county zoning ordinance). This term shall also encompass the concept of "conservation subdivision" and "conservation condominium".

Conservation easement. A legal agreement between a landowner and a government agency or a qualified tax-exempt nonprofit conservation organization, such as a land trust or conservancy that permanently limits uses of the land in order to protect its conservation or natural resource values. A conservation easement runs with the chain of title, in perpetuity and specifies the various conservation uses that may occur on the property. Land subject to a conservation easement remains privately owned and managed by the landowner, but monitoring and enforcement of the easement restrictions becomes the permanent responsibility and legal right of the holder of the conservation easement.

Conservation land. That portion of a tract that is set aside for the protection of sensitive natural features, land capable of use for agriculture, horticulture or silviculture, scenic views, and other unique or noteworthy features. Conservation land may be accessible to the residents of the development and/or public, or may be lands, which are not accessible to the public.

Conservation lot. A large, (ten acres or greater in size) privately owned lot-comprising part of an area of conservation land. The purpose of the conservation lot is to provide surrounding residents with visual access to conservation land, while keeping the land under private ownership and maintenance. Only a small portion of a conservation lot may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.

Conservation plan: A plan which is developed to protect existing natural resources as to conformance with soil conservation standards, or other equivalent engineering data.

Conservation standards means design criteria, standards and specifications for soil and water conservation practices and management used by the county conservation division enumerated in the Wisconsin Administrative Code, the technical guide prepared by the USDA Natural Resource Conservation Service adopted by the county land conservation committee, and other technical standards and specifications adopted by the state standards oversight council and the county land conservation committee.

Construction sign: Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

Contractors storage yard: Outside and/or inside storage of equipment, commercial vehicles, and/or supplies for contractors such as plumbers, heating and air conditioning contractors, excavators, carpenters, landscapers, painting contractors, wastewater treatment system contractors, electricians, well drillers and similar uses.

Core living area: That area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds, and other appurtenances.

Development: Any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements or repairs to buildings, other structures, or accessory uses, subdivision layout and site plan preparation, storage of material or equipment, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Development area: A parcel of land where a structure, land, water, or air is used, intended to be used, is located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered.

Directional sign: A sign which designates entrances, exits, parking areas and similar functions without advertising.

Ditching: The process of excavation for purposes of surface water drainage and removal; a shall channel, not navigable, used for the conductance of waters.

Drain: A surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

Drain tile laying: The placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of waters around building foundations.

Drainage basin: A geographic area the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.

Drainageway: Any natural or artificial water course, including but not limited to streams, rivers, creeks,

ditches, channels, canals, conduits, culverts, streams, waterways, gulleys, ravines, or washes, in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

Dredging: The process of which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

Dryland access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling: A structure or portion thereof that is designed or arranged for human habitation, but does not include boarding or lodging houses, motels, hotels, or tents.

Dwelling, detached, single-family: A structure containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, multiple-family: A structure containing three or more dwelling units.

Dwelling, single-family: A structure containing one dwelling unit, which is designed or arranged for use as living quarters for one family. "Single-family dwelling" includes a manufactured home which contains only one dwelling unit.

Dwelling, two-family: A structure on a single lot, which contains two dwelling units.

Dwelling unit: A group of rooms containing but not limited to living area(s), bathroom area(s), and food preparation area(s).

Earth moving: Any process which physically alters the existing topography by means of mechanical or hydraulic equipment and devoiding the soils of vegetative cover so as to make the same soil susceptible to erosion.

Efficiency: A dwelling unit consisting of one principal room with no separate sleeping rooms.

Egg production, commercial: An animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more animal units.

Election campaign period: A sign which shall have the meaning as set forth in Wis. Stats. § 12.04.

Election sign: A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election.

Emergency shelter: Public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

Erosion: The process by which the ground surface is worn away by action of wind or water.

Erosion control plan: A written description of control measures designed to prevent excess movement of soil, sediment or rock fragments caused by water, wind, ice or gravity. Plan shall include erosion control measures such as; grading, excavating, fills, open cuts, side slopes and other land disturbances to be mulched, seeded, sodded, riprapped, or otherwise protected as a temporary or permanent erosion control measure. Such control measures will be designed and installed also with the intent to protect surface water, man made and natural drainage ways and subsurface water. Design and installation will be performed meeting minimum standards SCS Technical Guide, or other approved engineering data which meet approval of the Walworth County Planning Office.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cables, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. These services may also include privileges in streets in accordance with Wis. Stats. 66.0425 and as amended from time to time.

Excavation: The act by which soil, earth, sand, gravel, rock, or any similar material is cut into, dug, quarried, uncovered, removed, displace, relocated, or bulldozed and shall include the conditions resulting therefrom.

Expressway: A divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family: One person, or group of individuals related by blood, marriage, adoption, or guardianship as defined by state statutes, and not to exceed four persons not so related, living together in a dwelling unit as a single housekeeping unit with an intentional structured relationship. The individuals shall have common use of, and access to all living areas, bathrooms, and food preparation areas.

Farm family business: Any lawful activity, except a farm operation, consisting of uses which are accessory to an agricultural use listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics, conducted primarily for any of the following:

- (1) The purchase, sale, lease or rental of personal or real property;
- (2) The manufacture, processing or marketing of products, commodities or any other personal property;
- (3) The sale of services.

Farm stand: See "roadside stand."

Feed lot, commercial: An animal confinement facility used or designed for the feeding or holding of 500 or more animal units for a period of 30 days or more.

FEMA: Federal Emergency Management Agency, the federal agency that administers the national Flood Insurance Program.

Fence: An artificially constructed barrier of any material or combination to enclose, screen, or separate areas.

Fill: Any act by which clean uncontaminated soil, earth, sand, gravel, rock, or any similar material is deposited, placed, pushed, pulled, or transported, and shall include the conditions resulting therefrom.

Flood frequency: The probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent chance of occurring in any given year.

Flood hazard boundary map: A map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood Insurance Rate Map (FIRM): A map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study: A technical engineering examination, evaluation, and determination of flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas are designated as numbered and unnumbered A-zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood or flooding: A general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulations or runoff of surface waters from any source;
- (3) The inundation caused by waves or currents or water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood profile: A graph or a longitudinal profile line showing the relationship of the floodwater surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation: An elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. This safety factor, also called a "free-board", is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, obstructions of bridge openings, and floodways, the effects of watershed urbanization, and loss of flood storage areas.

Flood stage: The elevation of the floodwater surface above an officially established datum plane. In Southeastern Wisconsin, it is recommended that the datum plan used by Mean Sea Level, 1929 adjustment (NGVD) or the datum plan used by Mean Sea Level, 1988 adjustment (NAVD).

Floodfringe: That portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Floodplain: Land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island: A natural geologic land formation within the floodplain that is surrounded, but not covered, by floodwater during the regional flood.

Floodplain management: Policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing: any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing or eliminating flood damage.

Floodway: Those floodlands, including the channel, required to carry and discharge the 100-year recurrence interval flood. Since development and fill are prohibited in the floodplain under the terms of this ordinance, the floodway is defined as that area subject to inundation by the ten-year recurrence interval flood.

Floor area, business, commercial, and industrial buildings: For the purpose of determining off-street parking and off-street loading requirements.

Floor area: The sum of gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counters, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

Floor area, gross: The sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment (except equipment--open or closed--located on a roof or in a basement), penthouses, attic space having a headroom of seven feet ten inches or more, interior balconies and

mezzanines, enclosed porches, and floor area devoted to accessory uses.

Freestanding sign: Any sign which is attached to or part of a completely self-supporting structure other than a building that has a structural base of less than 75 percent of the width of the area of the sign.

Freeway: An expressway with full control of access and with fully grade separated intersections.

Frontage: The smallest dimension of a lot abutting a public street or other officially approved way measured along the street line (see section 74-39).

Fur farm: Any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stats. § 29.01(3)(c), and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

Garage, private: An accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles. See also "Carport."

Garage, public: Any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

Gift stores: Retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Grading: Any stripping, excavating, filling, stockpiling, or any combination thereof, including the land in its excavated or filled condition.

Hardware stores: Retail stores where items such as plumbing, heating, carpentry and electrical supplies; sporting goods; and paints are sold.

Height of sign: The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.

High-water elevation: The average annual high-water level of a pond, stream, lake, flowage or wetland references to an established datum plane or if where such elevation is not available, the elevation of the line up to which the presence of the water is so continuous as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic, or vegetative characteristics.

Historic structure: Any structure that is either listed individually in the National Register of Historic Places, or certified by the Secretary of the Interior as contributing to the historical significance of a registered historic district, or individually listed on the state inventory of historic places in a program approved by the Secretary of the Interior, or individually listed on a local inventory of historic places in a program certified by an approved state program as determined by the Secretary of Interior.

Hospital: An institution where patients are lodged overnight providing primary health services and medical or surgical care to persons, suffering from illness, disease, injury, deformity, and other abnormal

physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

Hotel: A building where rooms, with or without meals, are supplied to the transient public, or to any one who may apply, for compensation.

Household: A family living together in a single dwelling unit, with common access to, and use of all living and dining areas, bathrooms, food preparation and serving areas.

Household occupation: Any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupation as dance schools, real estate brokerage, or photographic studios.

Interchange: A grade separated intersection with one or more turning lanes for travel between intersections legs.

Joint extraterritorial zoning committee: Any zoning committee established in accordance with Wis. Stats. § 62.23(7a).

Kennel: The use of land, with related buildings or structures, for the breeding, rearing, or boarding of more than four dogs.

Laboratory: A place where scientific experiments and research are carried on, or where drugs, chemicals, etc., are made or tested for purity or strength.

Laboratory, experimental: An establishment devoted to the development of and fabricating of preliminary or pilot models, but specifically not to include any mass production from the result of the experimental work.

Lagoon: A water body in a depression back of an offshore bar, a beach ridge, or shore dune, with these geomorphic features, either natural or manmade, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.

Lagooning: The act of creating a lagoon.

Land restoration: Land disturbance activities which require large scale grading and filling for the re-establishment or stabilization of unstable soil contours resulting from non-agricultural practices.

Land stewardship plan. A site plan, narrative and supporting documents and details, depicting, specifying and describing the proposed conservation measures and methods required to protect and improve the natural, cultural, historic and scenic elements of the conservation land. The land stewardship plan must include objectives, as stated in section 11.9-B(d)(2) of the county subdivision ordinance, for the resources and areas within the conservation land. The land stewardship plan must identify monitoring, operation and maintenance

activities needed to maintain the quality and the stability of the resources on the conservation land. The cost and schedule for implementing the proposed conservation measures and methods must be included in the land stewardship plan.

Livestock: Domestic animals traditionally used in this state in the production of food, fiber or other animal products. Livestock includes animals such as bovine animals, swine, poultry, sheep and goats. Livestock does not include animals such as equine animals, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

Livestock facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels on which the facility is located, but does not include an entire tax parcel used only for pasture. Two or more livestock facilities constitute a single livestock facility, for purposes of this chapter, if the same person owns or manages all of the facilities and any of the following apply:

- (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent tax parcels, or on tax parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (2) Common livestock structures are used to collect or store manure or other waste from the facilities.
- (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under the same nutrient management plan.

Livestock structure: A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes but is not limited to a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a pasture, a fence surrounding a pasture, a livestock watering facility in a pasture, or a machine shed or like facility that is not used for livestock.

Living rooms: All rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

Loading areas: A completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to public street or alley.

Lodge: A building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.

Lodging house: A building other than a hotel, where lodging is provided for compensation, for five or more persons not members of a family.

Lot: A parcel of land having frontage on a public street or other officially approved means of access, per section 74-39, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet

the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

Lot, corner: A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, flag: A lot configured such that its conventional length and width does not abut directly onto a public or private street or right-of-way, and where access to the street is by a narrow driveway, access easement, or similar extension.

Lot, interior: A lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot, substandard: A parcel of land having frontage on a public street, per section 74-39, occupied or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

Lot, through: A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot coverage: The area under a roof and enclosed by the exterior permanent walls.

Lot lines and area: The peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot width: The width of a parcel of land measured at the rear of the specified street yard.

Machine shops: Shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating and electrical repair and overhaul shops.

Manufactured home: A structure certified and labeled as a manufactured home under 42 US Code secs. 5401 to 5406 which, when placed on a site:

- (1) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), which meets the standards set forth in subchapters III, IV, and V of chap. ILHR 21, Wis. Adm. Code, or is set on a comparable enclosed foundation system approved by the building inspector. In townships that utilize a building officer, that officer shall require a plan certified by a registered architect, registered professional engineer, or building inspector to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (2) Is installed in accordance with the manufacturer's instructions.
- (3) Is properly connected to utilities.
- (4) Shall have a minimum width of 22 feet.

(5) Shall have a core area of living space at least 22 feet by 22 feet in size.

Minor structures: Any small, 100 square feet or less, movable accessory erection or construction, such as birdhouses, pethouses, play equipment, and arbors.

Mobile home: A vehicle manufactured or assemble before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. "Mobile home" includes the structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in the definition of manufactured home shall be deemed to be a mobile home under this zoning ordinance.

Mobile home lot: A parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park: A parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

Mobile recreational vehicle: A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including parcel model homes, do not fall within the definition of "mobile recreational vehicles".

Modular home: A structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or "pre-cut" homes or "double-wide" units. For purposes of this ordinance, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of "manufactured home" and "mobile home.")

Monument sign: Any sign independent from any building that has a structural base of not less than 75 percent of the width of the sign.

Motel: A series of attached, semiattached, or detached sleeping units for the accommodation of transient guests.

NAVD: North American Vertical Datum, elevations referenced to mean sea level datum, 1988 adjustment.

Net buildable area. The gross tract area minus all lands located within existing and proposed street right-of-ways, all lands located within railway right-of-ways or easements, all wetlands, and all of the area located within a pond, lake, or stream channel.

Net developable acre: Those lands within a development parcel remaining after the deletion of wooded slopes of 12 percent or greater, any slopes 20 percent or greater, wetlands, and existing and proposed streets.

NGVD: National Geodetic Vertical Datum, elevations referenced to mean sea level datum, 1929 adjustment

Non-common conservation land. Land designated as permanent open space, but not subject to common ownership by an association. Non-common conservation land is typically situated within large conservation lots or limited common element" at least ten acres in size, or within nonresidential lots used for compatible rural resource uses such as agriculture, horticulture, silviculture, or equestrian boarding not including building areas and required building setbacks.

Nonconforming structure: Any structure, by virtue of the use to which it is put, which does not comply with the use provision of this ordinance for the district in which it is located, such as but not limited to, structures in the floodplain, wetland, right of way, or those structures lying on or across a parcel line.

Nonconforming use: Any land or water lawfully used or occupied at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to uses.

Nonprofit conservation organization. A qualified tax-exempt conservation organization, organized as a nonprofit organization under federal tax laws that, in all or part of its mission, actively works to conserve lands by undertaking or assisting direct land transactions. Nonprofit conservation organizations purchase land or acquire conservation easements on land for its natural, recreational, scenic, historic and productive value.

Nursery: Land or greenhouses used to raise flowers, shrubs, vegetable and plants not for retail sale.

Nursing home: A building or institution for the care of the aged, the infirm or the sick, provided the same shall comply with the further definitions and with the regulations contained in the rules of the Wisconsin Department of Health and Social Services.

Off-premise sign: Any sign which is not appurtenant to the use of the property where the sign is located, or to a product sold or a service offered upon the property where the sign is located and which does not identify the place of business where the sign is located as a purveyor of the merchandise or services advertised upon the sign.

On-premise sign: Any sign that is not an off-premise sign.

Open space: Land within a development area exclusive of required yards (excluding perimeter yards adjacent to open space), access drives, and parking area. Such open space may be placed in more than one location within the development area provided, however, that no single area shall contain less than one-half acre and that such area shall have its least dimensions more than one-fourth its length.

Owners association (OA). A legal and recorded membership organization, established by the subdivider, of all owners of interests within development. The OA is established and operated with a financial subsidy from the developer, before any sale of any building area within the development. Membership of the OA of all owners and their successors within a development is mandatory and automatic and is accomplished by making membership a condition of sale and the membership document must be signed by the purchaser at the closing or settlement. The OA is governed by bylaws which must authorize the OA to collect dues and fees and place liens on the real property of members who fail to pay their dues and fees. The OA may hold undivided land, including conservation land, in common. The term owners association is synonymous with such associations as a property owners association, homeowners association and condominium association.

Parcel: A lot, lots, or tract of land designated by a single tax key number legally recorded in the Register of Deeds office. Those platted lots assigned multiple tax key numbers as a result of such things as school district, town, county, or municipal boundaries shall constitute one parcel.

Park, amusement: An area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

Park, public: An area owned by the county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

Parking lot: A structure on premises containing ten or more parking spaces open to the public for rent or a fee.

Parking space: A graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.

Parties in interest: Includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

Party wall: A wall containing no opening which extends from the elevation of building footings to the elevation of the other surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.

Pasture: An area of land where animals graze or otherwise seek feed in a manner that maintains the vegetative cover over all the grazing area, which does not have grazing at a density greater than one animal unit per acre and where the vegetative cover is the primary food source for the animals.

Patio: A terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

Permanent sign: Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in permanent manner affixed to the ground, wall or building.

Person: Except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

Personal service establishments: Includes uses such as but not limited to artists services, barber services, beauty services, dry cleaning, laundry, photographic studios, shoe repair and cleaning services, custom tailoring, travel arranging services and day spas.

Pets, household: Animals commonly found in residences as pets, such as dogs, cats, song birds, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.

Pierhead line: A boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the State Department of Natural Resources, pursuant to Wis. Stats. § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Wis. Stats. § 30.12(2).

Planned residential development: Any residential development to be created as a single entity which permits improved environmental design and innovative uses of land and structures which are consistent with the overall intent of the Walworth County Zoning Ordinance.

Private sewage system: A sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Professional homes offices: Residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence.

Projecting sign: Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.

Property: An unimproved parcel, a parcel together with improvements on it, or improvements without the underlying land.

Reach: A longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

Real estate signs: A sign pertaining to the lease, hire or sale of land, building or part thereof upon which the sign is located.

Reasonably safe from flooding: Base flood waters will not inundate the land or damage structures to be removed from the flood hazard area and that any subsurface waters related to the base flood will not damage

existing or proposed structures.

Recreational camp: An area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational, or religious purposes.

Recycling: The process by which waste products such as metal cans, glass, newspaper, document paper, cardboard, plastic, are collected and/or reduced to raw material for the transformation into new and different products (not to include automobile salvage, wrecking, junk, demolition, toxic and hazardous/medical waste, and scrap yards which are governed in division 4 of this ordinance) which are governed in division 4 of this ordinance.

Regional flood: A flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Rendering plant: A plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products, such as hide, skin, grease, bones, glue and soap, and for the storage of such by-products.

Residential accessory structures: Including but not limited to detached garages, detached personal storage structures, swimming pools, hot tubs, tennis courts, etc.

Retirement home: A building or institution for the accommodation of elderly persons, with or without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, easement or condemnation and intended (whether improved or unimproved) to be occupied by a street for vehicular way or railroad. The right of one to pass over the property of another for ingress and egress. Essential services are permitted to be located within a right-of-way."

Right-of-way line: The dividing line between a highway and the abutting lots or other divisions of land.

Roadside stand: A structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Rooming house: See "lodging house."

Sanitary landfill: A type of land disposal operation involving the disposal of solid waste and/or contaminated soil on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more frequent intervals as may be necessary.

School: Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Seasonal signs: A sign used to identify seasonal commercial establishments, including but not limited to Christmas tree lots, fruit and vegetable stands, and crop signs.

Sediment: Soils or other surficial materials transported by wind or surface water as a product of erosion.

Service station: Any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Shorelands: Those lands lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds, and flowages; 300 feet from the high-water elevation of navigable streams; or to the landward side of the floodplain, whichever is greater.

Shoreline buffer zone: The vegetation protection area.

Shorelines: The intersection of the land surfaces abutting lakes, ponds, streams, flowages, and wetlands with the average annual high-water elevation.

Sign: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known which is used or is intended to attract attention of the public and which is visible from any public street or highway but does not include legal notices required to be posted by municipal, state or federal law and highway and traffic signs authorized by municipal, state or federal law. The term sign shall not include flags.

Silt: Soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

Sketch plan overlay sheet. A sketch map drawn on translucent or transparent material, to be overlain on top of an existing conditions and site analysis map, to determine the extent to which the proposed layout of house sites, streets, lot lines, and protected open space avoids negatively impacting the property's principal and noteworthy natural and cultural features.

Slaughterhouse: Any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry, and the storage, freezing and curing of meat and preparation of meat products.

Smoke unit: The number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Soil: Any earth, sand, gravel, rock, or any similar material.

Soil and water conservation district: A county whose board of supervisors has by resolution declared

said county to be a soil and water conservation district.

Solid waste: Garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

Steep slope: A slope over 12 percent grade, which is characterized by increased runoff, erosion, and sediment hazards.

Stewardship fund. An endowment or fund that is established along with a conservation easement agreement and is used to cover the expense of monitoring, enforcing, compliance and legal defense of the easement.

Storage capacity: The volume of space available above a given cross-section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

Stormwater best management practice. Structural and nonstructural practices and methods that are designed, constructed and maintained to control the quantity and quality of stormwater. Stormwater best management practices selected are based the physical suitability of a site, the overall site management objectives and the performance criteria specified in the county land disturbance, erosion control and stormwater management ordinance.

Stormwater management plan. A plan that includes structural and nonstructural stormwater best management practices selected to match overall site management objectives and site conditions with the stormwater performance criteria specified in the county land disturbance, erosion control and stormwater management ordinance. The plan includes scaled site plans, narrative, construction details, design computations, inspection, operation and management requirements for the structural and nonstructural stormwater management practices selected to the serve the development. The costs and schedule for constructing, operating and maintaining the selected structural and nonstructural stormwater best management practices selected to service the site, must be included in the stormwater plan.

Story: That portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling next above. A basement shall not be counted as a story.

Story, half: A story which is situated in a sloping roof, the floor area of which does not exceed 2/3 of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

Street: Any public or private vehicular way that provides access to property, including but not limited to state, county, township, and private roadways.

Stripping: Any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

Structure: Anything constructed or erected.

Structural alterations: Any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structural improvement: Any repair, re-construction or improvement of a nonconforming structure, the cost of which equals or exceeds 50 percent of the present assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alterations of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Subdivision road: A town road or other officially approved means of access providing access to interior lots located within a subdivision or minor subdivision as defined in the Walworth County Land Division Ordinance.

Substandard structure: Any structure conforming in respect to use but not in respect to the frontage width, height, lot area, yard, parking, loading or distance requirements of this ordinance.

Tourist court. Same as "Motel."

Turning lanes: An existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unit: A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or part thereof) in a building.

Unnecessary hardship: That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Use: The purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use consistent with agricultural use: (Wis. Stats. 91.01 (10), 92.10) Any activity that meets all of the following conditions:

- (1) The activity will not convert land that has been devoted primarily to agricultural use, unless

under a state or federal wetland restoration program or any other designated program as adopted by the county board of supervisors.

- (2) The activity will not limit the surrounding land's potential for agricultural use.
- (3) The activity will not conflict with agricultural operations on land subject to a farmland preservation agreement.
- (4) The activity will not conflict with agricultural operations on other properties.

Use, accessory: A subordinate use on the same lot which is incidental and customary in connection with the principal or conditional use.

Use, principal: The main use of land or building as distinguished from a subordinate or accessory use.

Use, conditional: Uses of a special nature so as to make impractical their predetermination as a principal use in a district.

Utilities: Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including electric power generation plants, sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Vision clearance: An unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street or railroad right-of-way lines and a setback line connecting points located on such right-of-way lines by measurement from their intersection as specified in this ordinance.

Wall sign: Any on-premise sign painted or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Waterfront: Land at the edge of a navigable body of water such as a stream, river, pond, flowage, harbor, bay or lake.

Wetland restoration project: A project to restore a floodplain wetland by the installation of best management practices. The applicant must demonstrate that the project restores or improves functional values including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhanced fisheries and wildlife habitat, improved filtration or storage of sediments, nutrients, and toxins, improved shoreline protection against erosion, and any additional wetland functional values.

Woodland. Those upland acres one acre or more in size having 17 or more deciduous trees per acre, each measuring at least four inches DBH (diameter at four and one-half feet above the ground) and having 50 percent or more tree canopy coverage. Coniferous tree plantations and reforestation projects are also considered woodlands. (/SEWRPC)

Yard: An open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street and rear yards extend the full width of the lot.

Yard, rear: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or opposite one of the street yards with driveway access on a corner lot.

Yard, side: A yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. Any yards not designated as a street yard, rear yard or shore yard shall also be deemed side yards.

Yard, street: A yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line, and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. Also called front yard.

Zoning administrator: For the purposes of this ordinance, the zoning administrator shall be the zoning manager and those zoning officers hired by Walworth County to enforce the provisions of the zoning ordinance. (Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 10-14-03; Amd. of 7-13-04; Amd. of 3-8-05; Amd. of 4-19-05; Amd. of 8-9-05; Ord. No. 315-09/05, pt. IV, 9-8-05; Ord. No. 369-07/06, pt. V, 7-11-06; Ord. No. 428-04/07, pt. III, 4-17-07; Ord. No. 436--05/07, pt. III, 5-8-07; Ord. No. 457-09/07, pt. II, 9-11-07; Ord. No. 459, pt. III, 9-11-07; Ord. No. 466-11/07, pt. XIII, 11-13-07; Ord. No. 501-06/08, pt. I, 6-10-08; Ord. No. 561-06/09, pt. III, 6-9-09; Ord. No. 562-06/09, pt. VII, 6-9-09; Ord. No. 563-06/09, pt. III, 6-9-09; Ord. No. 575-09/09, pt. V, 9-8-09)

Secs. 74-132--74-150. Reserved.

ARTICLE III.

SHORELAND ZONING ORDINANCE

DIVISION 1.

INTRODUCTION

Sec. 74-151. Authority.

This ordinance is adopted under the authority granted by Wis. Stats. §§ 59.69, 59.692, 59.694, 87.30 and 281.31 and amendments thereto. The Board of supervisors of the County of Walworth, Wisconsin, do ordain as follows:

Sec. 74-152. Title.

This zoning ordinance shall be known as, referred to, and cited as the "Shoreland/Floodplain Zoning

Ordinance, Walworth County, Wisconsin" and hereinafter referred to as the "ordinance."
(Ord. No. 575-09/09, pt. VI, 9-8-09)

Sec. 74-153. Purpose.

The purpose of this ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of the county and its communities and to protect the natural and agricultural resources, as identified and mapped in the County Land Use Plan, the Regional Natural Areas and Critical Species Habitat Protection and Management Plan for Southeastern Wisconsin, the County Park and Open Space Plan, and/or on the County Zoning Map.

Further purposes include utilizing conservation development design to encourage restoration of previously drained wetlands, reforesting former woodlands, replanting native species of grasses and wildflowers in reclaimed prairies, and utilizing stormwater management strategies to replenish aquifers and to recharge groundwater supplies through infiltration measures, and to minimize surface runoff, wherever feasible.

In addition, conservation development design is recognized as a practical tool to help protect interconnected networks of open space, to protect water resources, to sustain a diversity of native vegetation and wildlife, and to help establish substantial buffers along scenic roadways, existing protected land, and actively-worked farmland.
(Amd. of 7-13-04)

Sec. 74-154. Intent.

It is general intent of this ordinance to:

- (1) Regulate the use of all structures, lands, and waters within the shoreland areas of Walworth County;
- (2) Regulate lot coverage, population density and distribution, and the location and size of all structures within the shoreland areas of Walworth County;
- (3) Secure safety from fire, flooding, panic and other dangers;
- (4) Provide adequate light, air, sanitation, and drainage;
- (5) Further the appropriate use of land and conservation of natural resources;
- (6) Obtain the wise use, conservation, development, and protection of the county's water, soil, wetland, woodland, and wildlife resources and attain a balance between land uses and the ability of the natural resource base to support and sustain such uses;
- (7) Prevent overcrowding and avoid undue population concentration and urban sprawl;
- (8) Stabilize and protect the natural beauty and property values of the county;

- (9) Lessen congestion in and promote the safety and efficiency of the streets and highways;
- (10) Facilitate the adequate provision of public facilities and utilities;
- (11) Preserve natural growth and cover and promote the natural beauty of the county;
- (12) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the county;
- (13) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects.
- (14) To preserve the beauty and rural character of the county through the permanent preservation of meaningful open space and sensitive natural resources;
- (15) To preserve prime agricultural land by concentrating housing on lands that have low agricultural potential;
- (16) To provide commonly-owned open space areas for passive and/or active recreational use by residents of the development and, where specified, the larger community;
- (17) To provide a diversity of lot sizes, housing choices and building densities to accommodate a variety of age and income groups;
- (18) To provide buffering between residential development and non-residential uses;
- (19) To meet demand for housing in a rural setting;
- (20) To provide an opportunity to create an interconnected network of protected lands;
- (21) To protect the quality and abundance of ground water resources; and
- (22) To protect and restore environmentally sensitive areas, biological diversity, minimize disturbance to existing vegetation, and maintain environmental corridors.

Additionally, it is intended to provide for the administration and enforcement of this ordinance and to provide penalties for its violation.

(Amd. of 7-13-04)

Sec. 74-155. Abrogation and greater restrictions.

Except for the provisions of any ordinance enacted under Wis. Stats. §§ 59.69, 59.69(7), 59.692, 59.694 or 87.30, relating to shorelands and floodplains which are hereby superseded, it is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to law. However, wherever this ordinance imposes greater restrictions, the provisions of this ordinance shall govern.

(Ord. No. 575-09/09, pt. VII, 9-8-09)

Sec. 74-156. Interpretation.

In their interpretation and application, the provisions of this ordinance shall be held to be the minimum requirements liberally construed in favor of the county and shall not be construed to be a limitation or repeal of any other power granted by the Wisconsin Statutes. This ordinance shall be interpreted and applied in its entirety and shall be consistent with the purpose and intent of this ordinance. Where a provision of this ordinance is required by a standard in chapters NR 115 and NR 116, Wisconsin Administrative Code, and where the ordinance provision is unclear, the provision shall be interpreted in light of the chapters NR 115 and NR 116 standards in effect on the date of the adoption of this ordinance or in effect on the date of the most recent text amendment to this ordinance.

(Ord. of 6-11-02; Ord. No. 575-09/09, pt. VIII, 9-8-09)

Sec. 74-157. Severability and nonliability.

If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby. This ordinance does not imply or guarantee that non floodplain areas or permitted floodplain uses will be free from flooding and flood damages. This ordinance shall not create a liability on the part of, or a cause of action against, the county or any office or employee thereof for any damages that may result from reliance on this ordinance.

(Ord. of 6-11-02; Ord. No. 575-09/09, pt. IX, 9-8-09)

Sec. 74-158. Conflicting ordinances.

All prior county ordinances, or parts of ordinances and amendments thereto conflicting with this ordinance, are hereby repealed and superseded by this ordinance.

All other ordinances enacted by the county under section 59.69, 59.692, 59.694, 87.30, and 281.31 relating to floodlands and shorelands, including the "Shoreland Zoning Ordinance for Walworth County" adopted by the Board of Supervisors on January 12, 1971, are hereby repealed and superseded by this ordinance.

Sec. 74-159. Adoption and effective date.

This ordinance shall be effective after a public hearing, recommendation by the county zoning agency, and hereafter referred to as committee; adoption by the county board of supervisors; and publication or posting as provided by law.

The county shoreland/floodplain zoning provisions in effect on the date of annexation in cities and villages shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements of NR 115 and NR 116, Wisconsin Administrative Code and the National Flood Insurance Program (NFIP). These annexed lands are described on the municipality's official zoning map. County shoreland/floodplain zoning provisions are incorporated by reference for the purpose of administering this section and are on file in the office of the municipal zoning administrator. All plats or maps of annexation shall show the regional flood elevation and all

information on the FIRM.
(Ord. of 6-11-02; Amd. of 4-22-04; Ord. No. 575-09/09, pt. X, 9-8-09)

DIVISION 2.

GENERAL PROVISIONS

Sec. 74-160. Introduction.

The proper regulation of the use of certain structures, lands and waters only through the use of the zoning districts contained within this ordinance, is neither feasible nor adequate. Therefore, the following regulations, which shall be applied in addition to the district regulations, are necessary to accomplish the intent of this ordinance.

Sec. 74-161. Jurisdiction.

The provisions of this ordinance shall apply to all structures, land, water and air within the unincorporated areas of Walworth County, Wisconsin.

Unless specifically exempted by law, all cities, villages, towns, counties and state are required to comply with this ordinance and obtain all necessary permits. State agencies are required to comply if Wisconsin Statute § 13.48(13), applies. The construction, reconstruction, maintenance and repair of state highways and bridges by the Wisconsin Department of Transportation is exempt when Wisconsin Statute § 30.2022 applies.
(Ord. No. 575-09/09, pt. XI, 9-8-09)

Sec. 74-162. Compliance.

No structure, land, water or air shall hereafter be used or developed, and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, modified, extended, enlarged, converted, or structurally altered without a zoning permit and without full compliance with the provisions of this ordinance and all other applicable local, county, state and federal regulations. Minor structures may be exempt from the zoning permit process but shall comply fully with the provisions of this ordinance and all other applicable local, county, state and federal regulations.

Nothing herein contained shall require any changes in plans, construction, size or designated use of any building, or part thereof, for which a zoning permit has been issued before the effective date of this ordinance and the construction of which shall have been completed within 24 months from the date of such permit.

The zoning administrator shall accept all applications, issue or deny all zoning permits, investigate all complaints, give notice of violations, and enforce the provisions of this ordinance. All violations of this ordinance shall be reported to the corporation counsel who shall bring action to enforce the provisions of this ordinance.

Access. The zoning administrator and his deputies shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, they are refused entry after presentation of proper identification, they may procure a

special inspection warrant in accordance with Wis. Stats. § 66.0113.
(Ord. No. 575-09/09, pt. XII, 9-8-09)

Sec. 74-163. Use regulations.

Only the following uses and their essential services shall be allowed in any district:

- (1) Principal uses specified for a district.
- (2) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home and professional occupations as defined herein. An accessory structure cannot contain a separate dwelling unit.

The size (square footage at ground floor elevation) of accessory structures shall be based on lot area. The lot area shall be considered the net area less areas zoned C-1 and C-4.

The total accessory structure floor area shall be calculated as follows:

Parcel from 0 to 12,000 square foot is limited to 10% of lot area in accessory structures;

Parcel 12,001 sq. ft. to 1.99 acres is limited to 1,200 sq. ft. of accessory structures;

Parcel two acres to 2.99 acres is limited to 1,700 sq. ft. of accessory structures;

Parcel three acres to 3.99 acres is limited to 2,200 sq. ft. of accessory structures;

Parcel four acres to 4.99 acres is limited to 2,700 sq. ft. of accessory structures;

Parcel five acres or more is limited to 1.5% of lot area in accessory structures.

The height and location of accessory structures shall be as follows:

Accessory structures are permitted in the rear and side yards of all lots, and in the street yards of waterfront lots, flag lots, through lots, corner lots and lots of one acre or more in size. When located in the side yard and the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback. Only boathouses, boat hoists, and piers shall be permitted in the shoreyard.

Accessory structures 1,200 square feet or less in size shall not exceed 17 feet in height. When located in the side yard they shall conform to the setbacks required by the zone district and/or division 7 of this article. When located in the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback except an alley which shall be at least five feet. When located in the street yard on waterfront lots, they shall not be located closer than three feet to the lot line, five feet to an alley line, nor ten feet to the road right-of-way. When located in the rear yard they shall not be located

closer than three feet to the lot line.

Accessory structures greater than 1,200 square feet shall not exceed 25 feet in height, and shall maintain the setbacks required by the zone district for the principal structure.

The above size, height, and locational requirements are applicable to accessory structures used for residential purposes in all zone districts where they are a permitted or conditional use. The requirements are not applicable to boathouses, accessory structures used for agricultural purposes in the A-1, A-2, and A-3 districts nor for accessory structures used for business, industrial, public, or recreational purposes.

- (3) Conditional uses and their accessory uses shall be permitted in specified districts after review, public hearing, and approval by the committee in accordance with procedures and standards established in division 4 of this article.
- (4) Uses not specified in this section may be permitted by the board of adjustment after the committee has made a review and written recommendation and provided that such uses are similar in character to the permitted uses in the district.
- (5) Temporary uses, such as shelters for materials and equipment being used in the construction of a permanent structure and temporary living quarters beyond that permitted in (6), may be permitted by the board of adjustment, as provided for under section 74-111 of this chapter.
- (6) Temporary living quarters while constructing a new single family residence is permitted in any district that permits a single family residence as a principal use provided all of the following minimum requirements are met:
 - a. Approval is limited to 18 months or occupancy, whichever comes first with the removal of the temporary living quarters within 60 days of occupancy of the new single family residence.
 - b. Signed and notarized agreement to abate temporary quarters, on forms provided by the zoning administrator, to be recorded in the register of deeds office.
 - c. Shall be required to meet district setback requirements.
 - d. Shall have an issued zoning permit for the new single family residence.
 - e. Shall comply with well and sanitary regulations.
- (7) Performance standards listed in division 8 shall be complied with by all uses in all districts, except where specifically exempted in division 8.

(Ord. of 6-11-02; Amd. of 4-19-05; Ord. No. 353-04/06, pt. VI, 4-20-06; Ord. No. 428-04/07, pt. IV, 4-17-07; Ord. No. 445-07/07, pt. II, 7-10-07; Ord. No. 474-01/08, pt. I, 1-8-08; Ord. No. 560-06/09, pt. V, 6-9-09)

Sec. 74-164. Site regulations.

All lots shall abut upon a public street or other officially approved way for a frontage of at least 50 feet; all principal structures shall be located on a lot; and except in the A-1, A-2, A-3, P-1, P-2, R-4, R-5, R-6, R-8, & B-5 Districts or as otherwise provided for in this ordinance as a planned residential development or a planned unit development, only one principal structure shall be located, erected, or moved onto a lot.

No zoning permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.

Width and area of all lots not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of a private onsite wastewater treatment system (POWTS) designed in accordance with the county sanitary ordinance.

The width of all lots which have soils suitable for the use of a private onsite wastewater treatment system shall not be less than 150 feet and the area of all such lots shall not be less than 40,000 square feet per dwelling unit to be constructed on the lot.

The width and area of all lots shall meet each of the minimum district requirements. A road/street separates a parcel of land provided there is at least 150 feet in lot width, 40,000 square feet in lot area and 50 feet of frontage on an officially approved way.

All land divisions which encompass divisions resulting in parcels of land less than 35 acres which are not otherwise controlled by the county subdivision control ordinance, shall be subject to a review process under this ordinance. The review process shall also include the sale or exchange of parcels or portions thereof of land between owners of adjoining property to assure additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance or other applicable laws or ordinances. The review process shall use the appropriate application form and an instrument prepared by a registered land surveyor licensed in the state.

(Amd. of 5-10-05; Ord. No. 391-10/06, pt. II, 10-10-06; Ord. No. 428-04/07, pt. V, 4-17-07; Ord. No. 472-12/07, pt. II, 12-11-07)

Sec. 74-165. Sanitary regulations.

No private onsite wastewater treatment system or parts thereof shall be located, installed, moved, reconstructed, extended, enlarged, converted, substantially altered or their use changed without a sanitary permit and without full compliance with the county sanitary ordinance. In the floodplain, a new private sewage system is prohibited but replacement sewage systems are permitted if there is no practicable alternative to locate the system outside the floodplain, the system is floodproofed, and the system is in compliance with Comm. 83. Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 811 and 812, Wisconsin Administrative Code.

(Amd. of 5-10-05; Ord. No. 575-09/09, pt. XIII, 9-8-09)

Sec. 74-166. Floodplain overlay regulations.

(a) *Areas to be regulated.* This ordinance regulates all unincorporated areas that would be covered by the regional flood or base flood. Base flood elevations are derived from the flood profiles in the flood

insurance study. Regional flood elevations may be derived from other studies. Areas covered by the base flood are identified as A zones on the flood insurance rate map.

(b) *Official maps and revisions.* The boundaries of the floodplain district are designated as floodplains or A zones on the maps listed below and revisions listed in section 74-264 (floodplain appendix). Any change to the base flood elevations (BFE) in the flood insurance study (FIS) or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No change to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the land use and resource management office, Walworth County, Wisconsin. If more than one map or revision is referenced, the most restrictive information shall apply.

- (1) Flood insurance rate map (FIRM), panel numbers 55127C0009D, 55127C0017D, 55127C0019D, 55127C0028D, 55127C0029D, 55127C0033D, 55127C0036D, 55127C0037D, 55127C0039D, 55127C0041D, 55127C0065D, 55127C0068D, 55127C0069D, 55127C0070D, 55127C0079D, 55127C0085D, 55127C0086D, 55127C0087D, 55127C0088D, 55127C0089D, 55127C0091D, 55127C0092D, 55127C0093D, 55127C0094D, 55127C0111D, 55127C0112D, 55127C0115D, 55127C0116D, 55127C0118D, 55127C0144D, 55127C0152D, 55127C0154D, 55127C0160D, 55127C0162D, 55127C0163D, 55127C0164D, 55127C0166D, 55127C0167D, 55127C0168D, 55127C0169D, 55127C0179D, 55127C0180D, 55127C0181D, 55127C0182D, 55127C0183D, 55127C0184D, 55127C0190D, 55127C0193D, 55127C0194D, 55127C0195D, 55127C0201D, 55127C0202D, 55127C0205D, 55127C0206D, 55127C0207D, 55127C0210D, 55127C0213D, 55127C0215D, 55127C0219D, 55127C0220D, 55127C0226D, 55127C0227D, 55127C0228D, 55127C0229D, 55127C0231D, 55127C0233D, 55127C0236D, 55127C0237D, 55127C0238D, 55127C0239D, 55127C0241D, 55127C0245D, 55127C0275D, 55127C0276D, 55127C0280D, 55127C0281D, 55127C0282D, 55127C0285D, 55127C0300D, 55127C0301D, 55127C0305D, 55127C0308D, 55127C0310D, 55127C0312D, 55127C0316D, 55127C0317D, 55127C0327D, 55127C0329D, 55127C0330D, 55127C0331D, 55127C0332D, 55127C0333D, 55127C0334D, 55127C0336D, 55127C0337D, 55127C0345D, 55127C0355D, 55127C0360D, 55127C0361D, 55127C0362D, 55127C0363D, 55127C0364D, 55127C0366D, 55127C0368D, 55127C0385D, 55127C0425D, 55127C0460D, 55127C0477D dated October 2, 2009; with corresponding profiles that are based on the flood insurance study (FIS) dated October 2, 2009, Volume number 55127CV000A. Approved by DNR and FEMA.
- (2) 100-year dam failure floodplain analysis and assignment of the hazard rating for the Lake Beulah Dam, Field File No. 64.05, Walworth County. Approved by: The DNR and FEMA
- (3) Floodplain study appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix, section 74-264 of this ordinance.
- (4) County zoning maps described in section 74-177.

(c) *Primary purpose and intent.* The floodplain overlay district is hereby created pursuant to the mandates of Wisconsin Statute § 87.30 and NFIP regulations for the purpose of regulating all areas that would be covered by regional flood or base flood where serious flood damage may occur. The Floodplain Overlay District is one district that covers the floodway, floodfringe and general floodplain areas. The purpose of these

regulations is to provide for sound floodplain management by preventing development and structures in the floodplain of Walworth County so as to:

- (1) Protect life, health, safety, general welfare, and property;
 - (2) Minimize expenditures of public funds for flood control projects;
 - (3) Minimize rescue and relief efforts undertaken at the expense of the taxpayers;
 - (4) Minimize business interruptions and other economic disruptions;
 - (5) Minimize flood damage;
 - (6) Minimize the occurrence of future flood blight areas in the floodplain;
 - (7) Prevent the victimization on unwary land and homebuyers;
 - (8) Prevent increases in flood heights that could increase flood damage and result in conflicts between property owners;
 - (9) Support public information in accordance with NR 116.20 (5).
- (d) *Prohibited uses.*
- (1) Dumping;
 - (2) Filling;
 - (3) Excavating (except wetland restorations);
 - (4) Any new private sewage system or public sewage system;
 - (5) Any wastewater treatment ponds or facilities, except those permitted under s. NR 110.15(3)(b), Wis., Adm. Code.
 - (6) Solid or hazardous waste disposal sites;
 - (7) Wells which are used to obtain water for ultimate human consumption;
 - (8) Storage of materials which are buoyant, flammable, explosive, injurious to property, water quality or human, animal, plant, fish or other aquatic life;
 - (9) All structures; including but not limited to residential, accessory, agricultural, commercial, recreational, manufactured homes, retaining walls, decks, etc. which is any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to roofed and walled buildings, gas or

liquid storage tanks, bridges, dams and culverts;

- (10) Basement of any enclosed area of a building having its floor sub-grade, i.e., below ground level, on all sides;
- (11) Crawlways or Crawl space of an enclosed area below the first usable floor of a building, generally less than five feet in height, used for access to plumbing and electrical utilities;
- (12) Additions to floodplain structures;
- (13) Public assembly structures;
- (14) Parking and loading areas;
- (15) Mobile homes and mobile home parks;
- (16) Camping units and campgrounds;
- (17) Permanent sheltering and restricted confinement of animals;
- (18) Mineral extraction;
- (19) Repairs or alterations that equal or exceed 50 percent of the equalized assessed value of any use shall not be permitted except as provided for in division 4 of this ordinance;
- (20) Replacement of flood damaged nonconforming structures.

(e) *Permitted Uses.* The following uses are permitted uses provided they are permitted in the zoning district and further provided it is not prohibited by any other ordinance. All floodplain uses permitted under this section shall use, as a flood protection elevation, a height corresponding to two feet above the flood profile for the particular area. No use shall obstruct flow or increase regional flood height due to floodplain storage area lost.

- (1) Functionally water-dependent uses that comply with and/or receives permit approval from the department of natural resources, under chapters 30 and 31 of Wisconsin Statutes, such as docks, piers, wharves, culverts, ditches, canals, dams, bulkheads, navigational aids, flowage areas, river crossings of utility transmission lines and pipelines, public water measuring and control facilities, utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, municipal water supply and sanitary sewerage systems and similar products and services, subject to obtaining amendments to the floodplain lines, water surface profiles, BFE's established in the FIS, or other data from the officially adopted FIRM, or other floodplain zoning maps or the floodplain zoning ordinance are made according to Div. 12.
- (2) Non-structural agricultural uses in any agricultural district such as; farming, outdoor plant nurseries, horticulture, viticulture and wild crop harvesting, provided there is no filling or excavating. Breakaway fencing is permitted.

- (3) A wetland restoration or enhancement project conducted by or as part of a governmental project if the sole purpose of a project is wetland restoration or enhancement and the impact of the project has no increase in the flood stage. If the intent of the project is to restore a wetland area by the installation of best management practices, the applicant must demonstrate that the project restores or improves functional values including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhanced fisheries and wildlife habitat, improved filtration or storage of sediments, nutrients, and toxins, improved shoreline protection against erosion, and any additional wetland functional values. A licensed engineer in the State of Wisconsin shall certify the effect of a wetland project upon the floodplain model or potential increase in the flood stage on neighboring property. Any damages occurring from wetland restoration will be the responsibility of the applicant(s). This is not a mitigation policy, allowing filling of wetlands, but a restoration policy. If a wetland restoration or enhancement project will have an effect upon the floodplain model or increase flooding on neighboring property then the procedure for conditional use review and floodstage hydrologic analysis shall be followed.
- (4) Nonstructural recreational uses provided there is no fill, excavating, or structures, such as golf courses, archery ranges, picnic grounds, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting, trap and skeet activities, hunting and fishing areas.
- (5) Public utilities if adequate floodproofing measures are provided to the flood protection elevation and construction does not obstruct flow which would block the conveyance of floodwaters by itself or with other development increasing regional flood height or increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot.
- (6) Replacement sewage system, if there is no practicable alternative to locate the system outside of the floodplain. Sewage systems shall comply with Comm. 83 and floodproofing measures shall be provided to the flood protection elevation.
- (7) Floodplain areas may be utilized to meet required yards or open space.
- (8) The construction, reconstruction, maintenance and repair of state highways and bridges by the department of transportation is exempt when Wis. Stats. § 30.2022, applies, however, the state must comply with the National Flood Insurance Program regulations.
- (f) *Conditional uses.* Uses not prohibited or those uses listed below are conditional uses provided the use is also permitted in the zoning district and the applicant can meet the requirements and conditions of 74-187.
 - (1) Wetland restoration projects: The applicant must demonstrate that the project restores or improves functional values, by the installation of best management practices, including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhanced fisheries and wildlife habitat, improved filtration or storage of sediments, nutrients, and toxins, improved shoreline protection against erosion and any additional wetland functional values. Any damages occurring from wetland restoration will be the responsibility of the applicant(s). Legal arrangements must be made with all affected landowners prior to construction

by applicant(s). This is not a mitigation policy, allowing filling of wetlands, but a restoration policy.

- (2) Water course alterations subject to written notification to all adjacent municipalities, the department of natural resources and FEMA regional offices. The applicant is further required to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the applicant shall provide the zoning administrator with the appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required. The zoning administrator shall notify FEMA of such technical or scientific data.
- (3) For nonconforming structures that are damaged or destroyed by a nonflood disaster, the repair or reconstruction of any such nonconforming structure may be permitted in the footprint and envelope by the committee in compliance with 74-187 in order to restore it after the nonflood disaster, provided that the nonconforming structure will meet all the minimum requirements under applicable FEMA regulations (44 CFR Part 60), or the regulations promulgated thereunder.
- (4) Nonconforming historic structure, not designed for human habitation, on the historic registry may be altered if the alteration will not preclude the structures continued designation as a historic structure, if flood resistant materials are used and if construction practices and floodproofing methods are used.
- (5) Any structure or improvement not prohibited in this floodplain overlay district are conditional uses requiring review and approval by the committee.

(Ord. No. 575-09/09, pt. XIV, 9-8-09)

Sec. 74-167. Shoreland regulations.

In addition to any other applicable use, site, or sanitary regulations, the following restrictions and regulations shall apply to:

All unincorporated land lying within 1,000 feet of the ordinary high water mark of navigable lakes, ponds or flowages. Lakes, ponds or flowages in Walworth County shall be presumed to be navigable if they are listed in the Wisconsin Department of Natural Resources publication "Surface Water Resources of Walworth County" or are shown on the United States geological survey quadrangle maps or other zoning base maps.

All unincorporated lands lying within 300 feet of the ordinary highwater mark of navigable rivers or streams, or the landward side of the floodplain, whichever is greater. Rivers and streams in Walworth County shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps referenced in section 74-177 of this ordinance. If evidence to the contrary is presented; the county zoning administrator shall make the initial determination whether or not the river or stream in question is

navigable under laws of this state. The county zoning administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark. Flood hazard boundary maps, or flood insurance study maps (or soil maps or other existing county maps used to delineate floodplain areas which have been adopted by Walworth County) shall be used to determine the extent of the floodplain of rivers or streams in Walworth County.

Vegetation removal and earth movements shall be conducted in accordance with the county's conservation standards and shall require a county approved conservation plan and permit, subject to the dimensional requirements listed below. County conservation standards are technical standards adopted by the land conservation committee and include the Wisconsin Field Office Technical Guide, Section IV, Conservation Standards and Construction Standards, the Wisconsin Construction Site Best Management Handbook, Wisconsin Storm Water Manual and other standards approved by the land conservation committee. In addition, the county zoning administrator may, where appropriate, require an applicant to furnish a surety to enable the county to carry out land restoration work in the event of default by the applicant in carrying out an approved conservation plan. The amount of such surety shall be determined by the zoning administrator, and the form and type of all sureties shall be approved by the committee. The county zoning administrator may, as appropriate, request a review of the proposed vegetation removal or earth movement activity by the Wisconsin Department of Natural Resources, and the USDA Natural Resource Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a permit but not to exceed 30 days. All vegetation removal and earth movement activities shall be conducted as to prevent erosion and sedimentation and preserve the natural scenic beauty of the county. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife. The tree and shrubbery cutting regulations do not apply to the removal of dead, diseased or dying trees or shrubbery, if verified and approved by the county.

On those lands within 35 feet of the OHWM (ordinary high water mark) vegetation removal and/or land disturbing activities are prohibited (no touch zone), with the following exceptions subject to a county approved conservation plan and permit:

- (1) All earth movement activities within 75 feet of the ordinary high water mark shall be limited to minimal grade changes and only if it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves natural shoreline beauty;
- (2) Vegetation removal for the creation of a view/access corridor. In the strip of land 35 feet wide inland from the ordinary high water mark, the total width of the corridor or corridors shall not exceed 40 feet or 30 percent of the lot or parcel's width at the ordinary high water mark, whichever is less, on lots or parcels of land with 200 feet or less of width at the ordinary high water mark. Or on lots or parcels of land with more than 200 feet of width at the ordinary high water mark, the total width of the corridor or corridors shall not exceed 20 percent of the lot or parcel's width at the ordinary high water mark;
- (3) Vegetation removal for the location of those structures permitted within the shoreyard;
- (4) For those shoreline protection projects authorized by a DNR permit provided that erosion control measures are designed to remedy significant and existing erosion problems;
- (5) Vegetation removal along a farm drainage ditch provided the removal is part of drainage ditch

maintenance work that is conducted consistent with the requirements of Chapter 88 of Wisconsin Statutes and if the land conservation division determines that soil and water conservation practices are sufficient and no pollution is occurring on the site. Land adjacent to farm drainage ditches shall be vegetated and maintained with ground layer vegetation, such as turf grass;

- (6) Selective removal of exotic, invasive, damaged vegetation or vegetation that must be removed to control disease or poses an imminent safety hazard provided the vegetation is replaced with comparable species of native plants approved by the Land Conservation Division;
- (7) Natural areas management activities with a DNR approved management plan that developed by a professional natural resource manager to satisfy the purposes of Wis. Stats. 281.31(1) and (6).
- (8) Prescribed burns of greater than 150 linear feet of shoreline with a plan approved by the land conservation division provided the project can not be accomplished by selective removal in accordance with subsection (6) above and further provided it is done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat and preserves the natural shoreline beauty.

Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

A special vegetation removal plan allowing greater vegetation removal than that permitted in (2) above, may be permitted by the committee by issuance of a conditional use permit, pursuant to section 74-187. An application for such a permit shall include a survey of the lot providing the following information; location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The committee may grant such a permit only if it finds that such special vegetation removal plans:

- (1) Will not cause undue erosion or destruction of scenic beauty; and
- (2) Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings, the commission may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner, and
- (3) Will provide a public good.

Beyond the 35-foot strip, a county approved conservation plan and permit shall be required for projects within 300 feet of the OHWM (ordinary high water mark) and which are either:

- (1) On slopes which are either
- (2) Larger than 1,000 square feet on slopes of 12--20 percent; or
- (3) Larger than 2,000 square feet on slopes less than 12 percent.

Required setbacks: All structures, except piers, wharves, boat hoists, lifts, open fence, boathouses,

bridges, dams, walkways and stairways which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least 75 feet from the ordinary high-water mark although a greater setback may be required where otherwise regulated by the floodplain provisions of this ordinance or other more restrictive ordinances.

Structures which require authorization or permits from the DNR pursuant to Wis. Stats. chs. 30 and 31, or which are to be located below the ordinary high water mark, namely bridges, dams, culverts, piers, wharves, shoreland riprap, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county and local regulations, but shall not require the issuance of a shoreland floodplain zoning permit where the standard of this ordinance are complied with.

Boathouse: Boathouses shall not extend below the ordinary high water mark, shall not be located on lands having a slope of 12 percent or greater, shall be located so as to minimize earth disturbing activities and shoreland vegetation removal, and shall be designed exclusively for the storage of watercraft and related marine equipment and shall not be used for human habitation or commercial purposes. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipments, shall not be deemed to be a boathouse. Fireplaces, patio doors, plumbing, heating, cooking facilities, or any features inconsistent with the use of the structure exclusively as a boathouse are not permitted in or on boathouses. The highest point of the roof elevation of the boathouse shall not be more than 14 feet in height measured from the lowest finished grade along the structure to the highest roofline of the structure, including the roofs of architectural projections; shall not exceed 400 square feet in horizontal area covered, and shall not be closer than three feet to any side lot line. Railings shall not be placed on top of the boathouse, nor shall boathouse roofs be designed to provide general outdoor living space, i.e., as a deck. Only one boathouse is permitted on a lot as an accessory structure.

Shoreyards may be reduced to the average of the shoreyards of the principle structures existing on the abutting properties within a distance of 100 feet of the subject site but shall not be reduced to less than 40 feet.

Walworth County shall grant zoning permit approvals for the construction or placement of a structure on property in a shoreyard setback area if all of the following apply:

- (1) The part of a structure that is nearest to the water is located at least 35 feet landward from the ordinary high-water mark.
- (2) The total floor area of all of the structures in the shoreyard setback area of the property will not exceed 200 square feet. In calculating this square footage boathouses shall be excluded.
- (3) The structure that is subject of the request for special zoning permission has no sides or has open or screened sides.
- (4) Walworth County must approve a plan that will be implemented by the owner of the property to preserve or establish a vegetative buffer zone that covers at least 70 percent of the half of the shoreyard setback area that is nearest to the water.

Stairway, walkway, lift, piers, and wharves: Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high water mark are exempted from the shoreland setback requirements

provided that the structure is necessary to access the shoreline because of steep slopes or wet, unstable soils. Further, the structure shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 48 inches wide; open railings are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited; landings for stairways or docks are permitted only where required by safety concerns and shall not exceed 25 feet in area.

A pervious public shore path parallel to the shore, for pedestrian travel only, within the pre-1974 pedestrian easement of Geneva Lake is permitted provided the structure is located so as to minimize earth disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than 36 inches wide; railings are permitted only where required by safety concerns, such railings shall be of an open design; canopies, roofs and closed railings/walls on such structures are prohibited. Stairways, 36 inches wide are permitted only where required due to steep slopes and safety concerns. Landings for stairways are permitted only where required by safety concerns and shall not exceed 12 square feet in area.

Fences: Residential fences four feet in height or less are permitted in the shoreyard on the property line but shall not be located on the shoreline. The fence shall not be designed to cross between property lines in the 75 foot shoreyard setback and shall minimize the barrier to wildlife movement. Also refer to section 74-232.

Retaining walls: Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the land conservation division or the department of natural resources that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a continuing erosion problem and shall not be used to provide level outdoor living space in the near-shore area.

Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, are conditional uses requiring review, public hearing, and approval by the committee in accordance with division 4. However, such earth movements having a DNR permit under Wis. Stats. ch. 30 are exempt from this provision.

No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars, chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity, obnoxiousness, toxicity or temperature so as to contaminate, pollute or harm the waters shall be so located, stored, or discharged in a way that would be likely to run-off, seep, or wash into surface or ground waters.

Tillage, grazing, livestock watering, and the spreading, stacking and stockpiling of manure shall be permitted only when such uses are conducted in accordance with the county's conservation standards, and when such uses do not cause the discharge of animal wastes into drainage ways or surface waters. Spreading of manure or fertilizer on frozen ground, stockpiling or stacking of manure, and the establishment and use of feed lots, shall be prohibited when such practice would cause direct run-off of surface waters into a drainage way or watercourse.

Surface water withdrawal, diversion, or discharge for irrigation, processing, or cooling purposes is prohibited except upon issuance of a special permit by the State Department of Natural Resources. (Ord. of 6-11-02; Amd. of 4-22-04; Amd. of 4-19-05; Ord. No. 457-09/07, pt. I, 9-11-07; Ord. No. 580-10/09,

pt. I, 10-13-09)

Sec. 74-168. Steep land regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to all lands having slopes of 12 percent or greater as shown on the operational soil survey maps prepared by the USDA soil conservation service in cooperation with the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator:

- (1) All construction of public and private roads shall be of sound engineering design and shall be so treated so as to prevent erosion in accordance with the county's conservation standards.
- (2) Boathouse shall not be located on lands having a 12 percent slope or greater and shall be located so as to minimize land disturbance activities and shoreland vegetation removal.
- (3) Tillage and grazing is permitted only if conducted in accordance with the county's conservation standards. Spreading of manure or fertilizer on frozen ground and establishment of feed lots shall be prohibited when such practice would cause direct run-off of pollutants into a drainage way or watercourse.
- (4) Tree cutting and shrubbery clearing for the purpose of changing land use from wildlife or woodlot management shall be conducted in accordance with the county's conservation standards and shall completely prevent erosion and sedimentation and promote the preservation of scenic beauty.

Sec. 74-169. Erodible land regulations.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to the following lands as shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator.

Tillage is permitted on the following organic and sandy soils, which soils are subject to wind erosion, only if conducted in accordance with the county's conservation standards.

133 - CtB, CtE	450 - Ht
134 - CtB, CtE	451 - Ht
280 - BpB, CrE2	452 - Ac, Pa
288 - BpB, BpC2, CtE	453 - Ac
316 - BpB, BpC2	454 - Pa
410 - CtB, CtE	455 - Pa
	459 - Ru
456 - Pa	460 - Ru
457 - Pa	461 - Ru
458 - Rv	

Tillage and grazing is permitted on all lands having an erosion factor of three only if conducted in

accordance with the county's conservation standards.

Sec. 74-170. Soil capability regulations.

In addition to any other applicable use, site or sanitary regulations, the following restrictions and regulations shall apply to the following soils as shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning administrator:

Because of their erodibility and very low agricultural capabilities, tillage is permitted on the following rough, broken, sandy, stony, or escarpment soils only when conducted in accordance with the county's conservation standards:

3 -	281 - BpB
75 - CeB2, CeC2, CrE2, RsF	282 - CeB2, CeC2, CfC3, CrD2, CfD3
96 - CeB2, CeC2, CfC3, CrD2, CrE2, RsF	288 - BpB, BpC2, CtE
271 - BpB, BpC2	419 - SfB

Farm drainage systems may be installed on the following soils, which soils are subject to a flooding hazard and which have generally unsuitable soil characteristics for an operative drainage system, only if installed in accordance with the county's conservation standards:

4 - Mf	11W - Am, Ww
10W - WW	452 - Pa, Ac

Because of very severe limitations for pasturing, grazing is permitted on the following soils only when conducted in accordance with the county's conservation standards:

Mf	419 - SfB
416 -	452 - Pa, Ac

Sec. 74-171. Pet and animal regulations.

Household pets shall be permitted in all zoning districts; provided that not more than four dogs or four cats are kept on any one premises, and provided further that no animals or pets are bred or reared on such premises for commercial purposes or sold therefrom. Notwithstanding and foregoing, however, offspring of permitted household pets may be kept and sold from the premises for a period of up to eight months.

All animals other than household pets shall be permitted only in the agricultural, C-2 and C-4 conservation, park districts and the B-5 business district. Structures used for the housing of animals, other than household pets, must be located at least 100 feet from all property lines. Livestock structures for fewer than 1,000 animal units shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries. Livestock structures for 1,000 animal units or more shall be at least 200 feet from property lines, wetland boundaries and floodplain boundaries and 150 feet from an access right-of-way.

Animal Units

For animal units not listed, the equivalency to animal units shall be based on live animal weights. In those cases, 1000 pounds of live weight is equivalent to one animal unit.

Number Equivalent to 500 Animal Units	Number Equivalent to 1,000 Animal Units	Animal Type	Animal Equivalency Factor
		DAIRY CATTLE:	
350	700	Milking and dry cows	1.4
450	900	Heifers (800 to 1,200 lbs.)	1.1
835	1,670	Heifers (400 to 800 lbs.)	0.6
2,500	5,000	Calves (under 400 lbs.)	0.2
		BEEF CATTLE:	
500	1,000	Steers or cows (800 lbs. to mkt.)	1.0
1,000	2,000	Calves (under 600 lbs.)	0.5
350	700	Bulls	1.4
		SWINE:	
1,250	2,500	Pigs (55 lbs. to mkt.)	0.4
5,000	10,000	Pigs (up to 55 lbs.)	0.1
1,250	2,500	Sows	0.4
1,000	2,000	Boars	0.5
		SHEEP:	
5,000	10,000	Per animal	0.1
		HORSES:	
250	500	Per animal	2.0
		DUCKS:	
2,500	5,000	Per bird (wet lot)	0.2
50,000	100,000	Per bird (dry lot)	0.01
		CHICKENS:	
50,000	100,000	Layers	0.01
100,000	200,000	Broilers	0.005
50,000	100,000	Broilers (continuous overflow watering)	0.01
15,000	30,000	Layers or broilers (liquid manure system)	0.033
		TURKEYS:	
27,500	55,000	Per bird	0.018
		COMBINED ANIMAL UNITS:	
500	1,000	Calculated total	

(Amd. of 8-9-05)

Sec. 74-172. Reduction or joint use.

No lot, yard, parking area, building area, sanitary sewage disposal area, or other space shall be reduced

in area or dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a structure or use shall be used to meet the requirements for any other structure or use.

Sec. 74-173. Violations.

It shall be unlawful to construct, develop, or use any structure, or to develop or use any land, water, or air in violation of any of the provisions of this ordinance. In case of any violation, the county board of supervisors, the zoning administrator, the committee, any municipality, or any owner of real estate within the district affected who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this ordinance.

Sec. 74-174. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this ordinance or any order of the county zoning administrator issued in accordance with this ordinance shall, upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00) and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. Every violation of this ordinance is a public nuisance and the creation thereof may be enjoined and the maintenance thereof may be enforced pursuant to Wis. Stats. 59.69(11).
(Amd. of 5-10-05)

Sec. 74-175. Single-family and two-family dwelling requirements.

No single-family dwelling or two-family dwelling shall be erected or installed in any zoning district unless it meets all of the following:

- (1) Is set on an enclosed foundation in accordance with Wis. Stats. § 70.043(1), which meets the standards set forth in subchapters III, IV, and V of Comm. ch. 21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the building inspector. In townships that utilize a building officer, that officer shall require a plan approved by a registered architect, registered professional engineer, or certified building inspector to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (2) Is properly connected to utilities.
- (3) Shall have a minimum width of 22 feet.
- (4) Shall have a core area of living space at least 22 feet by 22 feet in size.

(Ord. of 6-11-02; Amd. of 4-22-04)

DIVISION 3.

ZONING DISTRICTS

Sec. 74-176. Establishment.

For the purpose of this ordinance, the County of Walworth, State of Wisconsin, outside the limits of incorporated villages and cities is hereby divided into the following zoning districts, namely:

A-1	Prime Agricultural Land District
A-2	Agricultural Land District
A-3	Agricultural Land Holding District
A-4	Agricultural-Related Manufacturing, Warehousing & Marketing District
A-5	Agricultural-Rural Residential District
C-2	Upland Resource Conservation District
C-3	Conservancy-Residential District
C-4	Lowland Resources Conservation District
P-1	Recreational Park District
P-2	Institutional Park District
R-1	Single-Family Residence District (Unsewered)
R-2	Single-Family Residence District (Sewered)
R-2A	Single-family Residence District (Sewered)
R-3	Two-Family Residence District (Sewered or Unsewered)
R-4	Multiple-Family Residence District (Sewered or Unsewered)
R-5	Planned Residential Development District (Unsewered)
R-5A	Planned Residential Development District (Sewered)
R-6	Planned Mobile Home Park Residence District
R-7	Mobile Home Subdivision Residence District (Sewered or Unsewered)
R-8	Multiple-Family Residence District (Sewered or Unsewered)
B-1	Local Business District
B-2	General Business District
B-3	Waterfront Business District
B-4	Highway Business District
B-5	Planned Commercial-Recreation Business District

B-6	Bed and Breakfast District
M-1	Industrial District
M-2	Heavy Industrial District
M-3	Mineral Extraction District
M-4	Sanitary Landfill District

The boundaries of these districts are hereby established as shown on a map entitled "Shoreland Zoning Map, Walworth County, Wisconsin," which accompanies and is part of this ordinance. Such boundaries shall be construed to follow: corporate limits; U.S. Public Land Survey lines; lot or property lines; centerlines of streets, highways, alleys, easements, and railroad rights-of-way, or such lines extended; and lines identifying boundaries of natural resource areas, as shown by changes in vegetation, slope, and other natural resources base features; unless otherwise noted on the zoning map. All notations, references, and other information shown upon the said zoning map shall be as much a part of this ordinance as if the matter and things set forth by the said map were fully described herein.
(Ord. No. 466-11/07, pt. XIV, 11-13-07)

Sec. 74-177. Zoning map.

The official copies of the shoreland zoning maps, floodplain maps identified in section 74-166(b), United States geological survey quadrangle maps and Wisconsin wetland inventory maps that have been adopted and made a part of this ordinance shall be available to the public in the office of the county zoning administrator. The administrator shall from time to time update the shoreland zoning map as necessary to reflect changes in zoning district boundaries effected under division 12 of this ordinance.

County zoning maps in digital format developed with geographic information systems software shall replace the hard copy zoning maps first incorporated into the zoning ordinance on August 13, 1974. Copies of the digital format shall be made available to the public on-line and in the office of the county zoning administrator.
(Ord. No. 575-09/09, pt. XV, 9-8-09)

Sec. 74-178. Agricultural districts.

A-1 Prime agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by class I, II, and III soils as rated by the U.S. Department of Agriculture, Soil Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. (Wis. Stats. § 91.01(10).) All structures and improvements must be consistent with agricultural use.

- (1) *Principal uses.*
 - a. Single-family dwelling.
 - b. Dairying.
 - c. Floriculture (cultivation of ornamental flowering plants).

- d. Grazing, subject to regulations in division 2.
- e. Livestock raising, except commercial feed lots.
- f. Orchards.
- g. Paddocks.
- h. Plant nurseries.
- i. Poultry raising, except commercial egg production.
- j. Raising of grain, grass, mint and seed crops.
- k. Raising of tree fruits, nuts and berries.
- l. Sod farming.
- m. Vegetable raising.
- n. Viticulture (grape growing).
- o. Equestrian trails.
- p. Forest and game management.
- q. Greenhouses.
- r. Nature trails and walks.
- s. Stables.
- t. Roadside stand not exceeding one per farm.
- u. Apiculture (beekeeping).
- v. The separation of farm structures from farmland. Farm residences or structures which existed prior to the adoption of this ordinance (July 9, 1998) may be separated from a larger farm parcel for the purposes of farm consolidation. The separation must conform with the regulations set forth in sections 74-164 and 74-165 of this ordinance; the parcel shall not be less than 40,000 square feet in area, nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum yard required in the A-1, A-2 or A-3 districts, whichever applies; it shall not leave the balance of the land in a sub-standard condition; and the property owner will be required to record deed restrictions on both the farm separation parcel and on a parcel which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the farm separation parcel, and

which meets the intent of these provisions. A plat of survey for said parcel shall be prepared by a registered land surveyor licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the adjoining acreage without first obtaining a conditional use approval from the committee and that no land may be deeded to the farm separation parcel which increases its size above that outlined above without first obtaining proper approval which may include a rezone.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers not permitted in principal use section.
- b. Housing for seasonal workers.
- c. Commercial feed lots.
- d. Livestock sales facilities.
- e. Veterinary services for farm animals.
- f. Commercial fur farms.
- g. Commercial egg production.
- h. Land restoration.
- i. Mobile homes for farm laborers.
- j. Business directory signs (exceeding two).
- l. Sewage disposal plants.
- m. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- n. Schools and churches.
- o. Composting.
- p. Airports, airstrips, landing fields and heliports, which are related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property.
- q. Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- r. Home occupations.

- s. More than one farm dwelling. If approval is granted for more than one farm dwelling, each additional dwelling may be separated from the farm lot provided that any parcel so created conforms with all regulations set forth in sections 74-165 and 74-166 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks.
- t. Farm family business.
- u. Hunting and fishing club land without structures.

(3) *Area, height and yard requirements.*

Lot (farm size) building		Area	Minimum 35 acres
		Width	Minimum 300 feet
Building			
	Farm dwelling and agricultural structures	Height	Maximum 45 feet
		Height	Maximum two times their distance from the nearest lot lines (see division 9)
Yards			
	Farm dwelling and agricultural structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet
		Animals	Structures used for the housing of animals must be located at least 100 feet from all lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet	

(4) *Existing substandard lots.* See section 74-221.

A-2 Agricultural land district. The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 prime agricultural land district and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activities.

(1) *Principal uses.*

- a. All principal uses permitted in the A-1 prime agricultural land district.
- b. Single-family detached dwellings.

(2) *Conditional uses.* (See division 4.)

- a. Housing for farm laborers not permitted in principal use section.
- b. Housing for seasonal or migratory farm workers.
- c. Commercial feed lots.
- d. Animal hospitals, shelters and kennels.
- e. Veterinarian services.
- f. Commercial fur farms.
- g. Commercial egg production.
- h. Land restoration.
- i. Ski hills.
- j. Hunting and fishing clubs.
- k. Recreational camps.
- l. Commercial stables and retail sales related to the stable subject to committee review and approval.
- m. Mobile homes for farm laborers.
- n. Business director signs (exceeding two).
- o. Sewage disposal plants.
- p. Airports, airstrips, and landing fields.
- q. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- r. Schools and churches.
- s. Composting.
- t. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.

- u. Home occupations.
- v. More than one farm dwelling per section 74-188.
- w. Bed and breakfast establishments.
- x. Conservation development design (five or more dwelling units).

(3) *Conventional design.*

Area, height and yard requirements.

Lot (farm size)		Area	Minimum 20 acres
		Width	Minimum 300 feet
Building		Height	Maximum 45 feet
	Farm dwelling and agricultural structures	Height	Maximum two times their distance from the nearest lot line (see division 9)
Yards		Rear	Minimum 100 feet
	Farm dwelling and agricultural structures	Side	Minimum 20 feet
		Animals	Structures used for the housing of animals must be located at least 100 feet from all lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highways (not including freeways)	Minimum 85 feet
		Shore	Minimum 75 feet

- (4) *Existing substandard lots.* See section 74-221.
- (5) *Conservation developments (five or more dwelling units).*
 - a. Maximum density: one dwelling unit per 20 acres.
 - b. Area, height and yard requirements.

Lot size		Area	Minimum 40,000 sq. ft.
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
	Farm dwelling and agricultural structures	Height	Maximum two times their distance from the nearest lot line (see div. 9)
Yards		Rear	Minimum 20 feet

	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines In the case of no lot lines, minimum 20-foot dwelling separation
		Animals	Structures used for the housing of animals shall be located at least 100 feet from all property lines
(The zoning agency may modify the interior setback for structures used to house animals to a minimum 25-foot interior setback. The developer must first demonstrate to the county zoning agency that the district requirement for agricultural structures cannot be met due to unique shape or characteristic of the property.)			
		Street:	
		Subdivision road	Minimum 40 feet
		Town road	Minimum 200 feet
		County road	Minimum 250 feet
		State and federal highways (not including freeways)	Minimum 300 feet
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be allowed

- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

A-3 Agricultural land holding district. The primary purpose of this district is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing incorporated urban centers within Walworth County where urban expansion is planned to take place on the adopted regional land use plan. It is the intent that urban development be deferred in such areas until the

appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the appropriate planning bodies no less frequently than every five years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

- (1) *Principal uses.* All principal uses permitted in the A-1 prime agricultural land district.
- (2) *Conditional uses.* See division 4.
 - a. Housing for farm laborers permitted in principal use section.
 - b. Housing for seasonal and migratory farm workers.
 - c. Livestock sales facilities.
 - d. Animal hospitals, shelters and kennels.
 - e. Commercial fur farms.
 - f. Commercial egg production.
 - g. Land restoration.
 - h. Ski hills.
 - i. Mobile homes for farm laborers.
 - j. Business directory signs (exceeding two).
 - k. Sewage disposal plants.
 - l. Airports, airstrips, and landing fields, and heliports.
 - m. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - n. Schools and churches.
 - o. Composting.
 - p. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, shelters, parks, playgrounds, museums, and park-and-ride facilities.

- q. Home occupations.
- r. More than one farm dwelling per section 74-188.
- s. Bed and breakfast establishments.

(3) *Area, height and yard requirements.*

Lot (farm size)		Area	Minimum 35 acres
		Width	Minimum 300 feet
Building		Height	Maximum 45 feet
	Farm dwelling and agricultural structures	Height	Maximum two times their distance from the nearest lot line (See division 9)
Yards		Rear	Minimum 100 feet
	Farm dwelling and agricultural structures	Side	Minimum 20 feet
		Animals	Structures used for the housing of animals must be located at least 100 feet from all lot lines
		Street	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highways	Minimum 85 feet (not including freeways)
		Shore	Minimum 75 feet

(4) *Existing substandard lots.* See section 74-221.

A-4 Agricultural-related manufacturing, warehousing and marketing district. The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities that are dependent upon or closely allied to the agricultural industry.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
 - a. Contract sorting, grading and packaging services for fruits and vegetables.
 - b. Corn shelling, hay baling, and threshing activities.
 - c. Bottling of spring water.
 - d. Grist mill services.
 - e. Horticultural services.

- f. Poultry hatchery services.
- g. Production of animal and marine fat and oils.
- h. Canning of fruits, vegetables, preserves, jams, and jellies.
- i. Canning of specialty foods.
- j. Preparation of cereals.
- k. Production of natural and processed cheese.
- l. Production of chocolate and cocoa products.
- m. Coffee roasting and production of coffee products.
- n. Production of condensed and evaporated milk.
- o. Wet milling of corn.
- p. Cottonseed oil milling.
- q. Production of creamery butter.
- r. Drying and dehydrating fruits and vegetables.
- s. Preparation of feeds for animals and fowl.
- t. Production of flour and other grain mill products.
- u. Blending and preparing of flour.
- v. Fluid milk processing.
- w. Production of frozen fruits, fruit juices, vegetables and other specialties.
- x. Malt production.
- y. Meat packing.
- z. Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- aa. Poultry and small game dressing and packing providing that all operations be conducted within an enclosed building.

- bb. Milling of rice.
- cc. Production of sausages and other meat products providing that all operations be conducted within an enclosed building.
- dd. Production of shortening, table oils, margarine and other edible fats and oils.
- ee. Milling of soy bean oil.
- ff. Milling of vegetable oil.
- gg. Sugar processing and production.
- hh. Production of wine, brandy, and brandy spirits.
- ii. Livestock sales facilities.
- jj. Grain elevators and bulk storage of feed grains.
- kk. Fertilizer production, sales, storage, mixing, and blending.
- ll. Sales or maintenance of farm implements and related equipment.
- mm. Transportation related activities primarily serving the basic agricultural industry.
- nn. Living quarters for watchman or caretaker.
- oo. Off-season storage facilities.
- pp. Animal hospitals, shelter, and kennels.
- qq. Veterinarian services.
- rr. Land restoration.
- ss. Business directory signs (exceeding two).
- tt. Sewage disposal plants.
- uu. Airports, airstrips and landing fields.
- vv. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.

- ww. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- xx. Schools and churches.
- yy. Contractor storage yards.
- zz. Production, packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles and wood.
- aaa. Composting.
- bbb. Commercial greenhouses.
- ccc. Flea markets.
- ddd. Commercial stables.
- eee. Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items is subject to detailed plan approval by the committee.

(2) *Reserved.*

(3) *Area, height and yard requirements.*

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, all required yards, and off-street parking and loading as required by section 74-203 of this ordinance
Building	Height	Maximum 70 feet
Yards	Rear	Minimum 75 feet
	Side	Minimum 75 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

A-5 Agricultural-rural residential district. The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas for rural-residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use for reasons related to soil, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in the Walworth

County Subdivision Control Ordinance.

(1) *Principal uses.*

- a. Single-family dwellings.
- b. Orchards.
- c. Vegetable raising.
- d. Plant nurseries.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.

- a. Greenhouses.
- b. Roadside stands not exceeding one per farm.
- c. Residential accessory structures.
- d. Agricultural structures.

(3) *Conditional uses.* (See division 4.)

- a. Sewage disposal plants.
- b. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- c. Home occupations.
- d. Bed and breakfast establishments.
- e. Planned residential developments.

(4) *Area, height and yard requirements.*

Lot:	Area:	Minimum 40,000 square feet
	Width:	Minimum 150 feet
Building:	Height:	Maximum 45 feet
Yards:	Rear:	Minimum 25 feet
	Side:	Minimum 15 feet
	Street:	

	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways):	Minimum 85 feet
	Shore:	Minimum 75 feet
	Animals:	Structures used for the housing of animals must be located as least 100 feet from all property lines

(5) *Existing substandard lots.* See section 74-221.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Amd. of 5-10-05; Amd. of 8-9-05; Ord. No. 315-09/05, pt. V, 9-8-05; Ord. No. 331-01/06, pt. III, 1-10-06; Ord. No. 353-04/06, pt. VII, 4-20-06; Ord. No. 462-10/07, pt. III, 10-9-07)

Sec. 74-179. Conservation districts.

C-2 Upland resource conservation district. The primary purpose of this district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farmlands, and abandoned mineral extraction lands within the county. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the county, while seeking to assure the preservation and protection of areas of significant topography, natural watersheds, ground and surface water, potential recreation sites, wildlife habitat, and other natural resource characteristics that contribute to the environmental quality of the county yet permit larger residential lots in these environmentally sensitive areas.

(1) *Principal uses.*

- a. Single-family detached dwellings.
- b. Forest preservation.
- c. Forest and game management.
- d. Parks and recreation areas; arboreta; botanical gardens.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.

- a. Stables.
- b. Residential accessory structures.
- c. Agricultural structures.

(3) *Conditional uses.* (See division 4.)

- a. Animal hospitals, shelters and kennels.
- b. Land restoration.
- c. Golf courses.
- d. Ski hills.
- e. Yachting clubs and marinas.
- f. Hunting and fishing clubs.
- g. Recreation camps.
- h. Public or private campgrounds.
- i. Commercial stables.
- j. Planned residential developments.
- k. Sewage disposal plants.
- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- m. Governmental and cultural use such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- n. Bed and breakfast establishments.
- o. Conservation development design (five or more dwelling units).
- p. Commercial arboretum (outside primary environmental corridors).
- q. Commercial greenhouse (outside primary environmental corridor).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 5 acres
	Width	Minimum 300 feet
Building	Height	Maximum 45 feet
Yards		

	Dwelling and accessory structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal highway (not including freeways)	Minimum 85 feet
		Shore	Minimum 75 feet
		Animals	Structures used to house animals must be located at least 100 feet from all property lines

- (5) *Existing substandard lots.* See section 74-221.
- (6) *Conservation developments (five or more dwelling units).*
- a. Maximum density: one dwelling unit per five acres.
- b. Area, height and yard requirements:

Lot size		Area	Minimum 40,000 sq. ft.
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
	Yards	Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines In the case of no lot lines minimum 20-foot dwelling separation
		Animals	Structures used for the housing of animals shall be located at least 100 feet from all property lines
		Street:	
		Subdivision road	Minimum 40 feet
		Town road	Minimum 200 feet
		County road	Minimum 250 feet
		State and federal highways (not including freeways)	Minimum 300 feet
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

(The zoning agency may modify the interior setback for structures used to house animals to a minimum 25 foot interior setback. The developer must first demonstrate to the county zoning agency that the district requirement for agricultural structures cannot be met due to unique shape or characteristic of the property.)

C-3 Conservancy-residential district. The primary purpose of this district is essentially the same as that of the C-2 district, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those upland environmental corridors which already have been divided into relatively small parcels or which, because of their proximity to urban areas, have a very high residential value potential. It is thus intended that this district recognize and attempt to balance man's need for shelter locations with his need to protect and restore the natural environment. Because of its residential character and smaller lot area minimum, farming and commercial recreation uses are not permitted.

- (1) *Principal uses.*
 - a. Forest preservation.
 - b. Forest and game management.
 - c. Single-family detached dwellings.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or

buildings shall be subject to the requirements of section 74-163.

a. Residential accessory structures.

(3) *Conditional uses.* (See division 4.)

a. Animal hospitals, shelters and kennels.

b. Land restoration.

c. Planned residence developments.

d. Sewage disposal plants.

e. Utilities.

f. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.

g. Bed and breakfast establishments.

h. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 100,000 square feet
	Width	Minimum 200 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 20 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

a. Maximum density: One dwelling unit per 100,000 sq. ft.

b. Area, height and yard requirements.

Lot size		Area	Minimum 40,000 square feet
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines. In the case of no lot lines, minimum 20-foot dwelling separation
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 150 feet
		County road	Minimum 200 feet
		State and federal highways (not including freeways)	Minimum 250 feet
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

C-4 Lowland resource conservation district. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect

wildlife habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; and protect the water based recreational resources of the county.

- (1) *Designation.* The C-4 district includes all shorelands in the jurisdiction of this ordinance which are designated as wetlands on the Final Wisconsin Wetland Inventory Maps, dated June 27, 1983 that are hereby adopted and made a part of this ordinance.
- (2) *Permitted uses* means the following uses are permitted, subject to general shoreland zoning regulations in section 74-167 of this ordinance, the provisions of Wis. Stats. ch. 30 and 31, and the provisions of other state and federal laws, if applicable:
 - a. Activities and uses which do not require the issuance of a zoning permit but which must be carried on without filling, flooding, draining, dredging, ditching, tiling or excavating:
 1. Hiking, fishing, trapping, hunting, swimming, and boating;
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 3. The practice of silviculture, including the planting, thinning and harvesting of timber;
 4. The pasturing of livestock and the construction and maintenance of fences;
 5. The cultivation of agricultural crops;
 6. The construction and maintenance of duck blinds;
 7. The construction and maintenance of piers, docks and walkways, including those built on pilings; and
 - b. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
 1. Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries; and
 3. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.

4. The maintenance, repair, replacement and re-construction of existing town and county highways and bridges.
- c. Uses which are allowed upon the issuance of a land use permit (or conditional use permit as specified under division 4.):
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - (i) The road cannot as a practical matter be located outside wetland; and
 - (ii) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - (a) The road shall be designed and constructed as a single land roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 - (b) Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - (c) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
 2. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - (i) Any such building does not exceed 500 square feet in floor area; and
 - (ii) No filling, flooding, draining, dredging, tiling or excavating be done;
 3. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education area, historic and scientific area, wildlife refuges, game preserves, and private wildlife habitat areas, provided that:
 - (i) Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - (ii) No filling is to be done except limited filling which is necessary for the

development of a boat access site; and

- (iii) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat or to otherwise enhance wetland values.
4. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided that:
- (i) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - (ii) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
5. The construction and maintenance of railroad lines, provided that:
- (i) The railroad lines cannot as a practical matter be located outside the wetland; and
 - (ii) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
- (3) *Prohibited uses.* Any use not listed in section 74-179 is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Wis. Stats. § 59.69(5)(e), NR ch. 115, Wisconsin Administrative Code, and section 74-258 of this ordinance.
- (4) *Establishment.* When an apparent discrepancy exists between the shoreland-wetland district shown on the official zoning maps and actual field conditions at the time the maps were adopted, the zoning administrator shall contact the appropriate field office of the department to determine if the shoreland-wetland district as mapped is in error. If the department staff concur with the zoning administrator that a particular area was incorrectly mapped either as a wetland or a non-wetland, the zoning administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning map, the zoning administrator shall be responsible for accepting a shoreland-wetland map amendment within a reasonable period of time.
- (5) *Existing substandard lots.* See section 74-221.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Ord. No. 331-01/06, pts. I--III, 1-10-06; Ord. No. 369-07/06, pt. VI, 7-11-06; Ord. No. 466-11/07, pt. XV, 11-13-07; Ord. No. 575-09/09, pt. XVI, 9-8-09)

Sec. 74-180. Park districts.

P-1 Recreational park district.

(1) *Principal uses.*

- a. Parks, general recreation.
- b. Parks, leisure and ornamental.
- c. Forest reserves.
- d. Boat rentals and boat access sites.
- e. Golf courses.
- f. Gymnasiums and athletic clubs.
- g. Ice skating.
- h. Picnic grounds.
- i. Playfields and athletic fields.
- j. Playgrounds.
- k. Play lots and tot lots.
- l. Recreational access ways.
- m. Forest and game management.

(2) *Conditional uses.* (See division 4.)

- a. Golf course country clubs.
- b. Ski hills.
- c. Yachting clubs and marinas.
- d. Hunting and fishing clubs.
- e. Recreation camps.

- f. Public or private campgrounds.
- g. Cultural activities.
- h. Amusement activities.
- i. Public assembly uses.
- j. Commercial stables.
- k. Archery ranges.
- l. Golf driving ranges.
- m. Firearm ranges.
- n. Sports fields.
- o. Polo fields.
- p. Skating rinks.
- q. Sewage disposal plants.
- r. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, museums, and park-and-ride facilities.
- s. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- t. Schools and churches.
- u. Recycling centers.
- v. Composting.
- w. Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- x. Land restoration.
- y. Caretaker's quarters.

(3) *Area, height, and yard requirements.*

Lot	Area	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading as required by section 74-202 and 74-203 and all required yards
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 50 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

P-2 Institutional park district.

(1) *Principal uses.*

- a. Churches synagogues, and temples.
- b. Rectories and convents.
- c. College dormitories.
- d. Hospitals.
- e. Junior colleges.
- f. Monasteries.
- g. Nurses homes.
- h. Nursing homes.
- i. Nursery schools and day care centers.
- j. Orphanages.
- k. Retirement homes.
- l. Universities and colleges.
- m. Lodges and fraternal buildings.

- n. Town hall, town garage, police and fire stations.
- o. Golf courses.

(2) *Conditional uses.* (See division 4.)

- a. Golf course country clubs.
- b. Ski hills.
- c. Yachting clubs and marinas.
- d. Recreation camps.
- e. Public or private campgrounds.
- f. Cultural activities.
- g. Public assembly uses.
- h. Commercial stables.
- i. Archery ranges.
- j. Golf driving ranges.
- k. Firearm ranges.
- l. Sports fields.
- m. Polo fields.
- n. Sewage disposal plants.
- o. Airports, airstrips, landing fields, and heliports.
- p. Governmental and cultural uses such as community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- q. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- r. Schools.
- s. Sanitariums; religious, charitable, penal, and correctional institutions, cemeteries and crematories.

- t. Recycling centers.
- u. Composting.
- v. Lake management facilities and activities, including equipment and vehicles used in lake weed harvesting and off-loading activities.
- w. Land restoration.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 10,000 square feet
	Width	Minimum 100 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 25 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(Ord. of 6-11-02; Amd. of 1-14-03; Ord. No. 466-11/07, pt. XVI, 11-13-07)

Sec. 74-181. Residence districts.

R-1 Single-family residence district (unsewered). The single-family residence district is hereby established to provide location for and maintain values of low density single-family development only.

- (1) *Principal uses.*
 - a. Single-family detached dwellings on lots not served by public sanitary sewer.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
 - a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
 - a. Golf courses and country clubs.

- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities
- f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- g. Schools and churches.
- h. Bed and breakfast establishments.
- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Width and area of all lots to be determined in accordance with section 74-164	
	Area	Minimum 40,000 square feet
	Width	150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Existing substandard lots.* See section 74-221.

(6) *Conservation developments (five or more dwelling units).*

a. Maximum density: One dwelling unit per 40,000 sq. ft.

b. Area, height and yard requirements:

Lot size		Area	Minimum 40,000 sq. ft.
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
	Farm dwelling and agricultural structures	Side	Minimum 10 feet from lot lines. In the case of no lot lines, minimum 20-foot dwelling separation
		Street:	
		Subdivision road	Minimum 15 feet
		Town road	Minimum 100 feet
		County road	Minimum 125 feet
		State and federal highways (not including freeways)	Minimum 150 feet
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

c. Minimum required open space: 33 percent of the total area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-2 Single-family residence district (sewered). The single-family residence district is hereby established

to provide location for and maintain values of low density single-family development only.

(1) *Principal uses.*

- a. Single-family detached dwellings on lots served by public sanitary sewers.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.

- a. Residential accessory structures.

(3) *Conditional uses.* (See division 4.)

- a. Golf courses and country clubs.
- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- g. Schools and churches.
- h. Bed and breakfast establishments.
- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet

	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

a. Maximum density: One dwelling unit per 15,000 square feet.

b. Area, height and yard requirements.

Lot size	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 10 feet
	Side	Minimum 10 feet from lot lines In the case of no lot lines, minimum 20-foot dwelling separation
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways)	Minimum 150 feet
	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

c. Minimum required open space: 20 percent of the total area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of

conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-2A Single-family residence district (sewered). The primary purpose of the R-2A district is to require larger residential sewerred lots in environmentally sensitive areas. Such environmentally sensitive areas may include but not be limited to, environmental corridors, shoreland areas, and significant woodlands.

- (1) *Principal uses.*
 - a. Single-family detached dwellings on lots served by public sanitary sewers.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
 - a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
 - a. Golf courses and country clubs.
 - b. Planned residential developments.
 - c. Home occupations including barbering and beauty culture.
 - d. Sewage disposal plants.
 - e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
 - f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - g. Schools and churches.
 - h. Bed and breakfast establishments.

- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 40,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

- a. Maximum density: One dwelling unit per 40,000 square feet
- b. Area, height and yard requirements:

Lot size	Area	Minimum 50,000 square feet
	Width	Minimum 100 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet from lot lines. In the case of no lot lines, minimum 20-foot dwelling separation
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways):	Minimum 150 feet

	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be allowed
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- c. Minimum required open space: 50 percent of the total area consistent with the prioritized list of resources to conserve and other design considerations of section 11.9-A of the county subdivision ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. Buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-3 Two-family residence district (sewered or unsewered).

- (1) *Principal uses.*
- a. Single-family detached dwellings.
 - b. Two-family dwellings.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
- a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
- a. Golf courses and country clubs.

- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- g. Schools and churches.
- h. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- i. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.
- j. Conservation development design (five or more dwelling units).

(4) *Conventional design.*

Area, height and yard requirements.

Lot (sewered)	Area	Minimum 15,000 square feet per duplex building
	Width	Minimum 100 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164	
	Area	Minimum 40,000 square feet per dwelling unit
	Width	150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Conservation developments (five or more dwelling units).*

a. Maximum density: (Sewered) one dwelling unit per 7,500 sq. ft.; (unsewered) 40,000 sq. ft. per dwelling unit.

b. Area, height and yard requirements:

Lot size (sewered)	Area	Minimum 7,500 square feet per dwelling unit
	Width	Minimum 100 feet
Lot size (unsewered)	Area	Minimum 40,000 square feet per dwelling unit
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 15 feet
	Side	Minimum 10 feet from lot lines. In the case of no lot lines, minimum 20-foot building separation.
	Street:	
	Subdivision road	Minimum 15 feet
	Town road	Minimum 100 feet
	County road	Minimum 125 feet
	State and federal highways (not including freeways)	Minimum 150 feet
	Shore	An absolute minimum shoreyard setback of 75 feet shall be provided Shoreland setback averaging with adjacent parcels shall not be allowed

c. Minimum required open space:

Sewered: 20 percent of the total area consistent with the Prioritized List of Resources to Conserve and Other Design Considerations of Section 11.9 A of the Walworth County Subdivision Ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation

development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

Unsewered: 50 percent of the total area consistent with the Prioritized List of Resources to Conserve and Other Design Considerations of Section 11.9 A of the Walworth County Subdivision Ordinance. The zoning agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

R-4 Multiple-family residence district (sewered or unsewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
 - a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
 - a. Single-family dwellings.
 - b. Two-family dwellings.
 - c. Multiple-family dwellings.

- d. Golf courses and country clubs.
- e. Planned residential developments.
- f. Lodges and fraternal buildings.
- g. Nursery schools and day care centers.
- h. Sewage disposal plants.
- i. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- j. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- k. Schools and churches.
- l. Retirement homes.
- m. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- n. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- o. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Area, height and yard requirements.*

Multiple-family density:	Maximum 6 dwelling units per net developable acre	
Lot (sewered)	Width	Minimum two-family, 80 feet
		Multiple family, 100 feet
		Single-family, 100 feet
	Area	Minimum two-family, 12,000 square feet
		Multiple-family, 15,000 square feet
		Single-family, 15,000 square feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164. No more than four dwelling units per building shall be permitted on an unsewered lot.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet

	Side	Minimum 10 feet (sewered)
		Minimum 15 feet (unsewered)
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

- (5) *Park and open space lands.* Park and open space land, exclusive of required yards, access drives, and parking area shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that such area shall have its least dimension more than one-fourth its length.

R-5 Planned residential development district (unsewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
- (3) *Conditional uses.*
- a. One-family detached dwellings.
 - b. One-family semi-detached dwellings.
 - c. One-family attached dwellings.
 - d. Two-family dwellings.
 - e. Multiple-family dwellings.
 - f. All principal uses permitted in the B-1 local business district, provided that such uses shall not occupy more than 15 percent of the total development area, which include the following: bakeries, barber shops; beauty shops; business offices; clinics; clothing and apparel stores; clubs; confectioneries; delicatessens; drug stores; fish markets; florists; fruit stores; gift stores; grocery stores; hardware stores; hobby shops; lodges; meat markets; optical stores; packaged beverage stores; professional offices; restaurants; self-service and pickup laundry and dry cleaning establishments; sporting goods stores; supermarkets; tobacco stores and vegetable stores.

- g. Golf courses and country clubs.
- h. Ski hills.
- i. Home occupations including barbering and beauty culture.
- j. Sewage disposal plants.
- k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- m. Schools and churches.
- n. Reserved.
- o. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- p. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- q. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Development density.*

Unsewered development: 150 feet in width and 40,000 square feet of lot area per dwelling unit.

- (5) *Park and open space land.* Park and open space land, exclusive of required yards, access drives, and parking areas, shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that each area shall have its least dimensions more than one-fourth its length.

(6) *Height and yard requirements.*

Building height		Maximum 45 feet
Yards-Interior	Street	Minimum 25 feet
	Rear	Minimum 40 feet
	Side	Minimum single-family detached 10 feet
	Single-family semi-detached	10 feet from a common wall

		Two-family	10 feet
		Multiple family	15 feet
In cases of no interior lot lines, a minimum building separation shall be maintained equal to twice the interior setback requirement noted above.			
Yards-Perimeter			Minimum 50 feet from the exterior boundary of the development parcel
Yards-Exterior	Street:		
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet
		County road	Minimum 65 feet
		State and federal hwys. (not including freeways)	Minimum 85 feet

R-5A Planned residential development district (sewered).

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
- (3) *Conditional uses.*
 - a. One-family detached dwellings.
 - b. One-family semi-detached dwellings.
 - c. One-family attached dwellings.
 - d. Two-family dwellings.
 - e. Multiple-family dwellings.
 - f. All principal uses permitted in the B-1 local business district, provided that such uses shall not occupy more than 15 percent of the total development area, which include the following: bakeries, barber shops, beauty shops, business offices, clinics, clothing and apparel stores, clubs, confectioneries, delicatessens, drug stores, fish markets, florists, fruit stores, gift stores, grocery stores, hardware stores, hobby shops, lodges, meat markets, optical stores, packaged beverage stores, professional offices, restaurants, self-service and pickup laundry and dry cleaning establishments, sporting goods stores, supermarkets, tobacco stores and vegetable stores.
 - g. Golf courses and country clubs.
 - h. Ski hills.

- i. Home occupations including barbering and beauty culture.
- j. Sewage disposal plants.
- k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- m. Schools and churches.
- n. Reserved.
- o. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
- p. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
- q. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Development density.*

Sewered development: Maximum eight dwelling units per net developable acre.

(5) *Park and open space land.* Park and open space land, exclusive of required yards, access drives, and parking areas, shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that each area shall have its least dimensions more than one-fourth its length.

(6) *Height and yard requirements.*

Building	Height	Maximum 45 feet
Yards-Interior	Street	Minimum 25 feet
	Rear	Minimum 40 feet
	Side	Minimum single-family detached
		10 feet
		Single-family semi-detached
		10 feet from a common wall
		Two-family
		10 feet
		Multiple family
		15 feet
In cases of no interior lot lines, a minimum building separation shall be maintained equal to twice the interior setback requirement noted above.		

Yards-perimeter			Minimum 50 feet from the exterior boundary of the development parcel
Yards-exterior	Street:		
	Subdivision road		Minimum 25 feet
	Town road		Minimum 50 feet
	County road		Minimum 65 feet
	State and federal hwys. (not including freeways)		Minimum 85 feet

R-6 Planned mobile home park residence district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
 - a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
 - a. Mobile and modular homes.
 - b. Planned residential development
 - c. Accessory buildings for the purpose of providing laundry and recreational facilities and for the sale of convenience food and related items primarily for and to mobile home residents.
 - d. Golf courses and country clubs.
 - e. Home occupations including barbering and beauty culture.
 - f. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
 - g. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - h. Schools and churches.
 - i. Model mobile home and related temporary real estate sales office located within the model unit.

- j. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
 - k. Single-family detached dwellings:
 - 1. (Sewered) 100-foot width and 15,000 sq. ft. per dwelling unit;
 - 2. (Unsewered) 150-foot width and 40,000 sq. ft. per dwelling unit.
- (4) *Mobile home development density.* Maximum five dwelling units per net developable acre.
- (5) *Mobile home area, height and yard requirements.*

Site development	Area	Minimum 10 acres
	Width	Minimum 450 feet
	Open space	Minimum 20 percent of development area exclusive of required yards and access
Interior	Area per mobile home unit	Minimum 6,950 sq. ft.
	Width	Minimum 50 feet
Structures	Height	Maximum 30 feet
Yards (site development)	Rear	Minimum 40 feet
	Side	Minimum 40 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet
Yards: Dwelling (interior)	Rear	Minimum 20 feet
	Side	Minimum 15 feet
	Street	Minimum 20 feet

R-7 Mobile home subdivision residence district (sewered or unsewered).

- (1) *Principal uses.*
- a. Mobile and modular homes.
 - b. Single-family detached dwellings.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
- a. Residential accessory structures.

(3) *Conditional uses.* (See division 4.)

- a. Golf courses and country clubs.
- b. Planned residential developments.
- c. Home occupations including barbering and beauty culture.
- d. Sewage disposal plants.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- f. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- g. Schools and churches.
- h. Model mobile home and related temporary real estate sales office located within the model unit.
- i. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.

(4) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

R-8 Multiple-family residence district (sewered or unsewered).

(1) *Principal uses.*

- a. Multiple-family dwelling units.
- (2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.
- a. Residential accessory structures.
- (3) *Conditional uses.* (See division 4.)
- a. Golf courses and country clubs.
 - b. Single-family dwellings.
 - c. Two-family dwellings.
 - d. Planned residential developments.
 - e. Home occupations including barbering and beauty culture.
 - f. Sewage disposal plants.
 - g. Governmental and cultural uses such as police stations, community centers, libraries, public emergency shelters, museums and park-and-ride facilities.
 - h. Parks and playgrounds.
 - i. Model apartments, model condominiums and related temporary real estate sales office located within the model unit.
 - j. Model single-family residences, model single-family condominiums and related temporary real estate sales office located within the model unit.
 - k. Model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit.
 - l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- (4) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 10,890 square feet
	Width	Minimum 85 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164	
Building	Height	Maximum 45 feet

Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet
	Street	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

(5) *Developmental density.* Maximum four dwelling units per net developable acre.

(6) *Park and open space land.* Park and open space land, exclusive of required yards, access drives and parking areas, shall comprise at least 20 percent of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however that no single such area shall contain less than one-half acre and that each area shall have its least dimension more than one-fourth its length.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Ord. No. 331-01/06, pt. IV--VII, 1-10-06; Ord. No. 333-01/06, pt. II, 1-10-06; Ord. No. 353-04/06, pt. VIII, 4-20-06; Ord. No. 436-05/07, pt. IV, 5-8-07; Ord. No. 466-11/07, pt. XVII, 11-13-07)

Sec. 74-182. Business districts.

B-1 Local business district.

(1) *Principal uses.* The following uses are principal uses provided that they shall be retail establishments selling and storing primarily new merchandise.

- a. Bakeries.
- b. Barber shops.
- c. Beauty shops.
- d. Business offices.
- e. Clinics.
- f. Clothing and apparel stores.
- g. Clubs.
- h. Confectioneries.
- i. Delicatessens.

- j. Drug stores.
- k. Fish markets.
- l. Florists.
- m. Fruit stores.
- n. Gift stores.
- o. Grocery stores.
- p. Hardware stores.
- q. Hobby shops.
- r. Meat markets.
- s. Optical stores.
- t. Packaged beverage stores.
- u. Professional offices.
- v. Restaurants.
- w. Self-service and pick-up laundry and dry cleaning establishments.
- x. Sporting goods stores.
- y. Supermarkets.
- z. Tobacco stores.
- aa. Vegetable stores.
- bb. Antique shops.

(2) *Conditional uses.* (See division 4.)

- a. One residential dwelling unit when located within the principal business structure.
- b. Off-season storage facilities.
- c. Lodges and fraternal buildings.

- d. Nursing homes.
- e. Nursery and day care centers.
- f. Vehicle sales and service.
- g. Public parking lots.
- h. Taxi stands.
- i. Sewage disposal plants.
- j. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- k. Car wash.
- l. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot: (sewered)	Area:	Minimum 7,500 square feet
	Width:	Minimum 75 feet
Lot: (Unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements.
	Width	Minimum 150 feet
Building:	Height:	Maximum 45 feet
Yards:	Rear:	Minimum 20 feet
	Side:	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways:	Minimum 85 feet (not including freeways)
	Shore:	Minimum 75 feet

B-2 General business district.

(1) *Principal uses.*

- a. All principal uses permitted in the B-1, local business district.

- b. Appliance stores.
- c. Caterers.
- d. Churches.
- e. Clothing repair shops.
- f. Crockery stores.
- g. Department stores.
- h. Electrical supply.
- i. Financial institutions.
- j. Food lockers.
- k. Furniture stores.
- l. Furniture upholstery shops.
- m. Heating supply.
- n. Hotels and motels.
- o. Laundry and dry cleaning establishments employing not over seven persons.
- p. Liquor stores, bars, taverns, cocktail lounges.
- q. Music stores.
- r. Newspaper offices and press rooms.
- s. Night clubs and dance halls.
- t. Office supply stores.
- u. Pawn shops.
- v. Personal service establishments.
- w. Pet shops.
- x. Photographic supplies.

- y. Plumbing supplies.
- z. Printing.
- aa. Private clubs.
- bb. Private schools.
- cc. Publishing.
- dd. Radio broadcasting studios.
- ee. Second-hand stores.
- ff. Television broadcasting studios.
- gg. Trade and contractor's offices.
- hh. Upholster's stores.
- ii. Variety stores.
- jj. Boat and marine supplies not including manufacturing.
- kk. Gasoline service stations.
- ll. Adult Entertainment Use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.* (See division 4.)

- a. One residential dwelling unit when located within the principal business structure.
- b. Public assembly uses.
- c. Animal hospitals, shelters and kennels.
- d. Commercial recreational facilities.
- e. Off-season storage facilities.

- f. Lodges and fraternal buildings.
- g. Nursing homes.
- h. Nursery and day care centers.
- i. Retirement homes.
- j. Drive-in theater.
- k. Funeral homes.
- l. Drive-in banks.
- m. Drive-in food and beverage establishments
- n. Vehicle sales and services.
- o. Public parking lots.
- p. Taxi stands.
- q. Sewage disposal plants.
- r. Building contractors storage yards.
- s. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
- t. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- u. Heliports, bus and rail depot.
- v. Schools and churches.
- w. Hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories.
- x. Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.
- y. Tanning studios.

- z. Small engine repair shops.
- aa. Flea markets.
- bb. Tattoo parlors.
- cc. Car wash.
- dd. Planned unit developments.

(3) *Area, height and yard requirements.*

Lot (sewered)	Area	Minimum 7,500 square feet
	Width	Minimum 75 feet
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements.
	Width	Minimum 150 feet
Building	Height	Maximum 55 feet
Yards	Rear	Minimum 30 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

B-3 Waterfront business district.

(1) *Principal uses.*

- a. Adult entertainment use provided that there is a minimum building separation of 750 feet from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.* (See division 4.)

- a. All principal and conditional uses permitted in the B-1 and B-2 districts.

- b. Boat rental and boat access sites.
- c. Boats and marine supplies.
- d. Bowling alleys.
- e. Hotels, motels, and tourist courts.
- f. Bait shops.
- g. Restaurants.
- h. Skating rinks.
- i. Sporting goods and supplies.
- j. Supper clubs.
- k. Swimming beaches and pools.
- l. Taverns and bars.
- m. Yachting clubs and marinas.
- n. Bath houses.
- o. Boat liveries.
- p. Dance halls.
- q. One residential dwelling unit when located within the principal business structure.
- r. Public assembly uses.
- s. Commercial recreational facilities.
- t. Off-season storage facilities.
- u. Lodges and fraternal buildings.
- v. Nursing homes.
- w. Nursery and day care centers.
- x. Retirement homes.

- y. Drive-in food and beverage establishments.
- z. Vehicles sales and service.
- aa. Public parking lots.
- bb. Taxi stands.
- cc. Sewage disposal plants.
- dd. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- ee. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- ff. Schools and churches.
- gg. Planned unit developments.

(3) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-202 and 74-203, and all required yards.
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 10 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

B-4 Highway business district.

(1) *Principal uses.*

- a. Adult entertainment use provided that there is a minimum building separation of 750 feet

from the nearest residential structure, residential zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3, B-5, B-6), churches, schools, public parks, public playgrounds, public beaches, daycare centers and park zoning districts (P-1, P-2) existing at the time of application for a zoning permit or at the time of establishing an adult entertainment use within existing buildings which are properly zoned and do not require a zoning permit, and further provided that any adult entertainment use be conducted within an enclosed building.

(2) *Conditional uses.* (See division 4.)

- a. All principal and conditional uses permitted in the B-1 and B-2 districts.
- b. Automobile and truck retail services.
- c. Automobile repair services.
- d. Bars and taverns.
- e. Candy, nut, and confectionery sales.
- f. Gasoline service stations.
- g. Gift stores.
- h. Hotels, motels, and tourist courts.
- i. Night clubs and dance halls.
- j. Restaurants.
- k. Sales, service, and installation of tires, batteries and accessories.
- l. One residential dwelling unit when located within the principal business structure.
- m. Animal hospitals, shelters, and kennels.
- n. Yachting clubs and marinas.
- o. Public assembly uses.
- p. Commercial recreation facilities.
- q. Off-season storage facilities.
- r. Lodges and fraternal buildings.

- s. Nursing homes.
- t. Nursery and day care centers.
- u. Retirement homes.
- v. Drive-in food and beverage establishments.
- w. Drive-in bank.
- x. Vehicle sales and service.
- y. Public parking lots.
- z. Taxi stands.
- aa. Sewage disposal plants.
- bb. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- cc. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- dd. Schools and churches.
- ee. Commercial greenhouse.
- ff. Planned unit developments.
- gg. Commercial arboretum.

(3) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-202 and 74-203, and all required yards.
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements
	Width	Minimum 150 feet
Building	Height	Maximum 45 feet

Yards	Rear	Minimum 40 feet
	Side	Minimum 40 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

B-5 Planned commercial--Recreation business district. The primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

(1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.

(2) *Conditional uses.* (See division 4.)

- a. Aircraft landing and take-off fields.
- b. Amusement parks and miniature golf courses.
- c. Boat rentals and boat access sites.
- d. Planned campground developments.
- e. Dance halls.
- f. Restaurants, taverns, bars, and night clubs.
- g. Drive-in movies.
- h. Dude ranches.
- i. Fairgrounds.
- j. Health and recreational resorts, including the following uses which may be permitted as a part of the resort complex, provided that either in combination or individually they do not occupy more than 25 percent of the total floor area of the principal resort buildings.

Retail sales.

1. Antiques.

2. Books.
3. Camera and photographic supplies.
4. Candy, nut and confectionery.
5. China, glassware, and metal-ware.
6. Cigars, cigarettes, and tobacco.
7. Flowers.
8. Fur apparel.
9. Gifts stores.
10. Jewelry.
11. Men's and boy's clothing and furnishings.
12. Music supplies.
13. Newspapers and magazines.
14. Shoes.
15. Sporting goods.
16. Stationery.
17. Toys.
18. Women's and girl's clothing and furnishings.

Personal services.

1. Artists services.
2. Barber services.
3. Beauty services.
4. Dry cleaning.
5. Laundry.

6. Photographic studios.
7. Shoe repair and cleaning services.
8. Custom tailoring.
9. Travel arranging services.
- k. Go-cart tracks.
- l. Golf courses and related facilities.
- m. Hotels and motels.
- n. Penny arcades.
- o. Race tracks.
- p. Commercial stables.
- q. Roller skating rinks.
- r. Skiing and tobogganing.
- s. Snowmobile trails.
- t. Swimming beaches.
- u. Skeet trap and rifle ranges.
- v. Animal hospitals, shelters, and kennels.
- w. Golf courses and country clubs.
- x. Ski hills.
- y. Yachting clubs and marinas.
- z. Public or private campgrounds.
- aa. Cultural activities.
- bb. Amusement activities.
- cc. Public assembly uses.

- dd. Archery ranges.
- ee. Golf driving range.
- ff. Firearm range.
- gg. Sports field.
- hh. Polo field.
- ii. Skating rinks.
- jj. Commercial recreational facilities.
- kk. Off-season storage facilities.
- ll. Lodges and fraternal buildings.
- mm. Nursing homes.
- nn. Nursery and day care centers.
- oo. Retirement homes.
- pp. Drive-in theaters.
- qq. Motels, hotels, and tourist courts.
- rr. Vehicle sales and services.
- ss. Public parking lots.
- tt. Taxi stands.
- uu. Sewage disposal plants.
- vv. Airports, airstrips, landing fields, and heliports.
- ww. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- xx. Schools and churches.
- yy. Commercial water slides.
- zz. Single-family and multiple-family dwelling units when located on the same site with

health or recreational resorts provided, however, that the transfer of ownership of any dwelling units may only include, therewith, a fractional interest in the site on which the dwelling unit is located, and such transfer shall not result in a subdivision or minor subdivision as defined under the Walworth County Subdivision Control Ordinance. Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.

aaa. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.

(3) *Area, height and yard requirements.*

Dwelling unit density:		
(Sewered)	No planned development approved as a conditional use in the B-5 zone may, with respect to that area exclusively devoted to residential land uses, exceed ten dwelling units per net developable acre.	
(Unsewered)	Maximum determined in accordance with section 74-164.	
Building	Height	Maximum, commercial structures 85 feet
		Maximum, residential structures 45 feet
Yards (interior)	Rear	Minimum 40 feet
	Side	Minimum 15 feet
	Street	Minimum 25 feet
Yards (perimeter except shore)	Minimum 100 feet from the exterior boundary of the development parcel	
Yards (perimeter, shore)	Minimum 75 feet	
Yards (street)	Subdivision	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highway (not including freeways)	Minimum 85 feet
Open space	Minimum 70 percent of total lot area	

B-6 Bed and breakfast district. The bed and breakfast district is a commercial district, hereby, established to provide areas to include bed and breakfast establishments which meet all state code requirements for such establishments.

(1) *Principal uses.*

- a. Bed and breakfast establishments-commercial means any place of lodging that:
 1. Provides eight or fewer rooms for rent to no more than a total of 20 tourists or transients;
 2. Provides no meals other than breakfast and provides the breakfast only to its

lodgers;

3. Is the owner's personal residence;
4. Is occupied by the owner at the time of rental;
5. Was originally built and occupied as a single-family residence, or prior to use as a place of lodging, was converted to use and occupied as a single-family residence; and
6. Has had completed structural additions in accordance with Wis. Stats. § 254.61(1).

(2) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum 15,000 square feet
	Width	Minimum 100 feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-164.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 15 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and federal highways	Minimum 85 feet (not including freeways)
	Shore	Minimum 75 feet

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 5-10-05; Ord. No. 369-07/06, pt. VII, 7-11-06; Ord. No. 466-11/07, pt. XVIII, 11-13-07; Ord. No. 561-06/09, pt. IV, 6-9-09; Ord. No. 563-06/09, pt. IV, 6-9-09)

Sec. 74-183. Industrial districts.

M-1 Industrial district.

(1) *Principal uses.*

- a. Automotive upholstery.
- b. Cleaning, pressing, and dyeing.
- c. Commercial bakeries.
- d. Commercial greenhouses.

- e. Distributors.
- f. Food locker plants.
- g. Printing.
- h. Publishing.
- i. Trade and contractor offices.
- j. Warehousing.
- k. Wholesaling.
- l. Automotive proving grounds.
- m. Retail sales and service facilities, such as retail-outlet stores, surplus goods stores, and restaurants and food service facilities, when established in conjunction with a permitted manufacturing or processing facility.
- n. Manufacture, fabrication, processing or packaging of food, but not including, because of noxious odors, cabbage, fish and fish products, meat and meat products, pea vining and commercial egg production.

(2) *Conditional uses.* (See division 4.)

- a. Living quarters for watchman or caretaker.
- b. Farm machinery plants.
- c. Machine shops.
- d. Painting.
- e. Manufacture, fabrication, packing, packaging, and assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.
- f. Automotive body repairs.
- g. Laboratories.
- h. Manufacture and bottling of non-alcoholic beverages.
- i. Storage and sale of machinery and equipment.
- j. Manufacture, fabrication processing, packaging and packing of confections; cosmetics;

electrical appliances; electronic devices; instruments; jewelry; pharmaceuticals; tobacco; and toiletries.

- k. Sewage disposal plants.
- l. Commercial service facility such as restaurants and fueling stations (see sections 74-65/74-192).
- m. Building contractors storage yard.
- n. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- o. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- p. Recycling center.
- q. Composting.
- r. Garbage dumpster rental.
- s. Planned unit developments.

(3) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-202 and 74-203, and all required yards.
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements.
	Width	Minimum 150 feet
Building	Height	Maximum 55 feet
Yards	Rear	Minimum 30 feet except 50 feet when abutting a residential district
Yards	Side	Minimum 30 feet except 50 feet when abutting a residential district
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet

	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

M-2 Heavy industrial district.

(1) *Principal uses.*

- a. All principal uses permitted in the M-1, industrial district.
- b. Freight yards, terminals, and trans-shipment depots.
- c. Inside storage.
- d. Breweries.

(2) *Conditional uses.* (See division 4.)

- a. Living quarters for watchman or caretaker.
- b. Crematories.
- c. All conditional uses in M-1 district.
- d. Pea vineries.
- e. Creameries.
- f. Condenseries.
- g. Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lampblackening, size, starch, stove polish, textiles, and varnish.
- h. Manufacture and processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast.
- i. Manufacture and bottling of alcoholic beverages.

- j. Bag cleaning, bleacheries, canneries, cold storage warehouses; electric and steam generating plants; electroplating; enameling; forges, foundries, garbage incinerators; lacquering; lithographing, offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving.
- k. Outside storage and manufacturing uses.
- l. Wrecking, junk, demolition, automobile salvage yards and scrap yards.
- m. Commercial service facilities.
- n. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- o. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- p. Recycling centers.
- q. Composting.
- r. Planned unit developments.

(3) *Area, height, and yard requirements.*

Lot (sewered)	Area	Minimum sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by sections 74-202 and 74-203, and all required yards.
Lot (unsewered)	Area	Minimum 40,000 square feet in lot area per principal use or structure and sufficient area to meet off-street parking and loading requirements.
	Width	Minimum 150 feet
Building	Height	Maximum 70 feet
Yards	Rear	Minimum 30 feet except 50 feet when abutting a residential district
	Side	Minimum 30 feet except 50 feet when abutting a residential district
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet

	County road	Minimum 65 feet
	State and federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

M-3 Mineral extraction district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Conditional uses.* (See division 4.)
 - a. Aggregate or ready-mix plant.
 - b. Clay, ceramic, and refractor minerals mining.
 - c. Crushed and broken stone quarrying.
 - d. Mixing of asphalt.
 - e. Nonmetallic mining services.
 - f. Processing of top soil.
 - g. Sand and gravel quarrying.
 - h. Washing, refining, or processing of rock, slate, gravel, sand or minerals.
 - i. The extension of any existing mineral extraction related uses.
 - j. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - k. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
 - l. Recycling centers.
 - m. Composting.
- (3) *Yard requirements.* All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line, or a shoreline. All accessories, such as offices, parking areas, and stock piles, shall be at least 100 feet from any right-of-way or property line or a shoreline. The committee may vary this requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in a continuous phase and the barrow material is

replaced on site for the re-establishment of the original grade after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the setback requirement be reduced to less than 2 1/2 times the proposed maximum depth.

M-4 Sanitary landfill district.

- (1) *Principal uses.* All uses in this district are conditional uses and must be approved in accordance with the procedures established in division 4.
- (2) *Conditional uses.* (See division 4.)
 - a. Sewage disposal plants.
 - b. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
 - c. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - d. Sanitary landfill operations and incinerators.
 - e. Recycling centers.
 - f. Composting.
 - g. Contaminated soil reclamation.
- (3) *Yard and height requirements.*

Yard:	All operations shall be at least 200 feet from the right-of-way of any public or approved private street or property line of a shoreline	
Structures:	Height:	Maximum 45 feet

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 5-10-05; Ord. No. 466-11/07, pt. XIX, 11-13-07)

Sec. 74-184. Wellhead protection overlay district--Town of Bloomfield.

- (a) *General.*
- (1) *Purpose and authority.* The residents of the Pell Lake Sanitary District No. 1 situated in the Town of Bloomfield, Walworth County, Wisconsin, depend exclusively on groundwater for a safe drinking water supply. Certain land use practices and activities can seriously threaten or degrade groundwater quality. The purpose of this wellhead protection overlay district is to institute land use regulations and restrictions to protect the Pell Lake Sanitary District's

municipal water supply and well fields, and to promote the district's municipal water supply and well fields, and to promote the public health, safety and general welfare of the residents of the Pell Lake Sanitary District situated in the Town of Bloomfield, Walworth County, Wisconsin.

Statutory authority of the county to enact these regulations is established by Wis. Stats. § 59.69, which specifically added groundwater protection to the statutory authorization for planning and zoning to protect public health, safety and welfare.

(2) *Application of regulations.* The regulations specified in this wellhead protection ordinance shall apply only to lands within 1,200 feet of the Pell Lake Sanitary District municipal well (Cones of Depression), located in Sections 14 and 15, T 1 N, R 18 E, Town of Bloomfield, Walworth County, Wisconsin.

(b) *Definitions.*

(1) *Aquifer.* A saturated, permeable geologic formation that contains and will yield significant quantities of water.

(2) *Cone of depression.* The area around a well, in which the water level has been lowered at least one foot by pumping the well. For the ease of determination, the cone of depression or groundwater protection overlay district A has been established as being 1,200 feet from the Pell Lake Sanitary District wells.

(3) *Recharge area.* Area in which water reaches the zone of saturation by surface infiltration and encompasses all areas or features that supply groundwater recharge to a well.

(4) *Well field.* A piece of land used primarily for the purpose of locating wells to supply a municipal water system.

(c) *District boundary established.* The boundary of the wellhead protection overlay district is hereby established as shown on the map entitled "Pell Lake Sanitary District No. 1, Environmental Concerns Map-- Figure 2" and shall consist of the entire area that is situated within 1,200 feet of the Pell Lake Sanitary District wells.

(d) *Groundwater protection overlay district A.*

(1) *Intent.* The primary portion of the Pell Lake Sanitary District recharge area to be protected is the land within 1,200 feet of the Pell Lake wells.

(2) *Prohibited uses.* The following commercial uses, as defined in section NR 500.03, Wisconsin Administrative Code and/or generally described below are prohibited uses within the groundwater protection overlay district A. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.

- a. Any solid waste storage facility.
 - b. Transportation facility.
 - c. Transfer facility.
 - d. Incineration facility.
 - e. Air curtain destructor facility.
 - f. Processing facility.
 - g. Wood burning facility.
 - h. One time disposal facility.
 - i. Small demolition facility.
 - j. Sanitary landfill.
 - k. Coal storage area.
 - l. Salt or deicing material storage area.
 - m. Gasoline or fuel oil storage tanks that have not received written approval from the department of commerce or its designated agent under Wis. Admin. Code Comm. § 10.10.
 - n. Bulk fuel storage facilities.
 - o. Pesticide or fertilizer handling or storage facilities.
- (3) Where any of the uses in paragraphs (2) above exist within groundwater protection overlay district A on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (e) *Groundwater protection overlay district B.*
- (1) *Intent.* A second portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 1,000 feet of the Pell Lake Sanitary District well. Land use restrictions within groundwater protection overlay district B are more restrictive than in overlay district A because of shorter flow times and a smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection

overlay district B. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.

- a. All prohibited uses listed in overlay district A.
- b. Land application of municipal, commercial or industrial waste.
- c. Industrial, commercial or municipal waste water lagoons or storage structures.
- d. Commercial storage or stacking of manure.
- e. Septic tanks or soil absorption units receiving 8,000 gallons or more per day.

(3) Where any of the uses in paragraph (2) above exist within groundwater protection overlay district B on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

(f) *Groundwater protection overlay district C.*

(1) *Intent.* A third portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 600 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district C are more restrictive than overlay districts A and B because of shorter flow times and a smaller potential for remediation, dilution and attenuation.

(2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district C. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.

- a. All prohibited uses listed under overlay districts A and B.
- b. Gasoline or fuel oil storage tanks that have received written approval from the Department of Commerce or its designated agent under Comm. § 10.10.

(3) Where any of the uses in paragraph (2) above exist within groundwater protection overlay district C on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.

(g) *Groundwater protection overlay district D.*

(1) *Intent.* A fourth portion of the Pell Lake Sanitary District recharge area to be protected is the land

which lies within 400 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district D are more restrictive than in overlay districts A, B and C because of shorter flow times and smaller potential for remediation, dilution and attenuation.

- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district D. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
 - a. All prohibited uses listed in overlay districts A, B, and C.
 - b. Cemetery.
 - c. Storm water drainage pond.
- (3) Where any of the uses in paragraph (2) above exist within groundwater protection overlay district D on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (h) *Groundwater protection overlay district E.*
- (1) *Intent.* A fifth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 200 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district E are more restrictive than in overlay districts A, B, C, and D because of shorter flow times and smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district E. These uses are prohibited based on a high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
 - a. All prohibited uses listed in overlay districts A, B, C, and D.
 - b. Sanitary sewer main.
 - c. Lift station.
 - d. Single-family fuel oil tank.

A lesser separation distance may be allowed for sanitary sewer mains where the sanitary sewer main is constructed of water main materials and joints and pressure tested in place to meet current American Water Works Association (AWWA) 600 specifications. In no case may the separation distance between a well and a sanitary sewer main be less than 50 feet.

- (3) Where any of the uses in paragraph (2) above exist within Groundwater Protection Overlay District E on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (i) *Groundwater protection overlay district F.*
- (1) *Intent.* A sixth portion of the Pell Lake Sanitary District recharge area to be protected is the land which lies within 50 feet of the Pell Lake Sanitary District wells. Land use restrictions within groundwater protection overlay district F are more restrictive than in overlay districts A, B, C, D, and E because of shorter flow times and smaller potential for remediation, dilution and attenuation.
- (2) *Prohibited uses.* The following uses are prohibited uses within the groundwater protection overlay district F. These uses are prohibited based on the high probability that activities routinely associated with these uses (storage, use, and handling of potential pollutants) may cause groundwater contamination. Uses not listed may not be permitted uses.
- a. All prohibited uses listed in overlay districts A, B, C, D and E.
- b. Storm sewer main.
- (3) Where any of the uses in paragraph (2) above exist within groundwater protection overlay district F on the effective date of this section, owners of these facilities will be allowed to upgrade the facilities to facilitate or enhance groundwater protection. Plans for the proposed upgrade must be approved by the county zoning administrator and a zoning permit must be issued prior to any work being initiated. Expansion of the prohibited facility will not be allowed.
- (j) *Penalties.* Any person who fails to comply with the provisions of this section shall upon conviction thereof, forfeit not less than ten dollars (\$10.00) nor more than two hundred dollars (\$200.00), and costs of prosecution for each violation, and in default of payment of such forfeiture and costs, shall be imprisoned in the Walworth County jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

DIVISION 4.

CONDITIONAL USES

Sec. 74-185. Application.

Pre-application for subdivision/condominium requests. A pre-application meeting shall be required prior to the submittal of any conditional use request for subdivisions/condominiums. The pre-application process shall include a sketch plan prepared by a registered land surveyor and the applicable fee. The plans submitted shall be reviewed in a meeting scheduled by the county. The plans shall be reviewed for issues related to, but

not limited to, platting, zoning, sanitation, stormwater, highway and parks. If a pre-application meeting is held during the changes and amendment (rezone) process, a pre-application meeting is not required during this process.

Application for conditional use permits shall be made to the county zoning administrator on forms furnished by the administrator and shall include the following where pertinent and necessary for property review by the committee:

- (1) Name and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
- (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a land surveyor registered in Wisconsin or other map drawn to scale and approved by the county zoning administrator, showing the location, property boundaries, dimensions, elevations, uses, and existing and proposed easements, streets, and other public ways; off-street parking, loading areas and driveways; existing highway access restrictions; existing and proposed street, side and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site; soil mapping unit lines; mean and historic highwater lines, on or within 40 feet of the subject premises, and existing and proposed landscaping.
- (4) Additional information as may be required by the committee, county zoning administrator, county land conservation or county sanitarian, such as ground surface elevations, basement and first floor elevations, utility elevations, historic and probable future floodwater elevations, areas subject to inundation by floodwaters, depths of inundation, floodproofing measures, soil type, slope, stormwater consistent with the stormwater management ordinance and boundaries, and plans for proposed structures giving dimensions and elevations pertinent to the determination of the hydraulic capacity of the structure of its affects and flood flows.
- (5) Applications. A party shall not initiate action for a conditional use permit affecting the same land more than twice every 12 months. The 12 months to be calculated from the date of the conclusion of the first county planning, zoning, and sanitation committee public hearing. If a change in a county zoning ordinance or state statute affects the subject matter of the permit request, the party may apply again even if there have been two actions on the same land within the 12-month period.
- (6) *Submission to township.* A party shall submit a copy of the same application for a conditional use permit to the township where the parcel is located. An applicant shall receive a recommendation from the appropriate township concerning all conditional use applications.

(Amd. of 1-11-05; Ord. No. 419-03/07, pt. III, 3-13-07; Ord. No. 466-11/07, pt. XX, 11-13-07)

Sec. 74-186. Review and approval of conditional uses.

The committee shall review the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the affects of the proposed use, structure, operation, and improvement upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat, and shall hold a public hearing after publishing a class 2 notice thereof under Wis. Stats. ch. 985. A recommendation from the appropriate township must be received before a public hearing may be held. Township recommendations must be submitted by the applicant to the department no later than one week prior to the scheduled hearing. An applicant may be charged a re-notice fee if the recommendation of the township is not received one week prior to the scheduled hearing.

The committee may authorize the county zoning administrator to issue a conditional use permit after review and public hearing, provided that such conditional uses and structures are in accordance with the purpose and intent of this ordinance and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the county and its communities. Written notice of the proposed conditional use shall be submitted to the department of natural resources ten days prior to said hearing.

Conditions, such as landscaping, architectural design, type of construction, construction commencement and completion dates, sureties, lighting, fencing, location, size and number of signs, water supply and waste disposal systems, higher performance standards, street dedication, certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces, streambank protection, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or additional parking may be required by the county planning and development committee upon its finding that these are necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of 1965, and to meet the provisions of the Wisconsin Floodplain and Shoreland Management Programs.

Compliance with all other provisions of this ordinance, such as lot width and area, yards, height, parking, loading, traffic, highway access, and performance standards, shall be required of all conditional uses. Variances shall only be granted as provided in division 10.

Existing uses. All uses existing at the effective date of this ordinance which would be classified as conditional uses in the particular zoning district concerned if they were to be established after the effective date of this ordinance, are hereby declared to be conforming conditional uses. Any proposed change to the existing use, shall be subject to the conditional use procedures as if such use were being established anew. Also, any addition or alteration to existing structures or improvements which exceed 25 percent of the prior structure size or increase by 25 percent or more prior intensity of use shall be subject to the conditional use procedures as if such use were being established anew. Other than as above restricted, additions, alterations, or extensions to existing structures or improvements are not prohibited provided such changes do not result in a change in the existing use or otherwise violate any provision of the applicable Zoning Ordinances of Walworth County, Wisconsin. Campgrounds; salvage, wrecking, junk, demolition, and scrap yards; mineral extraction and related uses; and sanitary landfill uses shall be, unless a waiver is granted by the administrator, additionally subject to the registration regulations set forth in sections 74-189, 74-192, 74-194 and 74-195 respectively.

A copy of all conditional use permits shall be transmitted to the Wisconsin Department of Natural Resources within 10 days after the issuance of the decision.

Decisions. The committee may make a decision on conditional use applications at the next regularly scheduled meeting of the committee.

Appeals. All appeals regarding conditional uses shall be made to the county circuit court via certiorari. Appeals must be commenced seeking the remedy available by certiorari within 30 days after the filing of the decision by the committee.
(Amd. of 1-11-05; Amd. of 8-9-05)

Sec. 74-187. Shoreland and floodplain uses.

In approving or disapproving a conditional use in the floodplain, the committee shall deny any permit if it is determined (Hydraulic and Hydrologic Analyses) that the proposed request will obstruct flow or increase regional flood height 0.01 foot or more, based on the officially adopted FIRM or other adopted map, whichever is more restrictive. No floodplain use shall obstruct flow, defined as use which blocks the conveyance of floodwaters by itself or with other use, increasing regional flood height or increase regional flood height due to floodplain storage area lost, which equals or exceeds 0.01 foot. The committee shall consider the purpose and intent of this ordinance and such evidence as a cross-section elevation view of the proposal, perpendicular to the watercourse, showing if the proposed use will obstruct flow or any analysis calculating the effects of this proposal on regional flood height. Any structure shall have their lowest floor and their heating, electrical, ventilation, plumbing, air conditioning equipment and other vital utility facilities constructed at or above an elevation of the 100-year recurrence interval floodplain. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered engineer that the floodproofing measures are consistent with the flood pressures, depths, velocities, uplift and impact forces and other regional flood factors associated with the 100-year recurrence interval flood.

Wetland restoration projects shall also provide evidence that no material is deposited in a navigable channel unless a permit is issued by the department of natural resources pursuant to Wis. Stats. ch. 30, and a permit pursuant to sec. 404 of the Federal Water Pollution Control Act, Amendments of 1972, 33 U.S.C. 1344 has been issued, if applicable, and the other requirements of this section are met. Any fill or material will be protected against erosion and shall not include any solid or hazardous material. A project to restore a wetland area by the installation of best management practices, the applicant must demonstrate that the project restores or improves functional values including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhanced fisheries and wildlife habitat, improved filtration or storage of sediments, nutrients, and toxins, improved shoreline protection against erosion and any additional wetland functional values. Any damages occurring from wetland restoration will be the responsibility of the applicant(s). Legal arrangements must be made with all affected landowners prior to construction by applicant(s). This is not a mitigation policy, allowing filling of wetlands, but a restoration policy.

Water course alterations subject to written notification to all adjacent municipalities, the Department of Natural Resources and FEMA regional offices. The applicant is further required to secure all necessary state and federal permits. The flood carrying capacity of any altered or relocated watercourse shall be maintained. As soon as is practicable, but not later than six months after the date of the watercourse alteration or relocation, the applicant shall provide the zoning administrator with the appropriate technical or scientific data in accordance with NFIP guidelines that shall be used to revise the FIRM, risk premium rates and floodplain management regulations as required. The zoning administrator shall notify FEMA of such technical or scientific data.

Nonconforming structures that are damaged or destroyed by a nonflood disaster shall also comply with the following: limit the repair or reconstruction of any such structure to the footprint and envelope of the structure. If a compliant location exists, the structure should be moved to the compliant location to the greatest extent possible. The structure must not obstruct flow of flood waters or cause any increase in flood levels during the occurrence of the regional flood. Contiguous dryland access must be provided. The structure must be anchored to resist flotation, collapse, and lateral movement. The structure shall be floodproofed, by means other than fill, to an elevation at or above the 100 year recurrence interval floodplain. Floodproofing measures, by means other than filling, shall be designed to withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors, protect structures to the flood protection elevation, anchor structures to foundations to resist flotation and lateral movement, and insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention. Floodproofing measures could include reinforcing walls and floors to resist rupture or collapse caused by water pressure or adding mass or weight to prevent flotation, placing essential utilities above the flood protection elevation, installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures, constructing water supply wells and waste treatment systems to prevent the entry of flood waters, or putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Nonconforming historic structure, not designed for human habitation, shall also comply with the following: A non-conforming historic structure on the historic registry may be altered if the alteration will not preclude the structures continued designation as a historic structure, if flood resistant materials are used, if construction practices and floodproofing methods, other than filling, are used. Floodproofing measures, by means other than filling, shall be designed to withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors, protect structures to the flood protection elevation, anchor structures to foundations to resist flotation and lateral movement, and insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention. Floodproofing measures could include reinforcing walls and floors to resist rupture or collapse caused by water pressure or adding mass or weight to prevent flotation, placing essential utilities above the flood protection elevation, installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures, constructing water supply wells and waste treatment systems to prevent the entry of flood waters, or putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

Floodplain uses not prohibited in section 74-166 are conditional uses and shall also comply, provided the use is also permitted in the zoning district and the use shall be floodproofed by means other than filling to an elevation at or above the 100 year recurrence interval flood.

The committee shall request a review of each such floodplain use by the Wisconsin Department of Natural Resources and await their recommendations before taking final action, but not to exceed 60 days. A copy of the committee's decision on such application shall be forwarded by the zoning administrator to the department within ten days of each decision.

Shoreland special vegetation removal plan allowing greater vegetation removal than that permitted for the view/access corridor in section 74-167 shall require a conditional use permit after public hearing by the committee. Applicant shall include a survey of the lot providing the following information: location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting.
(Ord. of 6-11-02; Amd. of 4-19-05; Ord. No. 575-09/09, pt. XVII, 9-8-09)

Sec. 74-188. Agricultural and related uses.

Except where specifically permitted as a principal use in division 3, the following agricultural and related uses shall be conditional uses and may be permitted as specified. All conditional uses in the A-1 district are limited to those that are consistent with agricultural use and found to be necessary in light of alternative locations available for any such uses (Wis. Stats. ch. 91.01(10)). In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider each evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in section 74-153 and 74-154 and upon the particular land use problems related to development of the site or sites as proposed.

Single-family dwellings exceeding one per farm in A-1, A-2, and A-3 districts provided, however, that such dwellings may only be permitted when consistent with an agricultural use and that are occupied by an owner of the parcel, or a person who, or a family of which at least one adult member earns the majority of his or her gross income from conducting the farm operations on the parcel, or a parent or child of an owner who conducts the majority of the farm operations on the parcel, or a parent or child of an owner who resides on the parcel and who previously conducted the majority of the farm operations on the parcel and laborers principally engaged in a principal or approved conditional use and only when the need for such additional units to support and carry on the principal or approved conditional use has been established. If conditional use approval is granted for one or more additional dwellings, such dwellings may be separated from the farm lot provided however, that any parcel so created conforms with all regulations set forth in sections 74-164 and 74-165 of this ordinance, except that no such parcel shall be less than 40,000 square feet in area nor greater than the larger of either five acres in area or the acreage necessary to maintain the minimum required setbacks.

Housing for migratory or seasonal farm workers in the A-1, A-2, and A-3 districts.

Commercial feed lots/livestock facility in the A-1, A-2, and A-4 districts in accordance with the provisions of Wis. Stats. § 93.90, and ATCP 51 of Wis. Administrative Rules, if applicable, inclusive of all future amendments to any provisions of those sections of the Wisconsin Statutes and Administrative Rule. Applications for livestock facilities shall be approved unless the committee finds based on clear and convincing information and documentation that the application does not comply with requirements of the regulations.

Animal hospitals, shelters, and kennels in the A-2, A-3, A-4, and A-5 districts and conservancy districts and the B-2, B-4 and B-5 business districts provided that the lot area is not less than five acres and further provided that if animals are to be housed outside, there is a minimum building separation of 1,000 feet from the nearest residential structure existing at the time of the issuance of a zoning permit.

Veterinarian services in the A-2 and A-4 districts.

Commercial stables in the A-2, A-4, C-2, P-1, P-2 and B-5 districts.

Commercial raising and propagation of fur-bearing animals in the A-1, A-2, and A-3 districts.

Commercial egg production in the A-1, A-2, and A-3 districts.

Land restoration in all agricultural and conservancy districts when conducted in accordance with the

county conservation standards.

Agricultural-related manufacturing, warehousing, and marketing activities in the A-4 district, including contract sorting, grading, and packaging services for fruits and vegetables; corn shelling, hay baling, and threshing services; spring water bottling, grist mill services; horticultural services; poultry hatchery services; production of animal and marine fat and oil; canning of fruits, vegetables, preserves, jams, and jellies; canning of specialty foods; preparation of cereals; production of natural and processed cheese; production of chocolate and cocoa products; coffee roasting and production of coffee products; production of condensed and evaporated milk; wet milling of corn; cottonseed oil milling; production of creamery butter; drying and dehydrating fruits and vegetables; preparation of feeds for animal and fowl; production of flour and other grain mill products; blending and preparing of flour; fluid milk processing; production of frozen fruits, fruit juices, vegetables, and other specialties; malt production, meat packing, fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation; poultry and small game dressing and packing, providing that all operations be conducted within an enclosed building; milling of rice; production of sausages and other meat products, providing that all operations be conducted within an enclosed building; production of shortening, table oils, margarine and other edible fats and oils; milling of soy bean oil; milling of vegetable oil; sugar processing and production; production of wine, brandy, and brandy spirits; livestock sales facilities; grain elevators and bulk storage of feed grain; fertilized production, sales, mixing, storage and blending; sales of farm implements and related equipment; and transportation-related activities primarily serving the basic agricultural industry. Any outside storage or display areas in conjunction with the above commercial and related uses may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the area be closer than 25 feet to any right-of-way.

Placement of structures in the A-1, prime agricultural land district, A-2, agricultural land district and A-3, agricultural holding district on parcels where the separation of farm structures has been approved and separated.

Farm family business is a use which is accessory to an agricultural use consisting of uses listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics. A farm family business may be permitted as a conditional use for farm owners if limited to existing farm residence or farm structures not dedicated to agricultural uses. No more than two persons who are not members of the resident farm family may be employed in the farm family business (see Wis. Stats. 91.75(8))

Signage for approved business on A-4 provided the sign is located at least five feet from property lines.

Off-season storage facilities for boats, and other recreational vehicles, such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes in the A-4 district. Any outside storage or display areas in conjunction with this use may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.

Hunting and fishing club land without structures in the A-1 zoning district.

Retail sales related to those agricultural uses listed in A-4. The retail sales of ancillary non-agricultural items is subject to detailed plan approval by the committee.
(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 1-11-05; Amd. of 3-8-05; Amd. of 5-10-05; Amd. of 8-9-05; Ord.

Sec. 74-189. Recreational and related uses.

Except where specifically permitted as a principal use in division 3, the following recreational and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing upon the general purpose and intent of this ordinance set forth in sections 74-153 and 74-154 and upon the particular problems related to development of the site or sites as proposed.

- (1) Golf courses and country clubs in all residential and park districts, the C-2, conservancy district and the B-5, business district.
- (2) Ski hills in the A-2, A-3, P-1, P-2, C-2, R-5 and B-5 districts.
- (3) Yachting clubs and marinas in the P-1, P-2, C-2, B-4, and B-5 districts.
- (4) Hunting and fishing clubs in the A-2, C-2, and P-1 districts.
- (5) Recreational camps in the A-2, P-1, P-2, C-2, and B-5 districts are subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
 - a. *Yards.* There shall be a yard on each side of a recreational camp as follows:
 1. Street: Minimum 100 feet.
 2. Rear: Minimum 100 feet.
 3. Side: Minimum 50 feet.
 4. Shore: Minimum 75 feet.
 - b. *Screening.* There shall be a condition of the granting of the permit for a recreational camp, and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs and trees be allowed to grow and develop in all required yards, except noxious plants, weeds and trees, or the vegetation of equivalent density be planted therein so as to provide a natural screen between a camp and neighboring areas and so that required yards shall be unused and unusable for general purposes of camp operation.
 - c. *Off-street parking.* Off-street parking shall be provided on the premises of any such recreational camp, but not in any required yard, equal to not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operated in connection with such camping.

- d. *Sewage disposal.* Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by chapter HSS 178 of the Wisconsin Administrative Code and constructed and maintained as required by the county sanitary ordinance.
 - e. *Water supply.* Where public water is not available, the well or wells supplying any camping area shall comply with Chapter HSS 178 of the Wisconsin Administrative Code, except that well pits or pump pits shall not be permitted.
- (6) Public or private campgrounds in the P-1, P-2, C-2, and B-5 districts are subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing.
- a. *Camping area location.* The temporary accommodation of persons providing their own means of shelter is permitted only in the locations approved on the site development plan, as required under section 74-185 of this ordinance. In approving such locations, the committee shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent overcrowding and the development of unhealthful or unsanitary conditions on the premises. Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited.

Within the camping areas approved on the site plan, every camping unit shall be located on generally well-drained ground, and no camping unit nor any building or structure related to the operation of such camping area, shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barnyard, or other source of pollution. No camping unit shall be located more than 400 feet from a toilet or service building.
 - b. *Camping unit definition.* Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motor home, camping trailer, and tent. A camping unit shall not exceed a maximum living area of 400 square feet.
 - c. *Minimum camping unit site area:* There shall not be less than 4,000 square feet of land per camping unit exclusive of required yards, parking lots, and areas devoted to permanent buildings and their grounds. Camping unit site areas shall be located and spaced at least 75 feet center to center. No camping unit shall be located within 50 feet of any other camping unit. Group camping shall be permitted only in an area designated for such use on the approved site development plan. Automobiles, except self-propelled camping units, shall not be parked in any such designed group camping area except for loading and unloading purposes.

1. Yards: A yard shall be provided along each side of the camp except that part which fronts on a lake or stream course.
 2. Street: Minimum 100 feet.
 3. Rear: Minimum 100 feet.
 4. Side: Minimum 50 feet.
 5. Shore: Minimum 75 feet.
- d. *Screening.* There shall be a condition of the granting of the permit for such camp and a continuing condition for its operation, that the natural vegetation of the area, including grass, flowers, shrubs, and trees be allowed to grow and develop in all required yards, or that vegetation of equivalent density be planted therein, so as to provide a natural screen between such camp and adjacent properties.
- e. *Off-street parking.* Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit. Each such parking space shall not be less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.
- f. *Water supply.* There shall be an adequate source of pure water with water outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet rooms.
- g. *Sewage disposal.* Sanitary sewage and waste disposal facilities shall be provided as required by Chapter COMM 83 of the Wisconsin Administrative Code constructed and maintained as required by the county sanitary ordinance.
- h. *Drives and walkways.* There shall be a system of driveways and walkways connecting every camp unit within any camping area with a public street or highway. Such driveways shall be not less than 16 feet in width and such walkways shall be not less than five feet in width. All driveways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Driveways shall be well lit at night and shall be unobstructed at any time.
- i. *Maintenance.* It shall be a condition on the granting of a permit for the camping area, and a continuing condition for the operation of the same that:
1. Drainage of the area shall be maintained and camping units placed on well

drained ground.

2. Required yards shall be maintained.
 3. Water supply, sanitary sewage, and waste disposal facilities shall be maintained.
 4. Roadways, walkways, and parking areas shall be maintained.
 5. All requirements of the Wisconsin Administrative Code shall be met and maintained.
- j. *Permit renewal.* Any conditional use permit issued for a campground including permits issued to existing operations, shall be in effect for a one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the committee after a public hearing.
- k. *Existing operations.* Within 60 days after the effective date of this ordinance, all existing campground operations in shorelands shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership date, maps showing existing campground layout, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in section 74-173 and 74-174. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.
- (7) Planned campground developments are conditional uses in the B-5 zoning district subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
- a. *Planned campground development area location.* In approving such locations, the committee shall view the proposed site and consider the general purpose and intent of this zoning ordinance to promote the public health, safety, and general welfare and to prevent overcrowding and the development of unhealthful or unsanitary conditions on the premises.

Occupancy of a camping unit on a continuous year-round basis or utilization of a camping unit as a permanent abode or legal place of residence shall be prohibited. Compliance with this requirement shall be the responsibility of the campground association.

Within the camping areas approved on the site plan, every camping unit shall be located on generally well-drained ground, and no camping unit nor any building or structure related to the operation of such camping area, shall be located on ground on which storm or other surface waters accumulate, or on ground which is substantially wet or muddy due to subsoil moisture. No camping area, nor any camping unit within such camping area, shall be so located as to be subject at any time to the flow of surface waters from a barn yard, or other source of pollution.

- b. *Camping unit definition.* Camping unit as used in this section shall mean any "recreational vehicle," including travel trailer, pick-up coach, motorhome, camping trailer and park model. A camping unit shall not exceed a maximum living area of 400 square feet. All camping units shall remain mobile. The original wheel assembly shall not be removed, wheels shall be in contact with the pad, the pad shall not exceed six inches above the original grade and the unit shall not be installed upon footings nor a foundation.
- c. *Perimeter yards.* There shall be a buffer yard on all sides of a planned campground development as follows:
 - 1. Street: Minimum 100 feet.
 - 2. Rear: Minimum 100 feet.
 - 3. Side: Minimum 50 feet.
 - 4. Shore: Minimum 75 feet.
- d. *Screening.* There shall be a condition if granting the permit for a planned campground development and a continuing condition for the operation of the same, that the natural vegetation of the area, including grass, flowers, shrubs and trees be allowed to grow and develop in all perimeter yards (except noxious plants, weeds and trees), or the vegetation of equivalent density be planted therein so as to provide a natural screen between the campground and neighboring areas and so that perimeter yards shall be unused and unusable for general purposes of the camp operation.
- e. *Off-street parking.* Off-street parking shall be provided on the premises of all camping areas in the ratio of not less than one parking space for each camping unit, plus one additional parking space for each motor vehicle operating in connection with such camping, but not to be located in any required yard. Each such parking space shall not be less than 12 feet in width and of a length sufficient to accommodate the longest vehicle or vehicles to be parked therein.
- f. *Sewage disposal.* Where public sanitary sewer service is not available, sanitary sewage and waste disposal facilities shall be provided as required by Chapter COMM 83 of the Wisconsin Administrative Code and constructed and maintained as required by the

county sanitary ordinance. No camping unit shall be located more than 400 feet from a toilet or service building.

- g. *Water supply.* There shall be an adequate source of pure water with water outlets for drinking and domestic purposes located not more than 300 feet from any camping unit. Where a public water supply is not available, the well or wells supplying any camping area shall comply with the Wisconsin Well Construction Code; except that well pits or pump pits shall not be permitted. Supply outlets may be located in a service building if separate from toilet or laundry rooms. No common drinking vessels shall be permitted nor shall any drinking water faucets be placed in any toilet rooms.
- h. *Interior roadways and walkways.* There shall be a system of roadways and walkways connecting every unit within any camping area with a public street or highway. Such roadways shall be not less than 16 feet in width and such walkways shall be not less than five feet in width, unless by means of a conditional use permit, the width of the roadway(s) or walkway(s) within the planned campground are modified by the county zoning agency. All roadways, walkways, and parking areas shall be so constructed and maintained as to prevent the accumulation of surface waters and the formation of substantial muddy areas. Roadways shall be well lit at night and shall be unobstructed at all times.
- i. *Interior setback requirements.*

 - 1. Ten-foot street yard setback requirement from edge of pavement of the interior roadways (corner lots require two street yard setbacks).
 - 2. Five-foot side yard setback requirement.
 - 3. Five-foot rear yard setback requirement.
 - 4. 75-foot shore yard setback requirement.
- j. *Storage shed.*

 - 1. The storage shed shall be freestanding in its construction.
 - 2. Maximum size not to exceed 100 square feet.
 - 3. Height not to exceed ten feet from original grade to peak.
 - 4. If located in the rear yard shall be located at least three feet from lot lines.
 - 5. If located in the street yard shall be located at least ten feet from the pavement of the interior roadway and five feet from the side lot line.
 - 6. If located in the side yard shall be located at least five feet from the lot lines.

7. If located in the shore yard shall be located at least five feet from the side property line and seventy-five feet from the ordinary highwater mark.
- k. *Structures (including but not limited to enclosures, porches, decks, stairways, and gazebos).*
1. The structure shall be freestanding in its construction. A nonpermanent weather/storm seal may be used to adjoin the camping unit to the enclosure, deck, and/or gazebo.
 2. Structures shall be required to maintain the interior setback requirements as listed above.
 3. HVAC, plumbing and electrical shall be subject to all applicable codes.
 4. Height not to exceed 17 feet or the height of the ridge line of the camping units original roof whichever is less.
 5. A combination of structures not to exceed the size/square footage of the existing camping unit is permitted subject to meeting setback requirements.
- l. *Maintenance.* It shall be a condition on the granting of a permit for the camping area, and the continuing condition for the operation of the same that:
1. Drainage of the area shall be maintained and camping units placed on well drained ground.
 2. Required yards shall be maintained.
 3. Water supply, sanitary sewage, and waste disposal facilities shall be maintained.
 4. Roadways, walkways, and parking areas shall be maintained.
 5. All requirements of the Wisconsin Administrative Code shall be met and maintained.
- m. *Permit renewal.* Any conditional use permit issued for a planned campground development including permits issued to existing operations, shall be in effect for a one-year period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the committee after a public hearing.
- n. *Existing operations.* Within 60 days after the effective date of the adopted policy dated February 20, 1998, all existing campground operations shall be required to register with

the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership date, maps showing existing campground layout, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any site within the existing operation which does not comply with this registration requirement shall be required to meet current ordinance requirements.

- (8) Cultural activities, such as aquariums, art galleries, botanical gardens, arboreta, historic and monument sites, libraries, museums, planetaria, and zoos in the P-1, P-2 and B-5 districts.
- (9) Amusement activities, such as fair grounds, roller skating rinks, go-cart tracks, race tracks, and recreation centers in the P-1 and B-5 districts.
- (10) Public assembly uses, such as amphitheaters, arenas, field houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters, motion picture theaters, and stadiums in the P-1, P-2, B-2, B-3, B-4 and B-5 districts.
- (11) Commercial stables in the A-2, C-2, P-1, P-2 and B-5 districts.
- (12) Archery ranges, golf driving ranges, firearm ranges, sports fields, polo fields, and skating rinks in the P-1, P-2 and B-5 districts.
- (13) Commercial recreation facilities, such as arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, turkish baths, skating rinks, and theaters in the B-2, B-3, B-4 and B-5 business districts.
- (14) Off-season storage facilities for boats and other recreational vehicles such as campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in all business, industrial and A-4 districts. Any outside storage or display areas in conjunction with this use may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way.
- (15) Hotels, motels and tourist courts in the B-3, B-4 and B-5 districts.
- (16) Commercial arboretum in the C-2 districts outside environmental corridors and in the B-4 district.

(Ord. of 6-11-02; Ord. No. 315-09/05, pt. VII, 9-8-05; Ord. No. 369-07/06, pt. VIII, 7-11-06; Ord. No. 466-11/07, pt. XXI, 11-13-07; Ord. No. 561-06/09, pt. V, 6-9-09)

Sec. 74-190. Residential and related uses.

Except where specifically permitted as a principal use in division 3, the following residential and quasi-

residential uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in section 74-153 and 74-154, and upon the particular land use problems related to development of the site or sites as proposed.

(1) Conservation development design.

- a. Applicability. Conservation development design may be used on a voluntary basis for all residential developments with five or more dwellings in the A-2, C-2, C-3, R-1, R-2, R-2A and R-3 zoning districts and requires conditional use approval.
- b. Intent.
 1. To conserve conservation land, including those areas containing unique and sensitive natural features such as woodlands, steep slopes, streams, floodlands and wetlands, by protecting them from development. Where applicable, conservation land shall be laid out in general accordance with the wide, open space networks advocated by the Southeastern Wisconsin Regional Planning Commission, to encourage protection of an interconnected system of conservation lands.
 2. To provide greater design flexibility and efficiency in the siting of services and infrastructure, including the opportunity to reduce length of roads, utility runs and the amount of paving required for residential development.
 3. To reduce erosion and sedimentation by the retention of existing vegetation, and by minimizing development on steep slopes.
 4. To provide for a diversity of lot sizes, building densities, and housing choices to accommodate a variety of age and income groups, and residential preferences, so that the community's population diversity may be maintained.
 5. To conserve a variety of irreplaceable and environmentally sensitive resource lands as set forth in the adopted County Land Use Plan.
 6. To create neighborhoods with direct access to open land, with amenities in the form of conservation land.
 7. To provide for the conservation and maintenance of conservation land within the county to achieve the above-mentioned goals and for active or passive recreational use by residents.
 8. To provide multiple options for landowners in order to minimize impacts on environmental resources (sensitive lands such as wetlands, floodlands, and steep slopes) and disturbance of natural or cultural features (such as mature woodlands, hedgerows and tree lines, critical wildlife habitats, historic buildings, and

fieldstone walls.

9. To provide standards that preserve the unique characteristics of individual properties so that their special or noteworthy features may be designed around and conserved.
10. To encourage the protection of the elements of the county's beauty and rural character.

c. General regulations for conservation development design: The design of all new subdivisions and other development projects using conservation design shall be governed by the following requirements for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts:

1. Conservation development application, procedure, and approval process: The developer/applicant must follow the conservation development application, procedure, and approval process as identified in section 4.11 of the county subdivision control ordinance.
2. Site design. A site context map, existing resources and site analysis map, and sketch plan overlay sheet shall be prepared, as required by sections 5-A., 5-A.1, 5-A.2, and 5-A.3 of the county subdivision control ordinance. All conservation-design development projects shall use the four-step design process for conservation subdivision set forth in section 5-A.4 of the subdivision control ordinance.
3. The calculation of site capacity, or the number of dwelling units permitted on a site, shall be based on net buildable area (NBA). The site capacity shall be obtained by dividing the net buildable area within each district by the residential density allowed in the district. Fractional dwelling yield totals may not be combined between different zoning district. The applicant shall determine the net buildable area (NBA) using the following method, substantiated by sufficient plans and data to verify the calculations:

Gross tract area: _____ acres

From the gross tract area, subtract the following:

All lands located within existing and proposed street rights-of-way: _____
acres

All wetland areas: _____ acres

All of the area located within a pond, lake, or stream channel: _____ acres

The result is the net buildable area (NBA): _____ acres

Note: Where two or more categories overlap, the overlapping acreage shall be counted only once, using the most restrictive classification.

- d. Uses for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts:
1. All residential accessory structures are permitted subject to limitations of division 2.
 2. Accessory uses permitted on conservation lands are limited to the following:
 - i. Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).
 - ii. Neighborhood open space uses such as village greens, commons, picnic areas, community gardens, trails, and similar low-impact passive recreational uses specifically excluding motorized off-road vehicles unless specifically approved in the conditional use permit, rifle ranges, and other uses similar in character.
 - iii. Active noncommercial public and private recreation areas, such as playing fields, playgrounds, courts, and bikeways, provided such areas do not consume more than half of the minimum required conservation land or five acres, whichever is less. Playing fields, playgrounds and courts shall not be located within 100 feet of abutting properties. Parking facilities for the same shall also be permitted, and they shall generally be graded and dust-free, unlighted, properly drained, provide safe ingress and egress, and contain no more than ten parking spaces.
 - iv. Golf courses, provided they do not comprise more than half of the minimum required conservation land, but not including driving ranges or miniature golf. Their parking areas and any associated structures shall not be included within the minimum conservation land requirement; their parking and access ways may be paved and lighted.
 - v. Water supply and sewage disposal systems and stormwater detention areas designed, landscaped, and available for use as an integral part of the conservation land and also designed to maximize infiltration and groundwater recharge. Individual private wells and/or septic system disposal fields (filter beds) may be located within the common open space in conservation developments, in which case their maintenance responsibility shall lie with the owner of the dwelling to which it is connected. In such situations, the owners association shall be responsible for pumping the septic tanks (which may be located within individual house lots) on a periodic basis, according to the county sanitary ordinance.
 - vi. Easements for drainage access sewer or water lines, or other public

purposes.

- vii. Underground utility rights-of-way, aboveground utility and street rights-of-way may traverse conservation areas but shall not count toward the minimum required conservation land.
3. Uses limited to conservation lands of five acres or more zoned for agricultural uses for the A-2, and C-2 districts:
- i. Agricultural and horticultural uses, including raising crops or livestock, wholesale nurseries, and associated buildings, except residential buildings. Also specifically excluded are commercial livestock operations involving swine, poultry, mink, and other animals likely to produce offensive odors.
 - ii. Pastureland for horse, commercial equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation land.
 - iii. Silviculture, in keeping with established standards for selective harvesting and sustained yield forestry.
- e. Frontage for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts: For dwellings served by public or central water and sewer, dwellings may front directly onto a park or common open space area, provided they are served by a rear street access.
- f. Up to 50 percent of the minimum required conservation lands may be contained within individual, private conservancy lots which are ten acres or greater in size for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts.
- g. Buffers for adjacent public parkland, land trust preserves, or active farmland: Where the proposed development adjoins public parkland, conservation parcels owned by land trusts, or active farmland, a natural conservation land buffer at least 150 feet deep shall be provided within the development along its common boundary with the parkland, land trust preserve, or lands zoned A-1. Within this buffer no new structures shall be constructed, nor shall any clearing of trees or understory growth be permitted (except as may be necessary for street or trail construction). Where this buffer is not wooded, the zoning agency may require vegetative screening to be planted, or that it be managed to encourage natural forest succession through "no-mow" policies and the periodic removal of invasive alien plant and tree species.
- h. Pedestrian and maintenance access, excluding those lands used for agricultural or horticultural purposes in accordance with this ordinance, shall be provided to conservation land in accordance with the following requirements:
- 1. Each development shall provide one centrally located access point per 15 lots, a minimum of 25 feet in width.

2. Access to conservation land used for agriculture may be appropriately restricted for public safety and to prevent interference with agricultural operations.
- i. A density bonus shall be allowed at the specified rate for each of the following up to a 20 percent site capacity maximum:
1. A ten percent density bonus shall be allowed for increasing the total shoreyard setback to 150 feet from the ordinary high-water mark of navigable lakes, ponds, flowages and streams.
 2. A five percent density bonus shall be allowed for increasing the total shoreyard setback to 100 feet from the ordinary high-water mark of navigable lakes, ponds, flowages and streams.
 3. A ten percent density bonus shall be allowed for providing a 75-foot buffer (setback) from the entire edge of a non-zoned (isolated) wetland. To qualify for this bonus the applicant shall meet conservation standards as determined by the land conservation committee.
 4. A five percent density bonus shall be allowed for developments that preserve intact, with the exception of allowable open space uses, areas designated as environmental corridors. To qualify for this bonus there shall be a minimum of ten percent of the project site within the environmental corridor.
 5. A five percent density bonus shall be allowed for providing ten percent greater conservation land (open space) than required for the development.
 6. A ten percent density bonus shall be provided if the owner provides, fee simple dedication of an access easement for public use of parks and/or trails to a public agency with approved acceptance pursuant to section 11.9-B(b)(3) of the subdivision control ordinance.
 7. A five percent density bonus shall be provided if the owner provides a conservation easement to a public agency with approved acceptance pursuant to section 11.9-B(b)(4) of the subdivision ordinance.
 8. A five percent density bonus shall be provided if the owner provides permanent preservation of a significant archaeological site not already required to be preserved by state or federal preservation requirements.
 9. A five percent density bonus shall be provided if the owner provides for restoration or rehabilitation with active maintenance of native plant species on 50 percent or greater of the required open space/conservation lands. Active maintenance must be part of a Land Stewardship plan as specified in section 11.9-B(d) of the subdivision ordinance.

10. A five percent density bonus shall be provided if the owner provides a fee simple dedication to a nonprofit conservation organization or the dedication of a conservation easement to a nonprofit conservation organization pursuant to subsections 11.9-B(b)(5) and (f) of the subdivision control ordinance.
11. A five percent density bonus shall be provided if a nonprofit conservation organization or public agency holds a conservation easement on the conservation land and the subdivider has created a stewardship fund or endowment sufficient to generate annual interest to cover the costs that the nonprofit conservation organization or public agency incur for monitoring the conservation land annually and taking the appropriate enforcement actions for violations or encroachment within the conservation land. The endowment fund may also be used to cover the cost of any insurance required of the holder of the conservation easement. This density bonus is only considered when a conservation easement is held on undivided conservation land. A density bonus can not be considered when a conservation easement is obtained on an individual subdivision lot or lots. The county and the local unit of government shall review any maintenance agreement and endowment fund established by the subdivider and the nonprofit conservation organization or public agency.
12. A five percent density bonus shall be allowed for providing for the reuse or preservation of historical structure(s) located on a site. The structure(s) must be on the state or federal register of historic places. The U.S. Secretary of the Interior's Standards for Rehabilitation of Historic Properties shall apply.
13. A five percent density bonus shall be allowed for providing affordable housing, to include a minimum of 25 percent of all units that would be affordable to moderate-income household, as defined by the U.S. Department of Housing and Urban Development.

The minimum conservation land requirement must be met when using the density bonus.

- j. Intersections and access: New intersections with existing public streets shall be minimized.
- k. The conservation design review standards as specified in section 11.9-A of the county subdivision control ordinance shall be followed in design of a conservation development for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts. Section 11.9-A of the subdivision ordinance provides the prioritized list of resources to be conserved and other design considerations for the development.
- l. The common conservation lands, including common elements or outlots, shall be deed restricted and conditioned by the conditional use approval to remain open, jointly owned by undivided percentage interest and appurtenant to each buildable lot/units created by the conservation development design. The developer/applicant shall follow the

conservation land ownership and maintenance standards as specified in section 11.9-B of the county subdivision control ordinance for the A-2, C-2, C-3, R-1, R-2, R-2A, and R-3 districts. This section provides for the permanent protection of the conservation land, ownership, the maintenance and operation of the conservation land, the land stewardship plan.

- (2) Planned residential developments in the A-5, R-1, R-2, R-2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8, C-2, C-3 and B-5 districts, provided that no planned development shall be approved which includes residential uses not permitted as a principal use in the given district. The district regulations, excluding exterior district setback requirements, may be modified provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care, and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions.

The following district regulations may be modified by the Committee but never below the following minimums:

Area: (sewered)	Minimum of 2/3 of the minimum lot area for the district in which located	
Area: (unsewered)	Minimum 20,000 sq. ft. and adequate sanitation	
Width: (sewered)	Minimum of 2/3 of the minimum lot width for the district in which located	
Width: (unsewered)	Minimum consistent with conservation design standards or 2/3 of the minimum lot width for the district in which located	
Yards:	Street: (Interior)	Minimum 10 feet
	Rear:	Minimum 5 feet or 10 feet separation
	Side:	Minimum 5 feet or 10 feet separation

- (3) Fraternities, lodges, and meeting structures of a noncommercial nature in the R-4 residential and all business districts provided all principal structures and uses are not less than 25 feet from any lot line.
- (4) Rest homes, nursing homes, homes for the aged, clinics, and children's nurseries or day care centers in the R-4 residential, and all business districts provided all principal structures and uses are not less than 50 feet from any lot line.
- (5) Barbering and beauty culture operations in all residential districts, not to exceed 25 percent of the total floor area. Such operations shall not involve any external alteration that would affect a substantial change in the residential character of the building.
- (6) Home occupations and professional offices in all districts, not to exceed 25 percent of the total floor area. Such operations shall not involve any external alteration that would affect a substantial change in the residential character of the building.

- (7) Mobile homes in the A-1, A-2 and A-3 districts when necessary and essential to the principal or conditional permitted use.
- (8) Two-family dwellings and multi-family dwellings in the R-4 residential district.
- (9) One-family detached dwellings; One-family semi-detached dwellings; one-family, attached dwellings; two-family dwellings; multiple-family dwellings; and all principal uses permitted in the B-1, local business district, provided that such business uses shall not occupy more than 15 percent of the total development area, in the R-5 planned residential development district.
- (10) Mobile home dwellings and single-family detached dwellings in the R-6, planned mobile home park residence district.
- (11) Residential dwelling unit in the B-1, B-2, B-3, and B-4 business districts when located within the principal business structure.
- (12) Model apartments, model condominiums and related temporary real estate sales office located within the model unit and related temporary real estate sales office trailers in the R-4, R-5 and R-8 districts, model mobile home and related temporary real estate sales office located within the model unit in the R-6, R-7, district, model single-family homes and model single-family condominiums and related temporary real estate sales office located within the model unit and related temporary real estate sales office trailers in the R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8 districts, model two-family homes and model two-family condominiums and related temporary real estate sales office located within the model unit and temporary real estate sales office trailers in the R-3, R-4, R-5, R-8 districts, may be permitted as a conditional use if limited to the following:
 - a. Models may be located in all new subdivisions for a period not to exceed three years from the date of issuance of a zoning permit
 - b. Models shall not be used as a real estate office other than incidental to showing the model dwelling
 - c. Models shall be designed in such a manner as to blend with existing neighborhood environments
 - d. Models shall not be open beyond 9:00 p.m.
 - e. One sign may be permitted provided, however, that it is no larger than four feet by six feet and further provided that in the event that said sign is lighted, there is no flashing or traveling lights associated with said sign.
 - f. Models shall be completely landscaped and have a paved driveway within one year from the date of issuance of the zoning permit.
 - g. No parking lots shall be created that would not normally be found in a single-family

development.

- h. Sufficient parking shall be provided in model home driveways and may be provided on subdivision roads, but in no case shall the parking be allowed on any federal, state, county or town highway. Any parking on subdivision roads shall be done in such a manner as to minimize congestion to the surrounding neighborhood.
- (13) Bed and breakfast establishments in the A-2, A-3, A-5, C-2, C-3, R-1, R-2, R-2A, districts provided the owner of the bed and breakfast establishment resides in the establishment. No bedrooms shall be permitted to be located in an accessory structure. No more than four bedrooms shall be rented to no more than a total of ten tourists or transients. Individual rentals shall not exceed 14 consecutive days in length. No retail sales shall occur in a bed and breakfast establishment. No meal except breakfast is served and the breakfast is provided only to lodgers. The establishment was originally built and occupied as a single-family residence or, prior to the use as a place of lodging, was converted to use and occupied as a single-family residence. One exterior advertising sign, not exceeding nine square feet in area, may be erected on the premises (see sections 74-82/74-211).

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Amd. of 5-10-05; Ord. No. 436, pt. V, 5-8-07; Ord. No. 462-10/07, pt. IV, 10-9-07; Ord. No. 466-11/07, pt. XXII, 11-13-07; Ord. No. 563-06/09, pt. V, 6-9-09)

Sec. 74-191. Commercial and related uses.

Except where specifically permitted as a principal use in section 3.0, the following commercial and related uses shall be conditional uses and may be permitted as specified. Any outside storage or display areas in conjunction with the following commercial and related uses may be permitted by the committee after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be closer than 25 feet to any right-of-way. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in section 74-153 and 74-154 and upon the particular land use problems related to development of the site or sites as proposed.

- (1) Drive-in theaters in the B-2 and B-5 districts provided that a planting screen at least 25 feet wide is created along any side abutting a residential district.
- (2) Drive-in establishments serving food or beverages for consumption outside the structure in the B-2, B-3, and B-4 districts.
- (3) Funeral homes in the B-2 District provided all principal structures and uses are not less than 25 feet from any lot line.
- (4) Drive-in banks in the B-2 and B-4 districts.
- (5) Vehicle sales, service, washing and repair stations, garages, taxi stands, and public parking lots, in all business districts provided all gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line, and further provided that canopy posts

over gas pumps shall be at least 30 feet from any side or rear lot line and shall not be less than 20 feet from any existing or proposed street. Canopies shall not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height. Car wash facilities shall be installed in such a manner as not to cause spray or run-off water to encroach upon any adjoining properties or public rights-of-way.

- (6) Boat rental and boat access sites: Boats and marine supplies, not including manufacturing boat liveries, bait shops, taverns; barns, restaurants and supper clubs; sporting goods supply stores; swimming beaches; bath houses; and yachting clubs in the B-3, Waterfront Business District.
- (7) Automobile and truck rental services: Automobile repair services; bars, taverns, restaurants, night clubs, and dance halls; candy, nut and confectionery sales, gasoline service stations; gifts, novelty, and souvenir sales; and sales, service and installation of tires, batteries, and accessories in the B-4, highway business district.
- (8) Planned commercial recreational facilities in the B-5, planned commercial recreation business district, including aircraft landing and take-off fields; amusement parks and miniature golf courses; boat rentals and boat access sites; campgrounds; dance halls, restaurants, taverns, bars, night clubs; drive-in movies; dude ranches; fairgrounds; health and recreational resorts; retail sale of antiques, books, camera, and photographic supplies, candy, nut and confectionery, china, glassware, and metalware, cigars, cigarettes, and tobacco, flowers, fur apparel, gifts, novelties, and souvenirs, jewelry, men's and boy's clothing and furnishings, music supplies, newspapers and magazines, shoes, sporting goods, stationery, toys, women's and girls' clothing and furnishings, and drugs; personal services, including artists services, barber services, beauty services, dry cleaning, photographic studios, shoe repairing, cleaning services, custom tailoring and travel arranging services; go-cart tracks; golf courses and related facilities, hotels and motels; penny arcades; race tracks; riding stables; roller skating rinks; skiing and tobogganing; snowmobile trails, swimming beaches; skeet, trap and rifle ranges; and single-family and multiple-family dwelling units when located on the same site with health or recreational resorts, provided that the transfer of any dwelling units may only include therewith a fractional interest in the site on which the dwelling unit is located.
- (9) Business directory signs exceeding three per business in all agricultural districts.
- (10) Flea markets in the A-4, B-2, B-3 and B-4 districts.
- (11) Commercial greenhouse in the A-4, C-2 (outside primary environmental corridors) and B-4 districts.
- (12) Hotels, motels and tourist courts in the B-3, B-4, and B-5 districts.
- (13) Signage provisions under section 74-86 for on-premise signs in the B-1, B-2, B-3, B-4 and B-5 zoning districts may be modified by the committee but no sign shall be closer than five feet to any property line.
- (14) Planned unit developments in the B-1, B-2, B-3, and B-4 districts, provided that no planned unit

development shall be approved which includes uses not permitted in the given district. The district regulations, excluding exterior district setback requirements, may be modified by the committee provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions. Area, width and yard requirements of the district shall apply. Building separation: The minimum building separation shall be 30 unless modified by the committee, provided the minimum building separation is never reduced below 20 feet.

(Ord. of 6-11-02; Amd. of 1-11-05; Amd. of 5-10-05; Ord. No. 369-07/06, pt. IX, 7-11-06; Ord. No. 466-11/07, pt. XXIII, 11-13-07)

Sec. 74-192. Industrial and related uses.

Except where specifically permitted as a principal use in division 3, the following industrial and related uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance set forth in section 74-153 and 74-154 and upon the particular land use problems related to development of the site or sites as proposed.

- (1) Sewage disposal plants in all districts.
- (2) Pea vineries, creameries, and condenseries in the A-4 and M-2 districts.
- (3) Manufacture and processing of abrasives, acetylene, acid, alkalies, ammonia, asbestos, asphalt, batteries, bedding, bleach, bone, cabbage, candle, carpeting, celluloid, cement, cereals, charcoal, chemicals, chlorine, coal tar, coffee, coke, cordage, creosote, dextrine, disinfectant, dye, excelsior, felt, fish, fuel, furs, gelatin, glucose, gypsum, hair products, ice, ink, insecticide, lampblack, lime, lime products, linoleum, matches, meat, oil cloth, paint, paper, peas, perfume, pickle, plaster of paris, plastics, poison, polish, potash, pulp, pyroxylin, rope, rubber, sausage, shoddy, shoe and lamp blacking size, starch, stove polish, textiles, and varnish in the M-2 district.
- (4) Manufacturing, processing, and storage of building materials, explosives, dry ice, fat, fertilizer, flammables, gasoline, glue, grains, grease, lard, plastics, radioactive materials, shellac, soap, turpentine, vinegar, and yeast in the M-2 district.
- (5) Manufacture and bottling of alcoholic beverages in the M-2 district.
- (6) Bag cleaning, bleacheries, canneries, cold storage warehouses; electric garbage incinerators; lacquering; lithographing; offal, rubbish, or animal reduction; oil, coal, and bone distillation; refineries; road test facilities; slaughterhouses; smelting; stockyards; tanneries; and weaving in the M-2 district.

- (7) Outside storage and manufacturing areas in the M-1 and M-2 districts.
- (8) Wrecking, junk and demolition, automobile salvage yards and scrap yards in the M-2 district subject to the following regulations and such other regulations as the county planning and development committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:
- a. Location: Every wrecking, junk, demolition, automobile salvage yard or scrap yard shall be located at least 1,000 feet from the boundary of any residential or park district or the B-1, business district, and shall further be located at least 1,000 feet from the nearest residence, not including the residence of the owner or operator of the yard.
 - b. Street yard: No wrecking, junk, demolition, or scrap yard operations shall be conducted within 150 feet of any existing or proposed street, road, or highway right-of-way line.
 - c. Screening: Every wrecking, junk, demolition, or scrap yard shall be surrounded by a suitable fence or dense evergreen planting screen which shall completely prevent a view of the yard operations from any other property or public right-of-way. Such fence or screen shall be at least six feet in height, and shall have no openings more than two inches in width other than approved entrances and exits. Such fence or screen shall be kept in proper repair at all times.
 - d. Operations: All junk, scrap, salvage, and other materials shall be kept within the fence or screen, but shall not be piled against it.
 - e. Permit renewal: Any conditional use permit issued for a wrecking, junk, demolition, or scrap yard, including permits issued to existing operations, shall be in effect for one-year time period and shall be subject to annual renewal. Modifications to previous conditions or additional conditions may be imposed upon an application for renewal provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the county planning and development committee after a public hearing.
 - f. Existing operations: Within 60 days after the effective date of this ordinance, all existing wrecking, junk, demolition, and scrap yards in shoreland shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in sections 74-173 and 74-174. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a

permit on his own motion.

- g. Revocation of permit: Upon the complaint of the county zoning administrator or any interested person, the committee shall hold a public hearing to determine whether a wrecking, junk, demolition, automobile salvage yard or scrap yard permit shall be revoked, notice of such hearing to be given to all interested parties, including the town board concerned. After such public hearing, the committee may order the permit revoked, if evidence presented at such hearing discloses that the provisions of this ordinance are being willfully violated.
- (9) Commercial service facilities, such as restaurants and fueling stations, in the M-1 and M-2 districts provided all such services are physically and otherwise oriented toward industrial district users and employees and other users are only incidental customers.
- (10) Living quarters for watchman or caretakers in the M-1 and M-2 industrial districts and the A-4 agricultural district.
- (11) Building contractor storage yards in the B-2, M-1, M-2 and A-4 districts.
- (12) Electric power generation plants in the M-2 district.
- (13) Signage provisions under section 74-86 for on-premise signs in the M-1, M-2, M-3 and M-4 zoning districts may be modified by the committee but no sign shall be closer than five feet to any property line.
- (14) Planned unit developments in the M-1 and M-2 districts, provided that no planned unit development shall be approved which includes uses not permitted in the given district. The district regulations, excluding exterior district setback requirements, may be modified by the committee provided that adequate open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. The proper preservation, care and maintenance by the original and all subsequent owners of the exterior design shall be assured by deed restriction. All common structures, facilities, essential services, access and open spaces shall also be assured by deed restrictions.

Area, width and yard requirements of the district shall apply.

Building separation: The minimum building separation shall be 30 feet unless modified by the committee, provided the minimum building separation is never reduced below 20 feet.

(Amd. of 1-11-05; Amd. of 5-10-05)

Sec. 74-193. Public and semi-public uses.

Except where specifically permitted as a principal use in division 3, the following public and semi-public uses shall be conditional uses and may be permitted as specified. In approving or disapproving the location of a conditional use, the committee shall view the proposed site or sites and shall consider such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this

ordinance set forth in sections 74-153 and 74-154 and upon the particular land use problems related to development of the site or sites as proposed.

- (1) Airports, airstrips and land fields, excluding heliports, in all agricultural districts, and the P-2 and B-5 districts, provided, in the A-1 district, the same is related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property, and provided, further, that the site area is not less than 20 acres.
- (2) Heliports in all agricultural districts, and the P-2, B-2 and B-5 districts, provided that in the A-1 district, the same is related to agricultural activities, including those which are used to assist the owner or operator with a means of transportation to and from the property, and provided, further, that the principal structures and uses are not less than 100 feet from any residential district boundary.
- (3) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, in all districts except in the C-4, lowland resource conservation district.
- (4) Utilities in all districts provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial. Utilities required to obtain a Certificate of Convenience and Public Necessity from the Wisconsin Public Service Commission or those utilities required to obtain a Federal Energy Regulatory Commission Certificate shall be exempt from obtaining a conditional use permit.
- (5) Public passenger transportation terminals such as bus and rail depots, except airports, airstrips, and landing fields, are allowed in the B-2 district, provided that all principal structures and uses are not less than 100 feet from any residential district boundary.
- (6) Public, parochial, and private elementary and secondary schools and churches in all residential, business, agricultural, and park districts, provided the lot area is not less than two acres and all principal structures and uses are not less than 50 feet from any lot line.
- (7) Colleges; universities; hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories in the P-2 and B-2 districts provided all principal structures and uses are not less than 50 feet from any lot line.
- (8) Lake management facilities and activities including equipment and vehicles used in lake weed harvesting and off loading activities in the P-1 and P-2 districts.

(Ord. of 6-11-02; Amd. of 1-14-03; Ord. No. 332-01/06, pt. II, 1-10-06)

Sec. 74-194. Mineral extraction and related uses.

Mineral extraction related uses in the M-3, mineral extraction districts, including aggregate or ready-mix plants; clay, ceramic, and refractor minerals mining; crushed and broken stone quarrying; mixing of asphalt; nonmetallic mining services; processing of top soil; sand and gravel quarrying; washing, refining, or reprocessing of rock, slate, gravel, sand or mineral; and the extension of any existing mineral extraction related

uses.

All of the above stated mineral extraction and related uses shall be subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

- (1) *Plat of survey.* Submittal of a plat of survey showing, as appropriate, the data and information set forth in section 74-185, topographic data (minimum contour interval of five feet vertical), existing natural resource base data, the location of existing and proposed access roads, and the depth of existing and proposed excavations and an approved reclamation plan.
- (2) *Operations plan.* Submittal of an operations plan, including at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of water to be used; a description of proposed noise and dust control procedures; reclamation plan and proposed hours of operation.
- (3) *Restoration plan.* Submittal of a restoration plan, which shall include all pertinent data related to the proposed restoration of the site. Elements of the plan may include identification of natural features to be protected, proposed final contours (minimum contour interval of five feet vertical), type of fill, depth of restored topsoil, planting or reforestation, sodding or seeding, timing and completion data, or any other data applicable to the subject site. The restoration plan shall conform to the standards specified by the county conservation standards.
- (4) *Permit duration.* Any conditional use permit issued for a mineral extraction or related use under this section shall be in effect for a time period that shall be specified on the approved operations plan. Any variances in operation from those specified under the operations plan, or any expansion of an approved mineral extraction site or operation, shall require a new conditional use permit in accordance with the procedures set forth in sections 74-185 and 74-186. In this context, the term "expansion" shall refer both to new geographical areas of operation and to new or different operational methods and procedures.
- (5) *Existing operations.* Within 60 days after the effective date of this ordinance, all existing mineral extraction uses in shorelands shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including the boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in Sections 74-173 and 74-174. Notwithstanding the foregoing, however, the County Zoning Administrator may make a finding that an adequate file already exists concerning an existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.

(Ord. of 6-11-02)

Sec. 74-195. Sanitary landfill uses.

Sanitary landfill operations and incinerators in the M-4, sanitary landfill district. All such operations shall be subject to the following regulations and such other regulations as the committee may deem appropriate after viewing the site or sites and considering evidence presented at the hearing:

- (1) *Uses to comply with Wisconsin Administrative Code, applicable state statutes and Walworth County Solid Waste Management Plan.* All sanitary landfill operations must be conducted in strict accordance with the provisions of the Wisconsin Administrative Code and Wis. Stats. ch. 289. Any proposal must also demonstrate its compatibility with the Walworth County Solid Waste Management Plan.
- (2) *Plat of survey:* Applicants shall submit a plat of survey showing as appropriate, the data and information set forth in section 74-185, topographic data (minimum contour interval two feet vertical), existing natural resource base data, the location of existing and proposed access roads, the depth of existing and proposed excavations and fills subsurface investigation: Including subsoil description and groundwater depth and movement.
- (3) *Operations plan.* All applications shall submit an operations plan that shall include at least a description of the operational methods proposed to be used; a list of equipment, machinery, and structures to be used and constructed; a description of the source, quantity, and disposition of the water to be used; a description of proposed leachate, litter, noise, rodent, and dust control procedures; and proposed hours of operation.
- (4) *Restoration plan.* All applications shall submit a restoration plan showing at least proposed contours (minimum contour interval of two feet vertical), type of fill, depth of restored topsoil, planting or reforestation, and timing and completion date.
- (5) *Permit renewal.* Any conditional use permit issued for a use permitted in this section, including permits issued to existing operations, shall be in effect for a specified time period, but not to exceed two years. Such permit may be renewed upon application for such successive periods, not to exceed two years each. Modifications to previous conditions or additional conditions may be imposed upon application for renewal, provided, however, that such modifications or additional conditions must recognize existing lawful nonconforming uses and may only be imposed by the county planning and development committee after a public hearing.
- (6) *Existing operations.* Within 60 days after the effective date of this ordinance, all existing sanitary landfill operations in shorelands shall be required to register with the county zoning administrator and shall submit pertinent data relative to the present operation, including boundaries of the operation, ownership data, maps showing the location of existing buildings and operational areas, and such other data as may be necessary to enable the county zoning administrator to create a permanent file establishing the size, layout, and operational characteristics of the existing operation. A permit shall be granted by the zoning administrator to such existing operations for the extent of the existing operations only. Any existing operation which does not comply with this registration requirement shall be penalized in accordance with provisions in section 74-173 and 74-174. Notwithstanding the foregoing, however, the county zoning administrator may make a finding that an adequate file already exists concerning an

existing operation, and may accordingly waive the registration requirement and issue a permit on his own motion.

Sec. 74-196. Recycling.

Recycling in the P-1, P-2, M-1, M-2, M-3 and M-4 districts.

- (1) Materials are not to be stored longer than six months on property.
- (2) Materials are to be containerized or stored in buildings. The following information will be required as part of the conditional use application:
 - a. A legal description of the property and the facility boundaries.
 - b. The present ownership of the proposed facility property.
 - c. Surrounding land uses.
 - d. The area served, including population.
 - e. The consistency of facility development with area-wide solid waste plans and land use plans.
 - f. The types of vehicles and access routes used to transport solid waste to and from the facility.
 - g. The persons responsible for facility construction and operation.
 - h. Any additional procedures for the control of dust, odors, fire, vermin, insects, rodents, filth, and windblown materials, if appropriate.
 - i. The names and locations of all solid waste disposal facilities at which solid waste will be disposed.
 - j. Overall facility layout.
 - k. Potential markets for the recyclables.
 - l. A timetable for construction and operation.
 - m. The tentative operating schedule for the facility.
 - n. Provisions for protection of groundwater and surface waters during facility construction and operation.
 - o. An estimate of the quantities and characteristics of the waste to be processed.

- p. A discussion of operating personnel responsibilities; hours of operation; methods of controlling fire, odors, and windblown materials; methods of controlling access. Persons responsible for operation and record keeping; names of facility licensee and owner; record keeping. Names and locations of solid waste disposal facilities at which any waste generated by the recycling operation will be disposed.

Sec. 74-197. Yard waste composting.

Yard waste composting in the A-1, A-2, A-3, A-4, P-1, P-2, M-1, M-2, M-3, M-4 districts.

Yard waste composting sites are regulated under the Wisconsin State Natural Resources Code NR 502 and have the following locational standards:

- (1) No person may establish, construct, operate, maintain or permit the use of property for any facility regulated under this chapter within the following areas, unless a waiver from the department of natural resources has been granted;
 - a. Within 1,000 feet of any navigable lake, pond or flowage.
 - b. Within 300 feet of any navigable river or stream.
 - c. Within a floodplain.
 - d. Within 1,000 feet of the nearest edge of the right-of-way of any state trunk highway, interstate or federal aid primary highway or the boundary of any public park unless the facility is screened by natural objects, plantings, fences or other appropriate means so that it is not visible from the highway or park.
 - e. Within 10,000 feet of any airport runway used or planned to be used by turbojet aircraft or within 5,000 feet of any airport runway used only by piston type aircraft or within other areas where substantial bird hazard to aircraft would be created. This criterion is applicable only when the facility will be used for handling putrescible waste.
 - f. Within 1,200 feet of any public or private supply well.

In addition to the required DNR site approval the county zoning ordinance requires a conditional use hearing on any compost facility over 20 cubic yards. (A backyard or neighborhood compost site under 20 cubic yards is exempt from the conditional use requirement.) The following information will be required as part of the conditional use application:

- a. A legal description of the property and the facility boundaries.
- b. The present ownership of the proposed facility property.
- c. Land use within 1/4 mile of the proposed facility. Particular note shall be made of parks,

hospitals, nursing homes, and areas of archaeological and historical significance.

- d. The area served, including population.
 - e. The consistency of facility development with area-wide solid waste plans and land use plans.
 - f. The predominant type of vegetation and wildlife within the proposed facility boundaries.
 - g. The types of vehicles and access routes used to transport solid waste to and from the facility.
 - h. The persons responsible for facility construction and operation.
 - i. Any additional procedures for the control of dust, odors, fire, and windblown materials, if appropriate.
 - j. The names and locations of all solid waste disposal facilities at which solid waste will be disposed.
 - k. Overall facility layout.
 - l. Potential markets for the compost.
 - m. A timetable for construction and operation.
 - n. The tentative operating schedule for the facility.
 - o. Provisions for protection of groundwater and surface waters during facility construction and operation.
 - p. A discussion of facility features such as: residence time and process temperatures for the compost; configuration of the facility; sizing of surface water drainage control structures; methods of controlling windblown material; and methods of screening the facility from the surrounding area, if appropriate.
 - q. An estimate of the quantities and characteristics of the waste to be processed.
 - r. A discussion of operating personnel responsibilities; hours of operation; methods of controlling fire, odors, and windblown materials; methods of controlling access. Persons responsible for operation and record keeping; names of facility licensee and disposal facilities at which any waste generated by the composting operation will be disposed.
- (2) *Plans.* The plan of operation shall include a map which contains the following information:
- a. An existing conditions map, which shows the entire facility and the area within 1.2 mile.

A USGS map can be used to satisfy this requirement. This map shall include the proposed facility boundary, property lines, easements and right-of-way, roads, utilities, and other structures, topography, drainage swales, surface waters, wetlands, floodplains, and similar drainage features; wooded areas; screening, means of access control, areas to be cleared of vegetation, and other site features; and other features as appropriate.

Not to include solid waste and sludge composting which require a different DNR license.

Sec. 74-198. Reserved.

Editors Note: Ord. No. 575-9/09, pt. XVIII, adopted September 8, 2009, amended the Code by repealing former § 74-198 in its entirety. Former § 74-198 pertained to nonconforming uses, and derived from an amendment of January 14, 2003.

Sec. 74-199. Revocation.

Grounds for revocation of the conditional use permit, pursuant to section 74-162 and division 4 of this ordinance, shall be limited to one of the following findings:

- (1) The owner/applicant of such site fails to comply with the requirements of this ordinance as it existed at the time of the issuance of the conditional use permit;
- (2) The owner/applicant has failed to comply with the conditions of approval imposed.
- (3) If the zoning agency approved the conditional use for a specified amount of time with a known expiration date then, the conditional use shall be automatically revoked upon passing of the expiration date without implementation of the revocation process. The property owner may petition for an extension of the conditional use prior to the expiration date.
- (4) Conditional use permits that have not been actively exercised on a yearly basis since issuance may be subject to dismissal without prejudice. Dismissal without prejudice shall occur without implementation of the revocation process. In order to dismiss a conditional use without prejudice the county zoning administrator or designee shall provide certified notice to the current property owner indicating dismissal of the conditional use shall occur after 60 days of the notice. The notice shall state that the dismissal is the result of the owner's failure to actively exercise the conditional use activity on a yearly basis. The property owner may contest the dismissal by providing a written request of appeal before the county zoning agency within 30 days of the notice issuance. It shall be the responsibility of the property owner to verify the continued conditional use activity on a yearly basis before the county zoning agency. The owner shall be required to pay an associated review fee as established by the county zoning agency. Conditional use permits for livestock operations may be dismissed without prejudice according to the same notice procedure stated above if the permit holder fails to do the following within two years after issuance: begin populating the new or expanded livestock facility; begin construction on all of the new structures proposed by the permit.

(Ord. No. 364-06/06, pt. II, 6-13-06)

Sec. 74-200. Revocation process.

- (a) The owner/applicant of such site shall be notified by certified mail of noncompliance by the

Walworth County Department of Planning, Zoning and Sanitation.

(b) The owner/applicant shall comply with such notice within 30 days to the satisfaction of the Walworth County Planning, Zoning and Sanitation Department.

(c) If compliance is not obtained within 30 days, the Walworth County Department of Planning, Zoning and Sanitation shall notify the committee of the noncompliance and request permission to proceed with the revocation process. (This time period may be extended by staff to adjust for seasonal limitations.)

(d) The Walworth County Planning, Zoning and Sanitation Department shall petition the Walworth County Board for a public hearing before the committee following publication of a class 2 notice in the legal newspaper of Walworth County.

(e) A copy of a hearing notice shall be mailed certified to the owner of record of the property at least two weeks prior to the hearing date.

(f) A representative of the Walworth County Planning, Zoning and Sanitation Department shall appear at the hearing before the committee to present the evidence of noncompliance. All other interested parties may also give testimony to the committee.

(g) In compliance with the procedures of a conditional use hearing, a written decision of the committee will be made.

DIVISION 5.

TRAFFIC, PARKING AND ACCESS

Sec. 74-201. Traffic visibility.

No obstruction, such as structures, parking, or vegetation shall be permitted in any district above the height of two and one-half feet above the plane through the mean centerline roadway grades within the triangular space formed by any two existing or proposed intersecting street or alley right-of-way lines and a line joining points on such lines located 50 feet from their point of intersection.

In the case of arterial streets intersecting with other arterial streets or railways, the corner cutoff distances establishing the triangular vision clearance space be increased to 100 feet along each right-of-way line from their point of intersection.

Sec. 74-202. Loading requirements.

In all districts, adequate loading areas shall be provided and located so that all vehicles loading, maneuvering, or unloading are completely off the public ways and so that vehicles need not back onto any public way.

Sec. 74-203. Parking requirements.

In all districts and in connection with every use, there shall be provided at the time any use or building is erected, enlarged, extended, or increased off-street parking stalls for all vehicles in accordance with the following:

Number of Parking Stalls

Single-family dwellings	2 stalls for each dwelling
Mobile homes	2 stalls for each mobile home
Multi-family dwellings	1.5 stalls for each dwelling unit
Hotels, motels	1 stall for each guest room plus 1 stall for each 3 employees
Hospitals, clubs, lodges, sororities, dormitories, lodgings, and boarding houses	1 stall for each guest room plus 1 stall for each 3 employees
Sanitariums, institutions, rest and nursing homes	1 stall for each 5 beds plus 1 stall for each 3 employees
Medical and dental clinics	3 stalls for each doctor
Churches, theaters, auditoriums, community centers, vocational and night schools, and other places of public assembly	1 stall for each 5 seats
Restaurants, bars, places of entertainment, repair shops, retail and service stores	1 stall for each 150 square feet of floor area
Manufacturing and processing plants, laboratories, and warehouses	1 stall for each 3 employees
Financial institutions; business, governmental, and professional offices	1 stall for each 300 square feet of floor area
Funeral homes	1 stall for each 4 seats
Bowling alleys	5 stalls for each alley
Housing for the elderly	1 stall for each dwelling
	Unit plus 1 stall for every eight units for guest parking
Colleges, high schools	1 stall per employee plus 1 stall per 5 students
Elementary, middle schools	1 stall per employee
Trade schools	1 stall per 2 students
	Plus 1 stall per employee and/or teacher
Day care	1 stall per staff member
	Plus 1 stall per 5 students plus 1 space per facility vehicle
Bed and breakfast	1 stall for each guest
Room plus	1 stall for each 3 employees
Commercial riding stables	1 space for each four stalls

Commercial feed lots	1 stall per employee on largest shift
Golf course	1 stall per employee on largest shift and 6 stalls per golf hole plus
	50% of spaces otherwise required for any accessory uses (eg. Bars, restaurants)
Golf driving range	1 stall per employee on largest work shift and 1 stall per tee
Home occupation	2 stalls in addition to requirement for residence
Model homes	4 spaces per model
Beauty salons, barber	3 spaces per chair

- (1) *Uses not listed.* In the case of structures or uses not mentioned, the provision for a use which is similar shall apply.
- (2) *Combinations.* Combinations of any of the above uses shall provide the total of the number of stalls required for each individual use.
- (3) *Access.* Adequate access to a public street shall be provided for each parking space, and driveways shall be at least ten feet wide for one- and two-family dwellings and at least 24 feet wide for all other uses. Driveways that have no other feasible location to provide access to the lot or parcel of land and that employs best management practices to infiltrate or otherwise control storm water runoff from the driveway may be exempt from the shoreyard setback requirement provided the driveway does not exceed 10 feet in width.
- (4) *Size.* Size of each parking space shall be not less than 180 square feet exclusive of the space required for ingress and egress.
- (5) *Location.* Location to be on the same lot as the principal use, or on a lot not over 400 feet from the principal use. Parking stalls and interior driveways located in the A-4, P-1, P-2, R-4, R-5, R-6, R-7, R-8, B-1, B-2, B-3, B-4, B-5, B-6, M-1, M-2 districts shall be located at least 25 feet from any public right-of-way. Parking stalls and driveways in the A-4, P-1, P-2, R-4, R-8, B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, and M-4 districts shall be located at least 25 feet from any R-1, R-2, R-2A, R-3, R-5, R-6, R-7, and A-5 district lot line and at least five feet from any property line. No parking stall or driveway is permitted within the shoreyard, except as provided in (3) above.
- (6) *Surfacing.* All off-street parking areas shall be graded and surfaced so as to be dust free and properly drained. Any parking area for more than five vehicles shall have the aisles and spaces clearly marked.
- (7) *Curbs or barriers.* Curbs or barriers shall be installed so as to prevent the parked vehicles from extending over any lot lines.
- (8) *Existing uses:* Uses existing on the effective date of this ordinance which do not have the

required amount of parking space shall not further reduce said space; and no expansion of the use shall be permitted, unless additional parking spaces in compliance with the setback requirements and equal to the parking requirement for the expansion are provided as part of the expansion.

- (9) *Change of use:* Whenever an existing use of a lot is hereafter proposed to be changed to a use having greater parking requirements, the applicant shall provide additional parking spaces in compliance with the setback requirements and equal to the difference in required parking spaces between the existing use and the proposed use.
- (10) Parking areas existing on the effective date of this ordinance which do not meet the setback requirements may be continued as established. Once the parking area has been changed so as to comply with the provisions of this ordinance it shall not revert back. If the parking area is discontinued or terminated for a period of 12 months, any future use shall conform to the provisions of this ordinance.

(Ord. of 6-11-02; Amd. of 4-19-05)

Sec. 74-204. Driveways.

All driveways installed, altered, changed, replaced, or extended after the effective date of this ordinance shall meet the following requirements:

- (1) Openings for vehicular ingress and egress shall not exceed 35 feet at the property line.
- (2) Vehicular entrances and exits to drive-in theaters, banks, and restaurants; motels, funeral homes; vehicular sales, service, washing and repair stations; garages; or public parking lots shall be not less than 200 feet from any pedestrian entrance or exit to a school, college, university, hospital, park playground, library, or other place of public assembly.

(Ord. of 6-11-02; Ord. No. 466-11/07, pt. XXIV, 11-13-07)

Sec. 74-205. Highway access.

No direct private access shall be permitted to the existing or proposed rights-of-way of expressways, nor to any controlled access arterial street without permission of the highway agency that has access control jurisdiction.

No direct public or private access shall be permitted to the existing or proposed rights-of-way of the following:

- (1) Freeways, interstate highways, and their interchanges on turning lanes nor to intersecting or intersection streets within 1,500 feet of the most remote end of the taper of the turning lanes.
- (2) Arterial streets intersecting another arterial street within 100 feet of the intersection of the right-of-way lines.
- (3) Access barriers, such as curbing, fencing, ditching, landscaping, or other topographic barriers, shall be erected to prevent unauthorized vehicular ingress or egress to the above specified streets

or highways.

- (4) Temporary access to the above rights-of-way may be granted by the highway agencies having jurisdiction. Such access permit shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed 12 months.

DIVISION 6.

SIGNS*

* **Editors Note:** An amendment of October 14, 2003, amended the Code by repealing former div. 6, §§ 74-206--74-217, and adding a new div. 6. Former div. 6 pertained to similar subject matter, and derived from the original "Shoreland Zoning Ordinance" pamphlet; an Ord. of June 11, 2002; and an amendment of January 14, 2003.

Sec. 74-206. Purpose.

Depending on their size, number and character, signs either provide useful information or detract from the quality of life for residents and attractiveness of the county. Large and tall signs threaten scenic beauty and distract motorists. Therefore, the purpose of this division is to protect public health, safety and welfare and specifically to promote the safety of public travel on roads. In addition, it is the intent of Walworth County to limit the size, type and location of signs in order to minimize their distracting effect on drivers and thereby improve traffic safety. This division is authorized, in part, by Wis. Stats. § 59.70(22). (Amd. of 10-14-03, pt. I)

Sec. 74-207. General requirements.

- (a) All signs are prohibited in any zoning district except as provided in sections 74-211, 74-212, 74-213, 74-214, 74-215 and 74-217.
- (b) Back-to-back signs shall constitute one sign within the meaning of this division.
- (c) All parts of a sign shall meet the setbacks as provided herein.
- (d) All signs are prohibited from being illuminated except those specifically provided for in sections 74-211, 74-214 and 74-215.
- (e) No sign shall contain, include or be illuminated by a flashing or moving light or be composed of any animated part, except as exempted under law.
- (f) Illuminated signs shall be effectively shielded so as to prevent beams of light from being directed on any adjoining property or portion of a street or road or to impair the vision of any motorist. All such signs shall conform to the electrical code. Any illuminated sign located within 500 feet of a residential zone shall be extinguished at the close of business conducted within the building or upon the premises to which the sign is attached or located, or at 11:00 p.m., whichever is earlier.
- (g) No sign shall resemble, imitate or approximate the shape, size, form or color of traffic or railroad

signs, signals or devices. No sign shall be placed so as to obstruct or interfere with traffic visibility.

(h) No sign shall be erected, relocated or maintained so as to prevent free ingress or egress from any door, window or fire escape.

(i) No sign shall encroach in any street or highway right-of-way.

(j) In the case of signage not enumerated, the provision governing a sign that is similar shall apply.

(k) Billboards are prohibited except as provided in section 74-214 and are further prohibited within 2,000 feet of any state designated rustic road.

(l) The owner of any sign shall keep it in sound condition, well maintained and in good appearance and repair and shall maintain the premises on which the sign is located in a clean, sanitary and inoffensive condition, free and clear of all obnoxious substances, rubbish, refuse, debris and weeds.

(m) Abandoned signs shall be promptly removed by the owner of the property upon which said abandoned sign is located.

(n) Where state or federal law governing signs contains more restrictive conditions, such state or federal law conditions shall apply. Signs shall be subject to any restrictions lawfully enacted by any town, city or village. Where such ordinance provides more restrictive conditions, such conditions shall apply.
(Amd. of 10-14-03, pt. I; Ord. No. 459-09/07, pt. II, 9-11-07; Ord. No. 466-11/07, pt. XXV, 11-13-07; Ord. No. 562-06/09, pt. VIII, 6-9-09)

Sec. 74-208. Facing.

Only those signs enumerated in sections 74-211, 74-212, 74-213, 74-214, 74-215 and 74-217 but not including off-premise signs, shall be permitted to face a R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-8, A-5, C-2 and C-3 district within 100 feet of such district boundary.
(Amd. of 10-14-03, pt. I)

Sec. 74-209. Existing signs.

Signs lawfully existing at the time of the adoption or amendment of this division may be continued although the use, size or location does not conform with the provisions of this division. Such signs shall be subject to the nonconforming use or substandard structure provisions of division 7 as applicable.
(Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. IX, 6-9-09)

Sec. 74-210. Permit required.

No person shall locate, erect, move, reconstruct, extend, enlarge, convert or structurally alter a sign without first obtaining a zoning permit, except as provided herein, and without being in conformity with the provisions of this article.
(Amd. of 10-14-03, pt. I)

Sec. 74-211. Signs permitted in all zoning districts.

The following signs may be erected, placed, posted or exhibited in any zoning district without a permit and subject to the conditions herein specified: and shall not be included in the determination of type, number or area of signs allowed in any zoning district:

- (1) Name, occupation and warning signs not over two square feet in area, provided the same is limited to one for each premises and the same is located at least five feet from the outer limit of the street or highway right-of-way.
- (2) Real estate signs, single or double faced, not over nine square feet in area and six feet in height on property in residential zones and 32 square feet or less and six feet in height on property in nonresidential zones, provided there is no more than one sign for each premise and it is located at least five feet from the street or highway right-of-way, ten feet from the side property lines and 50 feet from any intersection.
- (3) Directional signs not over two square feet in area provided such sign is located at least 50 feet from any intersection and five feet from the street or highway right-of-way. Each institution erecting such signs shall be limited to three in number.
- (4) "No Hunting" and "No Trespassing" signs, provided the sign does not exceed two square feet in area;
- (5) Memorial signs, tablets, names of buildings and the date of erection when cut into any masonry, surface or when constructed of metal and affixed flat against a structure;
- (6) Recreational signs within a municipal park not over nine square feet in area, six feet in height and located at least five feet from the street or highway right-of-way and ten feet from any intersection;
- (7) Any federal, state or local government sign, without limitation.
- (8) Official signs such as traffic control, parking restrictions, warning, information and notices as required by law;
- (9) Window signs placed on the inside of commercial buildings provided such sign does not exceed 25 percent of the glass pane upon which the sign is displayed. Such signs may be illuminated and may be changeable copy when the building is open for business.
- (10) A sign appurtenant to a home occupation or daycare, limited to one sign per parcel and provided said sign does not exceed nine square feet in area and six feet in height, is located at least five feet from the street and highway right-of-way at least ten feet from a side property line, and 50 feet from any intersection.
- (11) A sign appurtenant to a bed and breakfast establishment limited to one sign per parcel and provided that said sign does not exceed nine square feet in area and six feet in height, is located

at least five feet from the street and highway right-of-way, at least ten feet from a side property line, and 50 feet from any intersection.

- (12) A sign appurtenant to a community-based residential facility limited to one sign per parcel and provided that said sign does not exceed nine square feet in area and six feet in height, is located at least five feet from the road and highway right-of-way, at least ten feet from a side property line, and 50 feet from any intersection.
- (13) Rummage/garage sale signs. Rummage or garage sale signs not to exceed nine square feet in area and six feet in height, provided that such signs are limited to 72 hours per sale. A maximum of three such signs shall be allowed off-premises.
- (14) Except as may be necessary to ensure traffic or pedestrian safety, the provisions of this division do not apply to signs containing political messages erected on property during election campaign periods. Such signs shall not be located within 50 feet of an intersection. The person or organization responsible for the erection or distribution of any such sign and the owner of the property upon which the sign is located, shall cause the same to be removed within 72 hours following the election campaign period.

(Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. X, 6-9-09)

Sec. 74-212. Signs permitted in all agricultural and conservation districts.

The following on-premise ground signs may be erected, placed or posted in all A-1, A-2, A-3, A-4, A-5, C-2 and C-3 districts without a permit and subject to the conditions herein specified:

- (1) Agricultural signs pertaining to the sale of products actually grown on a farm or to membership in agricultural or agricultural-related organizations which shall not exceed 24 square feet in area for any one sign, provided that no more than two signs are permitted on any one farm, shall not exceed six feet in height, such signs are located at least five feet from the street or highway right-of-way, are at least ten feet from a side property line, such signs are more than 50 feet from any intersection and are located on the same premises as the products for sale.
- (2) An on-premise business sign on lands zoned A-4 reviewed and approved as part of a conditional use process provided the sign is located at least five feet from all property lines.
- (3) A sign appurtenant to an approved conditional use limited to one sign per parcel and does not exceed nine square feet in area, is located at least five feet from the road right-of-way, at least ten feet from a side property line and shall not exceed six feet in height and shall be located at least 50 feet from any intersection.
- (4) Seasonal signs not to exceed nine square feet in area. Such signs shall be located at least five feet from the road right-of-way, at least ten feet from a side property line, shall not exceed six feet in height and shall be located at least 50 feet from any intersection.

(Amd. of 10-14-03, pt. I; Amd. of 1-11-05; Ord. No. 562-06/09, pt. XI, 6-9-09)

Sec. 74-213. Temporary signs or banners.

The following signs may be placed, posted or exhibited in any zoning district without a zoning permit and subject to the conditions herein specified:

- (1) Construction announcement signs not to exceed 32 square feet in area and six feet in height which announce new subdivisions, new industrial parks and similar facilities, provided the sign is located on the premises where the new facility is located, one sign is permitted per facility and the sign is located at least five feet from the outer limits of the street or highway right-of-way and at least 50 feet from any intersection. For the purposes of this provision, a temporary construction announcement sign is one that will be used for no more than one year;
- (2) A sign pertaining to drives or events of civic, philanthropic, educational, religious, or non-profit organizations of not more than 12 square feet and six feet in height may be erected, placed, posted or exhibited in any district provided the sign is located at least five feet from the street or highway right-of-way and at least 75 feet from any intersection. For the purposes of this provision, a temporary drive or event sign is one that will be used for no more than 30 days and not more than four events per calendar year shall be allowed; events may not be consecutive and at least 30 days shall have elapsed between events.

(Amd. of 10-14-03, pt. I)

Sec. 74-214. Signs permitted in all zoning districts.

The following on-premise signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:

- (1) *Churches or schools.*
 - a. Signs shall not exceed 25 square feet in area.
 - b. Signs shall be setback a minimum of five feet from all property lines.
 - c. Signs shall be located at least 50 feet from any intersection.
 - d. Signs shall not exceed six feet in height.
 - e. Changeable copy panels are permitted.
 - f. Only two permanent signs are permitted per church or school, only one of which may be a monument style sign and only one of which may be wall or awning style sign. This wall sign may only display the name of the church or school.
 - g. May be illuminated but shall be extinguished by 11:00 p.m.
 - h. Score boards do not require permits and may only be illuminated during game times.
- (2) *Permanent subdivision or development signs.*

- a. Signs shall not exceed 25 square feet in area.
- b. Signs shall be setback a minimum of five feet from all property lines.
- c. Signs shall be located at least 50 feet from any intersection.
- d. Signs shall not exceed six feet in height.
- e. Only one sign which may be a monument style sign is permitted.
- f. Such sign shall only be used to identify the subdivision name.
- g. The zoning agency may modify the location of an on-premise sign to an abutting parcel through conditional use review and approval. The zoning agency shall first determine it to be impractical to locate an on-premise sign on the parcel of concern and the proposed location on an abutting parcel must be next to the approved existing access to the parcel of concern. An on-premise sign on an approved abutting parcel shall not count as the on-premise sign for that parcel. The zoning agency may also modify the height, setback and number of on-premise signs on abutting parcels after considering such evidence and need as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance and each institution erecting such signs shall be limited to three in number. A modified sign under this section shall meet all other requirements of the sign code.

- (3) Nonconforming business signs. Signs (including but not limited to changeable copy) over show windows or doors of a nonconforming business establishment announcing without display or elaboration only the name and occupation of the proprietor and not to exceed two feet in height and ten feet in length. Such signs may be illuminated only when the building is open for business.

(Amd. of 10-14-03, pt. I; Ord. No. 562-06/09, pt. XII, 6-9-09)

Sec. 74-215. Signs permitted in certain business, industrial and park districts except as subject to conditions stated in section 74-217.

(a) The following illuminated and changeable copy on-premise signs may be erected, placed or posted in all B-1, B-2, B-3, B-4, B-5, M-1, M-2, M-3, M-4, P-1 and P-2 districts with a permit and subject to the conditions herein specified, unless reviewed and modified by the committee through the conditional use process:

- (1) Wall signs not exceeding 200 square feet in display area for any one premises.
- (2) Projecting signs not exceeding 100 square feet in display area on all sides for any one premises. Projecting signs shall be located not less than ten feet from all lot lines; shall not extend more than six feet in any required yard and shall not exceed 20 feet in height.
- (3) Freestanding signs, limited to one sign per parcel, provided the height of sign does not exceed 30

feet and further provided said sign is located no closer than five feet from a right-of-way, is no closer than ten feet from a side lot line, 50 feet from any intersection and does not exceed 100 square feet in display area on any one side nor 200 square feet in display area on all sides.

a. The zoning agency may modify the location of an on-premise sign to an abutting parcel through conditional use review and approval. The zoning agency shall first determine it to be impractical to locate an on-premise sign on the parcel of concern and the proposed location on an abutting parcel must be next to the approved existing access to the parcel of concern. An on-premise sign on an approved abutting parcel shall not count as the on-premise sign for that parcel. The zoning agency may also modify the height, setback and number of on-premise signs on abutting parcels after considering such evidence and need as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance and each institution erecting such signs shall be limited to three in number. A modified sign under this section shall meet all other requirements of the sign code.

(b) The following off-premise/billboard signs may be erected, placed or posted in all B-1, B-2, B-4, M-1 and M-2 districts, with a permit, and subject to the conditions specified herein. No billboard shall:

- (1) Be located within 50 feet of the existing or proposed right-of-way of any federal, state or county trunk highway or any town road or any street measured horizontally along a line normal or perpendicular to the center of the highway;
- (2) Be located within a 2,000 foot radius of any other off-premises sign, within 2,000 feet of any intersection, within 2,000 feet of the property line of any airport, airfield or landing strip, within 2,000 feet of any state designated rustic road or within 2000 feet of an allowable district boundary;
- (3) Exceed 15 feet in height above the mean centerline street grade and not exceed 32 square feet on one, nor 64 square feet on all sides of any one sign.

(c) Notwithstanding the foregoing, in no case shall the total square footage of signage on any parcel exceed 400 square feet unless an on-premise sign is modified by the committee.

(Amd. of 10-14-03, pt. I; Amd. of 1-11-05; Ord. No. 386-09/06, pt. I, 9-7-06; Ord. No. 562-06/09, pt. XIII, 6-9-09)

Sec. 74-216. Enforcement and penalties.

In addition to any penalty provided in this code, the zoning administrator shall have the authority to order the painting, repair, alteration or removal of any signs that become dilapidated, abandoned or a physical hazard to the public safety.

The zoning administrator shall also have the authority to immediately abate any sign of a physical hazard to public safety at the expense of the sign owner.

(Amd. of 10-14-03, pt. I)

Sec. 74-217. Shoreland signs.

The following on-premise shoreland signs may be erected, placed or posted in all districts with a permit and subject to the conditions herein specified:

- (1) Signs visible to stream or lake users at anytime of the year shall not exceed 12 square feet in area on one side nor 24 square feet in area on all side for any one premise;
- (2) Signs shall not exceed a height of ten feet;
- (3) Signs shall not be located closer than 50 feet to any side lot line or any intersection;
- (4) Signs shall not be located within 75 feet of the ordinary high water mark of any navigable body of water;
- (5) Signs shall not contain, include, or be illuminated by a flashing light or be composed of any animated parts.

(Amd. of 10-14-03, pt. I)

DIVISION 7.

NONCONFORMING USES, STRUCTURES AND USES

Sec. 74-218. Existing nonconforming uses and structures.

The lawful nonconforming use of a structure, land, or water existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform with the provisions of this ordinance, except that:

- (1) Only that portion of the land or water in actual use may be so continued and the nonconforming use may not be extended, enlarged, substituted or moved.
- (2) Total lifetime structural repairs or alterations to a nonconforming structure shall not exceed 50 percent of the municipality's assessed value of the structure over the life of the structure established upon application for the first zoning permit for any addition and/or alteration identifying a legal nonconforming use, unless it is permanently changed to conform to the use provisions of this ordinance.
- (3) Substitution of new equipment may be permitted by the board of adjustment if such equipment will reduce the incompatibility of the nonconforming use or structure with the neighboring uses.
- (4) Modifications and alterations permitted under the provisions of this ordinance to nonconforming structures or floodlands shall be floodproofed.
- (5) If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land or water shall conform to the provisions of this ordinance.

- (6) When a principal nonconforming structure is damaged by fire, explosion, flood or other calamity to the extent of more than 50 percent of its current assessed value, it shall not be restored except so as to comply with the provisions of this ordinance or except as provided in section 74-198.
- (7) Once a nonconforming use or structure has been changed or altered so as to comply with the provisions of this ordinance, it shall not revert back to a nonconforming use or structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the board.
- (8) A current file of all nonconforming uses and structures shall be maintained by the zoning administrator listing the following: Property location, use of the structure, land or water; and assessed value of the structure.
- (9) The maintenance and repair of nonconforming boathouses which are located beyond the ordinary high-water mark of any navigable waters shall comply with the requirements of Wis. Stats. § 30.121.

(Ord. of 6-11-02; Ord. No. 575-09/09, pt. XIX, 9-8-09)

Sec. 74-219. Existing substandard structures.

The use of a structure (principal and/or accessory) existing at the time of the adoption or amendment of this ordinance may be continued although the structure's size and/or location does not conform to the required yard, height, parking, loading, access and lot area provisions of this ordinance.

- (1) Additions and enlargements to existing substandard structures (principal and/or accessory) are permitted and shall conform with the established building setback line of all side yard, street yard and rear yards, but may never be closer than five feet to any lot line, and shall conform to the required shoreyard, height, parking, loading, and access provisions of this ordinance.
- (2) Existing substandard structures (principal and/or accessory) which are damaged or destroyed by fire, explosion, flood, or other calamity, may be reconstructed to their original design (building envelope) and location (footprint) and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shoreyard, height, parking, loading, and access provisions of this ordinance.
- (3) Existing substandard structures (principal and/or accessory) may be moved, removed, razed, and reconstructed, or replaced to their original design (building envelope) and location (footprint) and any proposed additions and enlargements to the original design (building envelope) and/or location (footprint) shall conform with the established building setback lines of all side yard, street yard, and rear yards, but may never be closer than five feet to any lot line. Any proposed additions and enlargements shall conform to the required shoreyard, height, parking, loading, and access provision of this ordinance.

- (4) The provisions of this section are applicable only if the lot or parcel conforms to the existing sanitary code requirements or is serviced by public sanitary sewer.

(Ord. of 6-11-02; Amd. of 1-14-03)

Sec. 74-220. Changes and substitutions.

Once a nonconforming use has been changed to a conforming use or a substandard structure has been altered so as to comply with the yard, height, parking, loading, and access provision of this ordinance, it shall not revert back to a nonconforming use or substandard structure. Once the board of adjustment has permitted the substitution of a more restrictive nonconforming use for the existing nonconforming use, the prior existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the board.

Sec. 74-221. Existing substandard lots.

In any residential, conservation, or agricultural district, a one-family detached dwelling and its accessory structures may be erected on an existing substandard legal lot or parcel of record in the county register of deeds office before the effective date or amendment of this ordinance, provided such legal lot or parcel meets frontage requirements per section 74-39 and all the following minimum substandard lot requirements, and further provided that all requirements of the county sanitary ordinance are met:

Lot:	Width:	Minimum 50 feet (public sewerage)
		Minimum 65 feet (septic system)
	Area:	Minimum 7,500 square feet (public sewerage)
		Minimum 10,000 Square Feet (Septic System)
Yards:	Street:	Minimum 25 feet; corner lots shall have two such yards
		minimum 50 feet from state and federal road right-of-ways or 110 feet from the centerline, whichever is greater
(sewered)	Side:	10 feet
(unsewered)		Minimum 16% of the lot width on each side but not less than 5 feet from the lot line see section 74-236
Yards:	Rear:	Minimum 25 feet from lot line
	Shore:	Minimum 75 feet

Once a substandard lot has been changed or altered so as to comply with the standard provisions of this ordinance, it shall not revert back to a substandard lot. The combination of pre-platted lots under one tax key number constitutes a change or alteration.

(Ord. of 6-11-02; Ord. No. 353-04/06, pt. X, 4-20-06)

Sec. 74-222. Nonconforming structures located within the floodplain.

The existing lawful use of a structure in the floodplain may continue subject to the following conditions:

- (1) No modifications to a nonconforming use or structure shall be permitted unless it complies with this ordinance. The words "modification" and "addition" include, but are not limited to, any alteration, modification, structural repair, rebuilding or replacement of any such existing use, structure or accessory structure or use. Ordinary maintenance repairs are not considered an extension, modification or addition and may include painting, decorating, paneling and the replacement of doors, windows and other nonstructural components and the maintenance, repair or replacement of existing private sewage or water supply systems or connections to public utilities. Ordinary maintenance and repairs are not included in the 50 percent calculation.
- (2) No modification/alteration to any nonconforming structure or use, which over the life of the structure would equal or exceed 50 percent of the municipality's equalized assessed value of the structure established upon application for the first zoning permit for any modification, alteration or repair, shall be allowed unless the entire structure is permanently changed to a conforming structure in a conforming location. Contiguous dryland access must be provided for residential and commercial uses.
- (3) The zoning administrator shall keep a record of all zoning permit applications establishing a record of all nonconforming structures or uses, their equalized assessed value established upon application for the first zoning permit, the cost of all modifications or alterations which have been permitted and the percentage in relation to the 50 percent allowed.
- (4) If such nonconforming structure or use is discontinued for 12 consecutive months, it is no longer permitted and any future use of the property, and any structure or building thereon, shall conform to the applicable requirements of this ordinance.
- (5) If any nonconforming structure or use is destroyed or substantially damaged by a flood disaster, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50 percent of the structure's established equalized assessed value.
- (6) A nonconforming historic structure may be altered in accordance with section 74-166(f)(4) if the alteration will not preclude the structures continued designation as a historic structure.

When a legal nonconforming structure is damaged or destroyed by a flood disaster to the extent of more than 50 percent of its equalized assessed value, it shall not be restored except so as to comply with the provisions of this ordinance.

When a legal nonconforming structure is damaged or destroyed by a non-flood disaster, to the extent of more than 50 percent of its equalized assessed value, it may be restored, provided the use is also permitted in the zoning district, after obtaining conditional use approval from the committee. Such committee shall not be allowed to grant conditional use approval if there is a code compliant location or if the restoration exceeds the

footprint and envelope of the damaged structure prior to said structure being damaged. Any nonconforming structure located in a floodplain shall not be restored unless the entire structure is floodproofed, by means other than fill, to an elevation equal to or exceeding the 100-year recurrence interval floodplain. Certification of floodproofing shall be made to the zoning administrator and shall consist of a plan or document certified by a registered engineer that the floodproofing measures are consistent with the flood pressures, depths, velocities, uplift and impact forces and other regional flood factors associated with the 100-year recurrence interval flood. (Ord. No. 575-09/09, pt. XX, 9-8-09)

DIVISION 8.

PERFORMANCE STANDARDS

Sec. 74-223. Compliance.

This ordinance permits specific uses in specific districts; and these performance standards are designed to limit, restrict, and prohibit the effects of those uses outside their premises or district. All structures, lands, air and water shall hereafter, in addition to their use, site, and sanitary regulations, comply with the following performance standards, and all applicable standards set forth by the Wisconsin Departments of Commerce and Natural Resources in the Wisconsin Administrative Code.

Sec. 74-224. Air pollution.

No activity shall emit any fly ash, dust, fumes, vapors, mists, or gases in such quantities as to cause soiling or danger to the health of persons, animals, vegetation, or other forms of property. No activity shall emit any liquid or solid particles in concentrations exceeding 0.3 grains per cubic foot of the conveying gas nor any color visible smoke equal to or darker than No. 2 on the Ringlemann Chart described in the Wisconsin Administrative Code.

Sec. 74-225. Fire and explosive hazards.

All activities involving the manufacturing, utilization, processing or storage of flammable and explosive materials shall be provided with adequate safety devices against the hazard of fire and explosion and with adequate fire-fighting and fire-suppression equipment and devices that are standard in the industry. All materials that range from active to intense burning shall be manufactured, utilized, processed, and stored only in completely enclosed buildings which have incombustible exterior walls and an automatic fire extinguishing system. The above-ground storage capacity of materials that produce flammable or explosive vapors shall not exceed the following:

Closed Cup Flash Point	Gallons
Over 187 Degrees F	400,000
105 Degrees F to 197 Degrees F	200,000
Below 105 Degrees F	100,000

Sec. 74-226. Glare and heat.

No activity shall emit glare or heat that is visible or measurable at the boundaries of the lot on which the

principal use is located. All operations producing intense glare or heat shall be conducted within a completely enclosed building. Exposed sources of light shall be shielded so as not to be visible outside their premises.

Sec. 74-227. Water quality protection.

No activity shall locate, store, discharge, or permit the discharge of any treated, untreated, or inadequately treated liquid, gaseous, or solid materials of such nature, quantity, obnoxiousness, toxicity or temperature that would be likely to run-off, seep, percolate or wash into surface or subsurface waters so as to contaminate, pollute, or harm such waters or cause nuisances such as objectionable shore deposits, floating or submerged debris, oil or scum, color, odor, taste, or unsightliness or be harmful to human, animal, plant, or aquatic life. In addition, no activity shall discharge any liquid, gaseous, or solid materials so as to exceed or contribute toward the exceeding of the minimum standards and those other standards and the application of those standard set forth in NR ch. 102 of the Wisconsin Administrative Code for all navigable waters in the county.

Sec. 74-228. Odors.

Except in the A-1, A-2, and A-3 districts, no activity shall emit any odorous matter of such nature or quantity as to be offensive, obnoxious, or unhealthful outside their premises. The guide for determining odor measurement and control shall be the Wisconsin Administrative Code.

Sec. 74-229. Radioactivity and electrical disturbances.

No activity shall emit radioactivity or electrical disturbances outside its premises that are dangerous or adversely affect the use of neighboring premises.

Sec. 74-230. Vibration.

No activity in any district except the M-1 and M-2 districts shall emit vibrations which are discernible without instruments outside its premises. No activity in the M-1 or M-2 districts shall emit vibrations which exceed the following displacement measured with a three-component measuring system:

Frequency (Cycles Per Second)	Displacements (Inches)	
	Outside the Premises	Outside the District
0 to 10	.0020	.0004
10 to 20	.0010	.0002
20 to 30	.0006	.0001
30 to 40	.0004	.0001
40 to 50	.0003	.0001
50 and over	.0002	.0001

DIVISION 9.

MODIFICATIONS

Sec. 74-231. Height.

The district height limitations stipulated elsewhere in this ordinance may be exceeded but such modifications shall be in accord with the following:

- (1) Special structure, such as elevator penthouses, gas tanks, grain elevators, scenery lofts, manufacturing equipment and necessary mechanical appurtenances, cooling towers, fire towers, substations, and smoke stacks, shall not exceed in height their distance from the nearest lot line.
- (2) Essential services, utilities, water towers, electric power and communication transmission lines are exempt from the height limitations of this ordinance.
- (3) Communication structures, such as radio and television transmission and relay towers, aerials, and observation towers shall not exceed in height three times their distance from the nearest lot line. Utility cabinets shall be setback a distance equal to two (2) times their height from the nearest lot line.
- (4) Agricultural structures, such as barns, silos, tanks and windmills, shall not exceed in height two times their distance from the nearest lot line.
- (5) Public or semi-public facilities, multiple-family structures, and commercial and industrial structures, may be erected to a height of 60 feet, provided all required yards are increased not less than one foot for each foot the structure exceeds the district's maximum height requirement.
- (6) Any structure located within an area surrounding an existing airport and which is subject to additional height regulations, shall not exceed the heights therein established.

(Ord. of 6-11-02)

Sec. 74-232. Yards.

The yard requirements stipulated elsewhere in this ordinance may be modified as follows:

- (1) Uncovered stairs, landings, terraces, balconies, decks and fire escapes may project into any required yard, except shoreyard, but not to exceed six feet and not closer than three feet to any lot line.
- (2) Architectural projections, such as chimneys, flues, sills, eaves, belt courses and ornaments, may project into any required yard; but such projection shall not exceed three feet.
- (3) Residential fences are permitted on the property lines, but shall not in any case exceed a height of six feet in the side and rear yards; shall not exceed a height of four feet in the shore yard, shall not exceed a height of six feet in the street yard and shall not be closer than two feet to any existing right-of-way. Fences are not permitted to cross between property lines within the 75-foot shoreyard setback and shall not create a barrier to wildlife movement and shall maintain natural shoreland beauty. Entrance pillars may be permitted on either side of the driveway/ access to the lot provided the pillars shall not be closer than two feet to any right of way, shall not exceed two feet in width and shall not exceed six feet in height.

- (4) Security fences are permitted on the property lines in all districts except residential districts, but shall not exceed ten feet in height, shall not be closer than two feet to any existing public right-of-way and shall be of an open type similar to woven wire or wrought iron fencing. Screening for garbage containers of a closed fence type may be permitted in all Business, Industrial and Park districts except provided it does not exceed six (6) feet in height, is not located in the street yard and shall not be closer than ten (10) feet to a property line.
- (5) Essential services, utilities, electric power and communication transmission lines are exempt from the yard and distance requirements of this ordinance, except as provided in section 74-193.
- (6) Landscaping and vegetation are exempt from the yard requirements of this ordinance, except as provided in section 74-72.
- (7) Utility cabinets shall be setback a distance equal to two times their height from the nearest lot line.
- (8) The county road setback requirement is permitted to be reduced to 40 feet on lots and/or parcels located in both a sanitary sewer and water district with written verification of approvals for sewer and water hookup.

(Ord. of 6-11-02; Ord. No. 392-10/06, pt. II, 10-10-06; Ord. No. 407-01/07, pt. II, 1-9-07)

Sec. 74-233. Reduced frontage.

Additions in the street yard of existing structures may be permitted but shall not project beyond the average of the existing street yards on the abutting lots or parcels.

Sec. 74-234. Average street yards.

The required street yards may be decreased in any residential or business districts to the average of the existing street yards of the abutting principal structures on each side but in no case less than 15 feet in any business district.

Sec. 74-235. Noise.

Sirens, whistles, and bells which are maintained and utilized solely to serve a public purpose are exempt from the sound level standards of this ordinance.

Sec. 74-236. Reduced side yards.

The side yards may be modified down to a minimum of 16 percent of the lot width on each side for any lots having a lot width of less than 100 feet but in no case shall it be less than five feet. This modification applies to unsewered districts only.

DIVISION 10.

BOARD OF ADJUSTMENT

Sec. 74-237. Establishment.

There is hereby established a Board of Adjustment for the County of Walworth for the purpose of hearing appeals and applications and granting variances to the provisions of this ordinance in harmony with the purpose and intent of this ordinance. This board of adjustment shall be the same board of adjustment established under the "Zoning Ordinance for Walworth County, Wisconsin."

Sec. 74-238. Membership and organization.

The board of adjustment shall consist of three members and two alternates appointed by the chairman of the county board and approved by the county board of supervisors. The chairman shall make his nominations at least one month prior to their appointment.

- (1) *Terms.* Terms shall be for staggered three-year periods.
- (2) *Eligibility.* Members of the board shall reside within the County and outside the limits of incorporated areas providing, however, that no two members shall reside in the same town.
- (3) *Chairman.* The board shall choose its own chairman.
- (4) *Zoning administrator.* The zoning administrator shall attend all meetings for the purpose of providing technical assistance when requested by the board of adjustment. The zoning administrator may not be the secretary of the board of adjustment.
- (5) *Official oaths.* Official oaths shall be taken by all members in accordance with Wis. Stats. § 19.0 within ten days of receiving notice of their appointment.
- (6) *Vacancies.* Vacancies shall be filled for the unexpired term in the same manner as appointments for a full term.

(Ord. No. 446-07/07, pt. II, 7-10-07; Ord. No. 575-09/09, pt. XXI, 9-8-09)

Sec. 74-239. Rules.

The county board hereby adopts rules for the conduct of the business of the board of adjustment in accordance with the provisions of this ordinance. The board may adopt further rules as necessary.

- (1) *Meetings.* Meetings shall be held at the call of the chairman and shall be open to the public.
- (2) *Minutes to be kept.* Minutes of the proceedings and a record of all actions shall be kept by the board, showing the vote of each member upon each question, the reasons for the board's determination, and its finding of facts. These records shall be immediately filed in the office of the board and shall be a public record.
- (3) *Concurring vote required.* The concurring vote of two members of the board shall be necessary to take official action; correct an error; grant a variance; make an interpretation; and permit a

temporary unclassified, or substituted use.

- (4) *Limitations on applications.* A party shall not initiate action for a variance affecting the same land more than once every 12 months unless there is a substantial change in the proposed structure location. The 12 months to be calculated from effective date of the Walworth County Board of Adjustment's decision.

Sec. 74-240. Powers.

The board of adjustment shall have the following powers:

- (1) *Appeals.* To hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by the zoning administrator.
- (2) *Variations.* To hear and authorize appeals for variances where owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship. Such variance shall not be contrary to the public interest and shall be so conditioned that the spirit and purposes of this ordinance shall be observed and the public health, safety and welfare preserved and substantial justice done.
- (3) *Limitation on variations.* No variations shall have the affect of permitting any use in a district that is prohibited in that district.
- (4) *Boundary disputes.* Disputes between the zoning administrator and an applicant over the floodplain boundary line shall be settled after a review and recommendation by the county zoning agency.
 - a. If a floodplain boundary is established by approximate or detailed floodplain studies, the flood elevations or profiles shall prevail in locating the boundary. The regional or base flood elevation shall govern if there are any discrepancies. Where flood profiles do not exist, other evidence may be examined.
 - b. In all cases, the person contesting the boundary location shall be given a reasonable opportunity to present arguments and technical evidence to the board.
 - c. If the boundary is incorrectly mapped, the board should notify the person contesting the boundary location to petition the governing body for a map amendment according to division 12.
- (5) *Substitutions.* To hear and grant applications for substitution of more or equally restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the county zoning administrator has made a review and recommendation. Whenever the board permits such a substitution, the use may not thereafter be changed without application.
- (6) *Unclassified uses.* To hear and grant applications for unclassified and unspecified uses provided that such uses are similar in character to the principal uses permitted in the district and the

committee and the county zoning administrator have made a review and recommendation.

- (7) *Temporary uses.* To hear and grant applications for temporary uses, in any district provided that such uses are of a temporary nature, do not involve the erection of a substantial structure, and are compatible with the neighboring uses and the county zoning administrator has made a review and recommendation. To hear and grant applications for temporary living quarters beyond those permitted in section 74-38/74-163 for a period not to exceed 12 months, due to unique circumstances and provided the request is compatible with the neighboring uses. The permit shall be temporary, revocable, subject to any conditions required by the board of adjustment, and shall be issued for a period not to exceed 12 months. Compliance with all other provisions of this ordinance shall be required.
- (8) *Permits.* The board may reverse, affirm wholly or partly or modify the order, requirement, decision, or determination appealed from, and may make such order, requirement, decision or determination as ought to be made.
- (9) *Assistance.* The board may request assistance from other county officers, departments, commissions, and boards.
- (10) *Oaths.* The chairman may administer oaths and compel the attendance of witnesses.
(Ord. No. 560-06/09, pt. VI, 6-9-09; Ord. No. 575-09/09, pt. XXII, 9-8-09)

Sec. 74-241. Appeals and applications.

Appeals to the board of adjustment may be taken by any persons aggrieved or by any officer, department, board, or bureau of the county or municipality affected by the decision of the zoning administrator. Such appeals shall be filed in the office of the zoning administrator within 30 days after the date of written notice of the decision or order of the zoning administrator. Applications may be made by the owner or leasee of the structure, land, or water to be affected at any time and shall be filed in the office of the zoning administrator. Such appeals and applications shall include the following:

- (1) Name and address of the appellant or applicant and all abutting opposite property owners of record.
- (2) Plat of survey prepared by a registered land surveyor in the State of Wisconsin or other map drawn to scale and approved by the county zoning administrator showing all of the information required under section 74-248 for a zoning permit.
- (3) Additional information required by the deputy zoning administrator, county zoning administrator, board of adjustment or county zoning agency.
- (4) Fee receipt from the zoning administrator.
- (5) With regards to floodplain appeals, the board shall review all data related to the appeal. This may include permit application and attachments per section 74-248, floodplain determination data per section 74-166, and other data submitted with the application, or submitted to the board with the

appeal. For appeals of floodplain determinations, the board shall follow the procedure herein, consider committee recommendations, and either uphold the denial or grant the appeal. For appeals concerning increases in regional flood elevation, the board shall uphold the denial where the board agrees with the data showing an increase in flood elevation or grant the appeal where the board agrees that the data properly demonstrates that the project does not cause an increase in the flood elevation, provided no other reasons for denial exist.

(Ord. No. 575-09/09, pt. XXIII, 9-8-09)

Sec. 74-242. Hearings.

The board of adjustment shall determine a reasonable time and place for the hearing, publish a class two notice thereof and shall give due notice to the parties in interest, the zoning administrator, and the county zoning agency. At the hearing the appellant or applicant may appear in person, by agent, or by attorney. The board of adjustment may grant continuances or adjourn hearings from time to time.

Due notice of all hearings on appeals for text or map interpretations or variances to the floodplain and shoreland provisions of this ordinance shall be given to the Wisconsin Department of Natural Resources ten days prior to such hearing.

Sec. 74-243. Findings.

No variance to the provisions of this ordinance shall be granted by the board unless it finds that all the following facts and conditions exist and so indicated such in the minutes of its proceedings:

- (1) *Preservation of intent.* No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the affect of permitting a use in any district that is not a stated principal use, or conditional use where a conditional use permit has been granted. Exceptional circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties of uses in the same district, and the granting of the variance should not be of so general or recurrent in nature as to suggest that the zoning ordinance should be changed.
- (2) *Absence of detriment.* No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this ordinance or the public interest.
- (3) *Unnecessary hardship.* The applicant must demonstrate that (1) literal enforcement of the provisions of the ordinance will result in unnecessary hardship on the applicant; (2) the hardship is due to special conditions unique to the property. No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (4) *Additional requirements in floodplains.*
 - a. No variance shall be granted where filling and development contrary to the purpose and

intent of this ordinance would result.

- b. The variance may not cause any increase in the regional flood elevation.
- c. Variances shall only be granted upon a showing of good and sufficient cause, shall be the minimum relief necessary, shall not cause increased risks to public safety or nuisances, shall not increase costs for rescue and relief efforts and shall not be contrary to the purpose and intent of the ordinance.
- d. Variances can only be granted for lots that are less than one-half acre and are contiguous to existing structures constructed below the RFE.
- e. Variances shall not grant, extend or increase any use prohibited in the zoning district.
- f. Variances shall not damage the rights or property values of other persons in the area.
- g. Variances shall not allow actions without the amendments to this ordinance or map(s) required in division 12.
- h. Variances shall not allow any alteration of an historic structure, including its use, which would preclude its continued designation as an historic structure.
- i. When a variance is granted, the board shall notify the applicant in writing that it may increase flood insurance premiums and risks to life and property. A copy shall be maintained with the variance record."

(Ord. No. 575-09/09, pt. XXIV, 9-8-09)

Sec. 74-244. Decision.

The board of adjustment shall decide all appeals and applications within 30 days after the final hearing and shall transmit a signed copy of the board's decisions to the appellant or applicant and the zoning administrator.

- (1) Conditions may be placed upon any zoning permit ordered or authorized by the board.
- (2) Variances, substitutions, or use permits granted by the board shall expire within 12 months unless substantial work has commenced pursuant to such grant.
- (3) A copy of all decisions interpreting the ordinance, text or maps, or granting or denying a variance to the floodplain and shoreland provisions of this ordinance shall be transmitted by the Secretary of the Board to the Wisconsin Department of Natural Resources within ten days after the issuance of the decision.

DIVISION 11.

ADMINISTRATION

Sec. 74-245. Zoning administrator.

There is hereby created the office of Zoning Administrator for Walworth County who shall have the following duties and powers.

Sec. 74-246. Duties.

It shall be the duty of the zoning administrator to administer, supervise, and enforce the provisions of this ordinance and to:

- (1) Record all permits issued, inspections made, work approved, and other official actions.
- (2) Record the lowest floor elevation of all structures.
- (3) Issue permits and inspect all structures, lands, and waters as often as necessary to reasonably assure compliance with this ordinance, and issue certificates of compliance where appropriate.
- (4) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this ordinance to the owner, resident agent, contractor, sub-contractor, or occupant of the premises, and report uncorrected violations to the corporation counsel in a manner specified by him.
- (5) Assist the corporation counsel in the prosecution of ordinance violations.
- (6) Perform assessments of floodplain properties to determine if substantial damage to the properties has occurred following a natural disaster.
- (7) Advise applicants of the ordinance provisions, assist in preparing permit applications and appeals, and assure that the regional flood elevation for development is shown on all permit applications.
- (8) Inspect all damaged floodplain structures and perform a substantial damage assessment to determine if substantial damage to the structure has occurred.
- (9) Keep records of water surface profiles, floodplain zoning maps and ordinances, nonconforming uses and structures, substantial damage assessment reports and changes, appeals, variances and amendments.

(Ord. No. 575-09/09, pt. XXV, 9-8-09)

Sec. 74-247. Powers.

The zoning administrator shall have all the power necessary to enforce the provisions of this ordinance without limitation by reason of enumeration, including the following:

- (1) Issue zoning permits as provided for in section 77-248 upon application for the erection or use of

a structure, land, or water where such erection or use complies with all the provisions of this ordinance.

- (2) Issue a zoning permit for temporary living quarters as provided in section 74-119/74-248(1)--(5) upon application where temporary living quarters comply with section 74-38/74-163 and any other applicable provisions of this chapter.
- (3) Access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this ordinance. If, however, he is refused entry after presentation of his identification, he may procure a special inspection warrant in accordance with Wis. Stats. § 963.10, except in cases of emergency when he shall have the right of immediate entry.
- (4) Prohibit the use or erection of any structure, land, or water until he has inspected and approved such use or erection.
- (5) Recommend to the committee any additional use regulations as he shall deem necessary.
- (6) Request assistance and cooperation from the sheriff, county surveyor, and corporation counsel.
- (7) Designate deputy zoning administrators subject to confirmation by the committee for the purpose of performing further inspections and reporting violations.
- (8) Issue floodplain certificates of compliance where appropriate.
- (9) Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding events.
- (10) Review all discrepancies between floodplain boundaries on the official floodplain maps and actual field conditions. If significant difference exists, the map shall be amended in accordance with division 12. The zoning administrator can rely on a boundary derived from a profile elevation to grant or deny a zoning permit, whether or not a map amendment is required. Disputes between the zoning administrator and an applicant over the floodplain boundary shall be settled in accordance with division 10, subject to review and approval by FEMA.
 - a. If flood profiles exist, the map scale and the profile elevations shall determine the district boundary. The regional or base flood elevations shall govern if there are any discrepancies.
 - b. Where flood profiles do not exist, the location of the boundary shall be determined by the map scale, visual on-site inspection and any information provided by the department of natural resources.

(Ord. No. 560-06/09, pt. VII, 6-9-09; Ord. No. 575-09/09, pt. XXVI, 9-8-09)

Sec. 74-248. Zoning permit.

Applications for a zoning permit shall be made to the zoning administrator on forms furnished by the administrator and shall include the following where pertinent and necessary for proper review.

- (1) Names and addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- (2) Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (3) Plat of survey prepared by a registered land surveyor in the state or other map drawn to scale and approved by the county zoning administrator showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; ordinary high water mark, channel, floodway, floodplain (using NGVD or NAVD), and shoreland boundaries; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show type, slope, boundaries of soils shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
- (4) Additional information as may be required by the committee or the county zoning administrator.
- (5) Fee receipt in an amount specified in section 74-252 of this ordinance.
- (6) Zoning permit shall be granted or denied in writing by the zoning administrator within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 24 months after the issuance of the permit if the structure for which a permit is issued is not substantially completed, and the applicant shall re-apply for a zoning permit before re-commencing work on the structure. Any permit issued in conflict with the provisions of this ordinance shall be null and void.

No zoning permit shall be required for essential services, residential fences per section 74-232, and an accessory structure 100 square foot or less in size (except planned campground developments) but shall still be required to maintain the setback and use requirements of the ordinance including, but not limited to, section 74-166.

(Ord. No. 560-06/09, pt. VII, 6-9-09; Ord. No. 575-09/09, pt. XXVII, 9-8-09)

Sec. 74-249. Foundation survey requirements.

(a) Except as provided for in subsection (b), any person erecting, moving, enlarging or reconstructing a structure, which under this ordinance, requires a zoning permit and the submittal of a plat of survey with the proposed structure(s) located on the survey by a registered land surveyor of the state shall upon completion of the construction of footings, concrete slab or other foundations, submit to the zoning administrator a survey prepared by a registered land surveyor showing the locations, boundaries, dimensions, 100-year floodplain elevations and size of the following: The boundaries of a lot, all existing structures (including foundations) and their relationship to the lot lines. The zoning administrator shall compare the

location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. Construction may continue, but a foundation survey shall be submitted to the zoning department for review within 30 days of backfilling the foundation. If more than 30 days is needed, due to extenuating circumstances, to provide a foundation survey a written request shall be submitted to the zoning department whereby additional time may be granted in 15-day increments. All construction shall be in full compliance of the zoning ordinances of the county. If a zoning violation is later determined, the applicant, owner and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages.

(b) A foundation survey shall not be required for the construction of any structure located at least 150 feet from all property lines of the applicable zoning district. An inspection of the foundation shall be completed by the zoning administrator within 30 days of notification comparing the location of all new or extended foundations with the location of all proposed construction activity reported on the permit application. If more than 30 days is needed to complete the inspection, the zoning department will call the person that scheduled the inspection to request the additional time. Construction may continue upon notification to the zoning department, but, all construction shall be in full compliance with the zoning ordinances of the county. If a zoning violation is later determined, the applicant, owner and his estate shall move the construction or structure so as to conform with the zoning regulations effective on the date the permit was issued and shall further pay all consequent damages.

(c) Failure to comply with the requirements of this section shall be grounds for the issuance of a stop work order and/or citations pursuant to the Code of Ordinances.
(Ord. of 6-11-02)

Sec. 74-250. Floodplain certificate of compliance.

No land shall be occupied or used, and no building shall be, altered, added to, modified, repaired, rebuilt, replaced, occupied or floodplain certificate of compliance is issued by the zoning administrator, subject to the following provisions:

- (1) The floodplain certificate of compliance shall show that the building or premises or part thereof, and the proposed use, conform to the floodplain provisions of this ordinance.
- (2) Application for such certificate shall be consistent with the application for a zoning permit.
- (3) If all floodplain ordinance provisions are met, the certificate of compliance shall be issued within ten days of a completed request.
- (4) The applicant shall submit a certification signed by a registered professional engineer or registered land surveyor that the lowest floor and floodproofing elevations are in compliance with the ordinance. Floodproofing measures also require certification by a registered professional engineer or registered architect that floodproofing measures, by means other than filling, were designed to:
 - a. Withstand flood pressures, depths, velocities, uplift and impact forces and other regional flood factors;

- b. Protect structures to the flood protection elevation;
- c. Anchor structures to foundations to resist flotation and lateral movements; and,
- d. Insure that structural walls and floors are watertight to the flood protection elevation, and the interior remains completely dry during flooding without human intervention.
- e. Floodproofing measures could include reinforcing walls and floors to resist rupture or collapse caused by water pressure or adding mass or weight to prevent flotation, placing essential utilities above the flood protection elevation, installing surface or subsurface drainage systems to relieve foundation wall and basement floor pressures, constructing water supply wells and waste treatment systems to prevent the entry of flood waters, or putting cutoff valves on sewer lines or eliminating gravity flow basement drains.

(Ord. No. 575-09/09, pt. XXVIII, 9-8-09)

Sec. 74-251. Other permits.

It is the responsibility of a permit applicant to secure all other necessary permits required by the state, federal or local agency. This includes, but is not limited to, a permit required under Wis. Stats. chs. 30 or 31 and those required by U.S. Army Corps of Engineers pursuant to section 404 of the Federal Water Pollution Control Act Amendments of 1972, 334SC 1344.

(Ord. No. 575-09/09, pt. XXIX, 9-8-09)

Sec. 74-252. Permit fees.

Where required, all persons, firms or corporations shall pay a fee according to the approved schedule of fees of the land management department.

(Ord. of 6-11-02)

Sec. 74-253. Double fee.

A double fee may be charged by the zoning administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this ordinance.

Sec. 74-254. Remedial action.

Whenever an order of the zoning administrator has not been complied with after written notice has been mailed to the owner, resident agent or occupant of the premises, the county board of supervisors, the zoning administrator or the corporation counsel may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land or water.

Sec. 74-255. Shoreland/floodplain notice to the department of natural resources.

The following shall be sent to the department of natural resources regional office:

- (1) Within ten days of the decision, a copy of any decision on variances, appeals for map or text interpretations, and map or text amendments.
- (2) Copies of any case-by-case floodplain analyses, and any other information required by the department including an annual summary of the number and types of floodplain zoning actions taken.
- (3) Copies of substantial damage assessments performed and information about required follow-up by zoning staff.
- (4) Copies of floodplain investigations and reports regarding floodplain prosecutions.
- (5) Copies of floodplain text and map amendments and biennial reports to the FEMA regional office.

(Ord. of 6-11-02; Ord. No. 575-09/09, pt. XXX, 9-8-09)

DIVISION 12.

CHANGES AND AMENDMENTS

Sec. 74-256. Authority.

Whenever the public necessity, convenience, general welfare or good zoning practice require, the county board of supervisors may, by ordinance, change the district boundaries or amend or supplement the regulations established by this ordinance in accordance with the provisions of the Wisconsin Statutes.

Sec. 74-257. Initiation.

A petition for change or amendment may be made by any property owner in the area to be affected by the change or amendment, by the town board or any town wherein the ordinance is in effect, by a member of the county board or by the committee.

- (1) *Limitation on applications.* A party shall not initiate action for a zoning change affecting the same land more often than once every 12 months unless there is a substantial change in the area or a change in use. The 12 months to be calculated from effective date of the committee's public hearing.
- (2) *Pre-application for subdivision/Condominium requests.* A pre-application meeting shall be required prior to the submittal of a petition for any change to the district boundaries or amendments to the regulations for a subdivision/condo development. The pre-application process shall include a sketch plan prepared by a registered land surveyor and the applicable fee. The plan submitted shall be reviewed in a meeting scheduled by the county. The plans shall be reviewed for issues related to, but not limited to, platting, zoning, sanitation, stormwater, highway and parks. If a pre-application meeting is held during the conditional use process, a pre-application meeting is not required during this process.

(Ord. No. 419-03/07, pt. IV, 3-13-07)

Sec. 74-258. Petition.

Petition for any change to the district boundaries or amendments to the regulations shall be filed with the county clerk and the appropriate township clerk, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use and have attached the following:

- (1) Petitioner's name, address, phone number, and interest in property (owner, broker, etc.).
- (2) Existing zoning district.
- (3) Proposed zoning district.
- (4) Proposed use (a statement of the type, extent, area, etc., of any development project).
- (5) Compatibility with county plans (a statement of land uses and impact of zoning change).
- (6) Compatibility with adjacent lands (a statement of land uses and impact of zoning change).
- (7) Legal description of property to be rezoned prepared by a registered land surveyor in the State of Wisconsin.
- (8) Plat of survey prepared by a registered land surveyor in the State of Wisconsin showing the location, boundaries, dimensions, uses, and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off-street parking, loading areas, and driveways; existing highway access restrictions; high water channel, floodway, floodplain, and shoreland boundaries; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show type, slope, boundaries of soils shown on the operational soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission. A scale plot plan may be acceptable in place of a plat of survey only if the land to be rezoned is an entire recorded tax parcel with an accurate legal description(s) or if the land to be rezoned is a complete zone district portion(s) of a recorded multiple zoned parcel and the remnant district portion(s) not to be rezoned is excluded in the legal description.
- (9) Additional information as may be requested by committee.
- (10) Fee receipt from zoning administration.
- (11) *Township decision.* A decision from the appropriate township must be received before a public hearing may be held with respect to a petition for any change to the district boundaries. Township decisions must be submitted by the applicant to the department no later than one week prior to the scheduled hearing. An applicant may be charged a re-notice fee if the decision of the township is not received one week prior to the scheduled hearing.

- (12) *Decisions.* The committee may make a decision on any change to the district boundaries or amendments to the regulations at the next regularly scheduled meeting of the committee provided the committee received the decision of the township.

The procedure to be followed with respect to a petition for any change to the district boundaries or amendments to the regulations shall be as set forth in Wis. Stats. ch. 59.69.
(Amd. of 1-11-05; Ord. No. 575-09/09, pt. XXXI, 9-8-09)

Sec. 74-259. Floodplain boundary changes limited.

The county board shall not permit changes to the floodplain boundaries that are inconsistent with the purpose and intent of this ordinance. Any change to the base flood elevations in the flood insurance study (FIS) or on the flood insurance rate map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the county land use and resource management department. If more than one map or revision is referenced, the most restrictive information shall apply. The county board may change or supplement the floodplain zoning district boundaries and this ordinance in the manner provided by law. Actions which require an amendment include, but are not limited to, the following:

- (1) Any change to the official floodplain zoning map, including the floodway line or boundary of any floodplain area.
- (2) Correction of discrepancies between the water surface profiles and floodplain zoning maps.
- (3) Any upgrade to a floodplain zoning ordinance text required by s. NR116.05, Wis. Adm. Code, or otherwise required by law, or for changes by the municipality.
- (4) All channel relocations and changes to the maps to alter floodway lines or to remove an area from the floodplain that is based on a base flood elevation from a FIRM requires prior approval by FEMA.

(Ord. No. 575-09/09, pt. XXXII, 9-8-09)

Sec. 74-260. Text and map amendments to the C-4 district.

(a) For all proposed text and map amendments to the C-4 district, the appropriate district office of the department of natural resources shall be provided with the following:

- (1) A copy of every petition for a text or map amendment to the shoreland-wetland district, within five days of the filing of such petition with the county clerk;
- (2) Written notice of the public hearing to be held on a proposed amendment, at least ten days prior to such hearing;
- (3) A copy of the committee's findings and recommendations on each proposed amendment, within ten days after the submission of those findings and recommendations to the county board; and

(4) Written notice of the county board's decision on the proposed amendment within ten days after it is issued.

(b) A wetland, or a portion thereof in the C-4 district shall not be rezoned if the proposed rezoning may result in a significant adverse impact upon any of the following:

(1) Storm and flood water storage capacity;

(2) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the re-charge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

(3) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(4) Shoreline protection against soil erosion;

(5) Fish spawning, breeding, nursery or feeding grounds;

(6) Wildlife habitat; or

(7) Areas of special recreational, scenic or scientific interest, including scarce wetland types.

(c) If the department of natural resources has notified the committee that a proposed amendment to the C-4 district may have a significant adverse impact upon any of the criteria listed in subsection (b) of this section, that amendment, if approved by the county board, shall contain the following provision:

"This amendment shall not take effect until more than thirty (30) days have elapsed since written notice of the County Board's approval of this amendment was mailed to the Department of Natural Resources. During that thirty (30) day period the Department of Natural Resources may notify the County Board that it will adopt a superseding shoreland ordinance for the County under Section 59.692 Wis. Stats. If the Department does so notify the County Board, the effect of this amendment shall be stayed until the adoption procedure is completed or otherwise terminated."

(Amd. of 4-22-04)

Sec. 74-261. Text and map amendments to the A-1 district.

The county may approve petitions for rezoning areas zoned for exclusive agricultural use only after findings are made based upon consideration of the following:

(1) Adequate public facilities to accommodate development either exist or will be provided within a reasonable time.

(2) Provision of public facilities to accommodate development will not place an unreasonable burden on the ability of affected local units of government to provide them.

- (3) The land proposed for rezoning is suitable for development and development will not result in undue water or air pollution, cause unreasonable soil erosion or have an unreasonably adverse effect on rare or irreplaceable natural areas.

Land which is rezoned under this section shall be subject to the lien provided under Wis. Stats. §§ 91.19(8) to (10) for the amount of tax credits paid on the land rezoned. If the rezoning occurs solely as a result of action initiated by a governmental unit, any lien required under Wis. Stats. §§ 91.19(8) to (10) shall be paid by the governmental unit initiating the action. The department of agriculture, trade and consumer protection shall be notified of all rezonings under this section.

Sec. 74-262. Effective date.

The amending ordinance shall become effective immediately after public hearings held by the committee, adoption by the county board of supervisors, and publication and posting is provided by law except where section 74-260(c) of this ordinance applies.

- (1) *Notice to DNR and FEMA.* A copy of all notices for amendments or rezoning in the floodplain shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA). No amendments to the floodplain boundaries or regulations shall be effective until approved by the DNR and the FEMA. In the case of floodplain district boundary changes, an official letter of map amendment from FEMA shall also be required.

DIVISION 13.

DEFINITIONS

Sec. 74-263. Definitions.

For the purposes of this ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "shall" is mandatory and not discretionary.

A zones means areas of potential flooding shown on a county's "flood insurance rate map" or flood hazard boundary map" which would be inundated by the regional flood as defined herein. These areas may be numbered as A0, A1 to A99, or be unnumbered A zones. The A zones may or may not be reflective of flood profiles, depending on the availability of data for a given area.

Abandoned sign: Any sign located on a property which becomes vacant and is unoccupied for a period of 30 days or more; any sign which pertains to a time, event or purpose which no longer applies; or a sign which no longer directs attention to a business activity, service or product sold on the premises.

Accessory use or structure means a use or detached structure subordinate to the principal use of a structure, land, or water and located on the same lot or parcel serving a purpose customarily incidental to the principal use of the principal structure. An accessory structure cannot contain a separate dwelling unit, nor be used for overnight stays.

Adult entertainment use means an establishment consisting of, including, or having the characteristics of any or all of the following:

- (1) *Adult bookstore.* An establishment having as a substantial or significant portion of its stock-in-trade books, magazines, publications, tapes, or films that are distinguished or characterized by their emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (2) *Adult cabaret.*
 - a. An establishment devoted to adult entertainment, either with or without a liquor license, presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein;*
 - b. A cabaret that features topless and or bottomless dancers, go-go dancers, strippers, male or female impersonators, or similar entertainers presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein,* for observation by patrons.
- (3) *Adult mini motion picture theater.* An enclosed building with a capacity for less than 50 persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (4) *Adult motion picture theater.* An enclosed building with a capacity for 50 or more persons used for presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein.*
- (5) *Adult oriented establishment.* Shall include, but is not limited to, adult bookstores, adult motion picture theaters, adult mini-motion picture establishments or adult cabarets and further means any premises to which public patrons or members are invited or admitted and which are so physically arranged so as to provide booths, cubicles, rooms, compartments or stalls separate from the common areas of the premises for the purpose of presenting material distinguished or characterized by an emphasis on matter depicting, describing, or relating to sexual activities or specified anatomical areas, as defined herein,* to a member of the public, a patron or a member, whether or not such adult entertainment is held, conducted, operated or maintained for a profit, direct or indirect.

**Specified anatomical areas* - Less than completely and opaquely covered human genitals, pubic region, buttocks or female breast below a point immediately above the top of the areola.

**Specified sexual activities* - Acts of masturbation, sexual intercourse, sodomy, bestiality, necrophilia, sado-masochism, fellatio or cunnilingus. Fondling or erotic touching of human genitals, pubic region, or buttock or female breast.

Agricultural use: Beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; forest and game management; grazing; livestock raising; orchards; plant greenhouses and nurseries;

poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836 or lands that are part of other state and federal conservation programs; participating in the milk production termination program under 7 USC 1446 (d); and vegetable raising. (Wis. Stats. 91.01, 92.10)

Airport, public means any airport which complies with the definition contained in Wis. Stats. § 114.002(7), or any airport which serves or offers to serve any common carriers engaged in air transport.

Alley means a special public right-of-way affording only secondary access to abutting properties.

Animal unit: Has the meaning given in NR-243.03(3). For animal units not listed, the equivalency to animal units shall be based on live animal weights. In these cases, 1,000 pounds of live weight is equivalent to one animal unit.

Area, net developable means those lands within a development parcel remaining after the deletion of floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, all lands having slopes of 20 percent or greater, and all lands proposed for commercial or business land uses.

Area, total lot means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Arterial street means a public street or highway used or intended to be used primarily for fast or heavy through traffic. Arterial streets and highways shall include freeways and expressways, as well as arterial streets, highways, and parkways.

Attached or attachment means the minimum requirement for attachments shall include all of the following:

- (1) The attachment, when possible, must extend from original grade to the roof line of one or more of the connected structures;
- (2) The attachment must be completely enclosed by a roof, walls, and floor (openings only for windows, sky lights, doors, etc., are allowed);
- (3) The attachment must be accessible from all connecting structures;
- (4) The attachment as well as the connecting structures must meet applicable Uniform Dwelling Codes for foundation requirements; and
- (5) The attachment should be similar in design and materials to the connected structure(s).

Automotive proving grounds means an area used for testing and measuring the durability, safety, performance, emissions and related functions of passenger vehicles, light-duty trucks, and multi-purpose vehicles which functions are consistent with the design, development, engineering, manufacturing, and marketing of such vehicles and the administration of the same, but does not include public performance and

racing whether by paid admission or otherwise, of motorcycles, go-carts, or race cars.

Automobile salvage yard means any premises on which more than one self-propelled vehicle, not in running and/or operating condition, is not stored within an enclosed building. Running and/or operating condition shall be a vehicle currently licensed, registered and operating in accordance with all applicable regulations of the Department of Motor Vehicles for the State of Wisconsin.

Banner: Any sign intended to be hung either with or without frames, possessing characters, letters, illustrations or ornamentation applied to paper, plastic or fabric of any kind. Flags, shall not be considered banners for the purpose of this chapter.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year, as published by FEMA as part of a FIS and depicted on a FIRM.

Basement means that portion of any structure located partly below the average adjoining lot grade.

Bed and breakfast establishment means any place of lodging, in compliance with Wis. Stats. § 254.61(1), that provides four or fewer rooms for rent, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Bed and breakfast establishment--commercial means any place of lodging, in compliance with Wis. Stats. § 254.61(1), that provides eight or fewer rooms for rent to no more than a total of 20 tourist or transients in the B-6 district, is the owner's personal residence, is occupied by the owner at the time of rental, and in which the only meal served to guests is breakfast.

Billboard: Any off-premises sign, except political signage, exceeding 12 square feet in area.

Boardinghouse means a building other than a hotel or restaurant where meals or lodgings are regularly furnished by pre-arrangement for compensation for four or more persons not members of a family, but not exceeding 12 persons and not open to transient customers.

Boathouse, private means an accessory building in the shoreyard on the same lot with a residence, designed for the protection or storage of watercraft and related marine equipment, which shall not be used for either temporary or permanent dwelling purposes.

Buildable lot area means that portion of a lot remaining after required yards have been provided.

Building means any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building area means the total living area bounded by the exterior walls of a building at the floor levels, but not including basement, utility rooms, garages, porches, breezeways, and unfinished attics.

Building, detached means a principal building surrounded by open space on the same lot.

Building envelope means the three dimensional space within which a structure is built on a lot and that

may be defined by maximum height regulations and minimum yard setbacks.

Building height means the vertical distance, measured from the lowest finished grade along the street yard elevation of the structure, to the ridge of the highest roof line of the structure; including the roofs of architectural projections such as cupolas, domes, steeples, and gables. Flat roofs shall be measured to the highest point of the roof surface including such architectural projections as railings and walls.

Building inspector means a person certified by the department of commerce to engage in the administration and enforcement of the Uniform Dwelling Code for the State of Wisconsin.

Building line means a line between which any street line, no buildings or parts of buildings may be erected, altered, or maintained except as otherwise provided for in this ordinance.

Building officer means a person other than a certified building inspector having duties that do not include the administration and enforcement of the uniform dwelling code.

Building, principal means a building in which the principal use of the lot on which it is located is conducted.

Bulkhead line means a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the state department of natural resources, pursuant to Wis. Stats. § 30.11. Filling and development is only permitted to the landward side of such bulkhead line.

Business means an occupation, employment or enterprise which occupies time, attention, labor and materials, or wherein merchandise is exhibited or sold, or where services are offered other than home occupations.

Campground, planned campground development means a parcel or tract of land maintained, intended, or used for the purpose of supplying non-permanent overnight accommodations to persons in a recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motorhome, camping trailer, and park model, as well as other permitted structures as specified in section 74-62(7)/74-189(7).

Campground, public or private means any parcel or tract of land maintained, intended, or used for the purpose of supplying non-permanent overnight accommodations to persons providing their own means of shelter in a portable device or recreational vehicle, no more than 400 square feet in area, including travel trailer, pick-up coach, motorhome, camping trailer, park model, buses, automobiles, tents or sleeping bags.

Camping unit means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van pick-up truck, tent or other mobile recreational vehicle.

Carport means a structure having a roof, with or without supporting walls, posts or columns, used, designed or intended to be used for the protection or shelter of private motor vehicles. For the purposes of this ordinance, a carport shall be considered to be the equivalent of a garage.

Car washes means any facility used for the washing of vehicles requiring the installation of special

equipment or machinery and plumbing affixed to or affixed separate of a structure.

Cemetery is as defined in Wis. Stats. ch. 157.

Centralized sanitary sewerage system means a system designed to collect, convey, and treat sanitary and other wastes from a number of individual waste sources and which operates a sewage treatment facility approved by the Wisconsin Department of Natural Resources. A septic tank, whether serving one or several waste sources, is not a sewage treatment facility. Any sewerage system served by a septic tank shall not, therefore, be termed or classified as a centralized sanitary sewerage system. A cluster treatment system, whether privately or publicly owned, shall not be termed or classified as a centralized sanitary sewerage system. Such centralized sanitary sewerage systems may be publicly or privately owned and operated, but in every case is subject to the rules and regulations of the Wisconsin Department of Natural Resources.

Certificate of compliance means a floodplain certification issued by the zoning administrator stating that the use of land or a building, the elevation of the lowest floor of a structure is in compliance with all of the provisions of this ordinance.

Changeable copy sign: A sign that is designed so that characters, letters or illustrations can be changed or rearranged without altering the face or the surface of the sign. Such sign shall not contain, include or be illuminated by a flashing or moving light or be composed of any animated part. Each change of message shall be accomplished in one second or less and each message shall remain in a fixed position for at least two seconds. The use of traveling messages or segmented messages is prohibited.

Channel means a natural or artificial watercourse with definite bed and banks to confine and conduct normal flow of water.

Channeling means the act or action which results in an inter-connection of two bodies of water, usually navigable by surface craft.

Clinic means an establishment for the medical examination and treatment of patients, but without provision for keeping such patients overnight on the premises. For the purposes of this ordinance, a doctor's or dentist's office in his own home, when it complies with the requirements of this ordinance relating to such offices, shall not be considered a clinic, but any doctor's or dentist's office which is not a part of his own home, or the office of two or more doctors or dentists, whether in a residence or not, shall be considered a clinic.

Clothing repair shops means shops where clothing is repaired, such as shoe repair shops, seamstress, tailor shops, shoe shine shops, but none employing over five persons.

Club means an association of persons using a building or group of buildings for some common purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

Cluster treatment systems: A cluster treatment system collects, conveys and treats sanitary waste and other waste water from a number of individual waste sources and is operated by a governmental unit with sanitary powers. A cluster treatment system shall include treatment systems that employ an aerated lagoon, together with a spray irrigation system. Such systems shall include those that involve a traditional septic field serving multiple homes which is thereafter collected into the cluster system. Effluent may be transported via a

combination of pressure collection and local holding tank contract hauling. Cluster treatment systems are designed specifically as a means to replace or provide for failed or sub-code private sewerage systems installed prior to the availability of the new cluster system service. As such they are not designed to serve all properties within a community. Neither the properties served by the clusters nor others within the governmental district shall be considered as served by a public or centralized sanitary sewerage system for purpose of invoking any of the sewerage zoning categories.

Commercial arboretum: A place where many kinds of trees and shrubs are grown for exhibition, study and retail sale.

Commercial greenhouse means a structure or nursery used to raise vegetables, flowers, and similar materials for retail sale excluding roadside stands.

Commercial recreation facilities: Such as but not limited to arcades, bowling alleys, clubs, dance halls, driving ranges, gymnasiums, lodges, miniature golf, physical culture, pool and billiard halls, racetracks, rifle ranges, Turkish baths, skating rinks, and theaters.

Commercial stable means a building or premises used for the boarding, riding, driving, jumping or training of horses or animals as a business.

Committee. That commission, also known as the Walworth County Zoning Agency, created and designated by the Walworth County Board under Wis. Stats. § 59.69 to act in matters pertaining to county planning and zoning.

Composting means a controlled process of degrading organic material by micro-organisms (not to include solid waste and sludge composting).

Condominium means a property subject to a condominium declaration established in accordance with Wis. Stats. ch. 703.

Conservation area/unbuildable. That portion of the proposed subdivision parcel within the identified conservation land (open space) of the proposed development containing floodlands, wetlands, lands densely covered with trees and shrub growth on slopes of 12 percent or greater, and all lands having slopes of 20 percent or greater.

Conservation development. A residential development in which dwellings are located in a manner that reduces the area of land needed to be cleared, graded, and converted from agricultural, woodland, or wildlife habitat uses to building sites, driveways, and yard space. In such developments, lot sizes, dimensions, and setbacks are reduced from those typically required for conventional developments, although the total number of dwellings is not increased (unless provided for through density bonuses specifically authorized under the county zoning ordinance). This term shall also encompass the concept of "conservation subdivision" and "conservation condominium".

Conservation easement. A legal agreement between a landowner and a government agency or a qualified tax-exempt nonprofit conservation organization, such as a land trust or conservancy that permanently limits uses of the land in order to protect its conservation or natural resource values. A conservation easement

runs with the chain of title, in perpetuity and specifies the various conservation uses that may occur on the property. Land subject to a conservation easement remains privately owned and managed by the landowner, but monitoring and enforcement of the easement restrictions becomes the permanent responsibility and legal right of the holder of the conservation easement.

Conservation land. That portion of a tract that is set aside for the protection of sensitive natural features, land capable of use for agriculture, horticulture or silviculture, scenic views, and other unique or noteworthy features. Conservation land may be accessible to the residents of the development and/or public, or may be lands, which are not accessible to the public.

Conservation lot. A large, (ten acres or greater in size) privately owned lot-comprising part of an area of conservation land. The purpose of the conservation lot is to provide surrounding residents with visual access to conservation land, while keeping the land under private ownership and maintenance. Only a small portion of a conservation lot may be developed; the remainder must be protected through conservation easements and used in conformance with standards for conservation land. Public access to conservancy lots is not required.

Conservation plan means a plan which is developed to protect existing natural resources as to conformance with soil conservation standards, or other equivalent engineering data.

Conservation standards means design criteria, standards and specifications for soil and water conservation practices and management used by the county conservation division enumerated in the Wisconsin Administrative Code, the technical guide prepared by the USDA Natural Resource Conservation Service adopted by the county land conservation committee, and other technical standards and specifications adopted by the state standards oversight council and the county land conservation committee.

Construction sign: Any sign giving the name or names of principal contractors, architects and lending institutions responsible for construction on the site where the sign is placed, together with other pertinent information included thereon.

Contractors storage yard means outside and/or inside storage of equipment, commercial vehicles, and/or supplies for contractors such as plumbers, heating and air conditioning contractors, excavators, carpenters, landscapers, painting contractors, wastewater treatment system contractors, electricians, well drillers and similar uses.

Core living area means that area or space within a dwelling unit, devoted to the principal residential use of the structure, excluding attached garages, porches, sheds and other appurtenances.

Development means any man-made change to improved or unimproved real estate, including but not limited to construction of or additions or substantial improvements or repairs to buildings, other structures, or accessory uses, subdivision layout and site plan preparation, storage of material or equipment, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials.

Development area: A parcel of land where a structure, land, water, or air is used, intended to be used, is located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered.

Directional sign: A sign which designates entrances, exits, parking areas and similar functions without

advertising.

Ditching means the process or excavation for purposes of surface water drainage and removal; a shallow channel, not navigable, used for the conductance of waters.

Drain means a surface ditch or underground tile line constructed for the purpose of lowering the water table so that land may be farmed or used for other purposes.

Drain tile laying means the placement of tile for the purpose of removing excess waters from the soil, either for agricultural purposes or for the removal of water around building foundations.

Drainage basin means a geographic area for the general configuration of which causes surface waters to flow in a specified direction; the area, contained by a naturally defined watershed, draining all surface waters.

Drainage-way means any natural or artificial water course, including but not limited to streams, rivers, creeks, ditches, channels, canals, conduits, culverts, waterways, gullies, ravines, or washes, in which waters flow in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or floodwater.

Dredging means the process by which bottom materials are removed from bodies of water for the purposes of deepening the body of water.

Dryland access means a vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough for wheeled rescue and relief vehicles.

Dwelling means a structure or portion thereof that is designed or arranged for human habitation, but does not include boarding or lodging houses, motels, hotels, or tents.

Dwelling, detached, single-family means a structure containing one dwelling unit that is not attached to any other dwelling by any means and is surrounded by open space or yards.

Dwelling, multiple-family means a structure containing three or more dwelling units.

Dwelling, single-family means a structure containing one dwelling unit, which is designed or arranged for use as living quarters for one family. "Single-family dwelling" includes a manufactured home which contains only one dwelling unit.

Dwelling, two-family means a structure on a single lot, which contains two dwelling units.

Dwelling unit means a group of rooms containing but not limited to living area(s), bathroom area(s), and food preparation area(s).

Earth moving means any process which physically alters the existing topography by means of mechanical or hydraulic equipment and devoiding the soils of vegetative cover so as to make the same soil susceptible to erosion.

Efficiency means a dwelling unit consisting of one principal room with no separate sleeping rooms.

Egg production, commercial means an animal confinement facility used or designed for the raising of poultry for egg production having a capacity of 200 or more animal units.

Election campaign period: A sign which shall have the meaning as set forth in Wis. Stats. § 12.04.

Election sign: A temporary sign supporting a candidate for office or urging action on any other matter on the ballot of a primary, general or special election.

Emergency shelter means public or private enclosures designed to protect people from aerial, radiological, biological, or chemical warfare; fire, flood, windstorm, riots, and invasions.

Equal degree of encroachment means the effect of any encroachment into the floodlands must be computed by assuming an equal degree of hydraulic encroachment on the other side of a river or stream for a significant hydraulic reach. This computation assures that property owners up, down, or across the river or stream will have the same rights of hydraulic encroachment. Encroachments are analyzed on the basis of the effect upon hydraulic conveyance, not upon the distance the encroachment extends into the floodlands.

Erosion means the process by which the ground surface is worn away by action of wind or water.

Erosion control plan means a written description of control measures designed to prevent excess movement of soil, sediment or rock fragments caused by water, wind, ice or gravity. Plan shall include erosion control measures such as; grading, excavating, fills, open cuts, side slopes and other land disturbances to be mulched, seeded, sodded, riprapped, or otherwise protected as a temporary or permanent erosion control measure. Such control measures will be designed and installed also with the intent to protect surface water, man made and natural drainage ways and subsurface water. Design and installation will be performed meeting minimum standards SCS technical guide, or other approved engineering data which meet approval of the Walworth County Planning Office.

Essential services means services provided by public and private utilities, necessary for the exercise of the principal, accessory, or conditional use or service of the principal, accessory or conditional structure. These services include underground, surface, or overhead gas, electrical, steam water, sanitary sewerage, storm-water drainage, and communication systems and accessories thereto, such as poles, wires, mains, drains, vaults, culverts, laterals, sewers, pipes, catch basins, conduits, cable, fire alarm boxes, police call boxes, traffic signals, pumps, lift stations, and hydrants, but not including buildings. These services may also include privileges in streets in accordance with Wis. Stats. 66.0425 and as amended from time to time.

Excavation means the act by which soil, earth, sand, gravel, rock or any similar material is cut into, dug, quarried, uncovered, removed, displaced, relocated, or bulldozed and shall include the conditions resulting therefrom.

Expressway a divided arterial street or highway with full or partial control of access and with or without grade separated intersections.

Family means one person, or group of individuals related by blood, marriage, adoption, or guardianship as defined by state statutes, and not to exceed four persons not so related, living together in a dwelling unit as a single housekeeping unit with an intentional structured relationship. The individuals shall have common use of, and access to all living areas, bathrooms, and food preparation areas.

Farm family business: Any lawful activity, except a farm operation, consisting of uses which are accessory to an agricultural use listed in the A-4 district except the production, packing, packaging, and light assembly of products from glass, metals, plaster, and plastics, conducted primarily for any of the following:

- (1) The purchase, sale, lease or rental of personal or real property;
- (2) The manufacture, processing or marketing of products, commodities or any other personal property;
- (3) The sale of services.

Farm stand: See "roadside stand."

Feed lot, commercial means an animal confinement facility used or designed for the feeding or holding of 500 or more animal units for a period of 30 days or more.

FEMA means Federal Emergency Management Agency, the federal agency that administers the national Flood Insurance Program.

Fence means an artificially constructed barrier of any material or combination to enclose, screen, or separate areas.

Fill means any act by which clean uncontaminated soil, earth, sand, gravel, rock, or similar material is deposited, placed, pushed, pulled, or transported, and shall include the conditions resulting therefrom.

Flood frequency means the probability of a flood occurrence which is determined from statistical analyses. The frequency of a particular flood event is usually expressed as occurring, on the average, once in a specified number of years or as a percent (%) chance of occurring in any given year.

Flood hazard boundary map means a map designating approximate flood hazard areas. Flood hazard areas are designated as unnumbered A zones and do not contain floodway lines or regional flood elevations. This map forms the basis for both the regulatory and insurance aspects of the National Flood Insurance Program (NFIP) until superseded by a flood insurance study and a flood insurance rate map.

Flood insurance rate map (FIRM) means a map of a community on which the Federal Insurance Administration has delineated both special flood hazard areas (the floodplain) and the risk premium zones applicable to the community. This map can only be amended by the Federal Emergency Management Agency.

Flood insurance study means a technical engineering examination, evaluation, and determination of flood hazard areas. It provides maps designating those areas affected by the regional flood and provides both flood insurance rate zones and base flood elevations and may provide floodway lines. The flood hazard areas

are designated as numbered and unnumbered A zones. Flood insurance rate maps, that accompany the flood insurance study, form the basis for both the regulatory and the insurance aspects of the National Flood Insurance Program.

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas caused by one of the following conditions:

- (1) The overflow or rise of inland waters;
- (2) The rapid accumulations or runoff of surface waters from any source;
- (3) The inundation caused by waves or currents or water exceeding anticipated cyclical levels along the shore of Lake Michigan or Lake Superior; or
- (4) The sudden increase caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a seiche, or by some similarly unusual event.

Flood profile means a graph or a longitudinal profile line showing the relationship of the floodwater surface elevation of a flood event to locations of land surface elevations along a stream or river.

Flood protection elevation means an elevation two feet of freeboard above the water surface profile elevation designated for the regional flood. This safety factor, also called a "free-board", is intended to compensate for the many unknown factors that contribute to flood heights greater than those computed. Such unknown factors may include ice jams, debris accumulation, wave action, obstructions of bridge openings, and floodways, the effects of watershed urbanization, and loss of flood storage areas.

Flood stage means the elevation of the floodwater surface above an officially established datum plane. In Southeastern Wisconsin, it is recommended that the datum plan used by Mean Sea Level, 1929 adjustment (NGVD) or the datum plan used by Mean Sea Level, 1988 adjustment (NAVD).

Floodfringe means that portion of the floodplain outside of the floodway which is covered by flood waters during the regional flood and associated with standing water rather than flowing water.

Floodplain means land which has been or may be covered by flood water during the regional flood. It includes the floodway and the floodfringe, and may include other designated floodplain areas for regulatory purposes.

Floodplain island means a natural geologic land formation within the floodplain that is surrounded, by not covered, by floodwater during the regional flood.

Floodplain management means policy and procedures to insure wise use of floodplains, including mapping and engineering, mitigation, education, and administration and enforcement of floodplain regulations.

Floodproofing means any combination of structural provisions, changes or adjustments to properties and structures, water and sanitary facilities and contents of buildings subject to flooding, for the purpose of reducing

or eliminating flood damage.

Floodway means a designated portion of the floodlands that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.1 foot unless special legal measures are provided. The floodway which includes the channel, is that portion of the floodlands not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

Floor area, business, commercial, and industrial buildings means, for the purpose of determining off-street parking and off-street loading requirements, the sum of the gross horizontal areas of several floors of the building, or portion thereof, devoted to a use requiring off-street parking or loading. This area shall include accessory storage areas located within selling or working space, such as counter, racks, or closets and any basement floor area devoted to retailing activities, to the production or processing of goods, or to business or professional offices. However, floor area, for the purposes of determining off-street parking spaces shall not include floor area devoted primarily to storage purposes except as otherwise noted herein.

Floor area, gross means the sum of the gross horizontal areas of all floors measured in square feet, not including the basement floor, measured from the exterior faces of the exterior walls or from the centerline of walls separating two buildings. The floor area of a building includes elevator shafts and stairwells at each floor, floor space used for mechanical equipment, (except equipment--open or closed--located on a roof or in a basement), penthouses, attic space having headroom of seven feet ten inches or more, interior balconies and mezzanines, enclosed porches, and floor area devoted to accessory uses.

Freestanding sign: Any sign which is attached to or part of a completely self-supporting structure other than a building that has a structural base of less than 75 percent of the width of the area of the sign.

Freeway means an expressway with full control of access and with fully grade separated intersections.

Frontage means the smallest dimension of a lot abutting a public street or other officially approved way measured along the street line (see section 74-164).

Fur farm means any property comprising land or buildings or both, used for the purpose of raising or harboring fur bearing animals including those defined in Wis. Stats. § 29.001(30), and also including chinchillas and other fur bearing animals, if any, whether the animals are kept for breeding or slaughtering or pelting purposes.

Garage, private means an accessory building or accessory portion of the main building, used or designed or intended to be used for the storage of private motor vehicles. See also "carport".

Garage, public means any building or portion thereof, not accessory to a residential building or structure, used for equipping, servicing, repairing, leasing, or public parking of motor vehicles.

Gift stores means retail stores where items such as art, antiques, jewelry, books, and notions are sold.

Grading means any stripping, excavating, filling, stockpiling, or any combination thereof, including the

land in its excavated or filled condition.

Hardware stores means retail stores where items such as plumbing, heating, carpentry, and electrical supplies; sporting goods; and paints are sold.

Height of sign: The overall height of a sign or sign structure as measured from the adjacent ground surface to the highest point of the sign. In the case where a sign is to be located on a berm, the grade shall be determined by the average of the grades measured at the toes of slope at the front and back of the berm.

Historic structure means any structure that is either listed individually in the National Register of Historic Places, or certified by the secretary of the interior as contributing to the historical significance of a registered historic district, or individually listed on the state inventory of historic places in a program approved by the secretary of the interior, or individually listed on a local inventory of historic places in a program certified by an approved state program as determined by the secretary of interior.

Hospital means an institution where patients are lodged overnight providing primary health services and medical or surgical care to persons, suffering from illness, disease, injury, deformity, and other abnormal physical or mental conditions and including, as an integral part of the institution, related facilities, such as laboratories, outpatient facilities, training facilities, medical offices and staff residences.

Hotel means a building where rooms, with or without meals, are supplied to the transient public, or to any one who may apply, for compensation.

Household means a family living together in a single dwelling unit, with common access to, and use of all living and dining areas, bathrooms, food preparation and serving areas.

Household occupation means any occupation for gain or support conducted entirely within buildings by resident occupants which is customarily incidental to the principal use of the premises, does not exceed 25 percent of the area of any floor, uses only household equipment, and no stock in trade is kept or sold except that made on the premises. A household occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and crafts, but does not include the display of any goods nor such occupations as dance schools, real estate brokerage, or photographic studios.

Interchange means a grade separated from an intersection with one or more turning lanes for travel between intersection legs.

Joint extra-territorial zoning committee means a zoning committee established in accordance with Wis. Stats. § 62.23(7a).

Kennel means the use of land, with related buildings or structures, for the breeding, rearing, or boarding of more than four dogs.

Laboratory means a place where scientific experiments and research are carried on, or where drugs, chemicals, etc., are made or tested for purity or strength.

Laboratory, experimental means an establishment devoted to the development of and fabricating of

preliminary or pilot models, but specifically not to include any mass production from the result of the experimental work.

Lagoon means a water body in a depression back of an off-shore bar, a beach ridge, or shore dune, with these geomorphic features, either natural or man-made, acting as barriers or dams. Also, a shallow pond, channel, or impoundment connected to a larger body of water.

Lagooning means the act of creating a lagoon.

Land stewardship plan. A site plan, narrative and supporting documents and details, depicting, specifying and describing the proposed conservation measures and methods required to protect and improve the natural, cultural, historic and scenic elements of the conservation land. The land stewardship plan must include objectives, as stated in section 11.9-B(d)(2) of the county subdivision ordinance, for the resources and areas within the conservation land. The land stewardship plan must identify monitoring, operation and maintenance activities needed to maintain the quality and the stability of the resources on the conservation land. The cost and schedule for implementing the proposed conservation measures and methods must be included in the land stewardship plan.

Land restoration means land disturbance activities which require large scale grading and filling for the reestablishment or stabilization of unstable soil contours resulting from non-agricultural practices.

Livestock: Domestic animals traditionally used in this state in the production of food, fiber or other animal products. Livestock includes animals such as bovine animals, swine, poultry, sheep and goats. Livestock does not include animals such as equine animals, farm-raised deer, fish, captive game birds, ratites, camelids or mink.

Livestock facility: A feedlot, dairy farm or other operation where livestock are or will be fed, confined, maintained or stabled for a total of 45 days or more in any 12-month period. A "livestock facility" includes all of the tax parcels on which the facility is located, but does not include an entire tax parcel used only for pasture. Two or more livestock facilities constitute a single livestock facility, for purposes of this chapter, if the same person owns or manages all of the facilities and any of the following apply:

- (1) The facilities are adjacent. Adjacent means livestock facilities that are located on adjacent tax parcels, or on tax parcels that are separated only by a river, stream, or transportation or utility right-of-way.
- (2) Common livestock structures are used to collect or store manure or other waste from the facilities.
- (3) Manure or other waste from the facilities is applied to the same tax parcel of land, or under the same nutrient management plan.

Livestock structure: A building or other structure used to house or feed livestock, to confine livestock for milking, to confine livestock for feeding other than grazing, to store livestock feed, or to collect or store waste generated at a livestock facility. Livestock structure includes but is not limited to a barn, milking parlor, feed storage facility, feeding facility, animal lot or waste storage facility. Livestock structure does not include a

pasture, a fence surrounding a pasture, a livestock watering facility in a pasture, or a machine shed or like facility that is not used for livestock.

Living rooms means all rooms within a dwelling except closets, foyers, storage areas, utility rooms, and bathrooms.

Loading areas means a completely off-street space or berth on the same lot for the loading or unloading of freight carriers, having adequate ingress and egress to a public street or alley.

Lodge means a building or group of buildings under single management containing both rooms and dwelling units available for temporary rental to transient individuals or families.

Lodging house means a building other than a hotel, where lodging is provided for compensation, for five or more persons not members of a family.

Lot means a parcel of land having frontage on a public street or other officially approved means of access, per section 74-164 occupied or intended to be occupied by a principal structure or use, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of this ordinance.

Lot, corner means a lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, flag means a lot configured such that its conventional length and width does not abut directly onto a public or private street or right-of-way, and where access to the street is by a narrow driveway, access easement, or similar extension.

Lot, interior means a lot situated on a single street which is bounded by adjacent lots along each of its other lines.

Lot, substandard means a parcel of land having frontage on a public street, per section 74-164, occupied, or intended to be occupied by a principal building or structure together with accessory buildings, and uses, having insufficient size to meet the lot width, lot area, yard, off-street parking areas, or other open space provisions of this ordinance.

Lot, through means a lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front line lines.

Lot coverage means the area under a roof and enclosed by the exterior permanent walls.

Lot lines and area means the peripheral boundaries of a parcel of land and the total area lying within such boundaries.

Lot width means the width of a parcel of land measured at the rear of the specified street yard.

Lowland resource conservation district means the zoning district created as a part of the Shoreland

Zoning Ordinance, comprised of shorelands that are designated as wetlands on the wetland maps which have been adopted and made a part of this ordinance.

Machine shops means shops where lathes, presses, grinders, shapers, and other wood and metal working machines are used, such as blacksmith, tinsmith, welding, and sheet metal shops; plumbing, heating, and electrical repair and overhaul shops.

Manufactured home means a structure certified and labeled as a manufactured home under 42 US Code sections 5401 to 5406 which, when placed on a site:

- (1) Is set on an enclosed foundation in accordance with section Wis. Stats. § 70.043(1), which meets the standards set forth in subchapters III, IV, and V of NR ch. 21, Wisconsin Administrative Code, or is set on a comparable enclosed foundation system approved by the building inspector. In townships that utilize a building officer, that officer shall require a plan certified by a registered architect, registered professional engineer, or building inspector to be submitted in order to ascertain that a proposed comparable foundation system provides proper support for the structure.
- (2) Is installed in accordance with the manufacturer's instructions.
- (3) Is properly connected to utilities.
- (4) Shall have a minimum width of 22 feet.
- (5) Shall have a core area of living space at least 22 feet by 22 feet in size.

Minor structures means any small, 100 square feet or less, movable accessory erection or construction, such as birdhouses, pethouses, play equipment, and arbors.

Mobile home means a vehicle manufactured or assembled before June 15, 1976, designed to be towed as a single unit or in sections upon a highway by a motor vehicle and equipped and used, or intended to be used, primarily for human habitation, which has an overall length in excess of 45 feet. "Mobile Home" includes the structure, its plumbing, heating, air conditioning and electrical systems, all appliances and all other equipment carrying a manufacturer's warranty. The removal of the wheels, axles, or other components of the running gear and/or the mounting of such a structure or vehicle on a foundation or over a basement shall not be deemed to change its status from that of a mobile home. A structure manufactured after June 15, 1976, which is certified and labeled as a manufactured home under 42 US Code sections 5401 to 5406 but which is not set on an enclosed foundation in the manner described in the definition of manufactured home shall be deemed to be a mobile home under this zoning ordinance.

Mobile home lot means a parcel of land for the placement of a single mobile home and the exclusive use of its occupants.

Mobile home park means a parcel of land which has been developed for the placement of mobile homes and is owned by an individual, a firm, trust, partnership, public or private association, or corporation.

Mobile recreational vehicle means a vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled, carried or permanently towable by a licensed, light-duty vehicle, is licensed for highway use if registration is required and is designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping travel or seasonal use. Manufactured homes that are towed or carried onto a parcel of land, but do not remain capable of being towed or carried, including parcel model homes, do not fall within the definition of "mobile recreational vehicles."

Modular home means a structure which is partially pre-assembled at a manufacturing plant and placed on a lot or parcel as a dwelling unit or units. Also called "pre-fabricated" or "precut" homes or "double-wide" units. For purposes of this Ordinance, the term manufactured home shall generally be used to describe this type of structure. It shall be further distinguished from the term mobile home. (See definitions of "manufactured home" and "mobile home").

Monument sign: Any sign independent from any building that has a structural base of not less than 75 percent of the width of the sign.

Motel means a series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.

NAVD means North American Vertical Datum, elevations referenced to mean sea level datum, 1988 adjustment.

Navigable water means Lake Superior, Lake Michigan, all natural inland waters within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. Under Wis. Stats. ch. 30 notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Wis. Stats. § 59.692, and this chapter do not apply to lands adjacent to farm drainage ditches if:

- (1) Such lands are not adjacent to a natural navigable stream or river.
- (2) The farm drainage ditch was not a navigable stream before ditching.
- (3) Such lands are maintained in nonstructural agricultural use.

Note: In *Muench v. Public Service Commission*, 261 Wis., 492 (1952) the Wisconsin Supreme Court held that a stream is navigable in fact if it is capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreational purposes. In *DeGayner and Co., Inc., v. the Department of Natural Resources*, 70 Wis., 2d 936 (1975), the court also held that a stream need not be navigable in its normal or natural condition to be navigable in fact. The DeGayner opinion indicates that it is proper to consider artificial conditions, such as beaver dams, where such conditions have existed long enough to make a stream useful as a highway for recreation or commerce, and to consider ordinarily recurring seasonal fluctuations, such as spring floods, in determining the navigability of a stream.

Net buildable area. The gross tract area minus all lands located within existing and proposed street right-of-ways, all lands located within railway right-of-ways or easements, all wetlands, and all of the area located within a pond, lake, or stream channel.

Net developable acre: Those lands within a development parcel remaining after the deletion of wooded

slopes of 12 percent or greater, any slopes 20 percent or greater, wetlands, and existing and proposed streets.

NGVD means National Geodetic Vertical Datum, elevations referenced to mean sea level datum, 1929 adjustment

Non-common conservation land. Land designated as permanent open space, but not subject to common ownership by an association. Non-common conservation land is typically situated within large conservation lots or limited common element" at least ten acres in size, or within nonresidential lots used for compatible rural resource uses such as agriculture, horticulture, silviculture, or equestrian boarding not including building areas and required building setbacks.

Nonconforming structure means any structure, by virtue of the use to which it is put, which does not comply with the use provisions of this ordinance for the district in which it is located, such as but not limited to, structures in the floodplain, wetland, right of way, or those structures lying on or across a parcel line.

Nonconforming use means any land or water lawfully used or occupied at the time of the effective date of this ordinance which does not conform to the regulations of this ordinance or amendments thereto pertaining to uses.

Nonprofit conservation organization. A qualified tax-exempt conservation organization, organized as a nonprofit organization under federal tax laws that, in all or part of its mission, actively works to conserve lands by undertaking or assisting direct land transactions. Nonprofit conservation organizations purchase land or acquire conservation easements on land for its natural, recreational, scenic, historic and productive value.

Nursery means land or greenhouses used to raise flowers, shrubs, vegetables and plants not for retail sale.

Nursing home means a building or institution for the care of the aged, the infirmed or the sick, provided the same shall comply with the further definitions and with the regulations contained in the rules of the Wisconsin Department of Health and Social Services.

Off-premise sign: Any sign which is not appurtenant to the use of the property where the sign is located, or to a product sold or a service offered upon the property where the sign is located and which does not identify the place of business where the sign is located as a purveyor of the merchandise or services advertised upon the sign.

On-premise sign: Any sign that is not an off premise sign.

Open space: Land within a development area exclusive of required yards (excluding perimeter yards adjacent to open space), access drives, and parking area. Such open space may be placed in more than one location within the development area provided, however, that no single area shall contain less than one-half acre and that such area shall have its least dimensions more than one-fourth its length.

Ordinary high water mark means ordinary high water mark means the point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily

recognized characteristics.

Owners association (OA). A legal and recorded membership organization, established by the subdivider, of all owners of interests within development. The OA is established and operated with a financial subsidy from the developer, before any sale of any building area within the development. Membership of the OA of all owners and their successors within a development is mandatory and automatic and is accomplished by making membership a condition of sale and the membership document must be signed by the purchaser at the closing or settlement. The OA is governed by bylaws which must authorize the OA to collect dues and fees and place liens on the real property of members who fail to pay their dues and fees. The OA may hold undivided land, including conservation land, in common. The term owners association is synonymous with such associations as a property owners association, homeowners association and condominium association.

Parcel means a lot, lots, or tract of land designated by a single tax key number legally recorded in the register of deeds office. Those platted lots assigned multiple tax key numbers as a result of such things as school district, town, county, or municipal boundaries shall constitute one parcel.

Park, amusement means an area, publicly or privately owned, containing amusement and recreation facilities and devices, whether operated for profit or not.

Park, public means an area owned by the county or a municipality within the county, operated for the convenience and recreation of the public, and containing such facilities as the owning municipality shall see fit.

Parking lot means a structure or premises containing ten or more parking spaces open to the public for rent or a fee.

Parking space means a graded and surfaced area of not less than 180 square feet in area either enclosed or open for the parking of a motor vehicle, having adequate ingress or egress to a public street or alley.

Parties-in-interest includes all abutting property owners, all property owners within 100 feet, and all property owners of opposite frontages.

Party wall means a wall containing no opening which extends from the elevation of building footings to the elevation of the outer surface of the roof or above, and which separates contiguous buildings but is in joint use for each building.

Pasture: An area of land where animals graze or otherwise seek feed in a manner that maintains the vegetative cover over all the grazing area, which does not have grazing at a density greater than one animal unit per acre and where the vegetative cover is the primary food source for the animals.

Patio means a terrace extending not more than six inches above the average level of the ground at its margins; provided that no fixed walls or roof shall be erected on or over any patio or similar structure that is located in a required yard.

Permanent sign: Any sign which is intended to be and is so constructed as to be of lasting and enduring condition, remaining unchanged in character, condition (beyond normal wear) and position, and in permanent manner affixed to the ground, wall or building.

Person means except when otherwise indicated by the context, the word "person" shall include the plural, or a company, firm, corporation or partnership.

Personal service establishments includes uses such as but not limited to artists services, barber services, beauty services, dry cleaning, laundry, photographic studios, shoe repair and cleaning services, custom tailoring, travel arranging services and day spas.

Pets, household means animals commonly found in residences as pets, such as dogs, cats, song bird, and other small animals, providing that they are not raised or reared for commercial resale or as a source of staple supplement. Household pets shall not include horses, chickens, cows, goats, sheep, hogs, or other animals not commonly found in residences.

Pierhead line means a boundary line established along any section of the shore of any navigable waters by a municipal ordinance approved by the department of natural resources, pursuant to Wis. Stats. § 30.13. Piers and wharves are only permitted to the landward side of such pierhead line unless a permit has been obtained pursuant to Wis. Stats. § 30.12(2).

Planned residential development means any residential development to be created as a single entity which permits improved environmental design and innovative uses of land and structures which are consistent with the overall intent of the Walworth County Zoning Ordinance.

Private sewage system means a sewage treatment and disposal system serving one structure with a septic tank and soil absorption field located on the same parcel as the structure. It also means an alternative sewage system approved by the department of commerce, including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure or a system located on a different parcel than the structure.

Professional home office means residences of doctors of medicine, practitioners, dentists, clergymen, architects, landscape architects, lawyers, professional engineers, registered land surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct their professions where the office does not exceed one-half the area of only one floor of the residence.

Projecting sign: Any sign other than a wall sign affixed to any building or wall, whose leading edge extends beyond such building or wall.

Property means an unimproved parcel, a parcel together with improvements on it, or improvements without the underlying land.

Reach means a longitudinal segment of a stream generally including those floodlands where in flood stages are primarily and commonly controlled by the same man-made or natural obstructions to flow.

Real estate signs: A sign pertaining to the lease, hire or sale of land, building or part thereof upon which the sign is located.

Reasonably safe from flooding means base flood waters will not inundate the land or damage structures

to be removed from the flood hazard area and that any subsurface waters related to the base flood will not damage existing or proposed structures.

Recreational camp means an area containing one or more permanent buildings used occasionally or periodically for the accommodation of members or guests of associations or groups for recreational, educational, or religious purposes.

Recycling means the process by which waste products such as metal cans, glass, newspaper, document paper, cardboard and plastic are collected and/or reduced to raw material for the transformation into new and different products (not to include automobile salvage, wrecking, junk, demolition, toxic and hazardous/medical waste, and scrap yards which are governed in division 4 of this ordinance).

Regional flood means a flood determined to be representative of large floods known to have occurred in Wisconsin. A regional flood is a flood with a one percent chance of being equaled or exceeded in any given year, and if depicted on the FIRM, the RFE is equivalent to the BFE.

Rendering plant means a plant for reduction of dead animals, or slaughtered animals not suitable for human consumption, to by-products, such as hide, skin, grease, bones, glue and soap, and for the storage of such by-products.

Residential accessory structures: including but not limited to detached garages, detached personal storage structures, swimming pools, hot tubs, tennis courts, etc.

Retirement home means a building or institution for the accommodation of elderly persons, with or without nursing or medical care; providing that such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.

Right-of-way: A strip of land acquired by reservation, dedication, forced dedication, prescription, easement or condemnation and intended (whether improved or unimproved) to be occupied by a street for vehicular way or railroad. The right of one to pass over the property of another for ingress and egress. Essential services are permitted to be located within a right-of-way.

Right-of-way line means the dividing line between a highway and the abutting lots or other divisions of land.

Roadside stand means a structure having a ground area of not more than 300 square feet, not permanently fixed to the ground, readily removable in its entirety, not fully enclosed and to be used solely for the sale of farm products produced on the premises (or adjoining premises).

Rooming house: Same as lodging house.

Sanitary landfill means a type of land disposal operation involving the disposal of solid waste and/or contaminated soil on land without creating nuisances or hazards to public health or safety, by utilizing the principles of engineering to confine the solid waste to the smallest practical area, to reduce it to the smallest practical volume, and to cover it with a layer of earth at the conclusion of each day's operation, or at such more

frequent intervals as may be necessary.

School means any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.

Seasonal signs: A sign used to identify seasonal commercial establishments, including but not limited to Christmas tree lots, fruit and vegetable stands, and crop signs.

Sediment means soils or other surficial material transported by wind or surface water as a product of erosion.

Service station means any building, structure or premises or other place used for the dispensing, sale or offering for sale of any motor fuel or oils, having pumps and storage tanks; also where battery, tire and similar services are rendered, but not including buildings or premises where such business is incidental to the conduct of a public garage used for the repair or storage of motor vehicles.

Shorelands means those lands lying within the following distances: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds, and flowages; 300 feet from the high-water elevation of navigable streams; or to the landward side of the floodplain, whichever is greater.

Shoreline buffer zone means the vegetation protection area.

Sign: Any words, letters, figures, numerals, phrases, sentences, emblems, devices, designs, trade names or trade marks by which anything is made known which is used or is intended to attract attention of the public and which is visible from any public street or highway but does not include legal notices required to be posted by municipal, state or federal law and highway and traffic signs authorized by municipal, state or federal law. The term sign shall not include flags.

Silt means soil particles, intermediate in size between sand and clay, which are readily transported by inflowing streams or surface waters into a body of water.

Sketch plan overlay sheet. A sketch map drawn on translucent or transparent material, to be overlain on top of an existing conditions and site analysis map, to determine the extent to which the proposed layout of house sites, streets, lot lines, and protected open space avoids negatively impacting the property's principal and noteworthy natural and cultural features.

Slaughterhouse means any building or premises used for the killing or dressing of cattle, sheep, swine, goats, horses or poultry, and the storage, freezing and curing of meat and preparation of meat products.

Smoke unit means the number obtained when the smoke density in Ringelmann number is multiplied by the time of emission in minutes.

Soil means any earth, sand, gravel, rock or any similar material.

Soil and water conservation district means a county whose board of supervisors has by resolution declared said county to be a soil and water conservation district.

Solid waste means garbage, refuse and all other discarded or salvageable solid materials, including solid waste materials resulting from industrial, commercial, and agricultural operations, and from domestic use and public service activities, but does not include solids or dissolved material in waste water effluents or other common water pollutants.

Steep slope means a slope over 12 percent grade, which is characterized by increased runoff, erosion, and sediment hazards.

Stewardship fund. An endowment or fund that is established along with a conservation easement agreement and is used to cover the expense of monitoring, enforcing, compliance and legal defense of the easement.

Storage capacity means the volume of space available above a given cross-section of a floodplain for the temporary storage of floodwater. The storage capacity will vary with stage.

Stormwater best management practice. Structural and nonstructural practices and methods that are designed, constructed and maintained to control the quantity and quality of stormwater. Stormwater best management practices selected are based the physical suitability of a site, the overall site management objectives and the performance criteria specified in the county land disturbance, erosion control and stormwater management ordinance.

Stormwater management plan. A plan that includes structural and nonstructural stormwater best management practices selected to match overall site management objectives and site conditions with the stormwater performance criteria specified in the county land disturbance, erosion control and stormwater management ordinance. The plan includes scaled site plans, narrative, construction details, design computations, inspection, operation and management requirements for the structural and nonstructural stormwater management practices selected to the serve the development. The costs and schedule for constructing, operating and maintaining the selected structural and nonstructural stormwater best management practices selected to service the site, must be included in the stormwater plan.

Story means that portion of a principal building included between the surface of any floor and the surface of the next floor above, or if there is no floor above, the space between the floor and the ceiling above. A basement shall not be counted as a story.

Story, half means a story which is situated in a sloping roof, the floor area of which does not exceed two-thirds of the floor area of the story immediately below it, and which does not contain an independent dwelling unit.

Street means any public or private vehicular way that provides access to property, including but not limited to; state, county, township, and private roadways.

Stripping means any activity which removes the vegetative surface cover, including tree removal, clearing, grubbing, and storage or removal of topsoil.

Structure means anything constructed or erected.

Structural alterations means any change in the supporting members of a structure, such as foundations, bearing walls, columns, beams, or girders.

Structural improvement means any repair, re-construction or improvement of a nonconforming structure, the cost of which equals or exceeds 50 percent of the present assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either: (a) Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or (b) any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society or listed on the National Register of Historic Places. Ordinary maintenance repairs are not considered structural repairs, modifications, or additions; such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other nonstructural components.

Subdivision road means a town road or other officially approved means of access providing access to interior lots located within a subdivision or minor subdivision as defined in the county land division ordinance.

Substandard structures means any structure, legally constructed prior to the adoption or amendment of this ordinance, conforming in respect to use but not in respect to the frontage, width, height, lot area, yard, parking, loading or distance requirements of this ordinance.

Tourist court. Same as "motel."

Turning lanes means an existing or proposed connecting roadway between two arterial streets or between an arterial street and any other street. Turning lanes include grade separated interchange ramps.

Unit means a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or part thereof) in a building.

Unnecessary hardship means that circumstances where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of this ordinance.

Use means the purpose or activity for which the land or building thereon is designed, arranged or intended, or for which it is occupied or maintained.

Use consistent with agricultural use: (Wis. Stats. 91.01 (10), 92.10) Any activity that meets all of the following conditions:

- (1) The activity will not convert land that has been devoted primarily to agricultural use, unless under a state or federal wetland restoration program or any other designated program as adopted by the county board of supervisors.
- (2) The activity will not limit the surrounding land's potential for agricultural use.

- (3) The activity will not conflict with agricultural operations on land subject to a farmland preservation agreement.
- (4) The activity will not conflict with agricultural operations on other properties.

Use, accessory means a subordinate use on the same lot which is incidental and customary in connection with the principal or conditional use.

Use, conditional means uses of a special nature so as to make impractical their predetermination with the principal or conditional use.

Use, principal means the main use of land or building as distinguished from a subordinate or accessory use.

Utilities means public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including electric power generation plants, sewage disposal plants, municipal incinerators, warehouses, shops, and storage yards.

Variance means an authorization granted by the board of adjustment to construct, alter or use a building or structure in a manner that deviates from the requirements of this ordinance.

Vision clearance means an unoccupied triangular space at the intersection of highways or streets with other highways or streets or at the intersection of highways or streets with railroads. Such vision clearance triangle shall be bounded by the intersection highway, street, or railroad right-of-way lines and setback line connecting points located on such right-of-way lines and a line connecting points located on such right-of-way lines by measurement from their intersection as specified in this ordinance.

Wall sign: Any on-premise sign painted or attached to and erected parallel to the face of or erected and confined within the limits of the outside wall of any building and supported by such wall or building and which displays only one advertising surface.

Waterfront: Land at the edge of a navigable body of water such as a stream, river, pond, flowage, harbor, bay or lake.

Wetland restoration project means a project to restore a floodplain wetland by the installation of best management practices. The applicant must demonstrate that the project restores or improves functional values including increasing flood and storm water storage, maintaining groundwater recharge-discharge, enhanced fisheries and wildlife habitat, improved filtration or storage of sediments, nutrients, and toxins, improved shoreline protection against erosion, and any additional wetland functional values.

Wetlands means those areas where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.

Woodland. Those upland acres one acre or more in size having 17 or more deciduous trees per acre, each measuring at least four inches DBH (diameter at four and one-half feet above the ground) and having 50 percent or more tree canopy coverage. Coniferous tree plantations and reforestation projects are also considered woodlands. (/SEWRPC)

Yard means an open space on the same lot with a structure, unoccupied and unobstructed from the ground upward except for vegetation. The street, rear, and shore yards extend the full width of the lot.

Yard, rear means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the rear lot line and a line parallel thereto through the nearest point of the principal structure. This yard shall be opposite the street yard or opposite one of the street yards with driveways access on a corner lot.

Yard, shore means a yard extending across the full width or depth of a lot, the depth of which shall be the minimum shoreyard setback required. This yard shall be measured as the horizontal distance between a line intersecting both side lot lines at the same angle and containing the point of the ordinary high-water mark of a pond, stream, lake, or wetland and a line parallel thereto.

Yard, side means a yard extending from the street yard to the rear yard of the lot, the width of which shall be the minimum horizontal distance between the side lot line and a line parallel thereto through the nearest point of the principal structure. Any yards not designated as a street yard, rear yard or shore yard shall also be deemed side yards.

Yard, street means a yard extending across the full width of the lot, the depth of which shall be the minimum horizontal distance between the existing street or highway right-of-way line, and a line parallel thereto through the nearest point of the principal structure. Corner lots shall have two such yards. Also called front yard.

Zoning administrator: For the purpose of this ordinance, the zoning administrator shall be the zoning manager and those zoning officers hired by Walworth County to enforce the provisions of the zoning ordinance(s).

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 10-14-03, pt. II; Amd. of 7-13-04; Amd. of 3-8-05; Amd. of 4-19-05; Amd of 8-9-05; Ord. No. 315-09/05, pt. VIII, 9-8-05; Ord. No. 369-07/06, pt. X, 7-11-06; Ord. No. 428-04/07, pt. VI, 4-17-07; Ord. No. 436-05/07, pt. VI, 5-8-07; Ord. No. 457-09/07, pt. III, 9-11-07; Ord. No. 459, pt. IV, 9-11-07; Ord. No. 466-11/07, pt. XXVI, 11-13-07; Ord. No. 501-06/08, pt. II, 6-10-08; Ord. No. 561-06/09, pt. VI, 6-9-09; Ord. No. 562-06/09, pt. XIV, 6-9-09; Ord. No. 563-06/09, pt. VI, 6-9-09; Ord. No. 575-09/09, pt. XXXIII, 9-8-09)

Sec. 74-264. Floodplain appendix.

FINAL SUMMARY OF MAP ACTIONS

Community: WALWORTH COUNTY	Community No: 550462
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1. LOMCs Incorporated

The modifications effected by the LOMCs listed below will be reflected on the revised FIRM. In addition, these LOMCs will remain in effect until the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
			NO CASES RECORDED		

2. LOMCs Not Incorporated

The modifications effected by the LOMCs listed below will not be reflected on the revised FIRM panels because of scale limitations or because the LOMC issued had determined that the lot(s) or structure(s) involved were outside the Special Flood Hazard Area, as sbown on the FIRM. These LOMCs will remain in effect until the revised FIRM becomes effective. These LOMCs will be revalidated free of charge 1 day after the revised FIRM becomes effective through a single revalidation letter that reaffirms the validity of the previous LOMCs.

LOMC	Case No.	Date Issued	Project Identifier	Old Panel	New Panel
LOMA	97-05-3432A	08/29/1997	STERLINGWORTH CONDOS, UNIT 38 - WEST 5135 STERLINGWORTH COURT	5504620020B	55127C0068D
LOMA	97-05-5536A	10/21/1997	HONEY LAKE PROTECTION & REHAB DISTRICT P/O SECTION 13. T 3N, R18E	5504620085B	55127C0229D
LOMA	98-05-2454A	05/15/1998	1715 WALBERG ROAD - STRUCTURES 1 - 13	5504620095B	55127C0239D
LOMA	98-05-5434A	09/25/1998	HONEY LAKE SUBDIVISION, 1ST ADDT., LOT 9, BLOCK 7 - N6272 WEST LAKESHORE DRIVE	5504620085B	55127C0233D
LOMA	99-05-5200A	11/05/1999	N1498 POWERS LAKE ROAD	5504620135B	55127C0366D
LOMA	01-05-084A	01/19/2001	LOT 2 OF CERT. SURVEY MAP 813; W 5342 ISLAND WAY	5504620020B	55127C0065D
LOMA	01-05-1497A	04/11/2001	STERLINGWORTH CONDO'S PARCEL A; W5135 STERLINGWORTH COURT	5504620020B	55127C0068D
LOMA	01-05-2562A	07/18/2001	HONEY LAKE SUBDIVISION, BLOCK 6. LOTS 4 & 7; N 6192 EAST LAKESHORE DRIVE	5504620085B	55127C0233D
LOMA	01-05-3643A	10/19/2001	4070 SOUTH SHORE DRIVE	5504620130B	55127C0330D

LOMA	02-05-3499A	08/02/2002	PART OF SECTION 2B, T1N, R18E; PARCEL D AND E; N739 THUNDERBIRD ROAD	5504620145B	55127C0363D
LOMA	02-05-4411A	09/18/2002	LAKE DELAVAN HIGHLANDS, LOTS 53 & 54; 4217 ASH STREET	5504620110B	55127C0285D
LOMA	03-05-1526A	01/24/2003	BLOCK 8, LOTS 8&9 HONEY LAKE 1ST ADDT; N6208 WEST LAKESHORE DRIVE	5504620085B	55127C0233D
LOMA	04-05-3500A	05/28/2004	W5361 ISLAND WAY, LOT 1, CSM 813	5504620020B	55127C0065D
LOMA	05-05-4756A	10/06/2005	N3306 COUNTY ROAD 'H'; PORTION OF SECTION 26 AND 23, T 2N, R 17E	5504620090B	55127C0327D
LOMA	05-05-5141A	11/10/2005	C.S.M.3515; N2873 BERNDT ROAD; P/O SECTION 25, T 2N, R 18E	5504620135B	55127C0355D
LOMA	05-05-5323A	01/10/2006	1572 MILL STREET - P/O SECTION 10., T2N, R18E	5504620095B	55127C0238D
LOMA	06-05-BL66A	06/20/2006	P/O SECTION 26, T4N, R16E; CSM 3569 LOT 1; N7694, N7698, N7706 & N7710 WEST SHORE DRIVE	5504620020B	55127C0065D
LOMA	07-05-3500A	05/03/2007	5631 STATE TRUNK HIGHWAY 50; P/O SECTION 35, T2N, R18E	5504620135B	55127C0355D
LOMA	07-05-3759A	05/31/2007	P/O SECTION 26, T4N, R16E; W5335 LAUDERDALE DRIVE	5504620020B	55127C0065D
LOMA	08-05-0890A	01/15/2008	N7432 COUNTRY CLUB DRIVE; P/O SECTION 36, T4N, R16E	5504620020B	55127C0068D
LOMA	08-05-2232A	03/04/2008	P/O SECTION 36, T4N, R16E, W5171 STERLINGWORTH COURT	5504620020B	55127C0068D

3. LOMCs Superseded

The modifications effected by the LOMCs listed below have not been reflected on the Final revised FIRM panels because they are being superseded by new detailed flood hazard information or the information available was not sufficient to make a determination. The reason each is being superseded is noted below. These LOMCs will no longer be in effect when the revised FIRM becomes effective.

LOMC	Case No.	Date Issued	Project Identifier	Reason Determination will be Superseded
LOMA	06-05-0960A	02/14/2006	SOUTH SHORE MANOR SUBDIV, BLOCK 2, LOT 1; 2305 LAKE SHORE DRIVE	4

Dam Key Seq No	Field File No	Official Name	Popular Name	Owner Organization
5811		BASIN 1		LAKE PRAIRIE DEVELOPMENT ASSOCIATION
5810		BASIN 2		LAKE PRAIRIE DEVELOPMENT ASSOCIATION
5666		BLOOMFIELD WETLAND RESTORATION	BLOOMFIELD WETLAND RESTORATION	WISCONSIN DEPARTMENT OF NATURAL RESOURCES
648	64.24	BORG	LAKE DELAVAN	TOWN OF DELAVAN
1528	64.14	CEDAR GROVE	SAMUEL W. BLOCK	JOHN FRIEDBERG
314	64.02	DELAVAN	COMUS LAKE	CITY OF DELAVAN
3332	64.35	DELAVAN EROSION CONTROL	CITY OF DELAVAN	CITY OF DELAVAN
911	64.36	DROSTER,ELMER		SUGAR CREEK PRESERVE, LLC
1525	64.04	EAST TROY	TRENT TUBE MANUFACTURING	VILLAGE OF EAST TROY
2288	64	FOX,G.GEORGE	GEORGE FOX	
3045	64	FRIES,ELMER		
436	64.3	GRETHE		MCL CONSTRUCTION CORPORATION
1526	64.1	HILBOURN	H.B.AUSTIN	
316	64.21	HONEY LAKE	SUGAR CREEK	HONEY LAKE PROTECTION &
5610		JACKLEY DAM #1		WDNR
5611		JACKLEY DAM #2		WDNR
5612		JACKLEY DAM #3		WDNR
900	64.31	KETTLE MORRAINE ESTATES CORP		MICHAEL PAUTZ
646	64.05	LAKE BEULAH		WALWORTH CO/LAKE BEULAH MD/PRIV.
3413	64.18	LAKE COMO	TOWN OF GENEVA	TOWN OF GENEVA
3209	64.32	LAKE COMUS WEST	CITY OF DELAVAN	CITY OF DELAVAN
85	64.11	LAKE GENEVA		LAKE GENEVA LEVEL CORP.
1531	64.23	LAKE TOMBEAU	NIPPERSINK MANOR RESORT	LAKE BENEDICT/LAKE TOMBEAU MGT. DIST.
210	64.15	LAUDERDALE LAKES	CONCRETE & RISER SPILLWAYS	LAUDERDALE LAKE MANAGEMENT DIST.
3208	64.27	MORRISSEY	EDWARD TONYAN	EDWARD & HANNAH TOYAN TRUST
2289	64	MOTL, LAURENCE	L.MOTL	
211	64.16	OLD PAPER MILL		CITY OF WHITEWATER
212	64.17	OLD STONE MILL		CITY OF WHITEWATER

647	64.22	PABST	POND DAM	ROBERT BLOUIN ESTATE
1530	64.22	PABST DIVERSION	ROBERT BLOVIN	ROBERT BLOUIN
1529	64.19	PELL LAKE	WARREN SMADBECK	WARREN SMADBECK
1534	64.28	POTIERS LAKE	RAY L. HEATH	RAY L HEATH
1532	64.25	POWERS LAKE	TOWN OF BLOOMFIELD	TOWN OF BLOOMFIELD
794	64.29	RICE LAKE	LOWER WHITEWATER	WI DNR - PARK MANAGER
2290	64	ROUBIK,CHARLES J.	FRED HOLM	
1533	64.26	TURTLE LAKE	TOWN OF RICHMOND	TOWN OF RICHMOND
5710	64.34	TURTLE VALLEY CENTRAL PHASE	TURTLE VALLEY CENTRAL PHASE	WI DNR
5662	64.33	TURTLE VALLEY PHASE III	TURTLE VALLEY PHASE III	WI DNR
711	64	VAL SAUER		EF WONDERLIC & ASSOCIATE
315	64.2	WHITEWATER LAKE		WALWORTH COUNTY

(Ord. No. 575-09/09, pt. XXXIV, 9-8-09)