

**Ordinance Amendment for Conservation Development Design**

June 18, 2004

**SHORELAND ZONING and ZONING ORDINANCE**

**WALWORTH COUNTY, WISCONSIN**

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## INTRODUCTION

### DIVISION 1.0

#### 74-28 and 74-153 PURPOSE

The purpose of this Ordinance is to promote the comfort, health, safety, prosperity, aesthetics, and general welfare of Walworth 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.

#### 74-29 and 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.
- (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.

## ZONING DISTRICTS

### DIVISION 3.0

#### 74-49 and 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 28 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
- 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 28 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.

**74-50 and 74-177 ZONING MAP**

The official copies of the Shoreland Zoning 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 12.0 of this Ordinance.

**74-51 and 74-178 AGRICULTURAL DISTRICTS**

**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 4.0)

- 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
- 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-N-Ride Facilities.
- u. Home Occupations
- v. More than one farm dwelling per Section (74-61) 74-188
- w. Bed and Breakfast establishments
- x. Conservation Development Design (5 or more dwelling units)

(3) CONVENTIONAL DESIGN

AREA, HEIGHT & YARD REQUIREMENTS

|   |   |
|---|---|
| Lot (Farm Size)   | Area: Minimum 20 Acres<br>Width: Minimum 300 Feet   |
| Building:<br>Farm Dwelling and<br>Agricultural Structures | Height: Maximum 45 Feet<br>Height: Maximum Two (2) Times Their<br>Distance from the Nearest Lot<br>Line (See Division 9.0)  |
| Yards:<br>Farm Dwelling and<br>Agricultural Structures    | Rear: Minimum 100 Feet<br>Side: Minimum 20 Feet<br>Animals: Structures used for the<br>housing of animals must be<br>located at least 100 feet from <b>all</b><br>lot lines               |
|   | Street:<br>Subdivision Road: Minimum 25 Feet<br>Town Road: Minimum 50 Feet<br>County Road: Minimum 65 Feet<br>State & Federal<br>Highways: Minimum 85 Feet<br>(not including<br>freeways) |
|   | Shore: Minimum 75 Feet  |

(4) EXISTING SUBSTANDARD LOTS – See Section (74-92) 74-221

**74-51 A-2 (Regular Zoning)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density: one dwelling unit per 20 acres

B) AREA, HEIGHT & YARD REQUIREMENTS

|  |  |
|--|--|
| <u>Lot Size</u>  | <u>Area: Minimum 20,000 sq. ft.</u><br><u>Width: Minimum 100 Feet</u>  |
| <u>Building:<br/>Farm Dwelling and<br/>Agricultural Structures</u> | <u>Height: Maximum 45 Feet</u><br><u>Height: Maximum Two (2) Times Their<br/>Distance from the Nearest Lot<br/>Line (See Division 9.0)</u> |
| <u>Yards:<br/>Farm Dwelling and<br/>Agricultural Structures</u>    | <u>Rear: Minimum 20 Feet</u><br><u>Side: Minimum 10 Feet from lot lines</u><br><u>In the case of no lot lines minimum</u>                  |

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 & 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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-178 A-2 (Shoreland)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density: one dwelling unit per 20 acres

B) AREA, HEIGHT & YARD REQUIREMENTS

Lot Size Area: Minimum 40,000 sq. ft.  
Width: Minimum 150 Feet

Building: Height: Maximum 45 Feet  
Farm Dwelling and Height: Maximum Two (2) Times Their  
Agricultural Structures Distance from the Nearest Lot  
Line (See Division 9.0)

Yards: Rear: Minimum 20 Feet

|  |  |
|--|--|
| Farm Dwelling and<br>Agricultural Structures | Side: Minimum 10 Feet from lot lines<br>In the case of no lot lines minimum<br>20 foot dwelling separation.                    |
|  | Animals: Structures used for the<br>housing of animals shall be<br>located at least 100 feet from <b>all</b><br>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 & Federal  |
|  | Highways: Minimum 300 Feet<br>(not including freeways) |

|  |  |
|--|--|
|  | Shore: An absolute minimum<br>shoreyard setback of 75 feet shall be<br>provided. |
|  | Shoreland setback averaging with<br>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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-52 and 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 (74-38) 74-163.
  - a. Stables
  - b. Residential Accessory Structures
  - c. Agricultural Structures
- (3) CONDITIONAL USES: (See Division 4.0)
  - 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-N-Ride Facilities
  - n. Bed and Breakfast establishments
  - o. Conservation Development Design (5 or more dwelling units)

(4) CONVENTIONAL DESIGN

AREA, HEIGHT & YARD REQUIREMENTS:

|      |        |                  |
|------|--------|------------------|
| Lot: | Area:  | Minimum 5 Acres  |
|      | Width: | Minimum 300 Feet |

|           |         |                 |
|-----------|---------|-----------------|
| Building: |         |                 |
| Dwelling  | Height: | Maximum 45 Feet |

|                      |       |                  |
|----------------------|-------|------------------|
| Yards:               | Rear: | Minimum 100 Feet |
| Dwelling and         | Side: | Minimum 20 Feet  |
| Accessory Structures |       |                  |

|                   |                          |
|-------------------|--------------------------|
| Street:           |                          |
| Subdivision Road: | Minimum 25 Feet          |
| Town Road:        | Minimum 50 Feet          |
| County Road:      | Minimum 65 Feet          |
| State & Federal   | Minimum 85 Feet          |
| Highways:         | (not including freeways) |
| Shore:            | Minimum 75 Feet          |

Animals: Structures used to house animals must 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.)

(5) EXISTING SUBSTANDARD LOTS – See Section (74-92) 74-221

**74-52 C-2 (Zoning)**

(6) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 5 acres

B) AREA, HEIGHT & YARD REQUIREMENTS

|                         |  |
|-------------------------|--|
| Lot Size                | Area: Minimum 20,000 sq. ft.<br>Width: Minimum 100 Feet  |
| Building:               | Height: Maximum 45 Feet  |
| Yards:                  | Rear: Minimum 20 Feet  |
| Farm Dwelling and       | Side: Minimum 10 Feet from lot lines<br>In the case of no lot lines minimum 20 foot dwelling separation.   |
| Agricultural Structures | Animals: Structures used for the housing of animals shall be located at least 100 feet from <b>all</b> property lines                                |
|                         | Street:  |
|                         | Subdivision Road: Minimum 40 Feet  |
|                         | Town Road: Minimum 200 Feet  |
|                         | County Road Minimum 250 Feet   |
|                         | State & Federal  |
|                         | Highways: Minimum 300 Feet<br>(not including freeways)   |
|                         | 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 total area consistent with the Prioritized List of Resources to Conserve and Other Design Consideration of Section 11.9 A of the Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-179 C-2 (Shoreland)**

(6) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 5 acres

B) AREA, HEIGHT & YARD REQUIREMENTS

|                                |   |
|--------------------------------|---|
| <u>Lot Size</u>                | <u>Area: Minimum 40,000 sq. ft.</u>         |
|                                | <u>Width: Minimum 150 Feet</u>              |
| <u>Building:</u>               | <u>Height: Maximum 45 Feet</u>              |
| <u>Yards:</u>                  | <u>Rear: Minimum 20 Feet</u>                |
| <u>Farm Dwelling and</u>       | <u>Side: Minimum 10 Feet from lot lines</u> |
|                                | <u>In the case of no lot lines minimum</u>  |
|                                | <u>20 foot dwelling separation.</u>         |
| <u>Agricultural Structures</u> | <u>Animals: Structures used for the</u>     |
|                                | <u>housing of animals shall be</u>          |
|                                | <u>located at least 100 feet from all</u>   |
|                                | <u>property lines</u>                       |
|                                | <u>Street:</u>                              |
|                                | <u>Subdivision Road: Minimum 40 Feet</u>    |
|                                | <u>Town Road: Minimum 200 Feet</u>          |
|                                | <u>County Road Minimum 250 Feet</u>         |
|                                | <u>State &amp; Federal</u>                  |
|                                | <u>Highways: Minimum 300 Feet</u>           |
|                                | <u>(not including</u>                       |
|                                | <u>freeways)</u>                            |
|                                | <u>Shore: An absolute minimum</u>           |
|                                | <u>shoreyard setback of 75 feet</u>         |
|                                | <u>shall be provided. Shoreland</u>         |
|                                | <u>setback averaging with adjacent</u>      |
|                                | <u>parcels shall not be permitted.</u>      |

C) Minimum required open space: 60 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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.



**74-52 C-3 (Zoning)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density: One dwelling unit per 100,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                          |  |
|--------------------------|--|
| <u>Lot Size</u>          | <u>Area: Minimum 20,000 sq. ft.</u>                    |
|                          | <u>Width: Minimum 100 Feet</u>                         |
| <u>Building:</u>         | <u>Height: Maximum 45 Feet</u>                         |
| <u>Yards:</u>            | <u>Rear: Minimum 20 Feet</u>                           |
| <u>Farm Dwelling and</u> | <u>Side: Minimum 10 Feet from lot lines</u>            |
|                          | <u>In the case of no lot lines minimum</u>             |
|                          | <u>20 foot dwelling separation.</u>                    |
|                          | <u>Street:</u>   |
|                          | <u>Subdivision Road: Minimum 25 Feet</u>               |
|                          | <u>Town Road: Minimum 150 Feet</u>                     |
|                          | <u>County Road Minimum 200 Feet</u>                    |
|                          | <u>State &amp; Federal</u>                             |
|                          | <u>Highways: Minimum 250 Feet</u>                      |
|                          | <u>(not including freeways)</u>                        |
|                          | <u>Shore:</u>  |
|                          | <u>An absolute minimum shoreyard setback</u>           |
|                          | <u>of 75 feet shall be provided. Shoreland setback</u> |
|                          | <u>averaging with adjacent parcels shall not be</u>    |
|                          | <u>permitted.</u>                                      |

C) Minimum required open space: 60 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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-179 C-3 (Shoreland)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density: One dwelling unit per 100,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                 |                                     |
|-----------------|-------------------------------------|
| <u>Lot Size</u> | <u>Area: Minimum 40,000 sq. ft.</u> |
|                 | <u>Width: Minimum 150 Feet</u>      |

|                   |                                      |
|-------------------|--------------------------------------|
| Building:         | Height: Maximum 45 Feet              |
| Yards:            | Rear: Minimum 20 Feet                |
| Farm Dwelling and | 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 & Federal                   |
|  | Highways: Minimum 250 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    |
|  | permitted.                                      |

C) Minimum required open space: 60 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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-54 and 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 (74-38) 74-163.
  - a. Residential Accessory Structures

- (3) CONDITIONAL USES: (See Division 4.0)
- 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-N-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 (5 or more dwelling units)

(4) CONVENTIONAL DESIGN

AREA, HEIGHT & 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 & Federal Highways:   | Minimum 85 Feet (not including freeways) |
|           | Shore:  | Minimum 75 Feet                          |

(5) EXISTING SUBSTANDARD LOTS – See Section (74-92) 74-221

**74-54 R-1 (Zoning)**

(6) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 40,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                 |                                     |
|-----------------|-------------------------------------|
| <u>Lot Size</u> | <u>Area: Minimum 20,000 sq. ft.</u> |
|                 | <u>Width: Minimum 100 Feet</u>      |

|                   |  |
|-------------------|--|
| Building:         | Height: Maximum 45 Feet  |
| Yards:            | Rear: Minimum 20 Feet  |
| Farm Dwelling and | Side: Minimum 10 Feet from lot lines<br>In the case of no lot lines minimum<br>20 foot dwelling separation.  |
|                   | Street:  |
|                   | Subdivision Road: Minimum 15 Feet  |
|                   | Town Road: Minimum 100 Feet  |
|                   | County Road Minimum 125 Feet   |
|                   | State & Federal  |
|                   | Highways: Minimum 150 Feet<br>(not including<br>freeways)  |
|                   | Shore:   |
|                   | An absolute minimum<br>shoreyard setback of 75 feet shall be provided.<br>Shoreland setback averaging with adjacent<br>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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-180 R-1 (Shoreland)**

(6) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 40,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                   |   |
|-------------------|---|
| Lot Size          | Area: Minimum 40,000 sq. ft.<br>Width: Minimum 150 Feet   |
| Building:         | Height: Maximum 45 Feet   |
| Yards:            | Rear: Minimum 20 Feet   |
| Farm Dwelling and | Side: Minimum 10 Feet from lot lines<br>In the case of no lot lines minimum<br>20 foot dwelling separation. |
|                   | Street:   |
|                   | Subdivision Road: Minimum 15 Feet   |
|                   | Town Road: Minimum 100 Feet   |
|                   | County Road Minimum 125 Feet  |
|                   | State & Federal   |

|           |  |
|-----------|--|
| Highways: | Minimum 150 Feet<br>(not including<br>freeways)  |
| Shore:    | An absolute minimum<br>shoreyard setback of 75 feet shall be provided.<br>Shoreland setback averaging with adjacent<br>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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-54 and 74-181 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 (74-38) 74-163.

a. Residential Accessory Structures

(3) **CONDITIONAL USES:** (See Division 4.0)

- 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-N-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 mode unit.
- j. Conservation Development Design(5 or more dwelling units)

(4) CONVENTIONAL DESIGN:

AREA, HEIGHT & 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 & Federal   | Minimum 85 Feet            |
|           | Highways:         | (not including freeways)   |
|           | Shore:            | Minimum 75 Feet            |

**74-54 R-2 (Zoning)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 15,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

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

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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-181 R-2 (Shoreland)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS)

A) Maximum Density; one dwelling unit per 15,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                  |   |
|------------------|---|
| <u>Lot Size</u>  | <u>Area: Minimum 15,000 sq. ft.</u>         |
|                  | <u>Width: Minimum 100 Feet</u>              |
| <u>Building:</u> | <u>Height: Maximum 45 Feet</u>              |
| <u>Yards:</u>    | <u>Rear: Minimum 10 Feet</u>                |
|                  | <u>Side: Minimum 10 Feet from lot lines</u> |
|                  | <u>In the case of no lot lines minimum</u>  |
|                  | <u>20 foot dwelling separation.</u>         |
|                  | <u>Street:</u>                              |
|                  | <u>Subdivision Road: Minimum 15 Feet</u>    |
|                  | <u>Town Road: Minimum 100 Feet</u>          |
|                  | <u>County Road Minimum 125 Feet</u>         |
|                  | <u>State &amp; Federal</u>                  |
|                  | <u>Highways: Minimum 150 Feet</u>           |
|                  | <u>(not including</u>                       |
|                  | <u>freeways)</u>                            |
|                  | <u>Shore: An absolute minimum</u>           |
|                  | <u>shoreyard setback of 75 feet</u>         |
|                  | <u>shall be provided. Shoreland</u>         |
|                  | <u>setback averaging with adjacent</u>      |
|                  | <u>parcels shall not be permitted.</u>      |

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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-54 and 74-181 R-2A SINGLE-FAMILY RESIDENCE DISTRICT (Sewered)**

The primary purpose of the R-2A district is to require larger residential sewer 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) 74-163.
  - a. Residential Accessory Structures
  
- (3) **CONDITIONAL USES:** (See Division 4.0)
  - 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-N-Ride Facilities
  - f. Utilities, provided all principal structures and uses associated 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(5 or more dwelling units)
  
- (4) **CONVENTIONAL DESIGN:**

**AREA, HEIGHT & YARD REQUIREMENTS:**

|           |                   |                            |
|-----------|-------------------|----------------------------|
| Lot:      | Area:             | Minimum 50,000 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 & Federal   | Minimum 85 Feet            |
|           | Highways:         | (not including freeways)   |
|           | Shore:            | Minimum 75 Feet            |

**74-54 R-2A (Zoning)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS):

A) Maximum Density: one dwelling unit per 50,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                  |  |
|------------------|--|
| <u>Lot Size</u>  | <u>Area: Minimum 15,000 sq. ft.</u>                    |
|                  | <u>Width: Minimum 100 Feet</u>                         |
| <u>Building:</u> | <u>Height: Maximum 45 Feet</u>                         |
| <u>Yards:</u>    | <u>Rear: Minimum 25 Feet</u>                           |
|                  | <u>Side: Min. 10 Feet from lot lines</u>               |
|                  | <u>In the case of no lot lines minimum</u>             |
|                  | <u>20 foot dwelling separation.</u>                    |
|                  | <u>Street:</u>   |
|                  | <u>Subdivision Road: Minimum 15 Feet</u>               |
|                  | <u>Town Road: Minimum 100 Feet</u>                     |
|                  | <u>County Road Minimum 125 Feet</u>                    |
|                  | <u>State &amp; Federal</u>                             |
|                  | <u>Highways: Minimum 150 Feet</u>                      |
|                  | <u>(not including</u>                                  |
|                  | <u>freeways)</u>                                       |
|                  | <u>Shore: An absolute minimum shoreyard</u>            |
|                  | <u>setback of 75 feet shall be provided. Shoreland</u> |
|                  | <u>setback averaging with adjacent parcels shall</u>   |
|                  | <u>not be allowed.</u>                                 |

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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

**75-181 R-2A (Shoreland)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS):

A) Maximum Density: one dwelling unit per 50,000 sq. ft.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                  |                                     |
|------------------|-------------------------------------|
| <u>Lot Size</u>  | <u>Area: Minimum 50,000 sq. ft.</u> |
|                  | <u>Width: Minimum 100 Feet</u>      |
| <u>Building:</u> | <u>Height: Maximum 45 Feet</u>      |
| <u>Yards:</u>    | <u>Rear: Minimum 25 Feet</u>        |

|         |   |
|---------|---|
| Side:   | Min. 10 Feet from lot lines   |
|         | In the case of no lot lines minimum<br>20 foot dwelling separation.   |
| Street: |   |
|         | Subdivision Road: Minimum 15 Feet   |
|         | Town Road: Minimum 100 Feet   |
|         | County Road Minimum 125 Feet  |
|         | State & Federal   |
|         | Highways: Minimum 150 Feet<br>(not including<br>freeways)   |
|         | Shore: An absolute minimum shoreyard<br>setback of 75 feet shall be provided. Shoreland<br>setback averaging with adjacent parcels shall<br>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 Walworth County Subdivision Ordinance. The Zoning Agency may modify the required open space 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. Modification of the open space requirement shall be limited to the minimum necessary.

### 75-54 and 74-181

#### **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 (74-38) 74-163.

- a. Residential Accessory Structures

(3) CONDITIONAL USES: (See Division 4.0)

- |   |  |
|---|--|
| <ul style="list-style-type: none"> <li>a. Golf Courses and Country Clubs</li> <li>b. Planned Residential Developments</li> <li>c. Home Occupations Including Barbering and Beauty Culture</li> <li>d. Sewage Disposal Plants</li> <li>e. Governmental and Cultural</li> </ul> | <ul style="list-style-type: none"> <li>f. Utilities, provided all principal structures and uses associated with the utility are not less than</li> </ul> |
|---|--|

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 (5 or more dwelling units)

(4) CONVENTIONAL DESIGN:

AREA, HEIGHT & 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) 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 & Federal Highways: | Minimum 85 Feet (not including freeways) |
| Shore: | Minimum 75 Feet           |  |

**74-54 R-3 (Zoning)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS):

A) Maximum Density: (sewered) one dwelling unit per 7,500 sq. ft. (unsewered) 40,000 sp. ft. per dwelling unit.

B) AREA, HEIGHT & YARD REQUIREMENTS

|                           |  |
|---------------------------|--|
| <u>Lot Size (Sewered)</u> | <u>Area: Minimum 5,000 sq. ft per dwelling unit.</u> |
|                           | <u>Width: Minimum 75 Feet</u>                        |

|                             |   |
|-----------------------------|---|
| <u>Lot Size (Unsewered)</u> | <u>Area: Minimum 10,000 sq. ft per dwelling unit.</u> |
|                             | <u>Width: Minimum 100 Feet</u>                        |

|                  |                                |
|------------------|--------------------------------|
| <u>Building:</u> | <u>Height: Maximum 45 Feet</u> |
|------------------|--------------------------------|

|        |  |
|--------|--|
| Yards: | Rear: Minimum 15 Feet  |
|        | Side: Min. 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 & Federal  |
|        | Highways: Minimum 150 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:

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 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. Modification of the open space requirement shall be limited to the minimum necessary.

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 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. Modification of the open space requirement shall be limited to the minimum necessary.

**74-181 R-3 (Shoreland)**

(5) CONSERVATION DEVELOPMENTS (5 OR MORE DWELLING UNITS):

A) Maximum Density: (sewered) one dwelling unit per 7,500 sq. ft. (unsewered) 40,000 sp. ft. per dwelling unit.

B) AREA, HEIGHT & YARD REQUIREMENTS

Lot Size (Sewered) Area: Minimum 7,500 sq. ft per dwelling unit.  
Width: Minimum 100 Feet

Lot Size (Unsewered) Area: Minimum 40,000 sq. ft per dwelling unit.  
Width: Minimum 150 Feet

Building: Height: Maximum 45 Feet

|        |   |
|--------|---|
| Yards: | Rear: Minimum 15 Feet   |
|        | Side: Min. 10 Feet from lot lines   |
|        | In the case of no lot lines minimum<br>20 foot building separation.   |
|        | Street:   |
|        | Subdivision Road: Minimum 15 Feet   |
|        | Town Road: Minimum 100 Feet   |
|        | County Road Minimum 125 Feet  |
|        | State & Federal   |
|        | Highways: Minimum 150 Feet<br>(not including<br>freeways)   |
|        | Shore: An absolute minimum shoreyard<br>setback of 75 feet shall be provided. Shoreland<br>setback averaging with adjacent parcels shall<br>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 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. Modification of the open space requirement shall be limited to the minimum necessary.

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 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. Modification of the open space requirement shall be limited to the minimum necessary.

## CONDITIONAL USES

### DIVISION 4.0

#### 74-58 and 74-185 APPLICATION

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 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 forty (40) feet of the subject site; soil mapping unit lines; mean and historic highwater lines, on or within forty (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, 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 twelve (12) months. The twelve months to be calculated from the date of the conclusion of the first Walworth 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 twelve month period.

#### **74-59 and 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 Chapter 985, Wisconsin Statutes.

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, 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 10.0.

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% of the prior structure size or increase by 25% 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 74-189, 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.

#### **74-63 and 74-190 RESIDENTIAL AND RELATED USES**

Except where specifically permitted as a principal use in Division 3.0, 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 (74-28 and 74-29) 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 Walworth 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 districts. 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 street rights-of-way: \_\_\_\_\_ acres

All lands located within existing utility and railway rights-of-way or easements: \_\_\_\_\_ 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:

a) Conservation of open land in its natural state (for example, woodland, fallow field, or managed meadow).

b) 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.

c) Active non-commercial 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.

d) 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.

e) 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.

f) Easements for drainage access sewer or water lines, or other public purposes.

g) 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 5 acres or more zoned for agricultural uses for the A-2, and C-2 districts:

a) 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.

b) Pastureland for horse, Commercial equestrian facilities shall be permitted but may not consume more than half of the minimum required conservation land.

c) 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 one-hundred-fifty (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 twenty-five 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 10 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 5 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 10 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 5 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 10 percent of the project site within the environmental corridor.
  - 5) A 5 percent density bonus shall be allowed for providing 10 percent greater conservation land (open space) than required for the development.
  - 6) A 10 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 (2) c of the Subdivision Control Ordinance.
  - 7) A 5 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(2)d of the Subdivision Ordinance.
  - 8) A 5 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 5 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(4) of the Subdivision Ordinance.
  - 10) A 5 percent density bonus shall be provided if the owner provides a fee simple dedication to a non-profit conservation organization or the dedication of a conservation easement to a non-profit conservation organization pursuant to Section 11.9-B (2) e & f of the Subdivision Control Ordinance.

- 11) A 5 percent density bonus shall be provided if a non-profit 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 non-profit 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. Walworth county and the local unit of government shall review any maintenance agreement and endowment fund established by the subdivider and the non-profit conservation organization or public agency.
- 12) A 5 percent density bonus shall be allowed for providing for the reuse or preservation of historical structure(s) located on a site. e 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 5 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 Walworth 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 Walworth 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 R-1, R-2, R-2A, R-3, R-4, R-5, 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 may be varied 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.

## **DIVISION 13            DEFINITIONS**

### **74-131 and 74-263**

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 directory.

#### 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 non-profit 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, (10 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.

### 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 11.9B (4) (b) of the Walworth 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.

### NET BUILDABLE AREA

The gross tract area minus all lands located within existing street right-of-ways, all lands located within existing utility and railway right-of-ways or easements, all wetlands, and all of the area located within a pond, lake, or stream channel.

#### 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.

#### NON-PROFIT CONSERVATION ORGANIZATION.

A qualified tax-exempt conservation organization, organized as a non-profit 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. Non-profit conservation organizations purchase land or acquire conservation easements on land for its natural, recreational, scenic, historic and productive value.

#### OWNERS ASSOCIATION (OA)

A legal and recorded membership organization, established by the subdivider, of all owners of interests within a 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.

#### 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.

#### 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.

### 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 Walworth County Land Disturbance, Erosion Control and Stormwater Management Ordinance.

### STORMWATER MANAGEMENT PLAN

A plan that includes structural and non-structural stormwater best management practices selected to match overall site management objectives and site conditions with the stormwater performance criteria specified in the Walworth 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 non-structural stormwater management practices selected to the serve the development. The costs and schedule for constructing, operating and maintaining the selected structural and non-structural stormwater best management practices selected to service the site, must be included in the Stormwater Plan.

### WOODLAND

Those upland acres one acre or more in size having 17 or more deciduous trees pre acre, each measuring at least 4 inches DBH (diameter at 4.5 feet above the ground) and having 50 percent or more tree canopy coverage. Coniferous tree plantations and reforestation projects are also considered woodlands. (/SEWRPC)

