

**Division 2 Section 74-163 to 74-175 are to be renumbered as follows; deletions (strikes) and additions (underlines) .**

**DIVISION 1. Introduction.**

**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 shoreland, natural and agricultural resources and environmental corridors, as identified and mapped in the County Land Use Plan, the Farmland Preservation 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 the maintenance of safe and healthful conditions, prevent and control water pollution, protect spawning grounds, fish and aquatic life, control building sites, placement of structures and land uses, and to preserve shore cover and natural beauty and the purpose of 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 storm water 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.

**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 §§ 59.69, 59.69(7), 59.692, 59.694 or 87.30, relating to shorelands and floodplains which are hereby superseded, it is not intended that this ordinance repeal, abrogate, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements,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 if adopted under a statute other than 59.692. This ordinance also establishes standards to regulate matters that are not regulated in NR 115, but that further the purposes of shoreland zoning.

**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 statute and 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 statute and 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. . . .

**Sec. 74-159. Adoption and effective date.**

This ordinance shall be effective after a public hearing, recommendation . . .

~~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 requirement 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 provision 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.~~

## **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.

Shoreland zoning requirements in annexed or incorporated areas are provided in Wisconsin Statute 61.353 and 62.233.

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 (unless exempt per Section 74-248) and without full compliance with the provisions of this ordinance . . .

~~Sec. 74-173.~~ 74-163. Violations.

It shall be unlawful to construct, develop, or use any structure, or to develop . . .

~~Sec. 74-174~~ 74-164. Penalties.

Any person, firm, or corporation who fails to comply with the provisions of this ordinance. . .

~~Sec. 74-163.~~ 74-165 - Use regulations.

Principal uses and their essential principal services specified for a district are permitted uses . . .

(2) Accessory uses and structures. . .

The size(square footage at ground floor . . .

The total accessory structure floor area shall . . .

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

Accessory structures are permitted in the rear and side yards. . . Only boathouses, boat hoists, piers and those structures permitted in Wisconsin Statute 59.692 (1v) shall be permitted in the shoreyard.

(3) Fences (not including agricultural fences regulated under Wis. Statute chapter 90. . .

Fences are permitted on property lines . . .

In the shoreyard, fences are required to meet the shoreyard setback . ~~permitted on the property lines, but shall not exceed a height of four feet, are not permitted to cross between property lines within the 75 foot shore yard setback, shall not create a barrier to wildlife movement and shall maintain natural shoreland beauty.~~

Fences along freeways are permitted . . .

- (4) Conditional uses and their accessory uses may be permitted in specified . . .
  - (5) Principal uses not specified in this section may be permitted by the board of adjustment . . .
  - (6) Conditional uses not specified in this ordinance may be permitted by the Board of Adjustment . . .
  - (7) Special exceptions may be permitted by the Board of Adjustment for a structure that would . . .
  - (8) Temporary uses, such as shelters for materials and equipment being used in the construction . . .
  - (9) Temporary living quarters while constructing a new single family residence is permitted in . . .
  - (10) Performance standards listed in division 8 shall be complied with by all uses in all districts, except . . .
- ~~Sec. 74-172.~~ (11) Minor home occupation/ professional home office.  
A minor home occupation/professional home office shall include such uses as . . .

~~Sec. 74-164.~~ 74-166- Site regulations.  
All lots shall abut upon a public street or other officially approved right-of-way for a frontage of . . .

~~Sec. 74-165.~~ 74-167.- Sanitary regulations.  
No private onsite wastewater treatment system or parts thereof shall be located, installed, . . .

~~Sec. 74-175.~~ 74-168. Single-family and two family dwelling requirements.  
No single-family dwelling or two-family dwelling shall be erected. . .

~~Sec. 74-168.~~ 74-169. Steep land regulations.  
In addition to any other applicable use, site, or sanitary regulation, the following . . .

- (1) All construction of public and private roads . .
- ~~(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 . . .

~~Sec. 74-169.~~ 74-170. Erodible land regulations.  
In addition to any other applicable use, site, or sanitary regulation, the following. . .

~~Sec. 74-170.~~ 74-171. Soil capability regulations.  
In addition to any other applicable use, site or sanitary regulations, the following. . .

~~Sec. 74-171.~~ 74-172. Pet and animal regulations.  
(a) Household pets shall be permitted in all zoning districts; provided that not . . .

**\*\*Additions are noted with underlines and deletions are noted as strikes.**

DIVISION 2A. NATURAL RESOURCES.

~~Sec. 74-166.~~ 74-173. - Floodplain overlay regulations.  
(a) Areas to be regulated. This ordinance regulates all unincorporated areas that would . . .

~~Sec. 74-167.~~ 74-174. - Shoreland regulations.

In compliance with NR115 the following Shoreland Zoning Standards shall control the use of shorelands to afford the protection of water quality as specified in NR 102. NR 103 and Wis. Stat 281 . In addition to any other

applicable general use, site, permitting requirements or sanitary regulations, the following shoreland restrictions and regulations shall apply to:

**A). AREAS TO BE REGULATED:**

1. 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 the unincorporated areas of 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.
2. All unincorporated lands lying within 300 feet of the ordinary high water 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.
3. Under Wis. Statute 281.31 (2m), notwithstanding any other provision of law or administrative rule promulgated thereunder, this shoreland zoning ordinance does not apply to:
  - a. Lands adjacent to farm drainage ditches if all of the following apply:
    1. Such lands are not adjacent to a natural navigable stream or river;
    2. Those parts of such drainage ditches adjacent to such lands were nonnavigable streams before ditching; and
  - b. Lands adjacent to artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.

~~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 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. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife. The vegetation regulations do not apply to the removal of dead, diseased or dying trees or shrubbery, if verified and approved by the county.~~

## **B). SHORELAND SETBACKS.**

The following setbacks shall be established to conform to health, safety, and welfare requirements, preserve natural beauty, reduce flood hazards and avoid water pollution.

1. Except where exempt below, a setback of 75 feet from the ordinary high-water mark of any navigable waters to the nearest part of a structure shall be required for all structures. Retaining walls and fences are structures and shall meet the 75 foot shore yard setback.
2. A setback less than the 75 feet required setback from the ordinary high water mark shall be permitted for a proposed principal structure and shall be determined as follows:
  - a. If the closest principal structure in each direction along the shoreline to a proposed principal structure exists on an adjacent lot and within 250 feet of the proposed principal structure and both of the existing principal structures are set back less than 75 feet from the ordinary high water mark, but the average setback shall not be reduced to less than 35 foot shore yard setback.
  - b. If a principal structure exists on an adjacent lot and within 250 feet of a proposed principal structure in only one direction along the shoreline, is the closest principal structure to the proposed principal structure, and is set back less than 75 feet from the ordinary high water mark, the average shore yard setback shall be calculated as a setback equal to the average of 75 feet and the distance that the existing structure is set back from the ordinary high water mark but the average setback shall not be reduced to less than 35 foot shore yard setback.
3. Exempt structures. All of the following structures are exempt from the shore yard setback standards in sub 1. above. All structures, except a boathouse, lighting, those applicable structures listed in NR 115.05 (1) (b) 1m. 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. Existing exempt structures that were legally constructed may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the envelope of the existing structure. Expansion beyond the footprint is permitted if the expansion is required to comply with applicable state and federal requirements.

### a. Boathouse:

(1). Boathouse shall not extend below the ordinary high water mark, shall be located within the access/viewing corridor, shall be located on lands having a slope of 12 percent or less, 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. The roof pitch of the boathouse shall not exceed a 4:12 pitch and side walls shall not exceed 10 feet measured from the lowest finished grade along the structure to the eave of the structure; 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. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipment, 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 roof of a boathouse may be used as a deck provided that the boathouse has an existing flat roof and if the existing flat roof has no side walls or screens and the existing flat roof may have a railing that meets the Department of Safety and Professional Services standards.

(2). A boathouse located on slopes greater than 12 percent is permitted to be located within the shore yard setback requirement, shall not extend below the ordinary high water

mark, 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. The roof pitch of the boathouse shall not exceed a 4:12 pitch and side walls shall not exceed 10 feet measured from the lowest finished grade along the structure to the eave of the structure; shall not exceed 150 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. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipment, 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 roof of a boathouse may be used as a deck provided that the boathouse has an existing flat roof and if the existing flat roof has no side walls or screens and the existing flat roof may have a railing that meets the Department of Safety and Professional Services standards.

b. Open sided and screened structures such as gazebos, decks, patios and screen houses in the shoreland setback area that satisfy the requirements in s.59.692 (1v) 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 shore yard 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 shore yard setback area that is nearest to the water.

c. Stairway, walkway, and rail system:

(1) Stairway, walkway or rail system and that portion of piers and wharves landward of the ordinary high water mark are exempt from the shoreland setback requirement provided that the structure is necessary to access the shoreline and is located within the access/viewing corridors. 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 60 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.

(2). 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.

d. Utility transmission and distribution line, pole, tower, water tower, pumping station, well pump house cover, private on-site wastewater treatment systems that comply with ch.145, and other utility structure that have no feasible alternative location outside of the minimum setback and which is constructed and placed using best management practices to infiltrate or otherwise control storm water runoff from the structure.

e. Broadcast signal receivers, including satellite dishes or antennas that are one meter or less in diameter and satellite earth station antennas that are 2 meters or less in diameter.

f. Placement of a device or system required to comply with impervious surface standards

g. Lighting. In accordance with Wis. Stat. 59.69(1k) (a) 1. A. Walworth County does not require any approval to install or maintain outdoor lighting in shoreland, impose any fee or mitigation requirement to install or maintain outdoor lighting in shorelands, or otherwise prohibit or regulate outdoor lighting in shorelands if the lighting is designed or intended for residential use.

h. Existing exempt structures may be maintained, repaired, replaced, restored, rebuilt and remodeled provided the activity does not expand the footprint and does not go beyond the three-dimensional building envelope of the existing structure. An expansion of a structure beyond the existing footprint is permitted if the expansion is necessary to comply with applicable state or federal requirements. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

### **C). VEGETATION.**

To protect natural scenic beauty, fish and wildlife habitat, water quality and to promote preservation and restoration of native vegetation. The purposes of the regulations shall be to further the maintenance of safe and healthful conditions; prevent and control water pollution; protect spawning grounds, fish and aquatic life; control building sites, placement of structure and land uses and reserve shore cover and natural beauty. The county has established the following standards and requirements that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

All vegetation removal activities shall be conducted as to prevent erosion and sedimentation, and preserve the natural scenic beauty of the county. 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. Natural vegetation, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife. The vegetation regulations do not apply to the removal of dead, diseased or dying trees or shrubbery, if verified and approved by the county.

Vegetation removal 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 disseminated by the Department of Natural Resources under NR151 and include the Wisconsin Field Office Technical Guide, Section IV, Conservation Standards and Construction Standards, 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.

1. On those lands within 35 feet of the OHWM (ordinary high water mark) vegetation removal ~~and/or land disturbing activities are~~ is prohibited (no touch zone), with the following exceptions subject to a county approved conservation plan and permit:

~~(1a) 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;~~

~~(2a) 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; implemented in increments of 30 feet in every 100 foot of lot width.~~ a view/access corridor is permitted provided the combined width of all access and viewing corridors on a riparian lot or parcel does not exceed 35% of the shoreline frontage on a parcel. A view/access corridor is permitted to run contiguously for the entire maximum width of shoreline frontage on a parcel.

~~(3b) Vegetation removal for the location of those structures permitted within the shore yard;~~

~~(4c) For those shoreline protection projects authorized by a DNR permit provided that erosion control measures are designed to remedy significant and existing erosion problems;~~

~~(5d) 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;~~

~~(6e) Selective removal of exotic, invasive, damaged vegetation or vegetation that must be removed to control disease or poses an imminent safety hazard provided that any vegetation removed be replaced by replanting with vegetation the vegetation is replaced with comparable species of native plants, approved by the Land Conservation Division, in the same area as soon as practicable;~~

~~(7f) Natural areas management activities with a DNR approved management plan or a plan that was developed by a professional natural resource manager to satisfy the purposes of Wis. Stats. 281.31(1) and (6). For the removal of trees and shrubs in the vegetative buffer zone on a parcel with 10 or more acres of forested land consistent with "generally accepted forestry management practices" as defined in S. NR 1.25 (2) (b), and described in Department publication "Wisconsin Forest Management Guidelines" (publication FR-226), provided that vegetation removal be consistent with these practices.~~

g. Additional vegetation management activities for mitigation in the vegetative buffer zone. The permit issued under this section shall require that all management comply with detained plans approved by the county and designed to control erosion by limiting sedimentation into the waterbody, to improve the plant community by replanting in the same area, and to maintain and monitor the newly restored area. The permit also shall require an enforceable restriction to preserve the newly restored area.

~~(8h) Prescribed burns on greater than 150 linear feet of shoreline with a plan approved by the land conservation division provided the project cannot be accomplished by selective removal in accordance with subsection (6e) 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.~~

i. Routine maintenance of vegetation

~~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.~~

2. A special vegetation removal plan allowing greater vegetation removal than that permitted in ~~(21)~~ 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:

- ~~(1a)~~ Will not cause undue erosion or destruction of scenic beauty; and
- ~~(2b)~~ 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
- ~~(3c)~~ Will provide a public good.

3. Beyond the 35-foot strip, which can be accomplished using accepted forest management and soil conservation practices which protects water quality with 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~~ On slopes of more than 20 percent
- ~~(2a)~~ Larger than 1,000 square feet on slopes of 12—20 percent; or
- ~~(3b)~~ Larger than 2,000 square feet on slopes less than 12 percent.

**D). EARTH MOVEMENTS.**

To protect natural scenic beauty, fish and wildlife habitat, water quality and to promote preservation and restoration of native vegetation, the county has established the following standards and requirements that consider sound forestry and soil conservation practices and the effect of vegetation removal on water quality, including soil erosion, and the flow of effluents, sediments and nutrients.

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. Earth movement shall not create level living space in the shore yard.:

2. 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 approval under Wis. Stats. ch. 30 are exempt from this provision.

a. All earth movement activities shall be conducted as to minimize erosion and sedimentation, and preserve the natural scenic beauty of the county. 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. Natural shorelines, especially woody cover, in the area closest to the water is crucial for fish and riparian wildlife.

b. 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 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.

## **E). IMPERVIOUS SURFACES.**

**1. Impervious surface standards** are established to protect water quality and fish and wildlife habitat and protect against pollution of navigable waters. Impervious surface standards shall apply to the construction of any impervious surface that increases the percent of impervious surface that is or will be located within 300 feet of the ordinary high water mark of any navigable waterway on any of the following:

- a. A riparian lot or parcel.
- b. A nonriparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

**2. Calculation.** Percentage of impervious surface shall be calculated by dividing the surface area of the existing and proposed impervious surfaces on the lot or parcel by the total surface area of that lot or parcel, and multiplying by 100. Treated impervious surfaces (described in 9 below) may be excluded from the calculation where the property owner can show that the runoff from the impervious surface is treated by devices such as storm water ponds, constructed wetlands, infiltrations basins, rain gardens, bioswales or other engineered systems, or that the runoff discharges to internally drained pervious area that retains the runoff on or off the parcel to allow infiltration into the soil. If an outlot lies between the ordinary high water mark and the developable lot or parcel and both are in common ownership, the lot or parcel and the outlot shall be considered one lot or parcel for the purposes of calculating the percentage of impervious surfaces. For properties that have been “condominiumized” the impervious surface calculations apply to the entire property. The property is still under one legal description and the proposed expansion to a unit is not the only impervious surface calculated since the regulation states lot or parcel and not a unit. Mitigation applies to the property as a whole and not just to the portion of the frontage that might be in front of the unit impacted.

### **3. General impervious surface standards.**

a. General standard. Except as allowed below and except for those lawfully existing impervious surfaces, a lot or parcel is allowed up to 15% impervious surface as calculated above.

**b. Maximum general impervious surface.** A property may exceed the impervious surface standards under (3.a) above provided, More than 15% impervious surface but not more than 30% impervious surface may be allowed with a county approved permit and mitigation plan and measures implemented by the property owner by the date specified in the permit.

AND

### **4. Impervious surface standards on Highly developed shorelines identified as:**

a. Highly developed shoreline standard. A lot or parcel on a DNR approved highly developed shoreline (SEE 74-265), is allowed up to 30% impervious surface for residential land uses or up to 40% impervious surface for commercial, industrial or business land uses, as calculated above. A map of Highly Developed Shorelines approved by DNR are adopted and made part of this ordinance in digital format developed with geographic information systems software and are available to the public in the office of the County Zoning Administrator or on the county website .

**b. Maximum impervious surface.** A property may exceed the impervious surface standards under (4.a.) above provided, more than 30% but not more than 40% impervious surface on the lot or parcel for properties that have a residential land use, or more than 40% impervious surface but not more than 60% impervious surface for properties that have a commercial, industrial or business land use with a county approved mitigation plan and measures implemented by the property owner by the date specified in the permit.

**5. Existing impervious surfaces.** (also see 74-174 (G)) Existing impervious surfaces that were legally constructed but that do not comply with the impervious surface standards in subds 3 & 4 above, are permitted to do the following (without mitigation) as long as the percentage of impervious surface that existed lawfully on the effective date of the ordinance is not increased:

- a. Maintain and repair all impervious surfaces.
- b. Replace existing impervious surfaces with similar surfaces within the existing footprint and envelope.
- c. Relocate or modify legally existing impervious surfaces with similar or different impervious surfaces, provided that the relocation or modification does not result in an increase in the percentage of impervious surface that existed on **September 13, 2016** but shall meet the applicable setback requirements.
- d. The principal structure may do a vertical expansion to 35 foot height.

**6. Mitigation requirements**

| Permitted : 0% - 15% impervious surface GENERAL | Mitigation- max of 30% |
|---|------------------------|
| 2.5% increase impervious surface                | 1 point                |
| 5% increase impervious surface                  | 2 points               |
| 7.5% increase impervious surface                | 3 points               |
| 10% increase impervious surface                 | 4 points               |
| 12.5% increase impervious surface               | 5 points               |
| 15% increase impervious surface                 | 6 points               |

| Permitted : 0%- 30% HIGHLY DEVELOPED SHORELINE – Residential | Mitigation - max of 40% |
|--|-------------------------|
| 2.5% increase impervious surface                             | 1 point                 |
| 5% increase impervious surface                               | 2 points                |
| 7.5% increase impervious surface                             | 3 point                 |
| 10% increase impervious surface                              | 4 points                |

| Permitted : 0% - 40% HIGHLY DEVELOPED SHORELINE – Business/Ind. | Mitigation - max of 60% |
|---|-------------------------|
| 2.5% increase impervious surface                                | 1 point                 |
| 5% increase impervious surface                                  | 2 points                |
| 7.5% increase impervious surface                                | 3 point                 |
| 10% increase impervious surface                                 | 4 points                |
| 12.5% increase impervious surface                               | 5 points                |
| 15% increase impervious surface                                 | 6 points                |
| 17.5% increase impervious surface                               | 8 points                |
| 20% increase impervious surface                                 | 10 points               |

**7. Mitigation Measures.**

- 1 point for every 5’ of permanent native shoreyard buffer from 35’ to 75’
- 1 point for every 5’ of buffer perpendicular to the shore from 35’ to 75’
- 1 point Reduce width of view/access corridor for every 5’
- 1 point No shore yard lighting
- 1 point Planting/restoration of a primary buffer 1 pt for every 7’ depth of buffer (max of 5 points)
- 1 point Increase shoreyard setback – 1 point for every 5’ of increase
- 1 points Permanent plantings (native forbs/shrubs) to screen existing retaining walls 1 pt/35’

|                   |  |
|-------------------|--|
| <u>1 points</u>   | <u>Removal of retaining wall - for every 100 square foot of face area</u>                  |
| <u>2 points</u>   | <u>DNR approved rip rap or vegetated shore treatment</u>                                   |
| <u>2 points</u>   | <u>Code compliant POWTS/ sewer (installed after 1980)</u>                                  |
| <u>3 points</u>   | <u>Removal of second access to shore</u>   |
| <u>3 points</u>   | <u>Rain garden</u>   |
| <u>3 points</u>   | <u>Roof run off collection system</u>  |
| <u>4 points</u>   | <u>Removal of legally constructed sand beach/pea gravel</u>                                |
| <u>2 points</u>   | <u>No grade change within 75 feet of OHWM</u>  |
| <u>4 points</u>   | <u>No boathouse</u>  |
| <u>5 points</u>   | <u>Preserve existing permanent native buffer (OHWM extended 35' landward)</u>              |
| <u>TBD points</u> | <u>Other method approved by LURM based on proposal and points assessed based on impact</u> |

**8. Mitigation Plan.** For lots or parcels that exceed the impervious surface standard, but do not exceed the maximum impervious surface standard, the county may issue a complete permit that requires a mitigation plan reviewed and approved by the county zoning division and land conservation division (if applicable) and implemented by the property owner by the date specified in the permit. The application shall include the following:

- a. A site plan that describes the proposed mitigation measures. The site plan shall be designed and implemented to restore natural functions lost through development and human activities.
- b. The mitigation measures shall be proportional in scope to the amount and impacts of the impervious surface being permitted to establish or maintain measures adequate to offset the impacts of the impervious surface on water quality, near-shore habitat, upland wildlife habitat and natural scenic beauty.
- c. The mitigation plan shall include an implementation schedule and enforceable obligations on the property owner to establish and maintain the mitigation measures.
- d. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.

**9. Treated impervious surfaces;** The impervious surface calculation may exclude any existing or proposed impervious surface where the property owner can show the county that runoff from the impervious surface is treated by existing or proposed devices such as storm water ponds, constructed wetlands, infiltration systems, rain gardens, bioswales or other engineered systems, or that the runoff discharges to internally drained pervious area that retains the runoff on or off the parcel to allow infiltration into the soil. If a property owner or subsequent property owner fails to maintain the treatment system, treatment device or internally drained area, the impervious surface is no longer exempt under this ordinance.

- a. For smaller sites, such as those usually associated with shoreland areas, hydrologic modeling is not necessary if the landowner simply infiltrates or treats the first ½ inch of runoff discharging from the existing and planned impervious surfaces. This method shall demonstrate how the infiltration system and/or best management practice(s) will result in the exceedance of the following storm water discharge standards:
  1. Capture 80% of the total suspended solids (i.e. sediment/water quality standard);
  2. Infiltrate 90% of the predevelopment runoff volume (i.e. runoff volume standard).
- b. The County may exclude an impervious surface from the impervious surface calculation provided the property owner can demonstrate that one or more of the following general standards apply, and the existing or proposed infiltration system or best management practice(s) conform to County Conservation Standards or the applicable technical standards:
  1. One half inch of runoff from the area of impervious surface is treated by a storm water BMP, complying with the County Conservation Standards, or
  2. One half inch of runoff from the surface is discharged to an internally drained pervious area that retains the runoff on or off the parcel to allow infiltration into the soil.
- c. A storm water management plan and permit must be approved by the County, pursuant to the Walworth County Storm Water Management Ordinance, Chapter 26, Walworth County Code of Ordinances.

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 be located within the access/viewing corridor, 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.~~

~~Where there is an existing development pattern, the shoreyard setback for a proposed principal structure may be reduced to the average shoreyard setback of the principal structure on each adjacent lot within 250 feet of the proposed principal structure. The shoreyard setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters.~~

~~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 and is located within the access/viewing corridors. 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 60 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 approval under Wis. Stats. ch. 30 are exempt from this provision.

**F). HEIGHT,** To protect and preserve wildlife habitat and natural scenic beauty, the height restrictions stated elsewhere in this ordinance shall be limited that no construction shall result in a structure taller than 35 feet within 75 feet of the ordinary high-water mark of any navigable waters.

**G). SUBSTANDARD STRUCTURES.** Substandard (nonconforming structure per NR115) shore yard setback for a principal structure. Section 74-219 may be modified to permit the vertical expansion of a substandard shore yard setback for a principal structure to a height of 35 feet. An existing principal structure that was legally constructed but that does not comply with the required shore yard setback requirement shall comply with all of the following requirements:

1. The height is limited to 35 feet if any part of the structure is located 75 feet or less from the ordinary high water mark.

2. Maintenance, repair, replacement, restoration, rebuild, removal, remodeling or vertical expansion of substandard principal structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shore yard setback may be maintained, repaired or replaced on the property provided all of the following requirements are met:

a. Shall be located in the footprint.

b. May permit a vertical expansion to a height of 35 feet .

c. An expansion to the footprint is only permitted if the expansion is necessary for the structure to comply with applicable state or federal requirements.

d. A mitigation plan is not required solely for activity under this paragraph but may be required under Impervious Surface.

3. A substandard structure in the shore yard is permitted to expand the footprint if the expansion is necessary for the structure to comply with applicable state and federal requirements. The height is limited to 35 feet if any part of the structure is located 75 feet or less from the ordinary high water mark.

4. A one-time lateral expansion is limited to a maximum of 200 square feet over the life of the structure provided the existing principal structure is at least 35 feet from the ordinary high water mark. No portion of the expansion may be any closer to the ordinary high water mark than the closest point of the existing principal structure. The county may issue a permit for a lateral expansion that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit.

a. The existing principal structure is at least 35 feet from the ordinary high water mark.

b. The county shall issue a permit for a lateral expansion that requires a mitigation plan approved by the county and implemented by the property owner by the date specified in the permit.

- c. The mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures adequate to offset the impacts of the impervious surface on water quality, near-shore habitat, upland wildlife habitat and natural scenic beauty.
- d. The mitigation measures shall be proportional to the amount and impacts of the impervious. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.
- e. The height is limited to 35 feet if any part of the structure is located 75 feet or less from the ordinary high water mark.
- f. All other provisions of the shoreland zoning ordinance shall be met.

5. Relocation of substandard principal structure. An existing principal structure that was lawfully placed when constructed but that does not comply with the required shore yard setback may be relocated on the property provided all of the following requirements are met:

- a. The existing principal structure is at least 35 feet from the ordinary high water mark.
- b. The relocation of the principal structure shall comply with the shoreland setback requirement.
- c. If there is an increase in impervious surface area, the mitigation plan shall include enforceable obligations of the property owner to establish or maintain measures adequate to offset the impacts of the impervious surface on water quality, near-shore habitat, upland wildlife habitat and natural scenic beauty.
- d. If there is an increase in impervious surface area, the mitigation measures shall be proportional to the amount and impacts of the impervious. The obligations of the property owner under the mitigation plan shall be evidenced by an instrument recorded in the office of the county register of deeds.
- e. The height is limited to 35 feet if any part of the structure is located 75 feet or less from the ordinary high water mark.
- f. All other provisions of the shoreland ordinance shall be met.

6. Expansion of substandard principal structure beyond setback. An existing principal structure that was legally constructed but that does not comply with the required shore yard setback requirement may be expanded horizontally, landward or vertically provided that the expanded area meets the shore yard setback requirements and that all other provisions of the shoreland ordinance are met. A mitigation plan is not required solely for activity under this paragraph but may be required under Impervious Surface. The height is limited to 35 feet if any part of the structure is located 75 feet or less from the ordinary high water mark.

7. MAINTENANCE, REPAIR, REPLACEMENT OR VERTICAL EXPANSION OF STRUCTURES THAT WERE AUTHORIZED BY VARIANCE. (s. 59.692(1k)(a)2. and (a)4.) A structure of which any part has been authorized to be located within the shoreland setback area by a variance granted before July 15, 2015 may be maintained, repaired, replaced, restored, rebuilt or remodeled if the activity does not expand the footprint of the authorized structure. Additionally, the structure may be vertically expanded unless the vertical expansion would extend more than 35 feet above grade level. An expansion of a structure beyond the existing footprint is permitted if the expansion is necessary to comply with applicable state or federal requirements.

8. All other provisions of the shoreland zoning ordinance shall be met.

#### H). WASTE MATERIALS

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.

#### I). ANIMAL WASTE

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.

#### J). SURFACE WATER

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.

Section. 74-175. (RESERVED)

### DIVISION 3. ZONING DISTRICTS. . .

Section 74-179. Conservation Districts.. .

- *C-4 Lowland resource conservation district.* The district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County in a manner that minimizes adverse impacts upon the wetland. 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; preserve shore cover; preserve natural beauty; and protect the water based recreational resources of the County.

(1)*Designation.* The C-4 district includes ~~all~~ shorelands wetlands 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~~ current Shoreland Zoning Map-Walworth County, Wisconsin and actual field delineations. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer (SWDV) is incorporated into this ordinance as a reference in determining the location of wetlands.

(2) *Permitted uses.* The following uses are permitted, subject to general shoreland zoning regulations in [section 74-166](#) and 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 any 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. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;

5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and

4. The maintenance, repair, replacement ~~and~~ or re-construction of existing town and County highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.

c. Uses which are allowed upon the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

1. 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.

2. 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.

d. Uses which are allowed upon the issuance of a conditional use permit as specified under division 4 and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:

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 lane 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.

(iii) The road shall not be permitted if it will result in significant adverse impacts upon any of the following:

(a) storm and flood water storage capacity;

(b) maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;

© filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;

(d) shoreline protection against soil erosion;

(e) fish spawning, breeding, nursery or feeding grounds;

(f) wildlife habitat; or

(g) wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04.

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, fish hatcheries 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 areas for the purpose of improving 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 this section 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 74-260 of this ordinance.

(4) *Establishment.* When an apparent discrepancy exists between zoning map, the shoreland-wetland district boundary shown on the official zoning maps Wisconsin Wetland Inventory and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate field office of the DNR to determine if the shoreland-wetland district as mapped is in error. If the DNR staff concur with the Zoning Administrator determines that a particular area was incorrectly mapped either as a wetland or a non-wetland, the Zoning Administrator . . .

#### DIVISION 4. CONDITIONAL USES . .

##### **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. . .

(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. A riparian lot shall not be reduced below the minimum requirements of 65 feet in width and 10,000 square feet of lot area (sewered) and 100 feet of width and 20,000 square feet of lot area (unsewered). A non-riparian lot may be reduced to the minimums listed below provided the planned development contains at least 2 acres or 200 feet of frontage, and if the reduced non-riparian lot sizes are allowed in exchange for larger shore yard buffers and setbacks on those lots adjacent to navigable waters that are proportional to and offset the impacts of the reduced lots on habitat, water quality and natural scenic beauty. Parking stall and interior driveway requirements to private right of ways for property located in the R-5, R-5A, R-6 and B-5 planned districts may be modified by the Committee provided barriers (i.e. curbed landscaped islands, striping) are installed to define those private right of ways and further provided that any modification be in accordance with the purpose and intent of this ordinance. 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 |

**DIVISION 11. ADMINISTRATION. . .**

**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. All buildings and structures shall require a zoning permit unless expressly excluded by a provision of Wis. Stats. 59.692 (1k) (a)2. Property owners, builders and contractors are responsible for compliance with the terms of this ordinance.

- (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 applicable statutes, applicable administrative codes, 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](#). 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, fishing raft, shoreland riprap, navigational aids, and waterway crossings of transmission lines shall comply with all applicable federal, state, county and local regulations, but may not require the issuance of a shoreland floodplain zoning permit where the standard of this ordinance are complied with.

## DIVISION 12. CHANGES AND AMENDMENTS. . .

### 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. Such petition shall include a copy of the Wisconsin Wetland Inventory map adopted as part of this ordinance describing any proposed rezoning of a shoreland-wetland;
- (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) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04. Areas of special recreational, scenic or scientific interest, including scarce wetland types.

- (b) 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."

#### 74-263. Definitions:

Boathouse, ~~private~~ means an accessory building in the shoreyard on the same lot with a ~~residence~~ principal structure, designed for the protection or storage of watercraft and related marine equipment, which shall not be used for either temporary or permanent dwelling purposes.

Conservation technical standards means design criteria, technical standards and specifications for soil and water conservation practices and management used by the County Land 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.~~ Conservation practice standards establish the minimum level of acceptable quality for planning and site assessment, performance expectations, design and installation parameters, and the operation and maintenance needs of conservation practices. Conservation practices include those listed in Chapter 26.

Forestry management practices, generally accepted means forestry management practices that promote sound management of a forest. Generally accepted forestry management practices include those practices contained in the most recent version of the department publication known as Wisconsin Forest Management Guidelines and identified as PUB FR-226.

Highly developed shoreline means a shoreline within an area identified as an Urbanized Area or Urban Cluster in the 2010 US Census, a shoreline that has a commercial, industrial or business land use as of January 31, 2013, an area at least 500 feet in length composed of a majority of lots developed with more than 30 percent impervious surface area, as calculated by the LURM; be composed of a majority of lots that are less than 20,000 square feet in area; or be located on a lake and served by a sewerage system as defined in NR 110.03(30). The standards prohibit considering a roadway, as defined in s.340.01 (54), or a sidewalk as defined in s. 340.01 (58) as impervious surfaces.

Impervious surface means an area that releases as runoff all or a majority of the precipitation that falls on it. Impervious surface excludes frozen soil but includes rooftops, sidewalks, driveways, parking lots, and streets unless specifically designed, constructed, and maintained to be pervious. Roadways as defined in s. 340.01(54) or sidewalks as defined in s. 340.01(58) are not considered impervious surfaces.

Mitigation means balancing measures that are designed, implemented and function to restore natural functions and values that are otherwise lost through development and human activities.

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. ~~30-281.31(2)(d)~~ notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances

required under Wis. Stats. § 59.692, and this chapter ch. NR 115, Wis. Adm. Code, do not apply to: lands adjacent to farm drainage ditches if:

- (1)Farm drainage ditches where such lands are not adjacent to a natural navigable stream or river, and
- (2)The farm drainage ditch was not a navigable stream before ditching, and
- (3)Such lands are maintained in nonstructural agricultural use. Artificially constructed drainage ditches, ponds or storm water retention basins that are not hydrologically connected to a natural navigable water body.

Pervious means a surface is considered pervious if the runoff from the surface is treated by a device or system, or is discharged to an internally drained pervious area, that retains the runoff on or off the parcel to allow infiltration into the soil.

Routine maintenance of vegetation means normally accepted horticultural practices that do not result in the loss of any layer of existing vegetation and do not require earth disturbance.

*Shorelands* means ~~those lands~~ the area lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds, and flowages (If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake); 300 feet from the high-water elevation of navigable river or streams; or to the landward side of the floodplain, whichever is greater.

Shoreland setback area means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited. Also known as shore yard setback. See Yard, Shore.

Shoreland-wetland zoning district means a zoning district, created as a part of a county shoreland zoning ordinance, comprised of shorelands that are designed as wetlands on the Wisconsin wetland inventory maps prepared by the Wisconsin Department of Natural Resources.

Shoreland zoning standard: means a standard for ordinances enacted under s. 59.692 that is promulgated as a rule by the Department of Natural Resources.

Structure means anything constructed or erected. In compliance with NR115, structure also means a principal structure or any accessory structure, including a garage, shed, boathouse, sidewalk, stairway, walkway, patio, deck, retaining wall, porch or fire pit.

Substandard structure 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, Also known as a nonconforming structure in compliance with NR 115. Structures that received a variance are not classified as a nonconforming structure.

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. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of natural Resources Surface Water Data Viewer will be used as a resource in determining the location of wetlands.

*Yard, shore* means an area in a shoreland that is within a certain distance of the ordinary high water mark in which the construction or placement of structures has been limited or prohibited under a shoreland zoning ordinance. The measurement is a yard extending across the full width or depth of a lot, the depth of which shall be the minimum shore yard 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 (59.592 (1h)) of a pond, stream, lake, or wetland and a line parallel thereto. Also known as Shoreland setback area.

74-264. FLOODPLAIN APPENDIX.

FINAL SUMMARY OF MAP ACTIONS

Community: WALWORTH COUNTY . . .

74-265. HIGHLY DEVELOPED SHORELINES FOR IMPERVIOUS SURFACE CALCULATION

In accordance with Wisconsin State Statute 59.692 (1k)(am)2. The Department of Natural Resources has approved the following areas (see descriptions) as Highly Developed Shorelines:

A. LAKE BEULAH

1. Beginning at the SW corner of Beulah Lake Park Subdivision, thence S'ly along the shoreline to the NE corner of CSM 30. Also Beulah Lake Park Subdivision. Also Subdivision of Lot 10 Beulah Lake Park, Also CSM 4185, Also CSM 1153, Also Frees Park Subdivision, Also CSM 2277, Also CSM 1050, Also Williams Park Subdivision, Also Mill Site Subdivision, Also CSM 1604.
2. Parcel P ET 500002 (an island)
3. Parcel P ET 500012 (an island)
4. Beginning at the SE corner of Lot 9 Romadka Park Subdivision, thence N'ly along the shoreline to the NE corner of Lot 14 Romadka Park Subdivision.
5. Beginning at the SW corner of Nalbert Subdivision, thence E'ly along the shoreline to the SE corner of Lot 1 Romadka Park Subdivision. Also parcels PRP 00002 and PRP 00003.
6. Lots 10-30 Oakwood Park Subdivision.
7. Parcel P ET 900021B, CSM 684, CSM 27, Parcels P ET 900021A2, P ET 900021D, and P ET 900021C
8. Lots 5-12 Beulah Manor Subdivision
9. Beginning at the SW corner of Lot 103 O-Ton-Kah Subdivision, thence N'ly and W'ly along the shoreline of the channel to Beulah Lake.
10. Parcels PBH 00018A, PBH 00018, Also Lots 106 and 135-140 Beulah Heights Subdivision, Also parcels P ET 700017, P ET 700018, P ET 700018A, P ET 700016, P ET 700010D3, P ET 700015.
11. Parcel P ET1800006A, Also Freuck's Subdivision, Also Freuck's 2<sup>nd</sup> Subdivision, Also parcel P ET1800014B.
12. Parcels P ET1800008B, P ET1800027, P ET1800028, P ET1800010, P ET1800011, P ET1800012, and P ET1800013.
13. Beginning at the NE corner of Lot 1, Block 1 Wilmer Grove Beach Subdivision, thence SE'ly along the shoreline to the east side of section 18, Also Wilmer Grove Beach Subdivision, Also Beginning at the NW corner of Lot 64, Block 1 Wilmer Grove Beach Subdivision, thence W'ly along the shoreline approximately 400 feet to a channel.

B. BOOTH LAKE

1. Booth Lake Heights Subdivision and parcel L T 2400005

2. Beginning at the SW corner of Lot 1 Avo Sunset Park Subdivision, thence N'ly along the shoreline to the north NW corner of Lot 7 Avo Sunset Park Subdivision.
- C. LAKE COMO
1. All
- D. TRIBUTARIES TO LAKE COMO
1. Beginning at the culvert on the south side of Lincoln Drive near the NW corner of Lot 778 Block 133, Lake Como Beach Subdivision, thence S'ly along the shorelines of a stream, through said subdivision to Lake Como.
  2. Beginning at the culvert on the east side of Violet Road near the NW corner of Lot 1072 Block 193, Lake Como Beach Subdivision, thence SE'ly along the shorelines of a stream, through said subdivision to Lake Como.
- E. DELAVAN LAKE
1. All
- F. GENEVA LAKE
1. The northerly shoreline from the Village of Williams Bay E'ly to the City of Lake Geneva.
  2. Beginning at the NW corner of Lot 1 CSM 1194, thence NE'ly to the City of Lake Geneva.
  3. Lake Geneva Beach Subdivision and parcel I L 1100008A
  4. Wooddale Subdivision and parcel IA391100001
  5. Edgewater Terrace Subdivision
  6. Lake Geneva Highlands Subdivision
  7. Shore Haven Subdivision, Camp Sybil Subdivision and parcels IA420800001, I L 1800004, and I L 1800005.
- G. TRIBUTARIES TO GENEVA LAKE
1. Beginning at the culvert on the north side of Poplar Road near the SW corner of Lot 64 Lake Geneva Beach Subdivision, thence NW'ly along the shorelines of a stream, through said subdivision to Geneva Lake.
  2. Beginning near the NE corner of Lot 9 Block 2, Geneva Bay Estates Subdivision, thence SE'ly along the shorelines of a stream, through said subdivision to the City of Lake Geneva.
- H. HONEY LAKE
1. Honey Lake Subdivision First Addition
- I. LAUDERDALE LAKE
1. Froedtert's Green Lake Park Subdivision, also parcels H LG2600007D, H LG2600007C, H LG2600007A1, H LG2600007B, H LG2600008, H LG2600009, H LG2600010.
  2. Lots 12-21 Morris Park Subdivision, also Merrill Park Subdivision, also parcels H LG2600014, H LG2600015, H LG2600016, H LG2600017, H LG2600018.
  3. Lots 2-9 Solid Comfort Subdivision, also parcels H LG2600032, H LG2600032A, H LG2600031, also Lots 1-12 LaSelva Subdivision, also Lots 1-10 Block 1, Green Lake Park

Subdivision, also Lots 1-22 Block 2, Green Lake Park Subdivision, also parcels HGP 00018K, HGP 00018F, HGP 00018H, HGP 00018E.

4. Long Point Subdivision, also Lot 1 Ingleside Point Subdivision.
5. Green Island Subdivision, also Lauderdale Park Subdivision, also 1<sup>st</sup> Addition to Lauderdale Park Subdivision, also Certified Survey Map 3719, also beginning at the SE corner of Lot 15 1<sup>st</sup> Addition to Lauderdale Park Subdivision, thence SE'ly along the shoreline to the NW corner of Lot 4 Westmoor Subdivision.
6. Droughtville Park Subdivision, also Wolfe's Addition to Pleasant Point Subdivision, also Zee Subdivision, also Pleasant Point Subdivision, also parcels H LG360003D, H LG360003C, H LG3600020B, H LG3600019, also Bay View Manor Subdivision, also Certified Survey Map 575, also Sterlingworth Condominiums on the Lake, also parcel H LG3600010HA1, also beginning at the NW corner of Lot 1 Block 4, Bay View Manor Subdivision, thence W'ly, S'ly, E'ly, S'ly, E'ly, S'ly, NE'ly, S'ly, thence SW'ly along the shoreline to the NE corner of Lauderdale Heights Subdivision, also Lauderdale Heights Subdivision.
7. Arrowhead Park Addition No.1 Subdivision, also Lots 10-11 Arrowhead Park Subdivision, also parcel HAP 00009A.
8. Lots 2-12 Lost Nation Assessor's Plat including Outlot 1 Lost Nation Assessor's Plat.
9. Lots 12-37 Block 1, Thansland Subdivision, also parcel HCA 00055B.
10. Lots 1-23 Block 3, Carswells Park Subdivision, also Block 1, Carswells Park subdivision, also the E'ly shoreline of Block 4, Carswells Park Subdivision beginning at the NE corner of Lot 1 Block 2, Carswells Park Subdivision, thence SE'ly along said shoreline to the N'ly line of Block 1, Carswells Park Subdivision, also Block 2, Carswells Park Subdivision, also Lots 1-12 Block 2, Thansland Subdivision.
11. Lots 1-7 and the S ½ Lot 8 Highland Park Subdivision, also Lots 1-7 Fifield's Subdivision, also parcels HHP 00007, HHP 00008, HHP 00009, HHP 00010, H LG2500027, H LG2500029, H LG2500028D, H LG2500028B.
12. Oak Park Subdivision, also beginning at the SW corner of Lot 20 Oak Park Subdivision, thence W'ly along the shoreline to the SW corner of Certified Survey Map 4312, thence SW'ly to the SW corner of Lot 3 Block 3, Coopers Mid Lakes Subdivision.
13. Bubbling Springs Subdivision, also parcel H LG3400005B, also beginning at the NW corner of Lot 31 Bubbling Springs Subdivision, thence NE'ly along the shoreline to the NE corner of Lot 118 2<sup>nd</sup> Addition to Bubbling Springs Subdivision.
14. Lots 5-6 Block 1, Cool Hill Park Subdivision, also Certified Survey Map 26, also Cool Hill Park Addition No. 1 Subdivision, also 1<sup>st</sup> Addition to Bubbling Springs Subdivision, also 2<sup>nd</sup> Addition to Bubbling Springs Subdivision.

J. LAKE LORRAINE

1. Skansen First Addition Subdivision.
2. Skansen Subdivision.
3. Forest Beach Subdivision.

K. NORTH LAKE

1. Lots 1-68 Block A, North Lake Beach Subdivision Tract 1, also Lots 0-49 Block A, North Lake Beach Subdivision Tract 2, excluding Outlot 1 (Island 354) North Lake Beach Subdivision Tract 2.
  2. Lots 17-121 Block A, North Lake Beach Subdivision Tract 3.
  3. Lots 1-11 Block 3, North Lake Evergreen Beach Subdivision, also parcel G SC 500011, also Lots 12-25 Block 1, North Lake Shorewoods Subdivision, also parcel GNLS 00124 identified as "Community Beach" on the plat of North Lake Shorewoods Subdivision, also Lots 9-64 Block 5, North Lake Shorewoods Subdivision, also Lots 1-11 Block 5, Blue Wing Estates Subdivision.
  4. Lots 1-28 Shorewood Island Subdivision, also Lots 1-8 Block 12, Blue Wing Estates Subdivision, also Lots 1-5 Block 13, Blue Wing Estates Subdivision, also Lots 1-14 Block 10, Blue Wing Estates Subdivision, also Lots 1-2 Block 11, Blue Wing Estates Subdivision, also Lots 29-38 Shorewood Island Subdivision.
- L. POTTERS LAKE
1. All
- M. PLEASANT LAKE
1. Beginning at the NE corner of parcel H LG2400027 (The Town of LaGrange Beach), thence NE'ly along the shoreline to the SE corner of parcel H LG2400002 (The Girl Scout Camp).
  2. Beginning at the SW corner of parcel H LG2400054, thence NW'ly along the shoreline to the NW corner of parcel H LG2400039A.
- N. RICE LAKE
1. Lots 1-23 Block 2, Indian Trail Subdivision.
  2. Parcel D W 2700010 (an island)
  3. Lot 34 Block 2, Indian Trail Subdivision, also Lots 1-18 Block 2, Ludtke Subdivision.
- O. SWIFT LAKE
1. Lot 53 Block 1, Swift Lake Subdivision and Lots 1-10 Block 2, Swift Lake Subdivision.
- P. TURTLE LAKE
1. Lots 1-21, Oak Park Subdivision.
  2. Beginning at the SW corner of Lot 1 CSM 44, thence SE'ly along the shoreline to the SW corner of Lot 13 Block C, Crystal Bowl Subdivision.
- Q. WANDAWEGA LAKE
1. Lots 9-18 Block 1, Lake Wandewega Subdivision
  2. Lots 38-54 Block 1, Lake Wandewega Subdivision, also the parcel identified as PARK between Block 1 and Block 2 of Lake Wandawega Subdivision, also Lots 1-3 Block 2 of Lake Wandewega Subdivision.
- R. WHITEWATER LAKE
1. Lots 5-38 Block 2, Moraine Heights Subdivision, also Lots 1-25 Block 4, Moraine Heights Subdivision, also parcel D W 3500024.

2. Lots 1-4 Block 3, Moraine Heights Subdivision, also Lots 3-35 Block 1, Moraine Heights Subdivision.
3. Lots 1-6 Bay View Estates Subdivision.
4. Parcel D W 2500009, also Lots 1-11 Block 2, Gutzmer's Subdivision, also Shereda Woods Subdivision, also parcel D W 3600004A, also D W 3500008, also Lots 20-23 Block 1, Minnieska Subdivision.
5. Moraine Park Subdivision, also Certified Survey Map 1934, also Certified Survey Map 702, also parcel D W 3400005, also Grand View Subdivision, also Oak Knoll Subdivision, also parcel C R 300005A.
6. Beginning at the NW corner of Lot 2 Certified Survey Map 4122, thence NE'ly along the shoreline to the W'ly edge of Lot 17 Block 6, Chapel Hills Subdivision, also Block 6, Chapel Hills Subdivision, also Block 3, Chapel Hills Subdivision, also Block 2, Chapel Hills Subdivision, also Whitewater Lakeside Condominiums, also Block 1, Chapel Hills Subdivision, also parcels D W 3400015, D W 3400014, D W 3400016, D W 3400017, also Lot 10 Block 4, Chapel Hills Subdivision.
7. Parcel C R 200003H1, also Lots 1-7 Block 4, Chapel Hills Subdivision.
8. Parcels D W 3400025, D W 3400029, D W 3400030, D W 3400031, also Outlots 1-9, A Resubdivision of Lot 17 Stuart Ridge Subdivision.

74-266 thru 74-269. RESERVED>

#### ARTICLE IV. COMPREHENSIVE PLAN

74-265. 74-270 Plan adoption . . .