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SHORELAND ZONING

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DISCLAIMER

This guide is presented for the convenience and education of Walworth County property owners. It is not represented to be complete or authoritative in contract to the official Walworth County Shoreland Zoning Ordinance. Any individual concerned with respect to the specific application of the County Ordinance to his property should contact the County Land Management staff and/or legal counsel. The complete Shoreland Zoning Ordinance can be viewed or purchased at the Walworth County Land Management Department located at the Government Center, 100 W. Walworth St., Room 222, Elkhorn, Wisconsin or on-line at www.co.walworth.wi.us.

PHILOSOPHY OF SHORELAND ZONING

Shorelands are all lands lying within 1,000 ft. of the ordinary high water mark (OHWM) of navigable lakes, ponds (some wetlands) and flowages and within 300 ft. of navigable rivers, streams or channels. The goal of Shoreland Zoning is the protection of water quality, fish and wildlife habitat, recreation, and natural shoreline beauty. Toward this end, there are significant restrictions on the building of structures, altering the land's contour (grading or filling), or cutting/trimming of trees, shrubbery or vegetation within the shoreland.

BACKGROUND

The State of Wisconsin statutes (Chapter 59.692) require that every county in the State enact a Shoreland Zoning Ordinance that meets the standards of NR115. The ordinance must cover all property within 1,000 feet of the ordinary high-water mark (shoreline) of lakes, ponds or flowages and 300 feet of a stream, river or channel. Walworth County adopted a Shoreland Zoning ordinance in 1971 and has amended the ordinance since then. The State requirement for County management of Shoreland Zoning comes from the concern that lake area property development adhere to more stringent zoning requirements than the minimal requirements normally enacted by Counties for other unincorporated lands.

ENFORCEMENT

It is the responsibility of all property owners and contractors to comply with the Shoreland Zoning Ordinance by obtaining zoning permits for all construction, land disturbance and tree/shrubbery cutting/trimming. Walworth County Zoning staff has the lead responsibility for enforcement of the Zoning Ordinances. The zoning office has the authority to issue citations and/or require the removal and/or restoration of non-permitted structures or uses.

KEY PROVISIONS

PROHIBITED STRUCTURES IN SHOREYARDS

The land within seventy five (75) feet of the ordinary high water mark (OHWM) (shoreline) is defined as the shore yard. However, where there is an existing development pattern, the shore yard setback for a proposed principal structure may be reduced to the average shore yard setback of the principal structure on both adjacent lots within 250 feet of the proposed principal structure. The shore yard setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters. The construction or alteration of any structure requires a County zoning permit and may require a Town building permit. Structures are generally PROHIBITED from being located in the shore yard. Structures PROHIBITED in shore yard include:

- Homes
- Porches, Decks, Gazebos, Swimming pools, fences
- Storage buildings (other than one boathouse of less than 400 square feet in area)
- Patios, Retaining Walls, fire pits, hot tubs, Parking areas, roads, etc.
- Ponds, berms, walkways not necessary to access the shore

DECKS/PATIOS/GAZEBOS

Some structures, subject to permit review, may be permitted, with Shoreyard Mitigation within the shoreyard provided: (A zoning permit and land disturbance permit are required)

- The structure is located beyond 35 feet from the ordinary high water mark
- The structure is of an open or screened side
- The structure(s) is limited to a maximum of 200 square feet in size (total)
- A mitigated shoreyard buffer permit and plan shall be implemented
- The structure must be located within the area allowed for view corridor

VEGETATION MANAGEMENT

A zoning permit shall be required with conservation plans for vegetation management projects within 75 feet of the ordinary high water mark and on steep slopes within 300 feet. The strip of land within thirty-five (35) feet from the shoreline is a no-touch buffer zone and vegetation removal is prohibited except, a view/access corridor is permitted provided the total width of the corridor or corridors 35 feet wide for every 100 feet of shoreline frontage. The view/access corridor may run contiguously for the entire maximum width of shoreline frontage owned. The removal of dead, diseased, dying or invasive vegetation is permitted after review and approval of LURM provided any vegetation removed shall be replaced by replanting in the same area. All vegetation removal and earth moving must be conducted in a manner that will prevent erosion and preserve the natural beauty of the shoreline. Vegetation management is subject to permit review and approval and may also require a land disturbance permit (erosion control).

GRADING AND LAND DISTURANCE

Any Land Disturbance including the removal of ground cover within 1000 feet of a lake or 300 feet of a stream requires a land disturbance permit and possibly a zoning permit. A permit to change the grade within 75 feet of the water is generally not authorized. Retaining walls and terracing is not permitted. Proposed Land Disturbance shall not create level living space in the shoreyard.

BOATHOUSES

A zoning permit and land disturbance permit are required.

Nonconforming wet boathouses constructed prior to the enactment of Shoreland Zoning (1974), may be maintained. However, repairs to these "grandfathered" boathouses may require State Department of Natural Resources (DNR) approval. (A boat slip is subject to review and approval by Wisconsin DNR) New "dry" boathouses are limited by the following rules:

- Must be located within the view/access corridor.
- Shall be designed and used exclusively for storage of watercraft and related marine equipment (NO fireplaces, patio doors, plumbing, heating or cooking facilities, etc)
- No deck on top
- Must not extend beyond the shoreline (high water mark) into the lake
- No closer than three (3) feet from any side lot line
- Only one boathouse per parcel

On slopes of greater than 12%

- Maximum of 150 square feet
- Maximum 10' side wall
- Shall not exceed 4:12 pitch

On slopes of 12% or less

- Maximum of 400 square feet in area
- Maximum 10' side wall
- Shall not exceed 4:12 pitch

SETBACKS AND BUILDING HEIGHT

You are strongly encouraged to contact the Walworth County Zoning Office (LURM) for accurate setback requirements applicable to your specific property. A tax parcel number and/or legal description of the property is recommended to determine the applicable zoning district. There are thirty-two (32) different zoning districts applicable to Walworth County Zoning, each with different setback, lot area, lot width and dimensional requirements. Zoning Maps are available to the public anytime on-line at www.co.walworth.wi.us or between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 100 W. Walworth St., Room 222, Elkhorn, Wisconsin. Appointments can be made with Walworth County Zoning Officers to review zoning information in conjunction with proposed building plans to assure compliance with the setback requirements. (262) 741-4972

Building height limits include:

- Home (less than 75' shore). 35 feet
- Home (beyond 75' shore). 45 feet
- Accessory Structure (detached garage) 17 feet
- Boathouse. 10' side wall and 4:12 pitch
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Modifications to setbacks include:

- Open Decks may project into any required yard, except shore yard, but not to exceed six feet and not closer than three feet to any lot line.

IMPERVIOUS SURFACE

The impervious surface area calculations are required per Walworth County Code of Ordinances – Shoreland Zoning – Chapter 74-174. An Impervious Surface Area includes, but is not limited to, all structures (homes, porches, garages, sheds, boathouse, decks, patios, driveways, sidewalks, stairways, retaining walls, firepits, etc.)

The County impervious surface standards apply to the construction, reconstruction, expansion, replacement or relocation of ANY impervious surface that is located within 300 feet of the ordinary high water mark of any navigable lake, pond, flowage or waterway on any of the following: (a) A riparian lot or parcel or (b) A non-riparian lot or parcel that is located entirely within 300 feet of the ordinary high-water mark of any navigable waterway.

- General impervious surface standard: A lot or parcel is allowed up to 15% impervious surface as calculated above. A property may exceed the impervious surface of 15% but not more than 30% with a county approved permit and mitigation plan and measure implemented by the property owner and secured by deed.
- Highly developed shoreline impervious surface standard: A lot or parcel on a DNR approved highly developed shoreline is allowed up to 30% impervious surface as calculated above. A property may exceed the impervious surface of 30% but not more than 40% with a county approved permit and mitigation plan and measure implemented by the property owner and secured by deed.

- Highly Developed Shoreline Commercial impervious surface standard: A lot or parcel on a DNR approved highly developed shoreline with a commercial, industrial or business land use is allowed up to 40% impervious surface as calculated above. A property may exceed the impervious surface of 40% but not more than 60% with a county approved permit and mitigation plan and measure implemented by the property owner and secured by deed.

RETAINING WALLS

Retaining walls and terracing are **PROHIBITED** in the shoreyard. If an applicant petitions the County Board of Adjustment for a variance to permit a retaining wall or land disturbance in the shore yard, the applicant will need to meet the criteria for a variance and prove there is an existing natural erosion problem, which cannot be remedied by resloping and revegetation of the area or by other means consistent with the natural shore aesthetics. Walls and terraces shall not be used to create a level living space within 75 feet of the OHWM.

STAIRWAY OR WALKWAY

A zoning permit and land disturbance permit are required.

One stairway, walkway or lift may be permitted in the shoreyard provided it is necessary to access the shoreline, is located within the view/access corridor and is not more than 60 inches wide. Open railings may be permitted only where required by safety concerns. Canopies, roofs and closed railings/walls on such structures are prohibited. Landings for stairways are permitted only where required by safety and shall not exceed twenty-five (25) square feet.

FENCES

Fences are **PROHIBITED** in the shoreyard. If an applicant petitions the County Board of Adjustment for a variance to permit a fence in the shoreyard, the applicant will need to meet the criteria for a variance. In side yards, rear yards and street yards, residential fences are permitted to be 6 feet in height. Residential fences shall be located at least 2 feet from the road right of way and no more than 2 ½' high in the vision triangle.

WASTE MATERIALS

Waste materials, such as garbage, rubbish, flammables, chemicals, agricultural waste or other similar materials that have the potential to pollute the lake, must be located, stored and managed in a way to prevent contamination of ground and surface waters.

SHORELINE ACTIVITIES

Lake bottom dredging or alteration also requires a DNR permit. There may be additional regulations for shoreline alteration in protected zones. The mechanical removal or chemical control of lake weeds and plants requires a Wisconsin DNR permit.

PIERS, WHARVES AND DOCKS

Piers, wharves and docks are regulated by State (DNR) and possibly Town Ordinances.

WELLS AND SEPTICS

The construction of a Private On-site Wastewater Treatment System (POWTS) requires a Sanitary Permit issued by the County. Generally, the soil absorption system must be constructed on non-saturated soils, such that the bottom of the system is more than three (3) feet above the zones of saturation. In addition, the system must be more than five (5) feet from the closest side lot line, ten (10) feet from the house and fifty (50) feet from the closest well or from the lake.

The Well Code is regulated and administered by the Wisconsin Department of Natural Resources, Greg Roanhouse at 262-884-2356; Gregory.Roanhouse@Wisconsin.gov

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