

ORDINANCE NO. 591 – 12/09

AMENDING CHAPTER 74 OF THE WALWORTH COUNTY CODE OF ORDINANCES  
RELATING TO ZONING AND SHORELAND ZONING

THE WALWORTH COUNTY BOARD OF SUPERVISORS DOES ORDAIN AS  
FOLLOWS:

1 **PART I: That the full text of Chapter 74 is on file in the County Clerk’s office. Only those**  
2 **sections being amended are included below. Only the portions shown with strike-throughs**  
3 **are being deleted; the balance of the sections remains textually unchanged, with the**  
4 **exception of renumbering as necessary due to text being added.**

5  
6 **PART II: That Section 74-37 of the Walworth County Code of Ordinances is hereby**  
7 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
8 **through):**

9  
10 **“Sec. 74-37. Compliance.**

11  
12 No structure, land, water, or air shall hereafter be used and no structure or part thereof  
13 shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or  
14 structurally altered without a zoning permit, except minor structures, and without full compliance  
15 with the provisions of this ordinance and all other applicable local, county, and state regulations.

16  
17 No lot, yard, parking area, building area, or other space shall be reduced in area or  
18 dimensions so as not to meet the provisions of this ordinance. No part of any lot, yard, parking  
19 area, or other space required for a structure or use shall be used to meet the requirements for any  
20 other structure or use.

21  
22 No obstruction shall be permitted in any district above the height of two and one-half feet  
23 above the plane through the mean centerline roadway grades within the triangular space formed  
24 by any two existing or proposed intersection street or alley right-of-way lines and a line joining  
25 points on such lines located 50 feet from their point of intersection.”

26  
27 **PART III: That Section 74-38 of the Walworth County Code of Ordinances is hereby**  
28 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
29 **through):**

30  
31 **“Sec. 74-38. Use regulations.**

32  
33 Only the following Principal uses and their essential principal services shall be allowed in  
34 any district specified for a district are permitted uses within the district:

- 35  
36 (2) Accessory uses and structures are permitted in any district but not until their  
37 principal structure is present or under construction. Uses accessory to residential

1 district developments shall not involve the conduct of any business, trade or  
2 industry except for home occupations, minor home occupations and professional  
3 occupations home office as defined and permitted herein. An accessory structure  
4 cannot contain a separate dwelling unit.  
5

6 (3) Fences (not including agricultural fences regulated under Wis. Statute chapter 90).  
7 No obstruction shall be permitted in any district above the height of two and one-  
8 half feet above the plane through the mean centerline roadway grades within the  
9 triangular space formed by any two existing or proposed intersection street or  
10 alley right-of-way lines and a line joining points on such lines located 50 feet  
11 from their point of intersection.  
12

13 Fences are permitted on the property lines, but shall not in any case exceed a  
14 height of six feet in the side and rear yards; shall not exceed a height of six feet in  
15 the street yard and shall not be closer than two feet to any existing right-of-way.  
16

17 In the shoreyard, fences are permitted on the property lines, but shall not exceed a  
18 height of four feet, are not permitted to cross between property lines within the  
19 75-foot shoreyard setback, shall not create a barrier to wildlife movement and  
20 shall maintain natural shoreland beauty.  
21

22 Fences along freeways are permitted on the property lines but shall not exceed a  
23 height of ten (10) feet.  
24

25 Entrance pillars may be permitted on either side of the driveway/ access to the lot  
26 provided the pillars shall not be closer than two feet to any right of way, shall not  
27 exceed two feet in width and shall not exceed six feet in height.  
28

29 Security fences of an open type similar to woven wire or wrought iron, are  
30 permitted on the property lines in all districts except residential and conservation  
31 districts, but shall not exceed ten feet in height and shall not be closer than two  
32 feet to any existing public right-of-way.  
33

34 Screening fences of a closed type may be permitted in all Business, Industrial and  
35 Park districts provided it does not exceed ten (10) feet in height, and shall not be  
36 closer than 25 feet to any right of way and ten (10) feet to a property line (except  
37 salvage yards – see division 4).  
38

39 (3)(4) Conditional uses and their accessory uses shall may be permitted in specified  
40 districts after review, public hearing, and approval by the committee in  
41 accordance with procedures and standards established in division 4 of this article.  
42

43 (4)(5) Principal Uses not specified in this section may be permitted by the board of  
44 adjustment after the committee has made a review and written recommendation  
45 and provided that such uses are similar in character to the permitted uses in the

1 district.

2  
3 (6) Conditional uses not specified in this ordinance may be permitted by the board of  
4 adjustment after the committee has made a review and written recommendation  
5 and provided that such uses are similar in character to the conditional uses in the  
6 district.

7  
8 (7) Special exceptions may be permitted by the board of adjustment for a structure  
9 that would otherwise not be permitted by ordinance so that a disabled person may  
10 enter or exit a residence on the property or gain access to a pier, as provided for  
11 under Division 10 of this ordinance.”

12  
13 **PART IV: That Section 74-39 of the Walworth County Code of Ordinances is hereby**  
14 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
15 **through):**

16  
17 **“Sec. 74-39. Site regulations.**

18  
19 All lots shall abut upon a public street or other officially approved right of way for a  
20 frontage of at least 50 feet; all principal structures shall be located on a lot; and, except in the A-  
21 1, A-2, A-3, P-1, P-2, R-4, R-5, R-6, R-8 and B-5 Districts or as otherwise provided for in this  
22 ordinance as a planned residential development or a planned unit development, only one  
23 principal structure shall be located, erected, or moved onto a lot.

24  
25 The width and area of all lots shall meet each of the minimum district requirements. A  
26 road/street separates a parcel of land provided there is at least 150 feet in lot width, 40,000  
27 square feet in lot area and 50 feet of frontage on an officially approved way.

28  
29 Maintenance easements for the purpose of providing limited right of vehicle  
30 ingress/egress to unmanned uses such as utilities, dams, cell towers, renewable energy, sanitary  
31 sewers, etc. necessary to provide a needed public service are permitted to be reduced to a 15’  
32 wide easement. The 15’ wide maintenance easement shall be a limited access easement to  
33 facilitate repairs and maintenance only. The limited access easement shall be of adequate soil  
34 conditions or surfacing to withstand loads produced by standard equipment and provide limited  
35 ingress and egress connecting to a street or other officially approved way.

36  
37 All land divisions which encompass divisions resulting in parcels of land less than 35  
38 acres which are not otherwise controlled by the Walworth County subdivision control ordinance,  
39 shall be subject to a review process under this ordinance. The review process shall also include  
40 the sale or exchange of parcels or portions thereof of land between owners of adjoining property  
41 to assure additional lots are not thereby created and the lots resulting are not reduced below the  
42 minimum sizes required by this ordinance or other applicable laws or ordinances. The review  
43 process shall use the appropriate application form and an instrument prepared by a registered  
44 land surveyor licensed in the state.

1           ~~Tree cutting, shrubbery clearing, and earth movements shall be conducted in accordance~~  
2 ~~with the county's conservation standards and, except as provided below, shall require a zoning~~  
3 ~~permit and a conservation plan. In addition, the county zoning administrator may, where~~  
4 ~~appropriate, require an applicant to furnish a surety to enable the county to carry out land~~  
5 ~~restoration work in the event of default by the applicant in carrying out an approved conservation~~  
6 ~~plan. The amount of such surety shall be determined by the zoning administrator, and the form~~  
7 ~~and type of all sureties shall be approved by the park and planning commission. The county~~  
8 ~~zoning administrator may, as appropriate, request a review of the proposed cutting, clearing, or~~  
9 ~~earth movement activity by the Wisconsin Department of Natural Resources, the USDA Natural~~  
10 ~~Resource Conservation Service, or other appropriate agency, and await their comments and~~  
11 ~~recommendations before issuing a zoning permit but not to exceed 30 days. All cutting, clearing,~~  
12 ~~and earth movement activities shall be so conducted as to prevent erosion and sedimentation and~~  
13 ~~preserve the natural beauty of the county. Paths and trails shall not exceed ten feet in width and~~  
14 ~~shall be so designed and constructed as to result in the least removal and disruption of natural~~  
15 ~~ground cover and minimum impairment of natural beauty. The following activities shall be~~  
16 ~~conducted in accordance with the county's conservation standards, but shall not require a zoning~~  
17 ~~permit:~~

- 18
- 19           ~~(1) — Normal excavation for structural foundations, driveways, on-site sewage disposal~~  
20           ~~systems, swimming pools, and utility installations for single family and two-~~  
21           ~~family dwellings.~~
- 22
- 23           ~~(2) — Other excavations not exceeding 10,000 square feet in area on property not~~  
24           ~~abutting a lake or stream.~~
- 25
- 26           ~~(3) — Normal plowing and working of land for gardens and yards.~~
- 27
- 28           ~~(4) — Normal trimming, pruning, and shearing of trees and shrubs for culture and~~  
29           ~~maintenance.~~
- 30
- 31           ~~(5) — Removal of dead, diseased, or insect-infested trees or shrubs.~~
- 32
- 33           ~~(6) — Earth movements related to essential farming and other agricultural activity,~~  
34           ~~including sod farming.~~
- 35
- 36           ~~(7) — Public road construction.~~
- 37
- 38           ~~(8) — Drain tile laying.~~
- 39
- 40           ~~(9) — Top soil removal.~~
- 41
- 42           ~~(10) — Removal of trees and shrubs for site preparation purposes in connection with~~  
43           ~~construction of single family or two family dwellings.~~
- 44
- 45           ~~(11) — Forest management activities such as timber harvesting and timber stand~~

1 improvement.

2  
3 ~~No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars,~~  
4 ~~chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity,~~  
5 ~~obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be~~  
6 ~~so located, stored, or discharged in a way that would be likely to run off, seep, or wash into~~  
7 ~~surface of ground waters.”~~  
8

9 **PART V: That Section 74-41 of the Walworth County Code of Ordinances is hereby**  
10 **created to read as follows:**

11  
12 **“Section 74-41. Tree cutting, shrubbery clearing and earth movement.**

13  
14 Tree cutting, shrubbery clearing, and earth movements shall be conducted in accordance  
15 with the county's conservation standards and, except as provided below, shall require a zoning  
16 permit and a conservation plan. In addition, the county zoning administrator may, where  
17 appropriate, require an applicant to furnish a surety to enable the county to carry out land  
18 restoration work in the event of default by the applicant in carrying out an approved conservation  
19 plan. The amount of such surety shall be determined by the zoning administrator, and the form  
20 and type of all sureties shall be approved by the park and planning commission. The county  
21 zoning administrator may, as appropriate, request a review of the proposed cutting, clearing, or  
22 earth movement activity by the Wisconsin Department of Natural Resources, the USDA Natural  
23 Resource Conservation Service, or other appropriate agency, and await their comments and  
24 recommendations before issuing a zoning permit but not to exceed 30 days. All cutting, clearing,  
25 and earth movement activities shall be so conducted as to prevent erosion and sedimentation and  
26 preserve the natural beauty of the county. Paths and trails shall not exceed ten feet in width and  
27 shall be so designed and constructed as to result in the least removal and disruption of natural  
28 ground cover and minimum impairment of natural beauty. The following activities shall be  
29 conducted in accordance with the county's conservation standards, but shall not require a zoning  
30 permit:

- 31
- 32 (1) Normal excavation for structural foundations, driveways, on-site sewage disposal  
33 systems, swimming pools, and utility installations for single-family and two-  
34 family dwellings.
  - 35
  - 36 (2) Other excavations not exceeding 10,000 square feet in area on property not  
37 abutting a lake or stream.
  - 38
  - 39 (3) Normal plowing and working of land for gardens and yards.
  - 40
  - 41 (4) Normal trimming, pruning, and shearing of trees and shrubs for agriculture and  
42 maintenance.
  - 43
  - 44 (5) Removal of dead, diseased, or insect-infested trees or shrubs.
  - 45

- 1 (6) Earth movements related to essential farming and other agricultural activity,  
2 including sod farming.  
3  
4 (7) Public road construction.  
5  
6 (8) Drain tile laying.  
7  
8 (9) Removal of trees and shrubs for site preparation purposes in connection with  
9 construction of single-family or two-family dwellings.  
10  
11 (10) Forest management activities such as timber harvesting and timber stand  
12 improvement.  
13

14 No waste materials, such as garbage, rubbish, gasoline, fuel oil, flammables, soils, tars,  
15 chemicals, greases, industrial or agricultural waste, or any other material of such nature, quantity,  
16 obnoxiousness, toxicity, or temperature so as to contaminate, pollute, or harm the waters shall be  
17 so located, stored, or discharged in a way that would be likely to run off, seep, or wash into  
18 surface of ground waters.”  
19

20 **PART VI: That Sections 74-43 and 74-168 of the Walworth County Code of Ordinances**  
21 **are hereby amended to read as follows (additions shown by underline; deletions shown by**  
22 **strike-through):**  
23

24 **“Sec. 74-43/74-168. Steep land regulations.**  
25

26 In addition to any other applicable use, site, or sanitary regulation, the following  
27 restrictions and regulations shall apply to all lands having slopes of 12 percent or greater as  
28 shown on the operational soil survey maps prepared by the ~~USDA Soil~~ U.S. Natural Resource  
29 Conservation Service in cooperation with the Southeastern Wisconsin Regional Planning  
30 Commission and which are on file with the zoning administrator.”  
31

32 **PART VII: That Sections 74-43.1 and 74-169 of the Walworth County Code of Ordinances**  
33 **are hereby amended to read as follows (additions shown by underline; deletions shown by**  
34 **strike-through):**  
35

36 **“Sec. 74-43.1/74-169. Erodible land regulations.**  
37

38 In addition to any other applicable use, site, or sanitary regulation, the following  
39 restrictions and regulations shall apply to the following lands as shown on the operational soil  
40 survey maps prepared by the ~~USDA Soil~~ U.S. Natural Resource Conservation Service for the  
41 Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning  
42 administrator.”  
43

1 **PART VIII: That Sections 74-43.2 and 74-170 of the Walworth County Code of**  
2 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
3 **deletions shown by strike-through):**

4  
5 **“Sec. 74-43.2/74-170. Soil capability regulations.**

6  
7 In addition to any other applicable use, site or sanitary regulations, the following  
8 restrictions and regulations shall apply to the following soils as shown on the operational soil  
9 survey maps prepared by the ~~USDA Soil~~ U.S. Natural Resource Conservation Service for the  
10 Southeastern Wisconsin Regional Planning Commission and which are on file with the zoning  
11 administrator:”

12  
13 **PART IX: That Section 74-44 of the Walworth County Code of Ordinances is hereby**  
14 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
15 **through):**

16  
17 **“Sec. 74-44. Pet and animal regulations.**

18  
19 (b) All animals other than household pets shall be permitted only in the agricultural,  
20 C-1 and C-2 conservation districts, and park districts and the B-5 business district. Structures  
21 used for the housing of animals, other than household pets, must be located at least 100 feet from  
22 all property lines. Livestock structures for a livestock facility for fewer than 1,000 animal units  
23 shall be at least 100 feet from all property lines, wetland boundaries and floodplain boundaries.  
24 Livestock structures for a livestock facility for 1,000 animal units or more shall be at least 200  
25 feet from property lines, wetland boundaries and floodplain boundaries and 150 feet from an  
26 access right-of-way. (DATCP 51.12 (1) (a) & (b))”

27  
28 **PART X: That Sections 74-45 and 74-172 of the Walworth County Code of Ordinances are**  
29 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
30 **strike-through):**

31  
32 **“Sec. 74-45/74-172. ~~Reduction or joint use~~ Minor Home Occupation/Professional Home**  
33 **Office.**

34  
35 No lot, yard, parking area, building area, sanitary sewage disposal area, or other space  
36 shall be reduced in area or dimensions so as not to meet the provisions of this ordinance. No part  
37 of any lot, yard, parking area, sanitary sewage disposal area, or other space required for a  
38 structure or use shall be used to meet the requirements for any other structure or use.

39  
40 A minor home occupation/professional home office shall include such uses as a home  
41 office, data processing, telephone answering, direct sale product distribution (Amway,  
42 Tupperware, Avon, Shaklee, etc), dressmaking, sewing, tailoring, contractor sewing machine,  
43 jewelry making, typing/word processing, tutoring, music lessons, and computer programming.  
44 In addition to any other applicable use, site or sanitary regulations, the following restrictions and  
45 regulations shall apply to Minor Home Occupations/Professional Home Office:

- 1
- 2 (1) Be limited to the principal structure.
- 3
- 4 (2) Shall not exceed 25% floor area total .
- 5
- 6 (3) Shall be incidental and secondary to the principal use of the residence.
- 7
- 8 (4) No outside storage.
- 9
- 10 (5) Shall be limited to the resident(s) of the parcel.
- 11
- 12 (6) Shall be no employees on the parcel or employee vehicles except for resident and
- 13 residents vehicles.
- 14
- 15 (7) No on-site retail sales or display areas.
- 16
- 17 (8) Deliveries – limited to typical residential deliveries.
- 18
- 19 (9) Parking – sufficient on-premises parking to handle activity.
- 20
- 21 (10) One business vehicle (Pickup truck, truck, commercial trailer, cargo van with a
- 22 Gross Vehicle Weight of 10,000 pounds or less is permitted on the parcel which is
- 23 licensed as a truck and is used to transport property or equipment for business
- 24 purposes.) For the purposes of this section, a commercial pickup truck is defined
- 25 as any open or enclosed cargo bed truck commonly referred to as a mini, ½, ¾, or
- 26 1-ton pick-up with no more than 6 rubber tires. A commercial cargo van truck is
- 27 defined as any motor vehicle commonly referred to as mini-vans, cargo vans,
- 28 commercial vans, or panel truck with no more than 6 rubber road tires.
- 29
- 30 (11) Signage limited to 2 sq. ft.
- 31
- 32 (12) No use or storage of hazardous material or chemicals.
- 33
- 34 (13) No alterations to the dwelling necessary for the purpose of supporting the home
- 35 occupation such as a second kitchen, special equipment, additional plumbing,
- 36 additional cooling/heating, or additional furnishings that are not typical for
- 37 residential use.
- 38
- 39 (14) No exterior entryways separate from entryways to serve the dwelling shall be
- 40 created and/or provided solely for the conduct of the home business.
- 41
- 42 (15) More than one minor home occupation may operate in a residence provided the
- 43 employee is a resident of the parcel, and the total use is limited to 25% as if one.”
- 44

1 **PART XI: That Sections 74-47 and 74-174 of the Walworth County Code of Ordinances**  
2 **are hereby amended to read as follows (additions shown by underline; deletions shown by**  
3 **strike-through):**

4  
5 **“Sec. 74-47/74-174. Penalties.**

6  
7 Any person, firm, or corporation who fails to comply with the provisions of this  
8 ordinance or any order of the county zoning administrator issued in accordance with this  
9 ordinance shall, upon conviction thereof, forfeit not less than ~~\$10.00~~ one hundred dollars  
10 (\$100.00) nor more than ~~\$200.00~~ one thousand dollars (\$1000.00) and costs of prosecution for  
11 each violation and in default of payment of such forfeiture and costs shall be imprisoned in the  
12 county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or  
13 continues shall constitute a separate offense. Every violation of this ordinance is a public  
14 nuisance and the creation thereof may be enjoined and the maintenance thereof may be enforced  
15 pursuant to Wis. Stat. § 59.69(11).”

16  
17 **PART XII: That Section 74-51 of the Walworth County Code of Ordinances is hereby**  
18 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
19 **through):**

20  
21 **“Sec. 74-51. Agricultural districts.**

22  
23 *A-1 Prime agricultural land district.* The primary purpose of this district is to maintain,  
24 preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are  
25 generally covered by Class I, II, and III soils as rated by the U.S. ~~Department of Agriculture, Soil~~  
26 Natural Resource Conservation Service. As a matter of policy, it is hereby determined that the  
27 highest and best use of these lands is agriculture (Wis. Stats. ch. 91.01(10)). All structures and  
28 improvements must be consistent with agricultural use.

29  
30 (1) *Principal uses.*

- 31  
32 v. The separation of farm structures from farmland. Farm residences or  
33 structures which existed prior to the adoption of this ordinance (July 9,  
34 1998) may be separated from a larger farm parcel for the purposes of farm  
35 consolidation. The separation must conform with the regulations set forth  
36 in sections 74-39 and 74-40 of this ordinance; the parcel shall not be less  
37 than 40,000 square feet in area, nor greater than the larger of either five  
38 acres in area, or the acreage necessary to maintain the minimum yard  
39 required in the A-1, A-2, or A-3 district; it shall not leave the balance of  
40 the land in a substandard condition; and the property owner will be  
41 required to record deed restrictions on both the farm separation parcel and  
42 on a parcel which meets the minimum required by the applicable zoning  
43 district, which directly adjoins or abuts the majority of the farm separation  
44 parcel, and which meets the intent of these provisions. A plat of survey for  
45 said parcel shall be prepared by a registered land surveyor licensed in the

1 State of Wisconsin. Said deed restriction shall state that no structures may  
2 be placed on the adjoining acreage without first obtaining a conditional  
3 use approval from the committee and that no land may be deeded to the  
4 separation parcel which increases its size above that outlined above  
5 without first obtaining proper approval which may include a rezone.  
6

7 w. Minor home occupation/professional home office.  
8

9 (2) *Conditional uses.* (See division 4.)  
10

11 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
12

13 *A-2 Agricultural land district.*  
14

15 (1) *Principal uses.*  
16

17 c. Minor home occupation/professional home office.  
18

19 (2) *Conditional uses.* (See division 4.)  
20

21 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
22

23 *A-3 Agricultural land holding district.*  
24

25 (2) *Conditional uses.* (See division 4.)  
26

27 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
28

29 *A-4 Agricultural related manufacturing, warehousing and marketing district.*  
30

31 (1) *Principal uses.* ~~All uses in this district are conditional uses and must be approved~~  
32 ~~in accordance with the procedures established in division 4.~~  
33

34 a. Fruit store.  
35

36 b. Grape growing.  
37

38 c. Production of sausages and other meat products providing that all  
39 operations be conducted within an enclosed building.  
40

41 d. Vegetable store.  
42

43 e. Veterinarian services.  
44

45 (2) *Conditional uses.*

1  
2 ~~cc. — Production of sausages and other meat products providing that all~~  
3 ~~operations be conducted within an enclosed building.~~

4  
5 ~~qq. — Veterinarian services.~~

6  
7 ccc. Commercial stables with horse shows.

8  
9 *A-5 Agricultural-rural residential district.*

10  
11 (2) *Accessory uses.*

12  
13 e. Minor home occupation/professional home office.

14  
15 **PART XIII: That Section 74-52 of the Walworth County Code of Ordinances is hereby**  
16 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
17 **through):**

18  
19 **“Sec. 74-52. Conservation districts.**

20  
21 *C-1 Lowland resource conservation district.*

22  
23 (2) *Conditional uses.* (See division 4.)

24  
25 ~~a. — Land restoration.~~

26  
27 *C-2 Upland resource conservation district.* The primary purpose of this district is to  
28 preserve, protect, enhance, and restore all significant woodlands, related scenic areas,  
29 submarginal farm lands, other farmland as allowed by the comprehensive land use plan and  
30 abandoned mineral extraction lands within the county. Regulation of these areas will serve to  
31 control erosion and sedimentation and will promote and maintain the natural beauty of the  
32 county, while seeking to assure the preservation and protection of areas of significant  
33 topography, natural watersheds, ground and surface water, potential recreation sites, wildlife  
34 habitat, and other natural resource characteristics that contribute to the environmental quality of  
35 the county yet permit larger residential lots in these environmentally sensitive areas.

36  
37 (2) *Accessory uses.*

38  
39 d. Minor home occupation/professional home office

40  
41 (3) *Conditional uses.* (See division 4.)

42  
43 r. Home occupations

44  
45 *C-3 Conservancy-residential district.*

- 1 (2) *Accessory uses.*  
2  
3 b. Minor home occupation/professional home office  
4  
5 (3) *Conditional uses.*  
6  
7 ~~b. Land restoration.~~  
8  
9 h. Home occupations.  
10  
11 (4) *Conventional design.*  
12  
13 (5) Existing substandard lots. See section 74-92.”  
14

15 **PART XIV: That Sections 74-53 and 74-180 of the Walworth County Code of Ordinances**  
16 **are hereby amended to read as follows (additions shown by underline; deletions shown by**  
17 **strike-through):**  
18

19 **“Sec. 74-53/74-180. Park districts.**  
20

21 *P-1 Recreational park district.* The P-1 district is used to provide for areas where the  
22 open space and recreational needs, both public and private, of the citizens can be met without  
23 undue disturbance of natural resources and adjacent uses.  
24

- 25 (1) *Principal uses.*  
26  
27 g. Ice skating rink.  
28  
29 (2) *Conditional uses.* (See division 4.)  
30  
31 m. Firearm ranges, skeet, trap and rifle.  
32  
33 p. Roller Skating rinks.  
34  
35 z. Commercial stables with horse shows  
36

37 *P-2 Institutional park districts.* The P-2 district is intended to eliminate the ambiguity of  
38 maintaining, in unrelated use districts, areas which are under public or public-related ownership  
39 and where the use for public purpose is anticipated to be permanent.  
40

- 41 (2) *Conditional uses.* (See division 4.)  
42  
43 k. Firearm ranges, skeet, trap, rifle.  
44  
45 x. Commercial stables with horse shows.”

1 **PART XV: That Section 74-54 of the Walworth County Code of Ordinances is hereby**  
2 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
3 **through):**

4  
5 **“Sec. 74-54. Residence districts.**

6  
7 *R-1 Single-family residence district (unsewered).*

8  
9 (2) *Accessory uses.*

10  
11 b. Minor home occupation/professional home office.

12  
13  
14 (3) *Conditional uses.* See div. 4.

15  
16 c. Home occupations ~~including barbering and beauty culture.~~

17  
18 (7) Existing substandard lots. See section 74-92.

19  
20 *R-2 Single-family residence district (sewered).*

21  
22 (2) *Accessory uses.*

23  
24 b. Minor home occupation/professional home office.

25  
26 (3) *Conditional uses.* See div. 4.

27  
28 c. Home occupations ~~including barbering and beauty culture.~~

29  
30 (6) Existing substandard lots. See section 74-92.

31  
32 *R-2A Single-family residence district (sewered).*

33  
34 (2) *Accessory uses.*

35  
36 b. Minor home occupation/professional home office.

37  
38 (3) *Conditional uses:* (See division 4.)

39  
40 c. Home occupations ~~including barbering and beauty culture.~~

41  
42 (6) Existing substandard lots. See section 74-92.

43  
44 *R-3 Two-family residence district (sewered or unsewered).*

45 (2) *Accessory uses.*

1                    b. Minor home occupation/professional home office.

2  
3            (3) *Conditional uses.* See div. 4.

4  
5                    c. Home occupations ~~including barbering and beauty culture.~~

6  
7            (6) Existing substandard lots. See section 74-92.

8  
9            *R-4 Multiple-family residence district (sewered or unsewered).* The R-4 district is  
10 intended to provide for multiple-family residential development

11  
12            (1) ~~*Principal uses.* All uses in this district are conditional uses and must be approved~~  
13 ~~*in accordance with the procedures established in division 4.*~~

14  
15                    a. Single family dwellings

16  
17            (2) *Accessory uses.*

18  
19                    a. Residential accessory structures.

20  
21                    b. Minor home occupation/professional home office.

22  
23            (3) *Conditional uses.*

24  
25                    a. Two-family dwellings.

26  
27                    b. Multiple-family dwellings.

28  
29                    ~~e.e.~~ Lodges and fraternal buildings.

30  
31                    ~~d.~~ Nursing homes.

32  
33                    g. Home occupations ~~including barbering and beauty culture.~~

34  
35                    ~~h.~~ Single family dwellings.

36  
37                    ~~i.~~ Two family dwellings.

38  
39                    ~~j.~~ Multiple family dwellings.

40  
41                    ~~k.~~ Parks and playgrounds.

42  
43            (4) *Area, height and yard requirements.*

44

Multiple-family density (sewered)		Maximum six dwelling units per net developable acre.
Lot (sewered)	Width	Minimum two-family 80 feet
		Minimum multiple family 100 feet
		Single-family 100 feet
	Area	Minimum two-family 12,000 square feet
		Minimum multiple family 15,000 square feet
		Single-family 15,000 square feet
Lot (unsewered)	Width and area of all lots to be determined in accordance with section 74-39	
	No more than 4 dwelling units per building shall be permitted on an unsewered lot.	
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 25 feet
	Side	Minimum 10 feet (sewered)
		Minimum 15 feet (unsewered)
	Street:	
	Subdivision Road	Minimum 25 feet
	Town Road	Minimum 50 feet
	<u>County Road</u>	<u>Minimum 65 feet</u>
	<u>County Road State and Federal highways</u> (Not including freeways)	Minimum 85 feet

1  
2     (6) Existing substandard lots. See section 74-92.

3  
4     R-5 Planned residential development district (unsewered). The R-5 district is intended to  
5 generally provide for planned developments in an unsewered area with a mixture of residential  
6 and business uses.

7  
8     (2) *Accessory uses.*

9  
10     a. Residential accessory structures.

11  
12     b. Minor home occupation/professional home office.

13  
14     (3) *Conditional uses.*

15  
16     i. Home occupations ~~including barbering and beauty culture.~~

17  
18     (7) Existing substandard lots. See section 74-92.

19  
20     R-5A Planned residential development district (sewered). The R-5 district is intended to  
21 generally provide for planned developments in a sewered area with a mixture of residential and

1 business uses.

2  
3 (2) *Accessory uses.*

4  
5 a. Residential accessory structures.

6  
7 b. Minor home occupation/professional home office.

8  
9 (3) *Conditional uses.*

10  
11 i. Home occupations ~~including barbering and beauty culture.~~

12  
13 (7) Existing substandard lots. See section 74-92.

14  
15 *R-6 Planned mobile home park residence district. The R-6 district is intended to*  
16 *generally provide for planned mobile home developments.*

17  
18 (2) *Accessory uses.*

19  
20 b. Minor home occupation/professional home office

21  
22 (3) *Conditional uses.*

23  
24 e. Home occupations ~~including barbering and beauty culture.~~

25  
26 (6) Existing substandard lots. See section 74-92.

27  
28 *R-7 Mobile home subdivision residence district (sewered or unsewered). The R-7 district*  
29 *is intended to generally provide for the location of mobile home subdivisions in a residential*  
30 *setting.*

31  
32 (2) *Accessory uses.*

33  
34 a. Minor home occupation/professional home office.

35  
36 (3) *Conditional uses.*

37  
38 c. Home occupations ~~including barbering and beauty culture.~~

39  
40 (5) Existing substandard lots. See section 74-92.

41  
42 *R-8 Multiple family residence district (sewered or unsewered). The R-8 district is*  
43 *intended to generally provide for multiple family residential development.*

44  
45 (2) *Accessory uses.*

1  
2 b. Minor home occupation/professional home office.

3  
4 (3) *Conditional uses.*

5  
6 e. Home occupations ~~including barbering and beauty culture.~~

7  
8 **PART XVI: That Section 74-55 of the Walworth County Code of Ordinances is hereby**  
9 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
10 **through):**

11  
12 **“Sec. 74-55. Business districts.**

13  
14 *B-1 Local business district.* The B-1 district is intended to generally provide for orderly  
15 and appropriate regulations to insure the compatibility of the diverse uses of retail and customer  
16 service establishments typically found in a localized general downtown type area.

17  
18 (1) *Principal uses.*

19  
20 x. Library.

21  
22 y. Museum.

23  
24 ee. One residential dwelling unit when located within the principal business  
25 structure.

26  
27 (2) *Conditional uses.*

28  
29 a. ~~One residential dwelling unit when located within the principal business~~  
30 ~~structure.~~

31  
32 g. Gasoline service stations, provided all gas pumps are not less than 30 feet  
33 from any side or rear lot line and 20 feet from any existing or proposed  
34 street right of way and further provided that canopy posts over gas pumps  
35 shall be at least 30 feet from any side or rear lot line and shall not be less  
36 than 20 feet from any existing or proposed street right of way. Canopies  
37 shall not be permitted to overhang past the property line. No canopy shall  
38 exceed 20 feet in height.

39  
40 k. Governmental and cultural uses such as fire and police stations,  
41 community centers, ~~libraries,~~ public emergency shelters, parks and  
42 playgrounds, ~~museums,~~ and park and ride facilities.  
43

- 1 o. Planned unit developments. Building separation: The minimum building  
2 separation shall be 30 unless modified by the committee, provided the  
3 minimum building separation is never reduced below 20 feet.  
4

5 *B-2 General business district.* The B-2 General Business District is intended to provide  
6 for more business and trades of a more general nature, normally serving a larger trade area.  
7

8 (1) *Principal uses.*  
9

10 d. ~~Churches.~~

11  
12 h. One residential dwelling unit when located within the principal business  
13 structure.

14  
15 p. Library.

16  
17 r. Museum.

18  
19 ~~kk. Gasoline service stations.~~  
20

21 (2) *Conditional uses.*  
22

23 a. ~~One residential dwelling unit when located within the principal business~~  
24 ~~structure.~~

25  
26 p. ~~Taxi stands.~~ Public passenger transportation terminals.  
27

28 s. Governmental and cultural uses such as fire and police stations,  
29 community centers, ~~libraries,~~ public emergency shelters, parks,  
30 playgrounds, ~~museums,~~ park and ride facilities.  
31

32 u. Heliports, ~~bus and rail depot.~~  
33

34 cc. Gasoline service station, provided all gas pumps are not less than 30 feet  
35 from any side or rear lot line and 20 feet from any existing or proposed  
36 street right of way and further provided that canopy posts over gas pumps  
37 shall be at least 30 feet from any side or rear lot line and shall not be less  
38 than 20 feet from any existing or proposed street right of way. Canopies  
39 shall not be permitted to overhang past the property line. No canopy shall  
40 exceed 20 feet in height.  
41

42 dd. Planned unit developments. Building separation: The minimum building  
43 separation shall be 30 unless modified by the committee, provided the  
44 minimum building separation is never reduced below 20 feet.  
45

1            *B-3 Waterfront business district.* The B-3 district is intended to generally provide for  
2 orderly and appropriate regulations to insure the compatibility of the diverse uses of retail and  
3 customer service establishments typically found on waterfront property.  
4

5            (1)    *Principal uses.*

- 6            a.       Bakery
- 7            b.       Boat rental and boat access (10 or less boats)
- 8            c.       Boat Liveries (10 or less boats)
- 9            d.       Clothing and apparel store
- 10           e.       Clothing repair shop
- 11           f.       Confectioneries retail sales
- 12           g.       Delicatessen
- 13           h.       Fish market
- 14           i.       Florist
- 15           j.       Fruit store
- 16           k.       Fur apparel, retail sales
- 17           l.       Furniture upholstery shop
- 18           m.       Furniture store
- 19           n.       Gift store
- 20           o.       Grocery store
- 21           p.       Hardware store
- 22           q.       Library
- 23           r.       Meat market (retail sales – no slaughtering)
- 24           s.       Museum
- 25           t.       Music store
- 26           u.       Office supply store
- 27           v.       Offices, professional
- 28           w.       Office, business
- 29           x.       Office, Trade/contractor
- 30           y.       Restaurant
- 31           z.       Second-hand store
- 32           aa.      Sporting goods store
- 33           bb.      Supermarkets
- 34           cc.      Supper clubs
- 35           dd.      Tanning salon
- 36           ee.      Tobacco store
- 37           ff.      Vegetable store
- 38           ~~a~~.gg.    Adult entertainment use provided that there is a minimum building  
39                      separation of 750 feet from the nearest residential structure, residential  
40                      zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3,  
41                      B-5, B-6), churches, schools, public parks, public playgrounds, public  
42                      beaches, daycare centers and park zoning districts (P-1, P-2) existing at  
43                      the time of application for a zoning permit or at the time of establishing an  
44                      adult entertainment use within existing buildings which are properly zoned  
45

1 and do not require a zoning permit, and further provided that any adult  
2 entertainment use be conducted within an enclosed building.

3  
4 (2) *Conditional uses.*

5  
6 ~~g. Restaurants.~~

7  
8 ~~i. Sporting goods and supplies.~~

9  
10 ~~j. Supper clubs.~~

11  
12 aa. Gasoline service station, provided all gas pumps are not less than 30 feet  
13 from any side or rear lot line and 20 feet from any existing or proposed  
14 street right of way and further provided that canopy posts over gas pumps  
15 shall be at least 30 feet from any side or rear lot line and shall not be less  
16 than 20 feet from any existing or proposed street right of way. Canopies  
17 shall not be permitted to overhang past the property line. No canopy shall  
18 exceed 20 feet in height.

19  
20 ~~bb. Taxi stands.~~ Public passenger transportation terminals

21  
22 ~~dd.~~ Governmental and cultural uses, such as fire and police stations,  
23 community centers, ~~libraries,~~ public emergency shelters, parks,  
24 playgrounds, ~~museums,~~ and park and ride facilities.

25  
26 ~~gg.~~ Planned unit developments. Building separation: The minimum building  
27 separation shall be 30 unless modified by the committee, provided the  
28 minimum building separation is never reduced below 20 feet.

29  
30 B-4 Highway business district. The B-4 district is intended to provide for orderly and  
31 appropriate regulations at appropriate locations along principal highway routes to those  
32 businesses and customer services which are logically related to and dependent upon highway  
33 traffic or which are specifically designed to serve the needs of such traffic.

34  
35 (1) *Principal uses.*

36 a. Antique shop with no outside storage

37 b. Bait Shop

38 c. Bakery

39 d. Beauty Shop

40 e. Candy, nut and confectionary store

41 f. Caterer

42 g. Clothing and apparel store

43 h. Clothing repair shop

44 i. Crockery store

45 j. Delicatessen

- 1 k. Dwelling unit when located within the principal business structure
- 2 l. Electrical supply store with no outside storage
- 3 m. Fish market
- 4 n. Florist
- 5 o. Food Lockers
- 6 p. Fruit store
- 7 q. Fur apparel, retail sales
- 8 r. Furniture upholstery shop
- 9 s. Furniture store
- 10 t. Gift store
- 11 u. Greenhouses, Commercial
- 12 v. Grocery store
- 13 w. Hardware store
- 14 x. Heating supply
- 15 y. Hobby shop
- 16 z. Laundry and dry cleaning
- 17 aa. Library
- 18 bb. Meat market (retail sales – no slaughtering)
- 19 cc. Museum
- 20 dd. Music store
- 21 ee. Office supply store
- 22 ff. Offices, professional
- 23 gg. Offices, business
- 24 hh. Offices, trade/contractors
- 25 ii. Optical store
- 26 jj. Photographic store
- 27 kk. Plumbing store with no outside storage
- 28 ll. Restaurant
- 29 mm. Second-hand store with no outside storage
- 30 nn. Sporting goods store
- 31 oo. Supermarket
- 32 pp. Supper club
- 33 qq. Tanning salon
- 34 rr. Tires, batteries and accessory store with no outside storage
- 35 ss. Tobacco store
- 36 tt. Upholster's store
- 37 uu. Variety store
- 38 vv. Vegetable store
- 39 ww. Adult entertainment use provided that there is a minimum building
- 40 separation of 750 feet from the nearest residential structure. Residential
- 41 zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3,
- 42 B-5, B-6), churches, schools, public parks, public playgrounds, public
- 43 beaches, daycare centers and park zoning districts (P-1, P-2) existing at
- 44 the time of application for a zoning permit or at the time of establishing an
- 45 adult entertainment use within existing buildings which are properly zoned

1 and do not require a zoning permit, and further provided that any adult  
2 entertainment use be conducted within an enclosed building.

3  
4 (2) *Conditional uses.*

5  
6 e. ~~Candy, nut and confectionery sales.~~

7  
8 f. Gasoline service stations, provided all gas pumps are not less than 30 feet  
9 from any side or rear lot line and 20 feet from any existing or proposed  
10 street right of way and further provided that canopy posts over gas pumps  
11 shall be at least 30 feet from any side or rear lot line and shall not be less  
12 than 20 feet from any existing or proposed street right of way. Canopies  
13 shall not be permitted to overhang past the property line. No canopy shall  
14 exceed 20 feet in height.

15  
16 g. ~~Gift stores.~~

17  
18 j. ~~Restaurants.~~

19  
20 k. ~~Sales,~~ service and installation of tires, batteries and accessories.

21  
22 l. One residential dwelling unit when located ~~within~~ outside the principal  
23 business structure.

24  
25 z. ~~Taxi stands~~ Public passenger transportation terminals.

26  
27 bb. Governmental and cultural uses, such as fire and police stations,  
28 community centers, ~~libraries,~~ public emergency shelters, parks,  
29 playgrounds, ~~museums,~~ and park and ride facilities.

30  
31 ee. ~~Commercial greenhouse.~~

32  
33 ff. Planned unit developments. Building separation: The minimum building  
34 separation shall be 30 unless modified by the committee, provided the  
35 minimum building separation is never reduced below 20 feet.”

36  
37 **PART XVII: That Section 74-56 of the Walworth County Code of Ordinances is hereby**  
38 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
39 **through):**

40  
41 **“Sec. 74-56. Industrial districts.**

42  
43 *M-1 Industrial district.* The M-1 district is intended to provide for manufacturing,  
44 industrial and related uses.

- 1 (1) *Principal uses.*  
2  
3 m. ~~Automotive~~ proving grounds.  
4

5 (2) *Conditional uses.*

- 6  
7 t. Off-season storage facilities  
8

9 *M-2 Heavy industrial district.* The M-2 district is intended to provide for more intense  
10 manufacturing and industrial development.  
11

12 (2) *Conditional uses.*

- 13  
14 s. Off-season storage facilities.  
15

16 **PART XVIII: That Section 74-59 of the Walworth County Code of Ordinances is hereby**  
17 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
18 **through):**  
19

20 **“Sec. 74-59. Review and approval of conditional uses.**

21  
22 Conditions such as landscaping, architectural design, type of construction, construction  
23 commencement and completion dates, sureties, light, fencing, location, size and number of signs,  
24 water supply and waste disposal systems, higher performance standards, street dedication,  
25 certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces,  
26 streambank protection, planting screens, operational control, hours of operation, improved traffic  
27 circulation, deed restrictions, highway access restrictions, increased yards, or additional parking  
28 may be required by the ~~county planning and development~~ committee upon its finding that these  
29 are necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of  
30 1965, and to meet the provisions of the state floodplain and shoreland management programs.”  
31

32 **PART XIX: That Section 74-61 of the Walworth County Code of Ordinances is hereby**  
33 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
34 **through):**  
35

36 **“Sec. 74-61. Agricultural and related uses.**

- 37  
38 (7) *Commercial stables* in the A-2, A-4, C-2, P-1, P-2 and B-5 districts. Tack rooms  
39 associated with commercial stables shall be used only by the owner and boarders.  
40

- 41 (8) *Commercial stables with horse shows and tack shop that permits off-site retail*  
42 *sales in the A-4 and P-1 districts.*  
43

- 44 (10) *Land restoration in all agricultural and conservancy* the A-1, A-2, A-3, A-4, and  
45 C-2 districts when conducted in accordance with the county conservation

1 standards. Any project designed and certified by NRCS, Land Conservation or  
2 the Department of Natural Resource Fish and Wildlife or water quality ponds may  
3 be exempt from the conditional use process.”  
4

5 **PART XX: That Section 74-62 of the Walworth County Code of Ordinances is hereby**  
6 **amended to read as follows (additions shown by underline; deletions shown**  
7 **by strike-through):**  
8

9 **“Sec. 74-62. Recreational and related uses.**

- 10
- 11 (1) *Golf courses and country clubs* in all residential and park districts, the ~~C-1~~ and C-  
12 2 conservancy districts, and the B-5 ~~business~~ district.  
13
- 14 (2) *Hunting and fishing clubs* in the A-2, C-1, C-2 and P-1 districts.  
15
- 16 (5) *Recreational camps* in the A-2, P-1, P-2, C-1 and C-2 districts subject to the  
17 following regulations, DHS175/179, and such other regulations as the committee  
18 may deem appropriate after viewing the site or sites and considering evidence  
19 presented at the hearing.  
20
- 21 d. *Sewage disposal*: Where public sanitary sewer service is not available,  
22 sanitary sewage and waste disposal facilities shall be provided as required  
23 by Chapter COMM 83 and DHS 178 of the Wisconsin Administrative  
24 Code and constructed and maintained as required by the county sanitary  
25 ordinance.  
26
- 27 e. *Water supply*: Where public water is not available, the well or well  
28 supplying any camping area shall comply with Chapter ~~NR 112~~ DHS 178  
29 of the Wisconsin Administrative Code, except that well pits or pump pits  
30 shall not be permitted.  
31
- 32 (6) *Public or private campgrounds* in the P-1, P-2, C-1, C-2 and B-5 districts subject  
33 to the following regulations, DHS 178, and such other regulations as the  
34 committee may deem appropriate after viewing the site or sites and considering  
35 evidence presented at the hearing.  
36
- 37 h. *Water supply*. There shall be an adequate source of pure water with supply  
38 outlets for drinking and domestic purposes located not more than 300 feet  
39 from any camping unit. Where a public water supply is not available, the  
40 well or wells supplying any camping area shall comply with DHS 178 and  
41 the Wisconsin Well Construction Code; except that well pits or pump pits  
42 shall not be permitted. Supply outlets may be located in a service building  
43 if separate from toilet or laundry rooms. No common drinking vessels  
44 shall be permitted, nor shall any drinking water faucets be placed in any  
45 toilet rooms.

- 1  
2 i. *Sewage disposal.* Sanitary sewage and waste disposal facilities shall be  
3 provided as required by DHS 178 and Chapter COMM 83 of the  
4 Wisconsin Administrative Code, Chapter H-78 and constructed and  
5 maintained as required by the sanitary ordinance.  
6  
7 m. *Existing operations.* Within 60 days after the effective date of this  
8 ordinance, all existing campground operations in a town shall be required  
9 to register with the county zoning administrator, and shall submit pertinent  
10 ~~date~~ data relative to the present operation, including the boundaries of the  
11 operation, ownership data maps showing existing campground layout, and  
12 such other data as may be necessary to enable the county zoning  
13 administrator, to create a permanent file establishing the size, layout, and  
14 operational characteristics of the existing operation. A permit shall be  
15 granted by the county zoning administrator to such existing operations for  
16 the extent of the existing operation only. Any existing operation which  
17 does not comply with this registration requirement shall be penalized in  
18 accordance with provisions in sections 74-46 and 74-47. Notwithstanding  
19 the foregoing, however, the county zoning administrator, may make a  
20 finding that an adequate file already exists concerning an existing  
21 operation, and may accordingly waive the registration requirement and  
22 issue a permit on his own motion.  
23

24 (7) *Planned campground developments.* Planned campground developments are  
25 conditional uses in the B-5 zoning district subject to the following regulations,  
26 DHS 178, and such other regulations as the committee may deem appropriate  
27 after viewing the site or sites and considering evidence presented at the hearing:  
28

29 (14) *Off-season storage facilities for boats and other recreational vehicles,* such as  
30 campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in ~~all~~  
31 ~~business, industrial~~ the B-1, B-2, B-3, B-4, M-1, M-2 and A-4 districts. Any  
32 outside storage or display areas in conjunction with this use may be permitted by  
33 the committee after considering such evidence as may be presented at the public  
34 hearing bearing upon the general purpose and intent of this ordinance. In no case  
35 shall areas be closer than 25 feet to any right-of-way.”  
36

37 **PART XXI: That Section 74-63 of the Walworth County Code of Ordinances is hereby**  
38 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
39 **through):**  
40

41 **“Sec. 74-63. Residential and related uses.**  
42

43 (2) *Planned residential developments* in the A5, R-1, R-2, R-2A, R-3, R-4, R-5, R-  
44 5A, R-6, R-7, R-8, C-2, C-3 and B-5 districts, provided that no planned development shall be  
45 approved which includes residential uses not permitted as a principal use in the given district.

1 The district regulations, excluding exterior district setback requirements, may be modified  
 2 provided that adequate open space shall be provided so that the average intensity and density of  
 3 land use shall be no greater than that permitted for the district in which it is located. The proper  
 4 preservation, care, and maintenance by the original and all subsequent owners of the exterior  
 5 design shall be assured by deed restriction. All common structures, facilities, essential services,  
 6 access and open spaces shall also be assured by deed restrictions.

7  
 8 The following district regulations may be modified by the committee but never below the  
 9 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

11  
 12 (6) Home occupations and professional offices in all the A-1, A-2, A-3, R-1, R-2, R-  
 13 2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 districts, not to exceed 25 percent of the  
 14 total floor area of any floor of a building on the parcel. Such operations shall not  
 15 involve any external alteration that would effect a substantial change in the  
 16 residential character of the building or parcel, may include employees and stock  
 17 and trade may be kept or sold from the premises after considering such evidence  
 18 as may be presented at the public hearing bearing upon the general purpose and  
 19 intent of this ordinance.

20  
 21 (11) One residential dwelling unit in the B-1, B-2, B-3 and B-4 business districts when  
 22 located within detached from the principal business structure. This provision is  
 23 established to provide committee review of detached residences that existed prior  
 24 to 1994 and for special circumstances where a residence can not be located within  
 25 the primary business structure.”

26  
 27 **PART XXII: That Section 74-64 of the Walworth County Code of Ordinances is hereby**  
 28 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
 29 **through):**

30  
 31 **“Sec. 74-64. Commercial and related uses.**  
 32

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

3  
4            *Vehicle sales, service, washing, and repair stations, gasoline service stations, garages,*  
5 taxi stands, and public parking lots, in all business districts ~~provided all gas pumps are not less~~  
6 ~~than 30 feet from any side or rear lot line and 20 feet from any existing or proposed street line,~~  
7 ~~and further provided that canopy posts over gas pumps shall be at least 30 feet from any side or~~  
8 ~~rear lot line and shall not be less than 20 feet from any existing or proposed street. Canopies shall~~  
9 ~~not be permitted to overhang past the property line. No canopy shall exceed 20 feet in height.~~  
10 Car wash facilities shall be installed in such a manner as not to cause spray or run-off water to  
11 encroach upon any adjoining properties or public right-of-ways.

12  
13            ~~*Boat rental and boat access sites.*~~ Boats and marine supplies, not including  
14 manufacturing; ~~boat liveries, bait shops; taverns; bars, restaurants and supper clubs; sporting~~  
15 ~~goods supply stores; swimming beaches; bath houses; and yachting clubs in the B-3 waterfront~~  
16 business district.

17  
18            *Automobile and truck retail services.* Automobile repair services; bars, taverns,  
19 ~~restaurants, night clubs, and dance halls; candy, nut, and confectionery sales;~~ gasoline service  
20 stations; ~~gifts, novelty and souvenir sales; and sales, service, and installation of tires, batteries,~~  
21 and accessories in the B-4 highway business district.

22  
23            *Off-season storage facilities* for boats and other recreational vehicles such as campers,  
24 travel trailers, snowmobiles, off-road vehicles, and motor homes, in the B-1, B-2, B-3, B-4, M-1,  
25 M-2 and A-4 districts. Any outside storage or display areas in conjunction with this use may be  
26 permitted by the committee after considering such evidence as may be presented at the public  
27 hearing bearing upon the general purpose and intent of this ordinance. In no case shall areas be  
28 closer than 25 feet to any right-of-way.”

29  
30 **PART XXIII: That Sections 74-65 and 74-192 of the Walworth County Code of**  
31 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
32 **deletions shown by strike-through):**

33  
34 **“Sec. 74-65/74-192. Industrial and related uses.**

35  
36            (15) *Off-season storage facilities* for boats and other recreational vehicles such as  
37 campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in the  
38 B-1, B-2, B-3, B-4, M-1, M-2 and A-4 districts. Any outside storage or display  
39 areas in conjunction with this use may be permitted by the committee after  
40 considering such evidence as may be presented at the public hearing bearing upon  
41 the general purpose and intent of this ordinance. In no case shall areas be closer  
42 than 25 feet to any right-of-way.”  
43

1 **PART XXIV: That Sections 74-66 and 74-193 of the Walworth County Code of**  
2 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
3 **deletions shown by strike-through):**

4  
5 **“Sec. 74-66/74-193. Public and semi-public uses.**

- 6  
7 (4) *Utilities* in all districts provided all principal structures and uses associated with  
8 the utility are not less than 50 feet from all district lot lines except business, park,  
9 and industrial, which will require a 10 foot setback. Utilities required to obtain a  
10 certificate of convenience and public necessity from the Wisconsin Public Service  
11 Commission or those utilities required to obtain a Federal Energy Regulatory  
12 Commission certificate shall be exempt from obtaining a conditional use permit.  
13  
14 (5) Public passenger transportation terminals such as bus, taxi and rail depots, except  
15 airports, airstrips, and landing fields, are allowed in the B-2, B-3, and B-4 district,  
16 provided that all principal structures and uses are not less than 100 feet from any  
17 residential district boundary.  
18  
19 (6) *Public, parochial, and private elementary* and secondary schools ~~and churches~~ in  
20 all residential, business, agricultural and park districts, provided the lot area is not  
21 less than two acres and all principal structures and uses are not less than 50 feet  
22 from any lot line.  
23  
24 (7) Churches in all residential, business, agricultural and P-1 districts, provided the  
25 lot area is not less than two acres and all principal structures and uses are not less  
26 than 50 feet from any lot line.  
27  
28 ~~(7)(8) Colleges; universities; hospitals.~~ Sanitariums; religious, charitable, penal and  
29 correctional institutions, cemeteries, and crematories in the P-2 and B-2 districts  
30 provided all principal structures and uses are not less than 50 feet from any lot  
31 line.  
32  
33 (9) Hospitals in the B-2, B-3, B-4 districts provided all principal structures and uses  
34 are not less than 50 feet from any lot line.”

35  
36 **PART XXV: That Section 74-74 of the Walworth County Code of Ordinances is hereby**  
37 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
38 **through):**

39  
40 **“Sec. 74-74. Parking requirements.**

- 41  
42 (3) *Adequate access* to a public street shall be provided for each parking space, and  
43 driveways shall be at least ten feet wide for one-and two-family dwellings, at least  
44 12 feet wide for commercial bed and breakfast establishments and at least 24 feet  
45 wide for all other uses.”

1  
2 **PART XXVI: That Sections 74-92 and 74-221 of the Walworth County Code of**  
3 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
4 **deletions shown by strike-through):**

5  
6 **“Sec. 74-92/74-221. Existing substandard lots.**

Yards	Street	Minimum 25 feet; corner lots shall have two such yards.
		<del>Minimum 50 feet from state and federal road right of ways or 110 feet from the centerline, whichever is greater</del>

8  
9 **PART XXVII: That Sections 74-103 and 74-232 of the Walworth County Code of**  
10 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
11 **deletions shown by strike-through):**

12  
13 **“Sec. 74-103/232. Yards.**

14  
15 (3) ~~Residential fences are permitted on the property lines, but shall not in any case~~  
16 ~~exceed a height of six feet in the side and rear yards, shall not exceed a height of~~  
17 ~~four feet in the shore yard, shall not exceed a height of six feet in the street yard~~  
18 ~~and shall not be closer than two feet to any existing public right of way. Fences~~  
19 ~~are not permitted to cross between property lines within the 75-foot shoreyard~~  
20 ~~setback and shall not create a barrier to wildlife movement and shall maintain~~  
21 ~~natural shoreland beauty. Entrance pillars may be permitted on either side of the~~  
22 ~~driveway/ access to the lot provided the pillars shall not be closer than two feet to~~  
23 ~~any right of way, shall not exceed two feet in width and shall not exceed six feet~~  
24 ~~in height. Structures shall be setback a distance of 10 feet from a maintenance~~  
25 easement providing limited right of vehicle ingress/egress to unmanned uses such  
26 as utilities, dams, cell towers, renewable energy, sanitary sewers, etc..

27  
28 (4) ~~Security fences are permitted on the property lines in all districts except~~  
29 ~~residential districts, but shall not exceed ten feet in height, shall not be closer than~~  
30 ~~two feet to any existing public right of way, and shall be of an open type similar~~  
31 ~~to woven wire or wrought iron fencing. Screening for garbage containers of a~~  
32 ~~closed fence type may be permitted in all business, industrial and park districts~~  
33 ~~except provided it does not exceed six feet in height, is not located in the street~~  
34 ~~yard and shall not be closer than ten feet to a property line.”~~

35  
36 **PART XXVIII: That Section 74-110 of the Walworth County Code of Ordinances is**  
37 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
38 **strike-through):**

1 “Sec. 74-110. Rules.

- 2  
3 (4) *Limitation on applications.* A party shall not initiate action for a variance  
4 affecting the same land more ~~of then~~ than once every 12 months unless there is a  
5 substantial change in the proposed structure location. The 12 months to be  
6 calculated from effective date of the Walworth County Board of Adjustment's  
7 decision.”  
8

9 **PART XXIX: That Sections 74-111 and 74-240 of the Walworth County Code of**  
10 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
11 **deletions shown by strike-through):**  
12

13 “Sec. 74-111/74-240. Powers.

- 14  
15 (7) Special exceptions. The board of adjustment may hear and grant applications in  
16 accordance with requirements of the Federal Fair Housing Act, the Wisconsin  
17 Fair Housing Acts or the Americans with Disabilities Act. Before the board of  
18 adjustment may grant permission to construct a deck, patio, walkway or second  
19 access to a pier (tram) in a location that would otherwise not be allowed by  
20 ordinance, the board of adjustment must find that the request is by disabled  
21 persons who reside on the parcel and the applicant would have to show that a  
22 structure with smaller dimensions would not be adequate to allow the disabled  
23 person access to the residence or pier. The permit shall be temporary, may  
24 continue only as long as disabled persons reside on the parcel and shall be  
25 removed not more than 30 days after the disabled person vacates the parcel. The  
26 Board of Adjustment may require the filing of a deed restriction in the register of  
27 deeds office to assure removal of the structure in accordance with the stipulation  
28 of the approval. A structure no larger than is necessary to allow the disable  
29 person to get in and out of the building, would not significantly undermine the  
30 basic purpose of the zoning ordinance, especially since they are temporary.”  
31

32 **PART XXX: That Section 74-114 of the Walworth County Code of Ordinances is hereby**  
33 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
34 **through):**  
35

36 “Sec. 74-114. Findings.

37  
38 No variance to the provisions of this ordinance shall be granted by the board unless it  
39 finds that all the following facts and conditions exist and so indicates in the minutes of its  
40 proceedings.  
41

- 42 (1) Preservation of intent. No variance shall be granted that is not consistent with the  
43 purpose and intent of the regulations for the district in which the development is  
44 located. No variance shall have the affect of permitting a use in any district that is  
45 not a stated principal use, or conditional use where a conditional use permit has

1            been granted. *Exceptional circumstances.* There must be exceptional  
2            extraordinary, or unusual circumstances or conditions applying to the lot or  
3            parcel, structure, use, or intended use that do not apply generally to other  
4            properties or uses in the same district and the granting of the variance would not  
5            be of so general or recurrent nature as to suggest that the zoning ordinance should  
6            be changed.

7  
8            ~~(2)~~ *Absence of detriment.* That the variance will not create substantial detriment to  
9            adjacent property and will not materially impair or be contrary to the purpose and  
10           spirit of this ordinance or the public interest.

11  
12           ~~(3)~~(2) *Unnecessary hardship.* The applicant must demonstrate that (1) literal  
13           enforcement of the provisions of the ordinance will result in unnecessary hardship  
14           on the applicant; (2) the hardship is due to special conditions unique to the  
15           property. No variance shall be granted solely on the basis of economic gain or  
16           loss. Self-imposed hardships shall not be considered as grounds for the granting  
17           of a variance. Unnecessary hardship exists when compliance would unreasonably  
18           prevent the owner from using the property for a permitted purpose or would  
19           render conformity with such restrictions unnecessarily burdensome.  
20           Consideration shall be given to the purpose and intent of the zoning ordinance, its  
21           effects on the property, and the short-term, long-term and cumulative effects of  
22           granting the variance on the neighborhood, the community and on the public  
23           interests. Self-imposed or self-created hardships shall not be considered as  
24           grounds for the granting of a variance. Economic or financial hardship does not  
25           justify a variance. The property bears the burden of proving unnecessary hardship  
26           exists. The board shall consider the property as a whole rather than a portion of  
27           the parcel when determining unnecessary hardship.

28  
29           ~~(3)~~ *Unique property limitations.* Unique physical limitations of the property must be  
30           physical limitations such as steep slopes, or wetlands that are not generally shared  
31           by other properties must prevent compliance with the ordinance. The  
32           circumstances of an applicant (growing family, need for a larger garage, etc) are  
33           not a factor in deciding variances. Nearby ordinance violations, prior variances or  
34           lack of objections from neighbors do not provide a basis for granting a variance.

35  
36           ~~(4)~~ *No harm to public interests.* A variance may not be granted which results in harm  
37           to public interests. In applying this test, the board must consider the impacts of  
38           the proposal and the cumulative impacts of similar projects on the interests of the  
39           neighbors, the entire community and the general public. These interests are listed  
40           in the purpose and intent of the zoning ordinance and may include public health,  
41           safety and welfare, water quality, fish and wildlife habitat, natural scenic beauty,  
42           minimization of property damages, provision of efficient public facilities and  
43           utilities, achievement of eventual compliance for nonconforming uses, structures  
44           and lots, and other public interest issues.”  
45

1 **PART XXXI: That Sections 74-118 and 74-247 of the Walworth County Code of**  
2 **Ordinances are hereby amended to read as follows (additions shown by underline;**  
3 **deletions shown by strike-through):**

4  
5 **“Sec. 74-118/74-247. Powers.**

- 6  
7 (4) *Prohibit* the use or erection of any structure, land, or water until he has inspected  
8 and/or approved such use or erection.”

9  
10 **PART XXXII: That Section 74-131 of the Walworth County Code of Ordinances is hereby**  
11 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
12 **through):**

13  
14 **“Sec. 74-131. Definitions.**

15  
16 Amusement activities: uses such as, but not limited to, fair grounds, roller skating rinks,  
17 go-cart tracks, race tracks, and recreation centers.

18  
19 Commercial stable: A building or premises used for the boarding, riding, driving,  
20 jumping or training of horses or animals as a business. Commercial stables may not have retail  
21 sales but may have a tack room that would allow sales of items to the boarders as part of the fee  
22 they pay for boarding.

23  
24 Commercial stable with horse shows: a building or premises used for the boarding,  
25 riding, driving, jumping, training or showing of horses or animals as a business. This stable and  
26 horse show may have off site retail sales in a tack shop.

27  
28 Cultural activities: uses such as, but not limited to, aquariums, art galleries, botanical  
29 gardens, arboreta, historic and monument sites, planetaria and zoos.

30  
31 Household Home occupations: any occupation for gain or support conducted entirely  
32 within buildings on the parcel by resident occupants which is customarily incidental to the  
33 principal use of the premises, does not exceed 25 percent of the area of any floor, and may  
34 include up to two additional employees who are not resident occupants. ~~uses only household~~  
35 ~~equipment, and no stock in trade is kept or sold except that made on the premises.~~ A household  
36 ~~occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and~~  
37 ~~crafts, but does not include the display of any goods nor such occupations as dance schools, real~~  
38 ~~estate brokerage, or photographic studios.~~ A home occupation may include uses such as  
39 barbering, beauty culture, house cleaning service, laundry, ironing, photography, real estate  
40 brokerage, drivers education and shall not include any use with outside storage.

41  
42 Land restoration. Land disturbance activities of 25,000 sq. ft. or more which require  
43 large scale grading and filling for the re-establishment or stabilization of unstable soil contours  
44 resulting from non-agricultural practices.

1 Maintenance easement: a limited right of vehicle ingress/egress to unmanned utilities,  
2 dams, cell towers, renewable energy, sanitary sewers, etc. necessary to provide a needed public  
3 service. The limited access easement is to facilitate repairs and maintenance only. The limited  
4 access easement shall connect to a street or other officially approved way.  
5

6 Minor home occupation: an occupation for gain or support conducted entirely within the  
7 residence by resident occupants only, which is customarily incidental to the principal use of the  
8 premises, and does not exceed 25 percent of the area of any floor.  
9

10 Professional home office: residences of doctors of medicine, practitioners, dentists,  
11 clergymen, architects, landscape architects, lawyers, professional engineers, registered land  
12 surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct  
13 their professions without employees where the office does not exceed one half of the area of  
14 only one floor of the residence.  
15

16 Public assembly uses: uses such as, but not limited to, amphitheaters, arenas, field  
17 houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters,  
18 motion picture theaters, and stadiums.  
19

20 Public passenger transportation terminals: bus, taxi or rail depots.”  
21

22 **PART XXXIII: That Section 74-154 of the Walworth County Code of Ordinances is**  
23 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
24 **strike-through):**  
25

26 **“Sec. 74-154. Intent.**  
27

28 It is the general intent of this ordinance to:”  
29

30 **PART XXXIV: That Section 74-162 of the Walworth County Code of Ordinances is**  
31 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
32 **strike-through):**  
33

34 **“Sec. 74-162. Compliance.**  
35

36 No structure, land, water or air shall hereafter be used or developed and no structure, or  
37 part thereof shall hereafter be located, erected, moved, reconstructed, substantially altered,  
38 extended, enlarged, converted, or structurally altered without a zoning permit, except minor  
39 structures, and without full compliance with the provisions of this ordinance and all other  
40 applicable local, county, and state regulations.  
41

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

1  
2 No obstruction shall be permitted in any district above the height of two and one-half feet  
3 above the plane through the mean centerline roadway grades within the triangular space formed  
4 by any two existing or proposed intersection street or alley right-of-way lines and a line joining  
5 points on such lines located 50 feet from their point of intersection.  
6

7 Access. The zoning administrator and his deputies shall have access to premises and  
8 structures during reasonable hours to make those inspections as deemed necessary by him to  
9 ensure compliance with this ordinance. If, however, they are refused entry after presentation of  
10 proper identification, they may procure a special inspection warrant in accordance with Wis.  
11 Stats. § ~~66.0113~~ 66.0119.”  
12

13 **PART XXXV: That Section 74-163 of the Walworth County Code of Ordinances is hereby**  
14 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
15 **through):**  
16

17 **“Sec. 74-163. Use regulations.**  
18

19 ~~Only the following~~ Principal uses and their essential principal services ~~shall be allowed in~~  
20 ~~any district~~ specified for a district are permitted uses within the district:  
21

22 (2) Accessory uses and structures are permitted in any district but not until their  
23 principal structure is present or under construction. Uses accessory to residential  
24 district developments shall not involve the conduct of any business, trade or  
25 industry except for home occupations, minor home occupations and professional  
26 ~~occupations~~ home office as defined and permitted herein. An accessory structure  
27 cannot contain a separate dwelling unit.  
28

29 (3) Fences (not including agricultural fences regulated under Wis. Statute chapter 90).  
30 No obstruction shall be permitted in any district above the height of two and one-  
31 half feet above the plane through the mean centerline roadway grades within the  
32 triangular space formed by any two existing or proposed intersection street or  
33 alley right-of-way lines and a line joining points on such lines located 50 feet  
34 from their point of intersection.  
35

36 Fences are permitted on the property lines, but shall not in any case exceed a  
37 height of six feet in the side and rear yards; shall not exceed a height of six feet in  
38 the street yard and shall not be closer than two feet to any existing right-of-way.  
39

40 In the shoreyard, fences are permitted on the property lines, but shall not exceed a  
41 height of four feet, are not permitted to cross between property lines within the  
42 75-foot shoreyard setback, shall not create a barrier to wildlife movement and  
43 shall maintain natural shoreland beauty.  
44

45 Fences along freeways are permitted on the property lines but shall not exceed a  
46 height of ten (10) feet.

1  
2 Entrance pillars may be permitted on either side of the driveway/ access to the lot  
3 provided the pillars shall not be closer than two feet to any right of way, shall not  
4 exceed two feet in width and shall not exceed six feet in height.  
5

6 Security fences of an open type similar to woven wire or wrought iron, are  
7 permitted on the property lines in all districts except residential and conservation  
8 districts, but shall not exceed ten feet in height and shall not be closer than two  
9 feet to any existing public right-of-way.  
10

11 Screening fences of a closed type may be permitted in all Business, Industrial and  
12 Park districts provided it does not exceed ten (10) feet in height, and shall not be  
13 closer than 25 feet to any right of way and ten (10) feet to a property line (except  
14 salvage yards – see division 4).  
15

16 ~~(3)~~(4) Conditional uses and their accessory uses shall may be permitted in specified  
17 districts after review, public hearing, and approval by the committee in  
18 accordance with procedures and standards established in division 4 of this article.  
19

20 ~~(4)~~(5) Principal Uses not specified in this section may be permitted by the board of  
21 adjustment after the committee has made a review and written recommendation  
22 and provided that such uses are similar in character to the permitted uses in the  
23 district.  
24

25 ~~(6)~~ Conditional uses not specified in this ordinance may be permitted by the board of  
26 adjustment after the committee has made a review and written recommendation  
27 and provided that such uses are similar in character to the conditional uses in the  
28 district.  
29

30 ~~(7)~~ Special exceptions may be permitted by the board of adjustment for a structure  
31 that would otherwise not be permitted by ordinance so that a disabled person may  
32 enter or exit a residence on the property or gain access to a pier, as provided for  
33 under Division 10 of this ordinance.”  
34

35 **PART XXXVI: That Section 74-164 of the Walworth County Code of Ordinances is**  
36 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
37 **strike-through):**  
38

39 **“Sec. 74-164. Site regulations.**  
40

41 All lots shall abut upon a public street or other officially approved right of way for a  
42 frontage of at least 50 feet; all principal structures shall be located on a lot; and except in the A-  
43 1, A-2, A-3, P-1, P-2, R-4, R-5, R-6, R-8, & B-5 Districts or as otherwise provided for in this  
44 ordinance as a planned residential development or a planned unit development, only one  
45 principal structure shall be located, erected, or moved onto a lot.

1  
2 The width and area of all lots shall meet each of the minimum district requirements. A  
3 road/street separates a parcel of land provided there is at least 150 feet in lot width, 40,000  
4 square feet in lot area and 50 feet of frontage on an officially approved way.  
5

6 Maintenance easements for the purpose of providing limited right of vehicle  
7 ingress/egress to unmanned uses such as utilities, dams, cell towers, renewable energy, sanitary  
8 sewers, etc. necessary to provide a needed public service are permitted to be reduced to a 15'  
9 wide easement. The 15' wide maintenance easement shall be a limited access easement to  
10 facilitate repairs and maintenance only. The limited access easement shall be of adequate soil  
11 conditions or surfacing to withstand loads produced by standard equipment and provide limited  
12 ingress and egress connecting to a street or other officially approved way."  
13  
14

15 **PART XXXVII: That Section 74-167 of the Walworth County Code of Ordinances is**  
16 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
17 **strike-through):**  
18

19 **"Sec. 74-167. Shoreland regulations.**  
20

21 On those lands within 35 feet of the OHWM (ordinary high water mark) vegetation  
22 removal and/or land disturbing activities are prohibited (no touch zone), with the following  
23 exceptions subject to a county approved conservation plan and permit:  
24

25 (2) Vegetation removal for the creation of a view/access corridor. In the strip of land  
26 35 feet wide inland from the ordinary high water mark, the total width of the  
27 corridor or corridors shall not exceed 40 feet or 30 percent of the lot or parcel's  
28 width at the ordinary high water mark, whichever is less, on lots or parcels of land  
29 with 200 feet or less of width at the ordinary high water mark. Or on lots or  
30 parcels of land with more than 200 feet of width at the ordinary high water mark,  
31 the total width of the corridor or corridors shall not exceed 20 percent of the lot or  
32 parcel's width at the ordinary high water mark; implemented in increments of 30  
33 feet in every 100 foot of lot width.  
34

35 (7) Natural areas management activities with a DNR approved management plan or a  
36 plan that was developed by a professional natural resource manager to satisfy the  
37 purposes of Wis. Stats. 281.31(1) and (6).  
38

39 Earth movements involving stream course changing, waterway construction or  
40 enlargement, channel clearing, removal of stream or lake bed materials, are conditional uses  
41 requiring review, public hearing, and approval by the committee in accordance with division 4.  
42 However, such earth movements having a DNR ~~permit~~ approval under Wis. Stats. ch. 30 are  
43 exempt from this provision."  
44

1 **PART XXXVIII: That Section 74-171 of the Walworth County Code of Ordinances is**  
2 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
3 **strike-through):**

4  
5 **“Sec. 74-171. Pet and animal regulations.**

6  
7 All animals other than household pets shall be permitted only in the agricultural, C-2 and  
8 C-4 conservation, park districts and the B-5 business district. Structures used for the housing of  
9 animals, other than household pets, must be located at least 100 feet from all property lines.  
10 Livestock structures for a livestock facility for fewer than 1,000 animal units shall be at least 100  
11 feet from all property lines, wetland boundaries and floodplain boundaries. Livestock structures  
12 for a livestock facility for 1,000 animal units or more shall be at least 200 feet from property  
13 lines, wetland boundaries and floodplain boundaries and 150 feet from an access right-of-way.  
14 (DATCP 51.12 (1) (a) & (b))”

15  
16 **PART XXXIX: That Section 74-178 of the Walworth County Code of Ordinances is**  
17 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
18 **strike-through):**

19  
20 **“Sec. 74-178. Agricultural districts.**

21  
22 *A-1 Prime agricultural land district.* The primary purpose of this district is to maintain,  
23 preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are  
24 generally covered by Class I, II, and III soils as rated by the U.S. ~~Department of Agriculture, Soil~~  
25 Natural Resource Conservation Service. As a matter of policy, it is hereby determined that the  
26 highest and best use of these lands is agriculture (Wis. Stats. ch. 91.01(10)). All structures and  
27 improvements must be consistent with agricultural use.

28  
29 (1) *Principal uses.*

- 30  
31 v. The separation of farm structures from farmland. Farm residences or  
32 structures which existed prior to the adoption of this ordinance (July 9,  
33 1998) may be separated from a larger farm parcel for the purposes of farm  
34 consolidation. The separation must conform with the regulations set forth  
35 in sections 74-39 and 74-40 of this ordinance; the parcel shall not be less  
36 than 40,000 square feet in area, nor greater than the larger of either five  
37 acres in area, or the acreage necessary to maintain the minimum yard  
38 required in the A-1, A-2, or A-3 district; it shall not leave the balance of  
39 the land in a substandard condition; and the property owner will be  
40 required to record deed restrictions on both the farm separation parcel and  
41 on a parcel which meets the minimum required by the applicable zoning  
42 district, which directly adjoins or abuts the majority of the farm separation  
43 parcel, and which meets the intent of these provisions. A plat of survey for  
44 said parcel shall be prepared by a registered land surveyor licensed in the  
45 State of Wisconsin. Said deed restriction shall state that no structures may

1 be placed on the adjoining acreage without first obtaining a conditional  
2 use approval from the committee and that no land may be deeded to the  
3 separation parcel which increases its size above that outlined above  
4 without first obtaining proper approval which may include a rezone.  
5

6 w. Minor home occupation/professional home office.

7  
8 (2) *Conditional uses.* (See division 4.)  
9

10 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
11

12 *A-2 Agricultural land district.*

13  
14 (1) *Principal uses.*

15  
16 c. Minor home occupation/professional home office.

17  
18 (2) *Conditional uses.* (See division 4.)  
19

20 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
21

22 *A-3 Agricultural land holding district.*

23  
24 (2) *Conditional uses.* (See division 4.)  
25

26 a. Housing for farm laborers ~~not permitted in the principal use section.~~  
27

28 *A-4 Agricultural-related manufacturing, warehousing and marketing district.*

29  
30 (1) *Principal uses.* ~~All uses in this district are conditional uses and must be approved~~  
31 ~~in accordance with the procedures established in division 4.~~  
32

33 a. Fruit store.

34 b. Grape growing.

35  
36 c. Production of sausages and other meat products providing that all  
37 operations be conducted within an enclosed building.  
38

39  
40 d. Vegetable store.

41  
42 e. Veterinarian services.  
43

44 (2) *Conditional uses.*  
45

- 1 a. Contract sorting, grading and packaging services for fruits and vegetables.
- 2
- 3 b. Corn shelling, hay baling, and threshing activities.
- 4
- 5 c. Bottling of spring water.
- 6
- 7 d. Grist mill services.
- 8
- 9 e. Horticultural services.
- 10
- 11 f. Poultry hatchery services.
- 12
- 13 g. Production of animal and marine fat and oils.
- 14
- 15 h. Canning of fruits, vegetables, preserves, jams, and jellies.
- 16
- 17 i. Canning of specialty foods.
- 18
- 19 j. Preparation of cereals.
- 20
- 21 k. Production of natural and processed cheese.
- 22
- 23 l. Production of chocolate and cocoa products.
- 24
- 25 m. Coffee roasting and production of coffee products.
- 26
- 27 n. Production of condensed and evaporated milk.
- 28
- 29 o. Wet milling of corn.
- 30
- 31 p. Cottonseed oil milling.
- 32
- 33 q. Production of creamery butter.
- 34
- 35 r. Drying and dehydrating fruits and vegetables.
- 36
- 37 s. Preparation of feeds for animals and fowl.
- 38
- 39 t. Production of flour and other grain mill products.
- 40
- 41 u. Blending and preparing of flour.
- 42
- 43 v. Fluid milk processing.
- 44
- 45 w. Production of frozen fruits, fruit juices, vegetables and other specialties.

- 1  
2 x. Malt production.  
3  
4 y. Meat packing.  
5  
6 z. Fruit and vegetable pickling, vegetable sauces and seasoning, and salad  
7 dressing preparation.  
8  
9 aa. Poultry and small game dressing and packing providing that all operations  
10 be conducted within an enclosed building.  
11  
12 bb. Milling of rice.  
13  
14 ~~cc. Production of sausages and other meat products providing that all~~  
15 ~~operations be conducted within an enclosed building.~~  
16  
17 dd. Production of shortening, table oils, margarine and other edible fats and  
18 oils.  
19  
20 ee. Milling of soy bean oil.  
21  
22 ff. Milling of vegetable oil.  
23  
24 gg. Sugar processing and production.  
25  
26 hh. Production of wine, brandy, and brandy spirits.  
27  
28 ii. Livestock sales facilities.  
29  
30 jj. Grain elevators and bulk storage of feed grains.  
31  
32 kk. Fertilizer production, sales, storage, mixing, and blending.  
33  
34 ll. Sales or maintenance of farm implements and related equipment.  
35  
36 mm. Transportation related activities primarily serving the basic agricultural  
37 industry.  
38  
39 nn. Living quarters for watchman or caretaker.  
40  
41 oo. Off-season storage facilities.  
42  
43 pp. Animal hospitals, shelter, and kennels.  
44  
45 ~~qq. Veterinarian services.~~

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

~~(2) — Reserved.~~

*A-5 Agricultural-rural residential district.*

(2) *Accessory uses.*

- e. Minor home occupation/professional home office.

1  
2 (3) *Conditional uses.* (See division 4.)  
3

4 c. Utilities, provided all principal structures and uses are not less than 50 feet  
5 from all district lot lines except business, park and industrial.  
6

7 d. Schools and churches.”  
8

9 **PART XL: That Section 74-179 of the Walworth County Code of Ordinances is hereby**  
10 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
11 **through):**  
12

13 **“Sec. 74-179. Conservation districts.**  
14

15 *C-2 Upland resource conservation district.* The primary purpose of this district is to  
16 preserve, protect, enhance, and restore all significant woodlands, related scenic areas,  
17 submarginal farm lands, other farmland as allowed by the comprehensive land use plan and  
18 abandoned mineral extraction lands within the county. Regulation of these areas will serve to  
19 control erosion and sedimentation and will promote and maintain the natural beauty of the  
20 county, while seeking to assure the preservation and protection of areas of significant  
21 topography, natural watersheds, ground and surface water, potential recreation sites, wildlife  
22 habitat, and other natural resource characteristics that contribute to the environmental quality of  
23 the county yet permit larger residential lots in these environmentally sensitive areas.  
24

25 (2) *Accessory uses.*  
26

27 d. Minor home occupation/professional home office  
28

29 (3) *Conditional uses.* (See division 4.)  
30

31 r. Home occupations  
32

33 *C-3 Conservancy-residential district.*  
34

35 (2) *Accessory uses.*  
36

37 b. Minor home occupation/professional home office  
38

39 (3) *Conditional uses.*  
40

41 b. ~~Land restoration.~~  
42

43 h. Home occupations.  
44

45 (4) *Conventional design.*

1  
2 (5) Existing substandard lots. See section 74-221.  
3

4 *C-4 Lowland resource conservation district.*  
5

6 (2) *Permitted uses* means the following uses are permitted, subject to general  
7 shoreland zoning regulations in section 74-167 of this ordinance, the provisions of  
8 Wis. Stats. ch. 30 and 31, and the provisions of other state and federal laws, if  
9 applicable:

10  
11 c. Uses which are allowed upon the issuance of a ~~land use~~ zoning permit (or  
12 conditional use permit as specified under division 4.);  
13

14 (3) *Prohibited uses.* Any use not listed in section 74-179 is prohibited, unless the  
15 wetland or a portion of the wetland has been rezoned by amendment of this  
16 ordinance in accordance with Wis. Stats. § 59.69(5)(e), NR ch. 115, Wisconsin  
17 Administrative Code, and section ~~74-258~~ 74-260 of this ordinance.  
18

19 (4) *Establishment.* When an apparent discrepancy exists between the shoreland-  
20 wetland district shown on the official zoning maps and actual field conditions at  
21 the time the maps were adopted, the zoning administrator shall contact the  
22 appropriate field office of the ~~department~~ DNR to determine if the shoreland-  
23 wetland district as mapped is in error. If the ~~department~~ DNR staff concur with  
24 the zoning administrator that a particular area was incorrectly mapped as a  
25 wetland, the zoning administrator shall have the authority to immediately grant or  
26 deny a land use permit in accordance with the regulations applicable to the correct  
27 zoning district. In order to correct wetland mapping errors shown on the official  
28 zoning map, the zoning administrator shall be responsible for initiating a  
29 shoreland-wetland map amendment within a reasonable period of time.  
30

31 ~~(5) *Existing substandard lots. See section 74-221.*~~  
32

33 **PART XLI: That Section 74-181 of the Walworth County Code of Ordinances is hereby**  
34 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
35 **through):**  
36

37 **“Sec. 74-181. Residence districts.**

38  
39 *R-1 Single-family residence district (unsewered).*  
40

41 (2) *Accessory uses.*  
42

43 b. Minor home occupation/professional home office.  
44

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

1  
2 c. Home occupations ~~including barbering and beauty culture.~~

3  
4 *R-2 Single-family residence district (sewered).*

5  
6 (2) *Accessory uses.*

7  
8 b. Minor home occupation/professional home office.

9  
10 (3) *Conditional uses.* (See division 4.)

11  
12 c. Home occupations ~~including barbering and beauty culture.~~

13  
14 (5) *Conservation developments (five or more dwelling units).*

15  
16 (6) Existing substandard lots. See section 74-221.

17  
18 *R-2A Single-family residence district (sewered).*

19  
20 (2) *Accessory uses.*

21  
22 b. Minor home occupation/professional home office.

23  
24 (3) *Conditional uses.* (See division 4.)

25  
26 c. Home occupations ~~including barbering and beauty culture.~~

27  
28 (6) Existing substandard lots. See section 74-221.

29  
30 *R-3 Two-family residence district (sewered or unsewered).*

31  
32 (2) *Accessory uses.*

33  
34 b. Minor home occupation/professional home office.

35  
36 (3) *Conditional uses.* (See division 4.)

37  
38 c. Home occupations ~~including barbering and beauty culture.~~

39  
40 (5) *Conservation developments (five or more dwelling units).*

41  
42 (6) Existing substandard lots. See section 74-221.

43  
44 *R-4 Multiple-family residence district (sewered or unsewered).* The R-4 district is  
45 intended to provide for multiple-family residential development.

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

a. Single family dwellings.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-163.

a. Residential accessory structures.

b. Minor home occupation/professional home office.

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

a. ~~Single family dwellings.~~

g. Home Occupations.

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

Multiple-family density: (sewered)	Maximum 6 dwelling units per net developable acre
---------------------------------------	---

(6) Existing substandard lots. See section 74-221.

R-5 Planned residential development district (unsewered). The R-5 district is intended to generally provide for planned developments in an unsewered area with a mixture of residential and business uses.

(2) *Accessory uses.*

a. Residential accessory structures.

b. Minor home occupation/professional home office.

(3) *Conditional uses.*

i. Home occupations ~~including barbering and beauty culture.~~

(7) Existing substandard lots. See section 74-221.

R-5A Planned residential development district (sewered). The R-5 district is intended to generally provide for planned developments in a sewered area with a mixture of residential and

1 business uses.

2  
3 (2) *Accessory uses.*

4  
5 a. Residential accessory structures.

6  
7 b. Minor home occupation/professional home office.

8 (3) *Conditional uses.*

9  
10 i. Home occupations ~~including barbering and beauty culture.~~

11  
12 (7) Existing substandard lots. See section 74-221.

13  
14 R-6 Planned mobile home park residence district. The R-6 district is intended to  
15 generally provide for planned mobile home developments.

16  
17 (2) *Accessory uses.*

18  
19 b. Minor home occupation/professional home office

20  
21 (3) *Conditional uses.* (See division 4.)

22  
23 e. Home occupations ~~including barbering and beauty culture.~~

24  
25 (6) Existing substandard lots. See section 74-221.

26  
27 R-7 Mobile home subdivision residence district (sewered or unsewered). The R-7 district  
28 is intended to generally provide for the location of mobile home subdivisions in a residential  
29 setting.

30  
31 (2) *Accessory uses.*

32  
33 b. Minor home occupation/professional home office

34  
35 (3) *Conditional uses.* (See division 4.)

36  
37 c. Home occupations ~~including barbering and beauty culture.~~

38  
39 (5) Existing substandard lots. See section 74-221.

40  
41 R-8 Multiple-family residence district (sewered or unsewered). The R-8 district is  
42 intended to generally provide for multiple family residential development.

43  
44 (2) *Accessory uses.*

1            b. Minor home occupation/professional home office.

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

4  
5            e. Home occupations ~~including barbering and beauty culture.~~

6  
7        (7) Existing substandard lots. See section 74-221.”

8  
9        **PART XLII: That Section 74-182 of the Walworth County Code of Ordinances is hereby**  
10 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
11 **through):**

12  
13 **“Sec. 74-182. Business districts.**

14  
15            *B-1 Local business district.* The B-1 district is intended to generally provide for orderly  
16 and appropriate regulations to insure the compatibility of the diverse uses of retail and customer  
17 service establishments typically found in a localized general downtown type area.

18  
19        (1) *Principal uses.*

20  
21            r. Library

22  
23            t. Museum.

24  
25            ee. One residential dwelling unit when located within the principal business  
26 structure.

27  
28        (2) *Conditional uses.* (See division 4.)

29  
30            a. ~~One residential dwelling unit when located within the principal business~~  
31 ~~structure.~~

32  
33            g. Gasoline service stations, provided all gas pumps are not less than 30 feet  
34 from any side or rear lot line and 20 feet from any existing or proposed  
35 street right of way and further provided that canopy posts over gas pumps  
36 shall be at least 30 feet from any side or rear lot line and shall not be less  
37 than 20 feet from any existing or proposed street right of way. Canopies  
38 shall not be permitted to overhang past the property line. No canopy shall  
39 exceed 20 feet in height.

40  
41            j. Governmental and cultural uses such as fire and police stations,  
42 community centers, ~~libraries,~~ public emergency shelters, parks,  
43 playgrounds, ~~museums,~~ and park-and-ride facilities.

44  
45            l. Planned unit developments. Building separation: The minimum building

1                    separation shall be 30 unless modified by the committee, provided the  
2                    minimum building separation is never reduced below 20 feet.  
3

4                    *B-2 General business district.* The B-2 General Business District is intended to provide  
5                    for more business and trades of a more general nature, normally serving a larger trade area.  
6

7                    (1)    *Principal uses.*

8                    ~~d. — Churches.~~

9                    ~~h. — One residential dwelling unit when located within the principal business~~  
10                    ~~structure.~~

11                    ~~p. — Library.~~

12                    ~~r. — Museum.~~

13                    ~~mm. — Gasoline service stations~~

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

15                    ~~a. — One residential dwelling unit when located within the principal business~~  
16                    ~~structure.~~

17                    ~~p. — Taxi stands~~ Public passenger transportation terminals.

18                    s.        Governmental and cultural uses such as fire and police stations,  
19                    community centers, ~~libraries~~, public emergency shelters, parks,  
20                    playgrounds, ~~museums~~, park and ride facilities.

21                    ~~u. — Heliports, bus and rail depot.~~

22                    ~~cc. — Gasoline service station, provided all gas pumps are not less than 30 feet~~  
23                    ~~from any side or rear lot line and 20 feet from any existing or proposed~~  
24                    ~~street right of way and further provided that canopy posts over gas pumps~~  
25                    ~~shall be at least 30 feet from any side or rear lot line and shall not be less~~  
26                    ~~than 20 feet from any existing or proposed street right of way. Canopies~~  
27                    ~~shall not be permitted to overhang past the property line. No canopy shall~~  
28                    ~~exceed 20 feet in height.~~

29                    ~~dd. — Planned unit developments. Building separation: The minimum building~~  
30                    ~~separation shall be 30 unless modified by the committee, provided the~~  
31                    ~~minimum building separation is never reduced below 20 feet.~~

1            *B-3 Waterfront business district.* The B-3 district is intended to generally provide for  
2 orderly and appropriate regulations to insure the compatibility of the diverse uses of retail and  
3 customer service establishments typically found on waterfront property.  
4

5            (1)    *Principal uses.*

- 6            a.      Bakery
- 7            b.      Boat rental and boat access (10 or less boats)
- 8            c.      Boat Liveries (10 or less boats)
- 9            d.      Clothing and apparel store
- 10           e.      Clothing repair shop
- 11           f.      Confectioneries retail sales
- 12           g.      Delicatessen
- 13           h.      Fish market
- 14           i.      Florist
- 15           j.      Fruit store
- 16           k.      Fur apparel, retail sales
- 17           l.      Furniture upholstery shop
- 18           m.      Furniture store
- 19           n.      Gift store
- 20           o.      Grocery store
- 21           p.      Hardware store
- 22           q.      Library
- 23           r.      Meat market (retail sales – no slaughtering)
- 24           s.      Museum
- 25           t.      Music store
- 26           u.      Office supply store
- 27           v.      Offices, professional
- 28           w.      Office, business
- 29           x.      Office, Trade/contractor
- 30           y.      Restaurant
- 31           z.      Second-hand store
- 32           aa.     Sporting goods store
- 33           bb.     Supermarkets
- 34           cc.     Supper clubs
- 35           dd.     Tanning salon
- 36           ee.     Tobbaco store
- 37           ff.     Vegetable store
- 38           ~~a~~.gg.    Adult entertainment use provided that there is a minimum building  
39                      separation of 750 feet from the nearest residential structure, residential  
40                      zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3,  
41                      B-5, B-6), churches, schools, public parks, public playgrounds, public  
42                      beaches, daycare centers and park zoning districts (P-1, P-2) existing at  
43                      the time of application for a zoning permit or at the time of establishing an  
44                      adult entertainment use within existing buildings which are properly zoned  
45

1 and do not require a zoning permit, and further provided that any adult  
2 entertainment use be conducted within an enclosed building.

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

5  
6 ~~g. Restaurants.~~

7  
8 ~~i. Sporting goods and supplies.~~

9  
10 ~~j. Supper clubs.~~

11  
12 aa. Gasoline service station, provided all gas pumps are not less than 30 feet  
13 from any side or rear lot line and 20 feet from any existing or proposed  
14 street right of way and further provided that canopy posts over gas pumps  
15 shall be at least 30 feet from any side or rear lot line and shall not be less  
16 than 20 feet from any existing or proposed street right of way. Canopies  
17 shall not be permitted to overhang past the property line. No canopy shall  
18 exceed 20 feet in height.

19  
20 ~~bb. Taxi stands~~ Public passenger transportation terminals.

21  
22 ~~dd. Governmental and cultural uses such as fire and police stations,~~  
23 ~~community centers, libraries, public emergency shelters, parks,~~  
24 ~~playgrounds, museums, and park-and-ride facilities.~~

25  
26 ~~gg. Planned unit developments.~~ Building separation: The minimum building  
27 separation shall be 30 unless modified by the committee, provided the  
28 minimum building separation is never reduced below 20 feet.

29  
30 B-4 Highway business district. The B-4 district is intended to provide for orderly and  
31 appropriate regulations at appropriate locations along principal highway routes to those  
32 businesses and customer services which are logically related to and dependent upon highway  
33 traffic or which are specifically designed to serve the needs of such traffic.

34  
35 (1) *Principal uses.*

36  
37 a. Antique shop with no outside storage

38 b. Bait Shop

39 c. Bakery

40 d. Beauty Shop

41 e. Candy, nut and confectionary store

42 f. Caterer

43 g. Clothing and apparel store

44 h. Clothing repair shop

45 i. Crockery store

- 1            j. Delicatessen
- 2            k. Dwelling unit when located within the principal business structure
- 3            l. Electrical supply store with no outside storage
- 4            m. Fish market
- 5            n. Florist
- 6            o. Food Lockers
- 7            p. Fruit store
- 8            q. Fur apparel, retail sales
- 9            r. Furniture upholstery shop
- 10           s. Furniture store
- 11           t. Gift store
- 12           u. Greenhouses, Commercial
- 13           v. Grocery store
- 14           w. Hardware store
- 15           x. Heating supply
- 16           y. Hobby shop
- 17           z. Laundry and dry cleaning
- 18           aa. Library
- 19           bb. Meat market (retail sales – no slaughtering)
- 20           cc. Museum
- 21           dd. Music store
- 22           ee. Office supply store
- 23           ff. Offices, professional
- 24           gg. Offices, business
- 25           hh. Offices, trade/contractors
- 26           ii. Optical store
- 27           jj. Photographic store
- 28           kk. Plumbing store with no outside storage
- 29           ll. Restaurant
- 30           mm. Second-hand store with no outside storage
- 31           nn. Sporting goods store
- 32           oo. Supermarket
- 33           pp. Supper club
- 34           qq. Tanning salon
- 35           rr. Tires, batteries and accessory store with no outside storage
- 36           ss. Tobacco store
- 37           tt. Upholster’s store
- 38           uu. Variety store
- 39           vv. Vegetable store
- 40           æ-ww. Adult entertainment use provided that there is a minimum building  
 41                      separation of 750 feet from the nearest residential structure, residential  
 42                      zoning districts (R-1, R-2, R-2A, R-3, R-4, R-5, R-6, R-7, R-8, A-5, C-3,  
 43                      B-5, B-6), churches, schools, public parks, public playgrounds, public  
 44                      beaches, daycare centers and park zoning districts (P-1, P-2) existing at  
 45                      the time of application for a zoning permit or at the time of establishing an

1 adult entertainment use within existing buildings which are properly zoned  
2 and do not require a zoning permit, and further provided that any adult  
3 entertainment use be conducted within an enclosed building.  
4

5 (2) *Conditional uses.* (See division 4.)  
6

7 e. ~~Candy, nut, and confectionery sales.~~  
8

9 f. Gasoline service stations, provided all gas pumps are not less than 30 feet  
10 from any side or rear lot line and 20 feet from any existing or proposed  
11 street right of way and further provided that canopy posts over gas pumps  
12 shall be at least 30 feet from any side or rear lot line and shall not be less  
13 than 20 feet from any existing or proposed street right of way. Canopies  
14 shall not be permitted to overhang past the property line. No canopy shall  
15 exceed 20 feet in height.  
16

17 g. ~~Gift stores.~~  
18

19 j. ~~Restaurants.~~  
20

21 k. ~~Sales, service, and installation of tires, batteries and accessories.~~  
22

23 l. One residential dwelling unit when located ~~within~~ outside the principal  
24 business structure.  
25

26 z. ~~Taxi stands~~ Public passenger transportation terminals.  
27

28 aa. Sewage disposal plants.  
29

30 bb. Governmental and cultural uses such as fire and police stations,  
31 community centers, ~~libraries,~~ public emergency shelters, parks,  
32 playgrounds, ~~museums,~~ and park-and-ride facilities.  
33

34 ee. ~~Commercial greenhouse.~~  
35

36 ff. Planned unit developments. Building separation: The minimum building  
37 separation shall be 30 unless modified by the committee, provided the  
38 minimum building separation is never reduced below 20 feet.  
39

40 **PART XLIII: That Section 74-183 of the Walworth County Code of Ordinances is hereby**  
41 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
42 **through):**  
43

44 **“Sec. 74-183. Industrial districts.**  
45

1            *M-1 Industrial district.* The M-1 district is intended to provide for manufacturing,  
2 industrial and related uses.

3  
4            (1)    *Principal uses.*

5  
6                    1.    ~~Automotive~~ proving grounds.

7  
8            (2)    *Conditional uses.*

9  
10                    t.    Off-season storage facilities

11  
12            *M-2 Heavy industrial district.* The M-2 district is intended to provide for more intense  
13 manufacturing and industrial development.

14  
15            (2)    *Conditional uses.*

16  
17                    s.    Off-season storage facilities.”

18  
19 **PART XLIV: That Section 74-186 of the Walworth County Code of Ordinances is hereby**  
20 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
21 **through):**

22  
23 **“Sec. 74-186. Review and approval of conditional uses.**

24  
25            Conditions, such as landscaping, architectural design, type of construction, construction  
26 commencement and completion dates, sureties, lighting, fencing, location, size and number of  
27 signs, water supply and waste disposal systems, higher performance standards, street dedication,  
28 certified survey maps, floodproofing, ground cover, diversions, silting basins, terraces,  
29 streambank protection, planting screens, operational control, hours of operation, improved traffic  
30 circulation, deed restrictions, highway access restrictions, increased yards, or additional parking  
31 may be required by the ~~county planning and development~~ committee upon its finding that these  
32 are necessary to fulfill the purpose and intent of this ordinance, the State Water Resources Act of  
33 1965, and to meet the provisions of the Wisconsin Floodplain and Shoreland Management  
34 Programs.”

35  
36 **PART XLV: That Section 74-187 of the Walworth County Code of Ordinances is hereby**  
37 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
38 **through):**

39  
40 **“Sec. 74-187. Shoreland and floodplain uses.**

41  
42            Shoreland earth movements involving a stream course changing, waterway construction  
43 or enlargement, channel clearing, removal of stream or lake bed materials, or the installation of  
44 soil and water conservation structures, are conditional uses and may be permitted provided that  
45 they are not prohibited in the zoning district. The ~~county planning and development~~ committee

1 may request a review of each such earth or water movement by the Wisconsin Department of  
2 Natural Resources, the U.S. ~~Soil~~ Natural Resource Conservation Service, or other appropriate  
3 agency, and await their recommendations before taking final action, but not to exceed 60 days.”  
4

5 **PART XLVI: That Section 74-188 of the Walworth County Code of Ordinances is hereby**  
6 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
7 **through):**  
8

9 **“Sec. 74-188. Agricultural and related uses.**

10 Commercial stables in the A-2, A-4, C-2, P-1, P-2 and B-5 districts. Tack rooms  
11 associated with commercial stables shall be used only by the owner and boarders.  
12

13 Commercial stables with horse shows and tack shop that permits off-site retail sales in the  
14 A-4 and P-1 districts.  
15

16 Land restoration in ~~all agricultural and conservancy~~ the A-1, A-2, A-3, A-4, and C-2  
17 districts when conducted in accordance with the county conservation standards. Any project  
18 designed and certified by NRCS, Land Conservation or the Department of Natural Resource Fish  
19 and Wildlife or water quality ponds may be exempt from the conditional use process.”  
20

21  
22 **PART XLVII: That Section 74-189 of the Walworth County Code of Ordinances is hereby**  
23 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
24 **through):**  
25

26 **“Sec. 74-189. Recreational and related uses.**

27  
28 (1) Golf courses and country clubs in all residential and park districts, the C-2,  
29 conservancy district and the B-5, ~~business~~ district.  
30

31 (5) Recreational camps in the A-2, P-1, P-2, C-2, and B-5 districts are subject to the  
32 following regulations, DHS175/179, and such other regulations as the committee  
33 may deem appropriate after viewing the site or sites and considering evidence  
34 presented at the hearing:  
35

36 d. *Sewage disposal.* Where public sanitary sewer service is not available,  
37 sanitary sewage and waste disposal facilities shall be provided as required  
38 by chapter ~~HSS 178~~ DHS 178 of the Wisconsin Administrative Code and  
39 constructed and maintained as required by the county sanitary ordinance.  
40

41 e. *Water supply.* Where public water is not available, the well or wells  
42 supplying any camping area shall comply with Chapter ~~HSS 178~~ DHS 178  
43 of the Wisconsin Administrative Code, except that well pits or pump pits  
44 shall not be permitted.  
45

- 1 (6) Public or private campgrounds in the P-1, P-2, C-2, and B-5 districts are subject  
 2 to the following regulations, DHS 178, and such other regulations as the  
 3 committee may deem appropriate after viewing the site or sites and considering  
 4 evidence presented at the hearing.  
 5
- 6 f. *Water supply.* There shall be an adequate source of pure water with water  
 7 outlets for drinking and domestic purposes located not more than 300 feet  
 8 from any camping unit. Where a public water supply is not available, the  
 9 well or wells supplying any camping area shall comply with DHS 178 and  
 10 the Wisconsin Well Construction Code; except that well pits or pump pits  
 11 shall not be permitted. Supply outlets may be located in a service building  
 12 if separate from toilet or laundry rooms. No common drinking vessels  
 13 shall be permitted nor shall any drinking water faucets be placed in any  
 14 toilet rooms.  
 15
- 16 g. *Sewage disposal.* Sanitary sewage and waste disposal facilities shall be  
 17 provided as required by DHS 178 and Chapter COMM 83 of the  
 18 Wisconsin Administrative Code constructed and maintained as required by  
 19 the county sanitary ordinance.  
 20
- 21 (7) Planned campground developments are conditional uses in the B-5 zoning district  
 22 subject to the following regulations, DHS 178, and such other regulations as the  
 23 committee may deem appropriate after viewing the site or sites and considering  
 24 evidence presented at the hearing:  
 25
- 26 (14) Off-season storage facilities for boats and other recreational vehicles such as  
 27 campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in ~~all~~  
 28 ~~business, industrial~~ the B-1, B-2, B-3, B-4, M-1, M-2 and A-4 districts. Any  
 29 outside storage or display areas in conjunction with this use may be permitted by  
 30 the committee after considering such evidence as may be presented at the public  
 31 hearing bearing upon the general purpose and intent of this ordinance. In no case  
 32 shall areas be closer than 25 feet to any right-of-way.”  
 33

34 **PART XLVIII: That Section 74-190 of the Walworth County Code of Ordinances is**  
 35 **hereby amended to read as follows (additions shown by underline; deletions shown by**  
 36 **strike-through):**  
 37

38 **“Sec. 74-190. Residential and related uses.**  
 39

- 40 (6) Home occupations ~~and professional offices~~ in all the A-1, A-2, A-3, R-1, R-2, R-  
 41 2A, R-3, R-4, R-5, R-5A, R-6, R-7, R-8 districts, not to exceed 25 percent of the  
 42 ~~total floor~~ area of any floor of a building on the parcel. Such operations shall not  
 43 involve any external alteration that would affect a substantial change in the  
 44 residential character of the building or parcel, may include employees and stock  
 45 and trade may be kept or sold from the premises after considering such evidence

1 as may be presented at the public hearing bearing upon the general purpose and  
2 intent of this ordinance.

- 3  
4 (11) Residential dwelling unit in the B-1, B-2, B-3, and B-4 business districts when  
5 located ~~within~~ detached from the principal business structure. This provision is  
6 established to provide committee review of detached residences that existed prior  
7 to 1994 and for special circumstances where a residence can not be located within  
8 the primary business structure.”  
9

10 **PART XLIX: That Section 74-191 of the Walworth County Code of Ordinances is hereby**  
11 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
12 **through):**  
13

14 **“Sec. 74-191. Commercial and related uses.**

- 15  
16 (2) Drive-in establishments serving food or beverages for consumption outside the  
17 principal structure in the B-2, B-3, and B-4 districts.  
18  
19 (5) Vehicle sales, service, washing and repair stations, gasoline service stations,  
20 garages, taxi stands, and public parking lots, in all business districts provided all  
21 gas pumps are not less than 30 feet from any side or rear lot line and 20 feet from  
22 any existing or proposed street line, and further provided that canopy posts over  
23 gas pumps shall be at least 30 feet from any side or rear lot line and shall not be  
24 less than 20 feet from any existing or proposed street. Canopies shall not be  
25 permitted to overhang past the property line. No canopy shall exceed 20 feet in  
26 height. Car wash facilities shall be installed in such a manner as not to cause spray  
27 or run-off water to encroach upon any adjoining properties or public rights-of-  
28 way.  
29  
30 (6) ~~Boat rental and boat access sites:~~ Boats and marine supplies, not including  
31 manufacturing ~~boat liveries, bait shops, taverns; barns bars; restaurants and supper~~  
32 ~~clubs; sporting goods supply stores;~~ swimming beaches; bath houses; and  
33 yachting clubs in the B-3, Waterfront Business District.  
34  
35 (7) Automobile and truck rental services: Automobile repair services; bars, taverns,  
36 ~~restaurants,~~ night clubs, and dance halls; ~~candy, nut and confectionery sales,~~  
37 gasoline service stations; ~~gifts, novelty, and souvenir sales;~~ and sales, service and  
38 installation of tires, batteries, and accessories in the B-4, highway business  
39 district.  
40  
41 (15) Off-season storage facilities for boats and other recreational vehicles such as  
42 campers, travel trailers, snowmobiles, off-road vehicles, and motor homes, in the  
43 B-1, B-2, B-3, B-4, M-1, M-2 and A-4 districts. Any outside storage or display  
44 areas in conjunction with this use may be permitted by the committee after  
45 considering such evidence as may be presented at the public hearing bearing upon

1 the general purpose and intent of this ordinance. In no case shall areas be closer  
2 than 25 feet to any right-of-way.”  
3

4 **PART L: That Section 74-203 of the Walworth County Code of Ordinances is hereby**  
5 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
6 **through):**

7  
8 **“Sec. 74-203. Parking requirements.**

- 9  
10 (3) *Access.* Adequate access to a public street shall be provided for each parking  
11 space, and driveways shall be at least ten feet wide for one- and two-family  
12 dwellings, at least 12 feet wide for commercial bed and breakfast establishments  
13 and at least 24 feet wide for all other uses. Driveways that have no other feasible  
14 location to provide access to the lot or parcel of land and that employs best  
15 management practices to infiltrate or otherwise control storm water runoff from  
16 the driveway may be exempt from the shoreyard setback requirement provided  
17 the driveway does not exceed 10 feet in width.”  
18

19 **PART LI: That Section 74-243 of the Walworth County Code of Ordinances is hereby**  
20 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
21 **through):**

22  
23 **“Sec. 74-243. Findings.**

24  
25 No variance to the provisions of this ordinance shall be granted by the board unless it  
26 finds that all the following facts and conditions exist and so indicated such in the minutes of its  
27 proceedings:  
28

- 29 (1) *Preservation of intent.* No variance shall be granted that is not consistent with the  
30 purpose and intent of the regulations for the district in which the development is  
31 located. No variance shall have the affect of permitting a use in any district that is  
32 not a stated principal use, or conditional use where a conditional use permit has  
33 been granted. ~~Exceptional circumstances: There must be exceptional,~~  
34 ~~extraordinary, or unusual circumstances or conditions applying to the lot or~~  
35 ~~pareel, structure, use or intended use that do not apply generally to other~~  
36 ~~properties of uses in the same district, and the granting of the variance should not~~  
37 ~~be of so general or recurrent in nature as to suggest that the zoning ordinance~~  
38 ~~should be changed.~~  
39

- 40 (2) ~~—~~ *Absence of detriment.* ~~No variance shall be granted that will create substantial~~  
41 ~~detriment to adjacent property or that will materially impair or be contrary to the~~  
42 ~~purpose and spirit of this ordinance or the public interest.~~  
43

- 44 (3)(2) *Unnecessary hardship.* ~~The applicant must demonstrate that (1) literal~~  
45 ~~enforcement of the provisions of the ordinance will result in unnecessary hardship~~

1 on the applicant; (2) the hardship is due to special conditions unique to the  
2 property. ~~No variance shall be granted solely on the basis of economic gain or~~  
3 ~~loss. Self imposed hardships shall not be considered as grounds for the granting~~  
4 ~~of a variance. Unnecessary hardship exists when compliance would unreasonably~~  
5 ~~prevent the owner from using the property for a permitted purpose or would~~  
6 ~~render conformity with such restrictions unnecessarily burdensome.~~  
7 Consideration shall be given to the purpose and intent of the zoning ordinance, its  
8 effects on the property, and the short-term, long-term and cumulative effects of  
9 granting the variance on the neighborhood, the community and on the public  
10 interests. Self-imposed or self-created hardships shall not be considered as  
11 grounds for the granting of a variance. Economic or financial hardship does not  
12 justify a variance. The property bears the burden of proving unnecessary hardship  
13 exists. The board shall consider the property as a whole rather than a portion of  
14 the parcel when determining unnecessary hardship.

15  
16 (3) Unique property limitations. Unique physical limitations of the property must be  
17 physical limitations such as steep slopes, or wetlands that are not generally shared  
18 by other properties must prevent compliance with the ordinance. The  
19 circumstances of an applicant (growing family, need for a larger garage, etc) are  
20 not a factor in deciding variances. Nearby ordinance violations, prior variances or  
21 lack of objections from neighbors do not provide a basis for granting a variance.

22  
23 (4) No harm to public interests. A variance may not be granted which results in harm  
24 to public interests. In applying this test, the board must consider the impacts of  
25 the proposal and the cumulative impacts of similar projects on the interests of the  
26 neighbors, the entire community and the general public. These interests are listed  
27 in the purpose and intent of the zoning ordinance and may include public health,  
28 safety and welfare, water quality, fish and wildlife habitat, natural scenic beauty,  
29 minimization of property damages, provision of efficient public facilities and  
30 utilities, achievement of eventual compliance for nonconforming uses, structures  
31 and lots, and other public interest issues.”

32  
33 **PART LII: That Section 74-263 of the Walworth County Code of Ordinances is hereby**  
34 **amended to read as follows (additions shown by underline; deletions shown by strike-**  
35 **through):**

36  
37 **“Sec. 74-263. Definitions.**

38  
39 Amusement activities means uses such as, but not limited to, fair grounds, roller skating  
40 rinks, go-cart tracks, race tracks, and recreation centers.

41  
42 Commercial stable means a building or premises used for the boarding, riding, driving,  
43 jumping or training of horses or animals as a business. Commercial stables may not have retail  
44 sales but may have a tack room that would allow sales of items to the boarders as part of the fee  
45 they pay for boarding.

1  
2 Commercial stable with horse shows means a building or premises used for the boarding,  
3 riding, driving, jumping, training or showing of horses or animals as a business. This stable and  
4 horse show may have off site retail sales in a tack shop.  
5

6 Cultural activities means uses such as , but not limited to, aquariums, art galleries,  
7 botanical gardens, arboreta, historic and monument sites, planetaria and zoos.  
8

9 ~~Household~~ Home occupation means any occupation for gain or support conducted  
10 entirely within buildings on the parcel by resident occupants which is customarily incidental to  
11 the principal use of the premises, does not exceed 25 percent of the area of any floor, and may  
12 include up to two additional employees who are not resident occupants. ~~uses only household~~  
13 ~~equipment, and no stock in trade is kept or sold except that made on the premises.~~ A household  
14 occupation includes uses such as babysitting, millinery, dressmaking, canning, laundering, and  
15 crafts, but does not include the display of any goods nor such occupations as dance schools, real  
16 estate brokerage, or photographic studios. A home occupation may include uses such as  
17 barbering, beauty culture, house cleaning service, laundry, ironing, photography, real estate  
18 brokerage, drivers education and shall not include any use with outside storage.  
19

20 Land restoration means land disturbance activities of 25,000 sq. ft. or more which require  
21 large scale grading and filling for the reestablishment or stabilization of unstable soil contours  
22 resulting from non-agricultural practices.  
23

24 Maintenance easement means a limited right of vehicle ingress/egress to unmanned  
25 utilities, dams, cell towers, renewable energy, sanitary sewers, etc. necessary to provide a needed  
26 public service. The limited access easement is to facilitate repairs and maintenance only. The  
27 limited access easement shall connect to a street or other officially approved way.  
28

29 Minor home occupation means an occupation for gain or support conducted entirely  
30 within the residence by resident occupants only, which is customarily incidental to the principal  
31 use of the premises, and does not exceed 25 percent of the area of any floor.  
32

33 ~~Ordinary high water mark~~ means ordinary high water mark means the point on the bank  
34 or shore up to which the presence and action of surface water is so continuous as to leave a  
35 distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation,  
36 predominance of aquatic vegetation, or other easily recognized characteristics.  
37

38 Professional home office means residences of doctors of medicine, practitioners, dentists,  
39 clergymen, architects, landscape architects, lawyers, professional engineers, registered land  
40 surveyors, artists, teachers, authors, musicians, or other recognized professions used to conduct  
41 their professions without employees ~~where the office does not exceed one-half of the area of~~  
42 ~~only one floor of the residence.~~  
43

44 Public assembly uses means uses such as, but not limited to, amphitheaters, arenas, field  
45 houses, gymnasiums, natatoriums, auditoriums, exhibition halls, music halls, legitimate theaters,  
46 motion picture theaters, and stadiums.



