

WALWORTH COUNTY LAND USE AND RESOURCE MANAGEMENT

SHORELAND ZONING

Michael Cotter, Director

Lou Olson, Deputy Director

WALWORTH COUNTY LAND USE

Ph # (262) 741-4972 Fax (262) 741-4974

Deb Grube, Sr. Zoning Officer

Nick Sigmund, Code Enforcement Officer

Darrin Schwanke, Code Enforcement Officer

WALWORTH COUNTY RESOURCE MANAGEMENT/CONSERVATION

(262) 741-4972

Land Disturbance/Erosion Control

Fay Amerson, Urban Program Specialist

WALWORTH COUNTY SANITATION

Rick Dorgay, Code Enforcement Officer

(262) 741-4972

WISCONSIN DEPARTMENT OF NATURAL RESOURCES

(262) 574-2172

Travis Schroeder, Water Management Specialist

DISCLAIMER

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

PHILOSOPHY OF SHORELAND ZONING

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

BACKGROUND

The State of Wisconsin statutes (Chapter 59.692) require that every county in the State enact a Shoreland Zoning Ordinance that meets minimum standards. The ordinance must cover all property within 1,000 feet of the ordinary high-water mark (shoreline) of lakes, ponds or flowages and 300 feet of a stream, river or channel. Walworth County adopted a Shoreland Zoning ordinance in 1974 and has amended the ordinance since then. The State requirement for County management of Shoreland Zoning comes from the concern that lake area property development adhere to more stringent zoning requirements than the minimal requirements normally enacted by Counties for other unincorporated lands.

ENFORCEMENT

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

KEY PROVISIONS

PROHIBITED STRUCTURES IN SHOREYARDS

The land within seventy five (75) feet of the ordinary high water mark (OHWM) (shoreline) is defined as the shoreyard. However, where there is an existing development pattern, the shoreyard setback for a proposed principal structure may be reduced to the average shoreyard setback of the principal structure on each adjacent lot within 250 feet of the proposed principal structure. The shoreyard setback may not be reduced to less than 35 feet from the ordinary high water mark of any navigable waters.

The construction or alteration of any structure requires a County zoning permit and may require a Town building permit. Structures are generally prohibited from being located in the shoreyard.

Prohibited structures may include:

- ! Homes
- ! Porches, Decks, Gazebos, Swimming pools
- ! Storage buildings (other than one boathouse of less than 400 square feet in area)
- ! Patios, Retaining Walls, Parking areas, roads, etc.
- ! Ponds, berms

DECKS/PATIOS/GAZEBOS

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

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

VEGETATION REMOVAL

A zoning permit shall be required with conservation plans for vegetation removal projects within 75 feet of the ordinary high water mark and on steep slopes within 300 feet. In the strip of land within thirty-five (35) feet from the shoreline, the total width of the corridor or corridors shall not exceed 40 feet or 30% of the lot or parcel's width at the ordinary high water mark. On lots or parcels of land with more than 200 feet of width at the ordinary high water mark, the total width of the corridor or corridors shall not exceed 20% of the lot or parcel's width at the ordinary high water mark; implemented in increments of 30 feet in every 100 feet of lot width. All vegetation removal and earth moving must be conducted in a manner that will prevent erosion and preserve the beauty of the shoreline. Vegetation removal subject to permit review and approval may also require a land disturbance permit (erosion control).

GRADING AND LAND DISTURANCE

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

BOATHOUSES

A zoning permit and land disturbance permit are required.

Nonconforming wet boathouses constructed prior to the enactment of Shoreland Zoning (1974), may be maintained. However, major repairs to these "grandfathered" boathouses may require State Department of Natural Resources (DNR) approval and repairs are normally limited to a maximum expenditure of half of the appraised boathouse value before the repairs.

New boathouses are limited by the following rules:

- ! Must be "dry" (no boat slip) except in rare cases
(and then only after obtaining a State DNR Permit)
- ! Shall not be located on lands having a slope of 12% or greater
- ! Maximum of 400 square feet in area
- ! Maximum height of 14 feet (measured from lowest grade at structure to peak)
- ! Shall be designed and used exclusively for marine equipment (no fireplaces, patio doors, plumbing, heating or cooking facilities, etc)
- ! No deck on top (e.g. no railings)
- ! Must not extend beyond the shoreline (high water mark) into the lake
- ! No closer than three (3) feet from any side lot line
- ! Only one boathouse per parcel

RETAINING WALLS

A zoning permit and land disturbance permit are required.

Retaining walls and terracing are **PROHIBITED** in the shoreyard unless it can be certified by the Land Conservation Office that there is an existing natural erosion problem, which cannot be remedied by resloping and revegetation of the area or by other means consistent with the natural shore aesthetics. Walls and terraces shall not be used to create a level living space within 75 feet of the OHWM.

STAIRWAYS

A zoning permit and land disturbance permit are required.

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

FENCES

A land disturbance permit is required.

Open residential fences 4 feet in height or less are permitted in the shoreyard on the property line but shall not be located on the shoreline. The fence shall not be designed to cross between property lines in the 75 foot shoreyard setback and shall not be a barrier to wildlife movement. Residential fences are permitted 6 feet in height or less in the side, rear and street yards Residential fences shall be located at least 2 feet from the road right of way and no more than 2 ½' high in the vision triangle.

SETBACKS AND BUILDING HEIGHT

You are strongly encouraged to contact the Walworth County Zoning Office for accurate setback requirements applicable to your specific property. A tax parcel number and/or legal description of the property is recommended to determine the applicable zoning district. There are thirty-one (31) different zoning districts applicable to Walworth County Zoning, each with different setback, lot area, lot width and dimensional requirements. Zoning Maps are available to the public anytime on-line at www.co.walworth.wi.us or between 8:00 a.m. and 5:00 p.m., Monday through Friday, at 100 W. Walworth St., Room 222, Elkhorn, Wisconsin. Appointments can be made with Walworth County Zoning Officers to review zoning information in conjunction with proposed building plans to assure compliance with the setback requirements.

Building height limits include:

- ! Home 45 feet
- ! Accessory Structure (detached garage) 17 feet
- ! Boathouse 14 feet

Modifications include:

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

The above requirements are a general guide only.

WASTE MATERIALS

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

SHORELINE ACTIVITIES

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

PIERS, WHARVES AND DOCKS

Piers, Wharves and docks are regulated by both State (DNR) and Township Ordinances.

WELLS AND SEPTICS

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

The Well Code is regulated and administered by the Wisconsin Department of Natural Resources, Zoe McManama at 262-822-7730