

Sec. 74-179. - Conservation districts.

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

(1) *Principal uses.*

- a. Single-family detached dwellings.
- b. Forest preservation.
- c. Forest and game management.
- d. Parks and recreation areas; arboreta; botanical gardens.

(2) *Accessory uses.* Accessory uses are permitted but not until their principal structure is present or under construction. For accessory uses involving structures or buildings, such structures or buildings shall be subject to the requirements of section 74-165.

- a. Stables.
- b. Residential accessory structures.
- c. Agricultural structures.
- d. Minor home occupation/professional home office.

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

- a. Animal hospitals, shelters and kennels.
- b. Land restoration.
- c. Golf courses.
- d. Ski hills.
- e. Yachting clubs and marinas.
- f. Hunting and fishing clubs.
- g. Recreation camps.
- h. Public or private campgrounds.
- i. Commercial stables.
- j. Planned residential developments.
- k. Sewage disposal plants.

- l. Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
 - m. Governmental and cultural use such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
 - n. Bed and breakfast establishments.
 - o. Conservation development design (five or more dwelling units).
 - p. Commercial arboretum (outside primary environmental corridors).
 - q. Commercial greenhouse (outside primary environmental corridor).
 - r. Home occupations.
 - s. Hobby farms.
- (4) *Conventional design.*

Area, height and yard requirements.

Lot		Area	Minimum 5 acres
		Width	Minimum 300 feet
Building			
	Dwelling	Height	Maximum 45 feet
Yards			
	Dwelling and accessory structures	Rear	Minimum 100 feet
		Side	Minimum 20 feet except structures used for the housing of animals must be 100 feet from lot lines
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 50 feet

		County road	Minimum 65 feet
		State and Federal highway (not including freeways)	Minimum 85 feet
		Shore	Minimum 75 feet
		Animals	Structures used to house animals must be located at least 100 feet from all property lines

(5) *Existing substandard lots.* See [section 74-221](#).

(6) *Conservation developments (five or more dwelling units).*

a. Maximum density: one dwelling unit per five acres.

b. Area, height and yard requirements:

Lot size		Area	Minimum 40,000 sq. ft.
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
		Side	Minimum 10 feet from lot lines In the case of no lot lines minimum 20-foot dwelling separation

		Animals	Structures used for the housing of animals shall be located at least 100 feet from side and rear property lines
		Street:	
		Subdivision road	Minimum 40 feet
		Town road	Minimum 200 feet
		County road	Minimum 250 feet
		State and Federal highways (not including freeways)	Minimum 300 feet
		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted

- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the County subdivision ordinance. The Zoning Agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The

district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

(The Zoning Agency may modify the interior setback for structures used to house animals to a minimum 25-foot interior setback. The developer must first demonstrate to the County Zoning Agency that the district requirement for agricultural structures cannot be met due to unique shape or characteristic of the property.)

C-3 Conservancy-residential district. The primary purpose of this district is essentially the same as that of the C-2 district, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those upland environmental corridors which already have been divided into relatively small parcels or which, because of their proximity to urban areas, have a very high residential value potential. It is thus intended that this district recognize and attempt to balance man's need for shelter locations with his need to protect and restore the natural environment. Because of its residential character and smaller lot area minimum, farming and commercial recreation uses are not permitted.

(1) *Principal uses.*

- a. Forest preservation.
- b. Forest and game management.
- c. Single-family detached 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 74-165.

- a. Residential accessory structures.
- b. Minor home occupation/professional home office.

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

- a. Animal hospitals, shelters and kennels.
- b. Planned residence developments.
- c. Sewage disposal plants.
- d. Utilities.
- e. Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park-and-ride facilities.
- f. Bed and breakfast establishments.
- g. Conservation development design (five or more dwelling units).
- h. Home occupations.

(4) *Conventional design.*

Area, height and yard requirements.

Lot	Area	Minimum 100,000 square feet
	Width	Minimum 200 feet
Building	Height	Maximum 45 feet
Yards	Rear	Minimum 50 feet
	Side	Minimum 20 feet
	Street:	
	Subdivision road	Minimum 25 feet
	Town road	Minimum 50 feet
	County road	Minimum 65 feet
	State and Federal highways (not including freeways)	Minimum 85 feet
	Shore	Minimum 75 feet

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

(6) *Conservation developments (five or more dwelling units).*

a. Maximum density: One dwelling unit per 100,000 sq. ft.

b. Area, height and yard requirements.

Lot size		Area	Minimum 40,000 square feet
		Width	Minimum 150 feet
Building		Height	Maximum 45 feet
Yards		Rear	Minimum 20 feet
		Side	Minimum 10 feet from lot lines. In the case of no lot lines, minimum 20-foot dwelling separation
		Street:	
		Subdivision road	Minimum 25 feet
		Town road	Minimum 150 feet
		County road	Minimum 200 feet
		State and Federal highways (not including freeways)	Minimum 250 feet

		Shore	An absolute minimum shoreyard setback of 75 feet shall be provided. Shoreland setback averaging with adjacent parcels shall not be permitted
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- c. Minimum required open space: 60 percent of the net buildable area consistent with the prioritized list of resources to conserve and other design consideration of section 11.9A of the County subdivision ordinance. The Zoning Agency may modify the required open space and/or setback requirements of conservation development design on a site specific basis during the conditional use review if the developer can demonstrate that the requirement cannot be met due to unique shape or characteristic of the property. The district open space and/or setback standards for conservation development design may be modified provided that the average intensity and density of land use shall be no greater than that permitted for the district in which it is located. Conservation developments, which are approved with a modification to the open space and/or setback requirements of conservation development design standards, shall not qualify for a density bonus. Modification of the open space and or setback requirements shall be limited to the minimum necessary. Open space shall not be modified greater than 20 percent of the minimum open space percentage requirement of the conservation development design standard. Setbacks shall not be modified below the conventional design standards for the district. Setbacks which are specifically listed as smaller than the conventional design standards by conservation development design standards shall not constitute a modification (i.e. buildings housing animals as specified by conservation development design may be reduced to 25 feet from interior lot lines and not constitute a modification. Setbacks from subdivision roads as listed by conservation design that are less than specified by conventional design shall not constitute a modification).

C-4 Shoreland Wetland district. The district is created to maintain safe and healthful conditions, to prevent water pollution, to protect fish spawning grounds and wildlife habitat. The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in Walworth County in a manner that minimizes adverse impacts upon the wetland. The proper regulation of these areas will serve to maintain and improve water quality, both ground and surface; prevent flood damage; protect wildlife

habitat; prohibit the location of structures on soils which are generally not suitable for such use; protect natural watersheds; preserve shore cover; preserve natural beauty; and protect the water based recreational resources of the County.

- (1) *Designation.* The C-4 district includes shorelands wetlands in the jurisdiction of this ordinance which are designated as wetlands on the current Shoreland Zoning Map-Walworth County, Wisconsin and actual field delineations. The most recent version of the Wisconsin Wetland Inventory as depicted on the Department of Natural Resources Surface Water Data Viewer (SWDV) is incorporated into this ordinance as a reference in determining the location of wetlands.
- (2) *Permitted uses.* The following uses are permitted, subject to general shoreland zoning regulations in section 74-173 and 74-174 of this ordinance, the provisions of Wis. Stats. ch. 30 and 31, and the provisions of other State and Federal laws, if applicable:
 - a. Activities and uses which do not require the issuance of a zoning permit, but which must be carried on without any filling, flooding, draining, dredging, ditching, tiling or excavating:
 1. Hiking, fishing, trapping, hunting, swimming, and boating;
 2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits, and tree seeds, in a manner that is not injurious to the natural reproduction of such crops;
 3. The practice of silviculture, including the planting, thinning and harvesting of timber;
 4. The pasturing of livestock;
 5. The cultivation of agricultural crops;
 6. The construction and maintenance of duck blinds.
 - b. Uses which do not require the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
 1. Temporary water level stabilization measures, in the practice of silviculture, which are necessary to alleviate abnormally wet or dry conditions that would have an adverse impact on the conduct of silvicultural activities if not corrected;
 2. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries; and
 3. Ditching, tiling, dredging, excavating or filling done to maintain or repair existing agricultural drainage systems only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use. This includes the minimum filling necessary for disposal of dredged spoil adjacent to the drainage system provided that dredged spoil is placed on existing spoil banks where possible;

4. The construction or maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance;
 5. The construction or maintenance of piers, docks or walkways built on pilings, including limited excavating and filling necessary for such construction and maintenance; and
 6. The maintenance, repair, replacement or re-construction of existing town and County highways and bridges including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
- c. Uses which are allowed upon the issuance of a zoning permit and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided that:
 - (i) The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - (ii) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetlands.
 2. The construction and maintenance of railroad lines, provided that:
 - (i) The railroad lines cannot as a practical matter be located outside the wetland; and
 - (ii) Any filling, excavating, ditching or draining that is to be done must be necessary for such construction or maintenance and must be done in a manner designed to minimize flooding and other adverse impacts upon the natural functions of the wetland.
- d. Uses which are allowed upon the issuance of a conditional use permit as specified under division 4 and which may include limited filling, flooding, draining, dredging, ditching, tiling or excavating, but only to the extent specifically provided below:
1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - (i) The road cannot as a practical matter be located outside wetland; and
 - (ii) The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:
 - (a)

The road shall be designed and constructed as a single lane roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;

- (b) Road construction activities are to be carried out in the immediate area of the roadbed only; and
 - (c) Any filling, flooding, draining, dredging, ditching, tiling or excavating that is to be done must be necessary for the construction or maintenance of the road.
- (iii) The road shall not be permitted if it will result in significant adverse impacts upon any of the following:
 - (a) Storm and flood water storage capacity;
 - (b) Maintenance of dry season stream flow, the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area, or the flow of groundwater through a wetland;
 - (c) Filtering or storage of sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters;
 - (d) Shoreline protection against soil erosion;
 - (e) Fish spawning, breeding, nursery or feeding grounds;
 - (f) Wildlife habitat; or
 - (g) Wetlands both within the boundary of designated areas of special natural resource interest and those wetlands which are in proximity to or have a direct hydrologic connection to such designated areas as defined in NR 103.04.
- 2. The construction and maintenance of nonresidential buildings used solely in conjunction with raising of waterfowl, minnows or other wetland or aquatic animals or used solely for some other purpose which is compatible with wetland preservation, if such building cannot as a practical matter be located outside the wetland, provided that:
 - (i) Any such building does not exceed 500 square feet in floor area; and
 - (ii) No filling, flooding, draining, dredging, tiling or excavating be done;
- 3. The establishment and development of public and private parks and recreation areas, boat access sites, natural and outdoor education area, historic and scientific area, wildlife refuges, game preserves, fish hatcheries and private wildlife habitat areas, provided that:
 - (i) Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - (ii) No filling is to be done except limited filling which is necessary for the development of a boat access site; and

(iii) Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat areas for the purpose of improving wildlife habitat or to otherwise enhance wetland values.

- (3) *Prohibited uses.* Any use not listed in this section is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this ordinance in accordance with Wis. Stats. § 59.69(5)(e), NR ch. 115, Wisconsin Administrative Code, and section 74-260 of this ordinance.
- (4) *Establishment.* When an apparent discrepancy exists between zoning map, the shoreland-wetland district boundary shown on the Wisconsin Wetland Inventory and actual field conditions, the Zoning Administrator shall contact the appropriate field office of the DNR to determine if the shoreland-wetland district as mapped is in error. If the DNR staff determines that a particular area was incorrectly mapped either as a wetland or a non-wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors shown on the official zoning map, the Zoning Administrator shall be responsible for accepting a shoreland-wetland map amendment within a reasonable period of time.

(Ord. of 6-11-02; Amd. of 1-14-03; Amd. of 7-13-04; Ord. No. 331-01/06, pts. I—III, 1-10-06; Ord. No. 369-07/06, pt. VI, 7-11-06; Ord. No. 466-11/07, pt. XV, 11-13-07; Ord. No. 575-09/09, pt. XVI, 9-8-09; Ord. No. 591-12/09, pt. XL, 12-15-09; Ord. No. 740-09/12, pt. XXV, 9-6-12; Ord. No. 940-07/15, pt. VI, 7-20-15; Ord. No. 1000-09/16, pt. XX, 9-6-16; Ord. No. 1049-06/17, pt. XXXIII, 6-13-17; Ord. No. 1171-06/19, pt. XXIV, 6-11-19)