

**AN ORDINANCE CREATING SECTION 18.1700 OF
THE VILLAGE OF WILLIAMS BAY MUNICIPAL CODE
TO BE KNOWN AS THE
EXTRATERRITORIAL ZONING ORDINANCE
FOR THE VILLAGE OF WILLIAMS BAY
ADOPTED PURSUANT TO § 62.23(7a), WIS. STATS.**

WHEREAS, the Village of Williams Bay ("Village") resolved to exercise its authority pursuant to Wis. Stat. § 62.23 (7a) as to extraterritorial zoning jurisdiction within and up to one and one-half (1-1/2) miles of and from the Village municipal limits in the Town of Delavan, Town of Geneva, Town of Linn, and the Town of Walworth, Walworth County, Wisconsin (collectively "Towns"); and

WHEREAS, the Village recognizes each of the Towns has worked diligently to preserve its desired plan for growth and development of the community; and

WHEREAS, the Village desires to work closely with the Towns to coordinate zoning and development issues in the extraterritorial zoning jurisdiction specified in this Ordinance based upon the recognized mutual benefit to both the Village and said Towns in preserving uniform and appropriate zoning and development; and

WHEREAS, said Towns have each appointed three (3) members each to the Joint Extraterritorial Zoning Committee on which three (3) members of the Village Plan Commission also serve, all in accordance with the procedures set forth in Wis. Stat. § 62.23(7a); and

WHEREAS, this Ordinance, and the boundaries, plans, and regulations set forth herein, have received the favorable vote of the majority of the members of the Joint Extraterritorial Zoning Committee, after due and appropriate public hearing as called for in Wis. Stat. § 62.23(7a), where at said public hearing members of the public were given an opportunity to be heard.

NOW, THEREFORE, the Village Board for the Village of Williams Bay does hereby ordain as follows:

SECTION 1. Section 18.1700 of the Municipal Code of the Village of Williams Bay is hereby created as follows:

18.1700 EXTRATERRITORIAL ZONING

18.1701 INTENT, SCOPE , AND AUTHORITY

18.1701A AUTHORITY
These regulations are adopted under the authority granted by § 62.23(7a), of the Wisconsin Statutes.

18.1701B PURPOSE

The purpose of this Extraterritorial Zoning Ordinance (“ETZ Ordinance”) is to promote the public health, safety, morals, and general welfare, and to provide sound controls over land uses within the areas over which the governing body of the Village has jurisdiction pursuant to Wis. Stats. § 62.23(7a). This purpose is consistent with the Village’s current zoning ordinance set forth within Chapter 18 of the Village Municipal Code, which, together with this ETZ Ordinance, provide a comprehensive plan for the orderly development of the Village and those areas within its extraterritorial zoning jurisdiction. This ETZ Ordinance and the incorporated map have been approved by the Joint Extraterritorial Zoning Committee for the Town of Delavan, the Town of Geneva, the Town of Linn, and the Town of Walworth, and all necessary public hearings have been held and all approving and recommending actions taken by the Towns and the Village, as called for by the Wisconsin Statutes.

18.1701C INTENT

It is the general intent of this ETZ Ordinance to regulate and restrict the use of all structures, lands, and waters; regulate and restrict lot coverage, population distribution, and density; and regulate and restrict size and location of all structures so as to; lessen congestion in and promote the safety and efficiency of the streets and highways; secure safety from fire, flooding, panic, and other dangers; provide adequate light, air sanitation and drainage; prevent overcrowding; avoid undue population concentration; protect property values; further the appropriate use of land and conservation of natural resources; preserve and promote the beauty of the community and those areas within its extraterritorial zoning jurisdiction; and implement the community’s and the Towns’ comprehensive plan or plan components. In addition, the floodland zoning regulations and storm water management regulations set forth in this Ordinance have been adopted to minimize and control erosion, sedimentation and other pollution of surface waters; to further the maintenance of safe and healthful water conditions and provide for flood relief and flood control projects. To this end, it is further intended to provide for the administration and enforcement of this ETZ Ordinance and to provide penalties for its violation.

18.1701D ABROGATION AND GREATER RESTRICTIONS

It is not intended by this ETZ Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, ordinances, rules, regulations, or permits previously adopted or issued pursuant to laws. However, wherever this ETZ Ordinance imposes greater restrictions, the provisions of this ETZ Ordinance shall govern. In addition, the shoreland-wetland provisions required by § 61.351 of the Wisconsin Statutes, and Chapter 117 of the Wisconsin Administrative Code supersede less restrictive provisions of this ETZ Ordinance. Should this ETZ Ordinance be found in conflict with any other state statute, local ordinance, or regulation, or any existing easement, covenant, or agreement, or any permits previously issued pursuant to law applicable to the use of any land or structure in the area specified herein as to the extraterritorial zoning jurisdiction limits, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.

18.1701E INTERPRETATION

In their interpretation and applications, the restrictions and requirements set forth by this ETZ Ordinance shall be deemed the minimum necessary to conserve the value of land and buildings and encourage the most appropriate use of land, and other public requirements, and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

181701F **REPEAL**
 All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Ordinance, to the extent of the inconsistency only, are hereby repealed.

18.1701G **TITLE**
 This Ordinance shall be known as, referred to as, or cited as the “EXTRATERRITORIAL ZONING ORDINANCE, VILLAGE OF WILLIAMS BAY, WISCONSIN.”

18.1702 **EXTRATERRITORIAL ZONING BOUNDARIES**

18.1702A **DESCRIPTION OF EXTRATERRITORIAL ZONING BOUNDARIES**
 The Village hereby adopts and approves the extraterritorial zoning jurisdiction boundaries (“ETZ Boundaries”) and ETZ Zoning Map, as submitted by the Joint Extraterritorial Zoning Committee, working in conjunction with the Village of Williams Bay Planning Commission, as depicted in Part II of the official Zoning Map for the Village, and as described and depicted in Appendix A at the end of this Chapter.

18.1702B **BOUNDARY DISPUTES**
 The above set forth ETZ Boundaries are intended to, and shall describe the area evidenced by Part II of the official Zoning Map of the Village as to the ETZ Boundaries. However, in the event of any dispute, a court of competent jurisdiction determining whether an area is included within or excluded from the extraterritorial zoning jurisdiction shall refer to § 62.23(7a), Wis. Stats., which requires all boundary lines to follow government lot or survey section lines or public roads.

18.1703 **ZONING USES AND DISTRICTS**

18.1703A **ZONING DISTRICTS**
 (1) The following zoning districts now existing within Walworth County are adopted and redesignated as follows:

<u>Former Walworth County District</u>	<u>Village ETZ District</u>
A-1	A-1, ETZ
A-2	A-2, ETZ
A-3	A-3, ETZ
A-4	A-4, ETZ
A-5	A-5, ETZ

C-1	C-1, ETZ
C-2	C-2, ETZ
C-3	C-3, ETZ
C-4	C-4, ETZ
P-1	P-1, ETZ
P-2	P-2, ETZ
R-1	R-1, ETZ
R-2	R-2, ETZ
R-2A	R-2A, ETZ
R-3	R-3, ETZ
R-4	R-4, ETZ
B-1	B-1, ETZ
B-2	B-2, ETZ
B-3	B-3, ETZ
B-4	B-4, ETZ
B-5	B-5, ETZ
B-6	B-6, ETZ

(2) In addition the following zoning districts have been created for the area within the Village Extraterritorial Zoning Boundaries:

M-1, ETZ, Industrial District
I-1, ETZ, Institutional District
PUD, ETZ, Planned Unit Development District

(3) Finally, any property within the ETZ Boundaries which, as of the effective date of this ETZ Ordinance, has a Walworth County Zoning District classification not included among those districts described in the conversion chart above, said properties, if any, shall continue to be subject to the text of the Walworth County Zoning District regulations in effect as of the effective date of the ETZ Ordinance, which said district regulations are incorporated herein by reference as if set forth at length herein.

18.1703B

A-1, ETZ PRIME AGRICULTURAL LAND DISTRICT

The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically exhibiting high crop yields. Such lands are generally covered by Class I, II, and III soils as rated by the U.S. Department of Agriculture, Soil Conservation Service. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture. All structures and improvements must be consistent with agricultural use.

(A) PRINCIPAL USES:

1. Single family dwelling
2. Apiculture (Beekeeping)
3. Dairying
4. Floriculture (cultivation of ornamental flowering plants)
5. Grazing, subject to regulations as set forth in Walworth County Zoning Ordinance, Sec. 2.0
6. Livestock raising, except commercial feed lots.
7. Orchards.
8. Paddocks.
9. Plant nurseries.
10. Poultry raising, except commercial egg production
11. Raising of grain, grass mint, seed crops
12. Raising of tree fruits, nuts and berries.
13. Sod farming.
14. Vegetable raising.
15. Viticulture (grape growing)
16. Equestrian trails.
17. Forest and game management.
18. Greenhouse.
19. Nature trails and walks.
20. Stables.
21. Roadside stand not exceeding one (1) per farm.

(B) CONDITIONAL USES:

1. Veterinary Services for Farm Animals
2. Utilities
3. Schools and Churches
4. Composting
5. Governmental and Cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
6. Land Restoration
7. Two (2) single-family farm dwellings or one (1) two-family farm dwelling for resident owners, and children of resident owners substantially engaged in conducting a related principal or approved conditional use. The need for more than one single-family farm dwelling to support and carry on the

principal or approved conditional use must be established to the satisfaction of the ETZ Joint Committee before the issuance of a zoning permit. If approval is granted for more than one farm dwelling, each additional dwelling may be placed on a parcel separated from the farm lot provided that any parcel so created conforms with all regulations set forth in Sections 2.5 and 2.6 of the Walworth County Zoning Ordinance, except that no such parcel shall be less than 40,000 square feet in area.

8. The Separation of Farm Structures from Farmland. The separation must conform with the regulations set forth in the Walworth County Zoning Ordinance, Sect. 2.5 and 2.6; The parcel shall be not less than forty thousand (40,000) square feet in area, nor greater than the larger of either (5) five acres in area or the acreage necessary to maintain the minimum yard required in the A-1 ETZ, A-2 ETZ or A-3 ETZ districts, whichever applies; it will not leave the balance of the land in a sub-standard condition; and the property owner will be required to record deed restrictions on both the farm separation parcel and on a parcel which meets the minimum required by the applicable zoning district, which directly adjoins or abuts the farm separation parcel, and which meets the intent of these provisions. A Certified Survey Map for said parcel shall be prepared by a Registered Land Surveyor licensed in the State of Wisconsin. Said deed restriction shall state that no structures may be placed on the adjoining acreage without first obtaining a conditional use permit from the ETZ Joint Committee and that no land may be deeded to the farm separation parcel which increases its size above that outlined above without first obtaining proper approval which may include either a rezone or conditional use.

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot (Farm Size)

Area: Minimum 35 Acres

Building: Farm Dwelling

Height: Maximum 35 Feet

Agricultural Structures

Height: Maximum Two (2) Times Their Distance from the Nearest Lot Lines

Yards Setback

Rear: Minimum 100 Feet

Side: Minimum 20 Feet

Animals: Structures used for housing of animals, minimum 100 feet from all lot lines

Street:

Subdivision Road: Minimum 25 feet

Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State & Federal Highways:	Minimum 85 feet (not including freeways)
Shore:	Minimum 75 feet

18.1703C A-2, ETZ, AGRICULTURAL LAND DISTRICT

The primary purpose of this district is to maintain, preserve, and enhance agricultural lands historically utilized for crop production but which are not included within the A-1 ETZ Prime Agricultural Land District and which are generally best suited for smaller farm units, including truck farming, horse farming, hobby farming, orchards, and other similar agricultural related farming activities.

(A) PRINCIPAL USES:

All principal uses permitted in the A-1 ETZ Prime Agricultural Land

District.

(B) CONDITIONAL USES:

1. Animal hospitals, shelters, and kennels
2. Veterinarian Services
3. Utilities
4. Schools and Churches
5. Composting
6. Land Restoration
7. Governmental and cultural uses such as fire and police stations, community centers, parks, libraries, public emergency shelters, playgrounds, museums, historic home sites and landmarks.

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot

Area: Minimum 20 Acres

Width: Minimum 300 Feet

Building: Farm Dwelling

Height: Maximum 35 Feet

Agricultural Structures

Height: Maximum two times their distance from the nearest lot lines.

Yards Set back:

Rear: Minimum 100 Feet

Side: Minimum 20 Feet.

Animals: Structures used for housing of animals, minimum 100 feet from all lot lines.

Street

Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State & Federal Highways	Minimum 85 feet (not including freeways)
Shore:	Minimum 75 feet

18.1703D

A-3, ETZ, AGRICULTURAL LAND HOLDING DISTRICT

The primary purpose of this district is to preserve for a limited time period in agricultural and related open-space land uses those lands generally located adjacent to existing incorporated urban centers within the Williams Bay ETZ area. It is the intent that urban development be deferred in such areas until the appropriate legislative bodies concerned determine that it is economically and financially feasible to provide public services and facilities for uses other than those permitted in the district. It is intended that the status of all areas in this district be reviewed by the Williams Bay/Township Joint ETZ Committee no less frequently than every three years in order to determine whether, in light of current land development trends, there should be a transfer of all or any part of such areas to some other appropriate use district. Any such review will consider the need for permitting other uses on such land, the nature of the use or uses to be permitted, and the cost and availability of the public services and facilities which will be necessitated by such new use or uses.

(A) PRINCIPAL USES:

All principal uses permitted in the A-1, ETZ Prime Agricultural Land

District.

(B) CONDITIONAL USES:

1. Animal Hospitals, shelters and Kennels
2. Land restorations
3. Utilities
4. School and Churches
5. Composting
6. Governmental and cultural uses such as fire and police stations, community centers, shelters, parks, playgrounds, museums, historic home sites and landmarks.
7. Golf courses and country clubs

(C) AREA, HEIGHT & YARD REQUIREMENTS

Lot :

Area: Minimum 35 Acres

Building:	Farm Dwelling
Height:	Maximum 35 Feet
Agricultural Structures:	
Height:	Maximum two times their distance from the nearest lot lines
Yards Setback	
Rear:	Minimum 100 Feet
Side:	Minimum 20 Feet
Animals:	Structures used for the housing of animals minimum 100 feet from all lot lines.
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State & Federal Highways	Minimum 85 feet (not including freeways)
Shore:	Minimum 75 feet

18.1703E A-4, ETZ, AGRICULTURAL - RELATED MANUFACTURING, WAREHOUSING & MARKETING DISTRICT

The primary purpose of this district is to provide for the proper location and regulation of manufacturing, warehousing, storage, and related industrial and marketing activities and are dependent upon or closely allied to the agricultural industry.

(A) PRINCIPAL USES:

All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.

1. Recreational vehicle and boat storage
2. Animal hospitals, shelters and boat storage
3. Veterinarian services
4. Land restoration
5. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
6. Utilities
7. Schools and churches
8. Contractor storage yards
9. Composting

(B) AREA, HEIGHT & YARD REQUIREMENTS:

Lot:
Area: Minimum Sufficient Area for the Principal Structure and its Accessory Buildings, all

Required Yards, and Off-Street Parking as required by Walworth County Zoning Ordinance, Sect. 5.3

Building:	
Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 75 Feet
Side:	Minimum 75 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703F

A-5, ETZ, AGRICULTURAL-RURAL RESIDENTIAL DISTRICT

The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural area for rural-residential use. As a matter of policy, it is intended that this district be applied solely to those rural lands that have marginal utility for agricultural use of reasons related to soil, topography, or severance from larger agricultural parcels. It is not intended that this district be utilized to accommodate residential subdivisions as defined in Chapter 17 of The Williams Bay Municipal Code.

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Sect. 18.1714.

1. Single-Family Dwellings
2. Home Occupations
3. Orchards
4. Vegetable Raising
5. Plant Nurseries
6. Greenhouses
7. Roadside stands not exceeding one (1) per farm
8. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(B) AREA, HEIGHT & YARD REQUIREMENTS

Lot:	
Area:	Minimum 40,000 square feet
Width:	Minimum 150 feet

Buildings:	
Height:	Maximum 45 Feet
Yards Setbacks:	
Rear:	Minimum 25 Feet
Side:	Minimum 25 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (Not including freeways)
Shore:	Minimum 75 Feet

18.1703G C-1, ETZ, CONSERVATION DISTRICT

The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the Williams Bay Extraterritorial Zoning District. 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 uses; protect natural watersheds; and protect the water based resources of the area.

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedure established in Section 18.1714.

(B) CONDITIONAL USES:

1. Hiking, fishing, trapping, swimming and boating, unless prohibited by other laws and ordinances.
2. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, and wild flowers 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. Construction and maintenance of fences.
5. Existing agricultural uses provided that they do not involve extension of cultivated areas, extension of or creation of new drainage systems, and further provided that they do not substantially disturb or impair the natural fauna, flora, topography, or water regimen.
6. Ditching, tiling, dredging, excavating, or filling done to maintain or repair an existing agricultural drainage system only to the extent necessary to maintain the level of drainage required to continue the existing agricultural use.
7. The construction and maintenance of piers, docks, and walkways, including those built on pilings.

8. The maintenance, repair, replacement, and reconstruction of existing streets, roads, and bridges.
9. Cultivation of native plants.
10. The construction and maintenance of hiking, bicycling, and cross country ski trails.
11. The construction and maintenance of observation towers not to exceed 35 feet in height.
12. The construction and maintenance of ponds and other suitable conditions for wildlife, wild fowl, and migrating bird habitat.
13. Snowmobile trails may be designated for use by the owner upon specific approval by the ETZ Joint Committee with such use to be limited to marked designated trails only for the period December 1 to March 1, annually. All terrain vehicle use is not permitted.
14. Stream bed and stream bank improvement and restoration projects.
15. The construction and maintenance of official signs such as identification, educational, informational, directional, warning, parking or traffic control or similar type signs with the permission of the ETZ Joint Committee as may be necessary and appropriate for the functioning of the conservancy district.
16. The construction and maintenance of non-residential 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:
 - a. Any such building does not exceed 500 square feet in floor area; and
 - b. No filling, flooding, draining, dredging, tiling or excavating be done.

18.1703H

C-2, ETZ UPLAND RESOURCE CONSERVATION DISTRICT

The primary purpose of the district is to preserve, protect, enhance, and restore all significant woodlands, related scenic areas, submarginal farmlands, and abandoned mineral extraction lands within the Williams Bay Extraterritorial Zoning District. Regulation of these areas will serve to control erosion and sedimentation and will promote and maintain the natural beauty of the ETZ area, 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 area.

- (A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. Farming and related agricultural uses when conducted in accordance with Walworth County Conservation Standards.
2. Forest Preservation
3. Forest and Game Management
4. Parks and Recreation Areas; Arboreta; Botanical Gardens
5. Single family detached dwellings
6. Animal hospitals, shelter, kennels
7. Land restoration
8. Golf courses
9. Utilities
10. Governmental and cultural use such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot	
Area:	Minimum 5 Acres
Width:	Minimum 300 Feet
Building:	
Height:	Maximum 35 Feet
Yard Setbacks:	
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 & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet.

18.1703I

C-3, ETZ, CONSERVANCY-RESIDENTIAL DISTRICT

The primary purpose of this district is essentially the same as that of the C-2, ETZ district, namely the protection and preservation of environmentally significant uplands. It is intended that this district be applied to those 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.

(A) PRINCIPAL USES:

1. Forest Preservation
2. Forest and Game Management
3. Single-Family Detached Dwellings

(B) ACCESSORY USES:

1. Residential Accessory Structures

(C) CONDITIONAL USES:

1. Animal Hospitals, Shelters and Kennels
2. Land Restoration
3. Planned Residential Developments
4. Governmental and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, historic home sites and landmarks.

(D) AREA, HEIGHT & YARD REQUIREMENTS:

Lot

Area: Minimum 100,000 Square Feet

Width: Minimum 200 Feet

Building:

Height: Maximum 35 Feet

Yards Setback:

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 & Federal Highways: Minimum 85 Feet
(not including freeways)

Shore: Minimum 75 Feet

18.1703J

C-4, ETZ, LOWLAND RESOURCE CONSERVATION DISTRICT

The primary purpose of this district is to preserve, protect, and enhance the lakes, streams, and wetland areas in the ETZ Zoning District. 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; and protect the water based recreational resources of the ETZ Area.

(A) DESIGNATION: The C-4, ETZ, District includes all shorelands in the jurisdiction of this Ordinance which are designated as wetlands on the Final Wisconsin Wetland Inventory Maps, dated June 27, 1983 that are hereby adopted and made a part of this Ordinance.

(B) PRINCIPAL USES The following uses are permitted, subject to general shoreland zoning regulations in Section 18.1709 of this Ordinance, the provisions of Chapter 30 and 31 of the Wisconsin Statutes, and the provisions of other State and Federal laws, if applicable:

1. Activities and uses which do not require the issuance of a zoning permit but which must be carried on without filling, flooding, draining, dredging, ditching, tiling or excavating:
 - A. Hiking, fishing, trapping, hunting, swimming, and boating;
 - B. 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;
 - C. The practice of silviculture, including the planting, thinning and harvesting of timber.
 - D. The pasturing of livestock and the construction and maintenance of fences;
 - E. The cultivation of agricultural crops;
 - F. The construction and maintenance of duck blinds;
 - G. The construction and maintenance of piers, docks and walkways, including those built on pilings; and
 - H. The maintenance, repair, replacement and re-construction of existing Town and County highways and bridges;
2. Uses which do not require the issuance of a zoning permit and which may involve filling, flooding, draining, dredging, ditching, tiling, or excavating to the extent specifically provided below:
 - A. 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;
 - B. Dike and dam construction and ditching for the purpose of growing and harvesting cranberries; and
 - C. Ditching, tiling, dredging, excavating or filling done to

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level of drainage required to continue the existing agricultural use.

(C) CONDITIONAL USES.

1. The construction and maintenance of roads which are necessary to conduct silvicultural activities or are necessary for agricultural cultivation, provided that:
 - A. The road cannot as a practical matter be located outside wetland; and
 - B. The road is designed and constructed to minimize the adverse impact upon the natural functions of the wetland and meets the following standards:

1. The road shall be designed and constructed as a single land roadway with only such depth and width necessary to accommodate the machinery required to conduct agricultural and silvicultural activities;
 2. Road construction activities are to be carried out in the immediate area of the roadbed only; and
 3. 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;
2. The construction and maintenance of non-residential 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:
 - A. Any such building does not exceed 500 square feet in floor area; and
 - B. 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, and private wildlife habitat areas, provided that:
 - A. Any private recreation or wildlife habitat area must be used exclusively for that purpose;
 - B. No filling is to be done except limited filling which is necessary for the development of a boat access site; and
 - C. Ditching, excavating, dredging, dike and dam construction may be done in wildlife refuges, game preserves and private wildlife habitat or to otherwise enhance wetland values.
 4. The construction and maintenance of electric, gas, telephone, water and sewer transmission and distribution lines, and related facilities, by public utilities and cooperative associations organized for the purpose of producing or furnishing heat, light, power or water to their members provided that:
 - A. The transmission and distribution lines and related facilities cannot as a practical matter be located outside the wetland; and
 - B. 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.

- (D) PROHIBITED USES: Any use not listed in Section 18.1703J (B) or (C) is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Ordinance in accordance with Section 18.1717 and Chapter NR-115, Wisconsin Administrative Code.
- (E) ESTABLISHMENT: When an apparent discrepancy exists between the shoreland-wetland district shown on the official zoning maps and actual field conditions at the time the maps were adopted, the ETZ Joint Committee shall contact the appropriate field office of the Department of Natural Resources to determine if the shoreland-wetland district as mapped is in error. If the Department staff concur with the ETZ Joint Committee that a particular area was incorrectly mapped as a wetland, the ETZ Joint Committee shall have the authority to immediately grant or deny a land use 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 ETZ Joint Committee shall be responsible for initiating a shoreland-wetland map amendment within a reasonable period of time.

18.1703K P-1, ETZ, RECREATIONAL PARK DISTRICT

- (A) PRINCIPAL USES:
All uses in this District are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.
- (B) CONDITIONAL USES:
 1. Parks, General Recreation
 2. Parks, Leisure and Ornamental
 3. Forest Preserves
 4. Boat Rentals and Boat Access Sites
 5. Gymnasiums and Athletic Clubs
 6. Ice Skating
 7. Picnic Grounds
 8. Play Fields and Athletic Fields
 9. Playgrounds
 10. Play Lots and Tot Lots
 11. Recreational Access Ways
 12. Forest and Game Management
 13. Golf Courses and Country Clubs
 14. Ski Hills
 15. Yachting Clubs and Marinas

- 16. Hunting and Fishing Clubs
- 17. Cultural Activities
- 18. Amusement Activities
- 19. Public Assembly Uses
- 20. Riding Stable
- 21. Archery Ranges
- 22. Golf Driving Ranges
- 23. Sports Fields Facilities
- 24. Polo Fields
- 25. Skating Rinks
- 26. Governmental and Cultural Uses such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, and Museums.
- 27. Municipal Utilities

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot:	
Area:	Minimum, Sufficient Area for the Principal Structure and its Accessory Buildings, Off-Street Parking and Loadings as Required by Ordinance, and all Required Yards
Building:	
Height:	Maximum 35 Feet
Yards Setback:	
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 & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703L P-2, ETZ, INSTITUTIONAL PARK DISTRICT

(A) PRINCIPAL USES:

All uses in this District are conditional uses and must be approved in accordance with procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. Churches, Synagogues, and Temples
2. Rectories and Convents
3. College Dormitories
4. Hospitals
5. Junior Colleges
6. Monasteries
7. Nurses Homes
8. Nursing Homes and Sanitariums
9. Nursery Schools and Day Care Centers
10. Orphanages
11. Retirement Homes
12. Universities and Colleges
13. Lodges and Fraternal Buildings
14. Town Hall or Town Garage
15. Golf Courses and Country Clubs
16. Ski Hills
17. Yachting Clubs and Marinas
18. Cultural Activities
19. Public Assembly Uses
20. Riding Stables
21. Archery Ranges
22. Golf Driving Ranges
23. Sports Fields
24. Polo Fields
25. Airports, Airstrips, Landing Fields, and Heliports
26. Governmental and Cultural Uses Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, and Museums.
27. Municipal Utilities
28. Schools
29. Cemeteries and Crematories
30. Recycling Centers
31. Composting

(C) AREA, HEIGHT & REQUIREMENTS:

Lot: (sewered)

Area: Minimum 10,000 Square Feet

Width: Minimum 100 Feet

Lot: (unsewered) Width and Area of All Lots to be Determined in Accordance With Walworth County Zoning Ordinance Section 2.5

Building:	
Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 25 Feet
Side:	Minimum 25 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703M R-1, ETZ SINGLE-FAMILY RESIDENCE DISTRICT (unsewered)
The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

(A) PRINCIPAL USES:

1. Single-Family Detached Dwellings on lots not served by public sanitary sewer.

(B) ACCESSORY USES:

1. Residential Accessory Structures

(C) CONDITIONAL USES:

1. Golf Courses and Country Clubs
2. Planned Residential Developments
3. Home Occupations Including Barbering and Beauty Culture
4. Governmental and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
5. Municipal Utilities
6. Schools and Churches

(D) AREA, HEIGHT & YARD REQUIREMENTS:

Lot: Width and Area of All Lots to be Determined in Accordance with Walworth County Zoning Ordinance Section 2.5

Building:

Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 25 Feet
Side:	Minimum 15 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703N R-2 ETZ SINGLE-FAMILY RESIDENCE DISTRICT (SEWERED)
 The Single-Family Residence District is hereby established to provide location for and maintain values of low density single-family development only.

- (A) PRINCIPAL USES:
 - 1. Single-Family Detached Dwellings on lots served by public sanitary sewers.
- (B) ACCESSORY USES:
 - 1. Residential Accessory Structures
- (C) CONDITIONAL USES:
 - 1. Golf Courses and Country Clubs
 - 2. Planned Residential Developments
 - 3. Home Occupations Including Barbering and Beauty Culture
 - 4. Governmental and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks
 - 5. Municipal Utilities
 - 6. Schools and Churches
- (D) AREA, HEIGHT & YARD REQUIREMENTS:
 - Lot:

Area:	Minimum 15,000 Square Feet
Width:	Minimum 100 Feet
 - Building:

Height:	Maximum 35 Feet
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 - Yards Setback:

Rear:	Minimum 25 Feet
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Side:	Minimum 15 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703O R-2A, ETZ, SINGLE-FAMILY RESIDENCE DISTRICT (Sewered)
 The primary purpose of the R-2A district is to require larger residential sewered lots in environmentally sensitive areas. Such environmentally sensitive areas may include but not be limited to, environmental corridors, shoreland areas and significant woodlands.

(A) PRINCIPAL USES:

1. Single-Family Detached Dwellings on lots served by public sanitary sewers.

(B) ACCESSORY USES:

1. Residential Accessory Structures

(C) CONDITIONAL USES:

1. Golf Courses and Country Clubs
2. Planned Residential Developments
3. Home Occupations Including Barbering and Beauty Culture
4. Governmental and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
5. Municipal Utilities
6. Schools and Churches

(D) AREA, HEIGHT & YARD REQUIREMENTS:

Lot:	
Area:	Minimum 50,000 Square Feet
Width:	Minimum 100 Feet
Building:	
Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 25 Feet
Side:	Minimum 15 Feet

Street:
 Subdivision Road: Minimum 25 Feet
 Town Road: Minimum 50 Feet
 County Road: Minimum 65 Feet
 State & Federal Highways: Minimum 85 Feet
 (not including freeways)

Shore: Minimum 75 Feet

18.1703P R-3, ETZ, TWO-FAMILY RESIDENCE DISTRICT: (Sewered or Unsewered)

(A) PRINCIPAL USES:

1. Single-Family Detached Dwellings
2. Two-Family Dwellings

(B) ACCESSORY USES:

1. Residential Accessory Structures

(C) CONDITIONAL USES:

1. Golf Courses and Country Clubs
2. Planned Residential Developments
3. Home Occupations Including Barbering and Beauty Culture
4. Governmental and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
5. Municipal Utilities
6. Schools and Churches

(D) AREA, HEIGHT & YARD REQUIREMENTS:

Lot: (Sewered)

Area: Minimum 15,000 Square Feet Per Duplex Building

Width: Minimum 100 Feet

Lot: (Unsewered) Width and Area of All Lots to be Determined in Accordance With Walworth County Zoning Ordinance Section 2.5

Building:

Height: Maximum 35 Feet

Yards Setback:

Rear: Minimum 25 Feet

Side: Minimum 15 Feet

Street:

Subdivision Road: Minimum 25 Feet

Town Road: Minimum 50 Feet
County Road: Minimum 65 Feet
State and Federal Highways: Minimum 85 Feet
(not including freeways)

Shore: Minimum 75 Feet

18.1703Q R-4, ETZ, MULTIPLE-FAMILY RESIDENCE DISTRICT:
(Sewered or Unsewered)

(A) PRINCIPAL USES:

All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.

(B) ACCESSORY USES:

1. Residential Accessory Structures

(C) CONDITIONAL USES:

1. Single-Family Dwellings
2. Two-Family Dwellings
3. Multiple-Family Dwellings
4. Golf Courses and Country Clubs
5. Planned Residential Developments
6. Lodges and Fraternal buildings
7. Nursery Schools and Day Care Centers
8. Government and Cultural Uses, Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
9. Municipal Utilities
10. Schools and Churches

(D) AREA, HEIGHT & YARD REQUIREMENTS:

Multiple-Family Density: Maximum 6 Dwelling Units Per Net
Developable Acre

Lot: (Sewered)

Width: Minimum Two-Family 80 Feet; Multiple
Family, 100 Feet;

Area: Minimum Two-Family, 12,000 Square Feet;
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 Walworth County zoning Ordinance Section 2.5. No more than four (4) dwelling units per building shall be permitted on an unsewered lot.
Building:	
Height:	Maximum 35 feet
Yards Setback:	
Rear:	Minimum 25 feet
Side:	Minimum 10 feet
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State & Federal Highways:	Minimum 85 feet (not including freeway)
Shore:	Minimum 75 feet

Park and Open Space Lands: Park and open space land, exclusive of requirement yards, access drives, and parking area shall comprise at least 20 percent (20%) of the total development area. Such required park and open space land may be placed in more than one location within the development area provided, however, that no single such area shall contain less than one-half acre and that such area shall have its least dimension more than one-fourth its length.

18.1703R B-1 ETZ, LOCAL BUSINESS DISTRICT

- (A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.
- (B) CONDITIONAL USES:
1. Bakeries
 2. Barber Shops
 3. Beauty Shops
 4. Business Offices
 5. Clinics
 6. Clothing and Apparel Stores
 7. Clubs
 8. Confectioneries
 9. Delicatessens
 10. Drug Stores
 11. Fish Markets

12. Florists
13. Fruit Stores
14. Gift Stores
15. Grocery Stores
16. Hardware Stores
17. Hobby Stores
18. Lodges
19. Meat Markets
20. Optical Stores
21. Packaged Beverage Stores
22. Professional Offices
23. Restaurants
24. Self-service and Pick-up Laundry and Dry Cleaning Establishments
25. Sporting Goods Stores
26. Supermarkets
27. Tobacco Stores
28. Vegetable Stores
29. Antique Shops
30. One residential dwelling unit when located within the principal building structure
31. On and off-season storage facilities
32. Lodges and Fraternal buildings
33. Nursing Homes
34. Nursery and Day Care Centers
35. Vehicle sales and service
36. Public parking lots
37. Taxi Stands
38. Governmental and Cultural Uses such as Fire and Police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot: (Sewered)

Area: Minimum 7,500 square feet

Width: Minimum 75 feet

Lot: (Unsewered)

Width and area of all lots to be determined in accordance with Walworth county zoning Ordinance Section 2.5

Building:

Height: Maximum 35 feet

Yards Setback:

Rear: Minimum 20 feet

Side:	Minimum 10 feet
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State and Federal Highway:	Minimum 85 feet (not including freeways)
Shore:	Minimum 75 feet

18.1703S B-2 ETZ, GENERAL BUSINESS DISTRICT

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. All conditional uses permitted in the B-1 ETZ, Local Business District
2. Appliance Stores
3. Caterers
4. Churches
5. Clothing Repair Stores
6. Crockery Stores
7. Department Stores
8. Electrical Supply
9. Financial Institutions
10. Food Lockers
11. Furniture Stores
12. Furniture Upholstery Shops
13. Heating Supply
14. Hotels and Motels
15. Laundry and Dry Cleaning establishments not employing over seven persons
16. Liquor Stores, Bars, Taverns, Cocktail Lounges
17. Music Stores
18. Newspaper Offices and Press Rooms
19. Night Clubs and Dance Halls
20. Office Supply Stores
21. Pawn Shops
22. Personal Service Establishments
23. Pet Shops
24. Photographic Supplies
25. Plumbing Supplies
26. Printing
27. Private Clubs
28. Private Schools

29. Publishing
30. Radio Broadcasting Studios
31. Second-Hand Stores
32. Television Broadcasting Studios
33. Trade and Contractor's Offices
34. Upholsterer's Stores
35. Variety Stores
36. Boat and Marine Supplies not including manufacturing
37. Gasoline Service Stations
38. One residential dwelling unit when located within the principal business structure
39. Public assembly uses
40. Animal hospitals, shelters and kennels
41. Commercial recreational facilities
42. On and off-season storage facilities
43. Lodges and fraternal buildings
44. Nursing homes
45. Nursery and day care centers
46. Retirement homes
47. Drive-in theaters
48. Funeral homes
49. Drive-in banks
50. Vehicle sales and service
51. Public parking lots
52. Taxi stands
53. Building contractors storage yards
54. Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, historic home sites and landmarks.
55. Municipal Utilities
56. Heliports, bus and rail depots
57. Schools and churches
58. Hospitals; Sanitariums; Religious, Charitable, Penal, and Correctional Institutions; Cemeteries and Crematories
59. Packing, Packaging, and Light Assembly of Products from Furs, Glass, Metals, Paper, Leather, Plaster, Plastics, textiles, and Wood
60. Tanning studios
61. Small Engine Repair Shops
62. Flea Markets

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Lot: (Sewered)

Area:	Minimum 7,500 square feet
Width:	Minimum 75 feet
Lot: (Unsewered)	Width and area of all lots to be determined in accordance with Walworth Country Zoning Ordinance Section 2.5
Building:	
Height:	Maximum 35 feet
Yards Setback:	
Rear:	Minimum 20 feet
Side:	Minimum 10 feet
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State and Federal Highway:	Minimum 85 feet (not including freeways)
Shore:	Minimum 75 feet

8.1703T B-3 WATERFRONT BUSINESS DISTRICT:

- (A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.
- (B) CONDITIONAL USES:
1. All Conditional Uses Permitted in the B-1 and B-2 Districts
 2. Boat Rental and Boat Access Sites
 3. Boats and Marine Supplies
 4. Bowling Alleys
 5. Hotels, Motels, and Tourist Courts
 6. Bait Shops
 7. Restaurants
 8. Skating Rinks
 9. Sporting Goods and Supplies
 10. Supper Clubs
 11. Swimming Beaches and Pools
 12. Taverns and Bars
 13. Yachting Clubs and Marinas
 14. Bath Houses
 15. Boat Liveries
 16. Dance Halls

17. One Residential dwelling Unit when located Within the Principal Business Structure
18. Public Assembly Uses
19. Commercial Recreational Facilities
20. On and off-season storage facilities
21. Lodges and Fraternal Buildings
22. Nursing Homes
23. Nursery and Day Care Centers
24. Retirement Homes
25. Drive-In Food and Beverage Establishments
26. Vehicles Sales and Service
27. Public Parking Lots
28. Taxi Stands
29. Governmental and Cultural Uses Such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
30. Municipal Utilities
31. Schools and Churches

(C) AREA, HEIGHT AND YARD REQUIREMENTS:

Lot:	
Area:	Minimum, Sufficient Area For the Principal Structure and its Accessory Buildings, Off-Street Parking and Loadings as Required by Section 18.1704 (A), and all Required Yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5
Building:	
Height:	Maximum 35 feet
Yards Setback:	
Rear:	Minimum 50 feet
Side:	Minimum 10 feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State and Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703U B-4 ETZ HIGHWAY BUSINESS DISTRICT:

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. All Conditional Uses Permitted in the B-1 and B-2 Districts
2. Automobile and Truck Retail Services
3. Automobile and Repair Services
4. Bars and Taverns
5. Candy, Nut, and Confectionery Sales
6. Gasoline Service Stations
7. Gift, Novelty, and souvenir Sales
8. Hotels, Motels, and Tourist Courts
9. Night Clubs and Dance Halls
10. Restaurants
11. Sales, Service, and Installation of Tires, Batteries and Accessories
12. One Residential Dwelling Unit When Located Within the Principal Business Structure
13. Animal Hospitals, Shelters, and Kennels
14. Yachting Clubs and Marinas
15. Public Assembly Uses
16. Commercial Recreation Facilities
17. On and Off-Season Storage Facilities
18. Lodges and Fraternal Buildings
19. Nursing Homes
20. Nursery and Day Care Centers
21. Retirement Homes
22. Drive-In Food and Beverage Establishments
23. Drive-In Bank
24. Vehicle Sales and Service
25. Public Parking Lots
26. Taxi Stands
27. Governmental and Cultural Uses such as Fire and Police Stations, Community Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.
28. Municipal Utilities
29. Schools and Churches
30. Commercial Greenhouses

(C) AREA, HEIGHT, AND YARD REQUIREMENTS:

Lot:

Area:	Minimum, sufficient area for the principal structure and its accessory buildings, off-street parking and loading areas required by Section 18.1704 (A), and all required yards. In addition, in all areas not served by a centralized sanitary sewerage system, the lot area shall comply with the requirements of Walworth County Zoning Ordinance Section 2.5
Building:	
Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 40 Feet
Side:	Minimum 40 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highway:	85 Feet Minimum (not including freeways)
Shore:	Minimum 75 Feet

18.1703V B-5 ETZ PLANNED COMMERCIAL-RECREATION BUSINESS DISTRICT
The Primary purpose of this district is to permit on a planned basis major commercial-recreation development projects, including recreation-related residential land uses. Such planned development projects are likely to include a large number of different individual land uses which are needed to carry on and support the primary commercial-recreational venture.

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with the procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. Aircraft Landing and Take-Off Fields
2. Amusement Parks and Miniature Golf Courses
3. Boat Rentals and Boat Access Sites
4. Dance halls
5. Restaurants, Taverns, Bars, and Night Clubs
6. Drive-In Movies
7. Dude Ranches
8. Fairgrounds

9. Health and Recreational Resorts, including the following uses which may be permitted as a part of the Resort Complex, provided that either in combination or individually they do not occupy more than 25 Percent of the total floor area of the principal Resort Buildings:

Retail Sales

- a. Antiques
- b. Books
- c. Camera and Photographic Supplies
- d. Candy, Nut and Confectionary
- e. China, Glassware, and Metal-Ware
- f. Cigars, Cigarettes, and Tobacco
- g. Flowers
- h. Fur Apparel
- i. Gifts, Novelties, and Souvenirs
- j. Jewelry
- k. Men's and Boy's Clothing and Furnishings
- l. Music Supplies
- m. Newspapers and Magazines
- n. Shoes
- o. Sporting Goods
- p. Stationery
- q. Toys
- r. Women's and Girl's Clothing and Furnishings

Personal Services

- a. Artists Services
 - b. Barber Services
 - c. Beauty Services
 - d. Dry Cleaning
 - e. Laundry
 - f. Photographic Studios
 - g. Shoe Repair and Cleaning Services
 - h. Custom Tailoring
 - i. Travel Arranging Services
10. Go-Cart Tracks
11. Golf course and Related Facilities
12. Hotels and Motels
13. Penny Arcades
14. Race Tracks
15. Riding Stables
16. Roller Skating Rinks
17. Skiing and Tobogganing
18. Snowmobile Trails
19. Swimming Beaches

20. Golf Courses and Country Clubs
21. Ski Hills
22. Yachting Clubs and Marinas
23. Public or Private Campgrounds
24. Cultural Activities
25. Amusement Activities
26. Public Assembly Uses
27. Archery Ranges
28. Golf Driving Range
29. Sports Field
30. Polo Field
31. Skating Rinks
32. Commercial Recreational Facilities
33. On and Off-Season Storage Facilities
34. Lodges and Fraternal Buildings
35. Nursing Homes
36. Nursery and Day Care Centers
37. Retirement Homes
38. Drive-in Theaters
39. Motels, Hotels, and Tourist Courts
40. Vehicle Sales and Service
41. Public Parking Lots
42. Taxi Stands
43. Airports, Airstrips, Landing Fields, and Heliports
44. Municipal Utilities
45. Schools and Churches
46. Commercial Water Slides
47. Single-Family and Multiple-Family Dwelling Units when located on the same site with health or recreational resorts provided, however, that the transfer of ownership of any dwelling units may only include, therewith, a fractional interest in the site on which the dwelling unit is located, and such transfer shall not result in a subdivision or minor subdivision as defined under the Village of Williams Bay Land Division Ordinance. Any permitted dwelling units may be used either for the accommodation of transient guests or exclusively for living quarters for one family.
48. Governmental and Cultural Centers, Libraries, Public Emergency Shelters, Parks, Playgrounds, Museums, Historic Home Sites and Landmarks.

(C) AREA, HEIGHT & YARD REQUIREMENTS:

Dwelling Unit Density: No planned development approved as a conditional use in the B-5, ETZ District may,

with respect to that area exclusively devoted to residential land uses, exceed ten (10) dwelling units per net developable acre.

Building:	
Height:	Maximum 35 Feet
Yards Setback: (Interior)	
Rear:	Minimum 40 Feet
Side:	Minimum 15 Feet
Street:	Minimum 25 Feet
Yards Setback: (Perimeter)	Minimum 75 Feet
Street:	
Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highway	85 Feet, Minimum (not including freeways)
Open Space:	Minimum 70 Percent of Total Lot Area

18.1703W

B-6 ETZ BED AND BREAKFAST DISTRICT:

The Bed and Breakfast District is, hereby, established to provide areas to include bed and breakfast establishments which meet all state code requirements for such establishments.

(A) PRINCIPAL USES:

1. Bed and Breakfast Establishments

(B) AREA, HEIGHT, AND YARD REQUIREMENTS:

Lot: (Sewered)

Area:	Minimum 15,000 Square Feet
Width:	Minimum 100 feet

Lot: (Unsewered)

Width and Area of all lots to be determined in accordance with Walworth County Zoning Ordinance Section 2.5

Building:

Height:	Maximum 35 Feet
Yards Setback:	
Rear:	Minimum 25 Feet
Side:	Minimum 15 Feet
Street:	

Subdivision Road:	Minimum 25 Feet
Town Road:	Minimum 50 Feet
County Road:	Minimum 65 Feet
State & Federal Highways:	Minimum 85 Feet (not including freeways)
Shore:	Minimum 75 Feet

18.1703X M-1, ETZ, INDUSTRIAL DISTRICT

The M-1 ETZ Industrial District is intended to provide for the orderly development of manufacturing or industrial operations, which, on the basis of actual physical and operational characteristics, would not be detrimental to the surrounding area or to the ETZ District as a whole by reason of smoke, noise, dust, odor traffic, physical appearance, or other similar factors; and to establish such regulatory controls as will reasonably ensure compatibility with the surrounding area in this respect. Uses which are generally perceived as being of a nuisance nature or considered to be a hazard to human life should not be permitted as a matter of right, but permitted only as conditional uses after careful study and review. Listed conditional uses should not normally abut directly upon residential districts.

(A) PRINCIPAL USES: All uses in this district are conditional uses and must be approved in accordance with procedures established in Section 18.1714.

(B) CONDITIONAL USES:

1. Automotive and marine products; storage, manufacturing, and repair/cleaning, dressing, and dyeing
2. Commercial bakeries
3. Commercial greenhouses
4. Cosmetic manufacturing
5. Distributors
6. Electrical appliances manufacturing
7. Electronic devices manufacturing
8. Farm machinery sales and repair
9. Food locker plants
10. Glass manufacturing
11. Jewelry manufacturing
12. Instrument manufacturing
13. Laboratories
14. Leather fabrication, not including tanning
15. Machine shops
16. Manufacture and bottling of nonalcoholic beverages
17. Mini warehousing
18. Packaging and packing of confections
19. Packaging and assembly of products made from fur
20. Painting

21. Pharmaceutical processing
22. Printing and publishing
23. Storage and sale of machinery and equipment
24. Tobacco and toiletries
25. Upholstery
26. Warehousing
27. Wholesaling

(C) PERMITTED ACCESSORY USES:

1. Garages for storage of vehicles used in conjunction with the operation of an industry.
2. Off-street parking and loading areas
3. Office, storage, power supply, and other uses normally auxiliary to the principal industrial operations.
4. Residential quarters for the owner or caretaker
5. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.
6. Roof-mounted solar collectors provided that a registered professional engineer shall certify that the structure is adequate to support the load.

(D) CERTAIN INCOMPATIBLE USES PROHIBITED:The following uses are considered to be incompatible with the residential characteristics of the Village and surrounding area and are herewith prohibited:

1. Manufacturing of ammonia, asbestos, asphalt, cement, chlorine, coal tar, creosote, explosives, fertilizer, glue, gypsum, insecticide, lampblack, poison, pulp, proxline, and radium.
2. Processing ammonia, asbestos, asphalt, cabbage, chlorine, coat tar, creosote, explosives, fertilizer, fish, glue, grease, gypsum, insecticides, lampblack, offal, poison, pulp, pyroxyline, and radioactive materials.
3. Storage of bulk fertilizer, explosives, gasoline in excess of 50,000 gallons, grease, and radioactive materials.
4. Forges, foundries, garbage incinerators, animal reduction, rubbish storage, slaughter houses, smelters, stockyards, and tanneries.

(E) AREA, HEIGHT AND YARD REQUIREMENTS:

Lot:

Area: Sufficient area and width for principal building(s) and its accessory buildings, off-street parking and loading areas and required yards.

Building:

Height: Maximum 35 feet

Area:	No more than 30% of the lot area.
Yards Setback:	
Rear:	Minimum 30 feet
Side:	Minimum 15 feet
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State and Federal Highway:	Minimum 85 feet (not including freeways)
Shore:	Minimum 150 feet

18.1703Y

I-1, ETZ, INSTITUTIONAL DISTRICT

The I-1 ETZ Institutional District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership and where the use of public purpose is anticipated to be permanent.

(B) PERMITTED USES:

1. Public or private schools, colleges, universities, field campuses, or outdoor educational facilities.
2. Churches
3. Funeral Homes
4. Hospitals, sanatoriums, nursing homes, and clinics
5. Libraries, community centers, conference centers, museums, and public art galleries
6. Observatories and planetariums
7. Public administrative offices, and public service buildings, including fire and police stations
8. Municipal utility offices

(C) PERMITTED ACCESSORY USES:

1. Residential quarters for caretakers or clergy
2. garages for storage of vehicles used in conjunction with the operation of a permitted use.
3. Service buildings and facilities normally accessory to the permitted use.
4. Satellite dish antennas located on the roof of the principal structure or in the rear yard. Where the satellite dish is roof-mounted, a registered professional engineer shall certify that the structure is adequate to support the load.

(D) CONDITIONAL USES:

1. Those uses set forth in Section 18.0504, 18.0511 and 18.0513

(E) AREA, HEIGHT AND YARD REQUIREMENTS:

Lot:	
Area:	Minimum 12,000 square feet with: Minimum 90 feet
Building:	
Height:	Maximum 35 feet
Area:	Residential uses shall comply with the single family area requirements of the R-4 ETZ Multi-Family Residential District.
Yards Setback:	
Rear:	Minimum 30 feet
Side:	Minimum 15 feet
Street:	
Subdivision Road:	Minimum 25 feet
Town Road:	Minimum 50 feet
County Road:	Minimum 65 feet
State and Federal Highway:	Minimum 85 feet
Shore:	Minimum 150 feet

(E) PLANS AND SPECIFICATIONS TO BE SUBMITTED TO EXTRATERRITORIAL ZONING COMMITTEE:

To encourage an institutional use environment that is compatible with the residential character of the Village of Williams Bay, and the extraterritorial zoning area, zoning permits for permitted uses in the Institutional District shall not be issued without review and approval of the appropriate joint Extraterritorial Zoning Committee and the Village of Williams Bay Plan Commission and approval shall be concerned with general layout, building plans, ingress, egress, parking, loading and unloading, and landscape plans.

18.1703Z

PUD ETZ PLANNED UNIT DEVELOPMENT OVERLAY DISTRICT

The Planned Unit Development (PUD) Overlay District is intended to permit areas to be developed as a single entity according to a plan, containing one (1) or more residential clusters, limited commercial clusters, or planned residential developments, and public, quasi-public, agricultural and/or conservation areas.

(A) PURPOSE AND INTENT:

The PUD is established herein to provide a regulatory framework designed to encourage and promote improved environmental design by allowing for greater freedom, imagination and flexibility in the development of land while insuring substantial compliance with the basic intent of the Zoning Ordinance and the general plan for community development. Consistent with this intent it allows diversification and variation in relationship of uses, structures, open

spaces and heights of structures in developments conceived and implemented as comprehensive and cohesive unified projects. It is further intended to encourage more rational and economic development with relation to public services, and can encourage and facilitate preservation of open land. The unified and planned development of a site in single or corporate ownership or control or in common ownership under the Unit Ownership Act as set forth in Chapter 703 of the Wisconsin Statutes (Condominiums) may be permitted by the Village upon specific petition under this section of the Ordinance and after public hearing, with such development encompassing one (1) or more principal uses or structures and related accessory uses or structures when all regulations and standards as set forth in this section of the Ordinance have been met.

(B) PERMITTED USES:

Uses permitted in a PUD shall conform to the uses, principal and/or conditional permitted in the underlying Zoning District Classification.

(C) MINIMUM AREA REQUIREMENTS:

Areas designated as Planned Unit Development Districts shall be under single or corporate ownership or control, and shall contain a minimum development area of:

Principal Uses	Minimum Area of PUD
1. Residential PUD	20 acres
2. Commercial PUD	30 acres
3. Industrial PUD	35 acres

(D) PROCEDURAL REQUIREMENTS:

1. Pre-Petition Conference. Prior to the official submission of the petition for the approval of a Planned Unit Development Overlay District or development of said District, the owner or his agent making such petition is encouraged to consult with the Plan Commission of the town in which the property is located. Subsequent to that meeting or, if no meeting is held with the town Plan Commission prior to the official submission of the petition the owner or his agent making such petition shall meet with the appropriate joint Extraterritorial Zoning Committee to discuss the scope and proposed nature of the contemplated development.
2. Petition. Following the pre-petition conference, the owner or his agent may file a petition with the Village Clerk for approval of a Planned Unit Development Overlay District. Such petition shall be accompanied by a review fee, as required by Section 18.1718 and the following information:

- (a) A statement which sets forth the relationship of the proposed PUD to the Village's and the extraterritorial master plan or any adopted component thereof, and the general character of and the uses to be included in the proposed PUD, including the following information:
1. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 2. Total area to be included in the PUD, area of open space, residential density computations, proposed number of dwelling units, population analysis, availability of or requirements for municipal services and any other similar data pertinent to a comprehensive evaluation of the proposed development.
 3. A general summary of the estimated value of structures and site improvement costs, including landscaping and special features.
 4. A general outline of the organizational structure of a property owner's or management's association, which may be proposed to be established for the purpose of providing any necessary private services.
 5. Any proposed departures from the standards of development as set forth in the Village zoning regulations, other Village regulations, or administrative rules, or other universal guidelines.
 6. The expected date of commencement of physical development as set forth in the proposal.
- (b) A general development plan including:
1. A legal description of the boundaries of the subject property included in the proposed PUD and its relationship to surrounding properties.
 2. The location of existing and proposed public and existing private roads, existing and proposed driveways, and existing and proposed parking facilities.
 3. The size, arrangement, and location of any individual building sites and proposed building groups on each individual site.
 4. The location of institutional, recreation, and open space areas and areas reserved or dedicated for public uses, including schools, parks, and drainage ways.

5. The type, size, and location of all structures
 6. General landscape treatment
 7. Architectural plans, elevation, and perspective drawings and sketches illustration the design and character of proposed structures.
 8. The existing and proposed location of public sanitary sewer and water supply facilities.
 9. The existing and proposed location of all private utilities or other easements.
 10. Characteristics of soils related to contemplated specific uses.
 11. Existing topography on the site with contours at not greater than two (2) foot intervals.
 12. A storm water management plan for development of the site.
 13. A construction erosion control plan for the project.
 14. Anticipated uses of adjoining lands in regard to roads, surface water drainage, and compatibility with existing adjacent land uses.
- (3) Referral to Joint Extraterritorial Zoning Committee, (ETZ Joint Committee) and Plan Commission. The petition for a Planned Unit Overlay Development District shall be referred to the appropriate ETZ Joint Committee and Plan Commission which shall formulate tentative recommendations for the petition including any additional conditions or restrictions which it may deem necessary or appropriate. The ETZ Joint Committee shall then hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the area to which the petition pertains as a Class Two notice, under Chapter 985, during the preceding 30 days, and by mailing notice to the Town Clerk of the Town in which the land to which the petition pertains is located. Following the public hearing the ETZ Joint Committee shall vote on the proposed petition including any conditions or restrictions which it may deem necessary or appropriate. The Village may not adopt the petition or amendments thereto, unless the petition or amendments thereto, receives a favorable vote of the majority of the six members of the ETZ Joint Committee. Such vote shall be deemed action taken by the entire Plan Commission.
- (4) Referral to Village Board. The Village Board may adopt by ordinance the proposed petition for a Planned Unit Development Overlay District including the conditions or restrictions recommended by the ETZ Joint Committee after giving notice and holding a hearing as provided in paragraph (3), or the Village Board may change the

- proposed conditions or restrictions for the proposed Planned Unit Development District after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee and the Village Board may hold a joint hearing on the proposed changes after giving notice as provided in paragraph (3).
- (5) The ETZ Joint Committee Recommendation and the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in paragraph (3).

(E) BASIS FOR APPROVAL OF THE PETITION:

- (1) The ETZ Joint Committee in making its recommendation and the Village Board in making its determination shall consider:
- (2) That the proposed Planned Unit Development Overlay District is consistent in all respects to the purpose of this Section and to the spirit and intent of this Ordinance; is in conformity with the adopted master plan or any adopted component thereof; and, that the development would not be contrary to the general welfare and economic prosperity of the community.
- (3) The ETZ Joint Committee shall specify lot area, width, yard, and height requirements in the granting of a permit. The requirements of the underlying zoning district may be relaxed to the discretion of the ETZ Joint Committee but in no case shall the maximum number of units per square foot in relation to the total development be exceeded for the underlying zoning district. However, the ETZ Joint Committee shall not grant approval for any building or structure exceeding 35 feet in height.
- (4) The ETZ Joint Committee in making its recommendations and the Village Board in making its determination shall further find that:
- (a) The proposed site shall be provided with adequate drainage facilities for surface and storm waters.
- (b) The proposed site shall be accessible from public roads that are adequate to carry the traffic that can be expected to be generated by the proposed development.
- (c) No undue constraint or burden will be imposed on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas by the proposed development.
- (d) The streets and driveways on the site of the proposed development shall be adequate to serve the residents of the proposed development and shall meet the minimum standards of all applicable ordinances or administrative regulations of the Village.
- (e) Public water and sewer facilities shall be provided.

- (f) Natural areas such as significant woodlands, meadows, wetlands, wildlife habitat areas, lakes, streams, and floodplain shall be protected as “environmental corridors.” Environmental corridors shall not be used in the calculation of residential densities within a planned unit development.
 - (g) The entire tract or parcel of land to be included in a Planned Unit Development Overlay District shall be held under single ownership, or if there is more than one (1) owner, the petition for such Planned Unit Development Overlay district shall be considered as one (1) tract, lot or parcel, and the legal description must define said PUD as a single parcel, lot or tract and be so recorded with the Register of Deeds for Walworth County.
- (5) That in the case of a proposed residential Planned Development project:
- (a) Such development will create an attractive residential environment of sustained desirability and economic stability, including structures in relation to terrain, consideration of safe pedestrian flow, ready access to recreation space, and coordination with overall plans for the community.
 - (b) The total net density within the Planned Unit Development Overlay District will be compatible with the density of development either existing or permitted in areas adjacent to the proposed PUD project.
 - (c) Provision has been made for the installation of adequate public facilities and the continuing maintenance and operation of such facilities
 - (d) Adequate, continuing fire and police protection is available.
 - (e) The population composition of the development will not have an adverse effect upon the community’s capacity to provide needed school or other municipal service facilities
 - (f) Adequate guarantee is provided for permanent preservation of open space areas as shown on the approved site plan either by private reservation and maintenance or by dedication to the public.
- (6) That in the case of a proposed commercial Planned Unit Development project:
- (a) The proposed development will be adequately served by off-street parking and truck service facilities
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities such as fire and police protection, street maintenance, and maintenance of public areas.

- (c) The locations for entrances and exits have been designated to prevent unnecessary interference with the safe and efficient movement of traffic on surrounding streets, and that the development will not create an adverse effect upon the general traffic pattern of the surrounding neighborhood.
 - (d) The architectural design, landscaping, control of lighting, and general site development will result in an attractive and harmonious service area compatible with and not adversely affecting the property values of the surrounding neighborhood.
- (7) That in the case of a proposed industrial Planned Unit Development project:
- (a) The operational character, physical plant arrangement, and architectural design of buildings will be compatible with the latest in performance standards and industrial development design and will not result in adverse effect upon the property values of the surrounding neighborhood.
 - (b) The proposed development shall be adequately provided with and shall not impose any undue burden on public services and facilities, such as fire and police protection, street maintenance, and maintenance of public areas.
 - (c) The proposed development will include adequate provisions for off-street parking and truck service areas and will be adequately served by rail and/or arterial highway facilities.
 - (d) The proposed development is properly related to the total transportation system of the community and will not result in an adverse effect on the safety and efficiency of public streets.

(F) CHANGES AND ADDITIONS:

- (1) Any subsequent change or addition to the plans or uses shall first be submitted for approval to the appropriate Joint Extraterritorial Zoning Committee and Plan Commission for its review and approval and, if in the opinion of the ETZ Joint Committee, such change or addition constitutes a material alteration of the original plan, the procedural requirements Subparts (C)(3) and (C)(4) shall apply

(G) SUBSEQUENT LAND DIVISION:

- (1) The division of any land or lands within a Planned Unit Development District for the purpose of change or conveyance of ownership shall be accomplished pursuant to the land division regulations of the Village and when such division is contemplated, a preliminary plat of lands to be divided shall accompany the petition for PUD approval.

(H) DEVELOPMENT OF PRE-EXISTING PLANNED UNIT DEVELOPMENT DISTRICTS:

(1) It shall be the policy of the Village of Williams Bay to create ETZ Planned Unit Development Districts only in those areas where a detailed unified development plan has been presented and approved. In areas where the district was applied prior to the enactment of this ordinance, or where approved petitions have not been implemented within a reasonable period of time, the subsequent development of the PUD shall require the issuance of a conditional use permit. Such conditional use permit shall be issued only after a new petition has been filed and approved by the Joint Commission and the Village Board after a new public hearing in the manner required in Subpart (C)(4). The Village Board may set a time scheduled for the completion of a plan unit development project. Any existing undeveloped Planned Unit Development District shall be reviewed annually in April by the ETZ Joint Committee and report regarding the disposition of that district shall be made to the Village Board.

(I) APPLICABILITY:

This Section shall be applicable to all property within the Extraterritorial Zoning Jurisdiction of the Village of Williams Bay with the exception of that property located within the Town of Walworth. It is the intent that no PUD shall be permitted in the Town of Walworth.

18.1704

INCORPORATION OF CERTAIN WILLIAMS BAY ZONING ORDINANCES

(A) To ensure consistent, equitable, and proper administration of extraterritorial zoning by the Village, the following sections of the Village Zoning Ordinance, as set forth in Chapter 18 of the municipal Code of the Village, are hereby incorporated into this Ordinance as though fully set forth herein, including any future amendments thereto and shall apply to all property within the ETZ Boundaries and the zoning districts existing therein:

- Section 18.0202-.0203, General Provisions
- Section 18.0600, Traffic, Parking and Access
- Section 18.0700, Modifications
- Section 18.0800, Signs
- Section 18.0900, Nonconforming Uses, Structures, and Lots
- Section 18.1000, Site Plan Review and Architectural Control
- Section 18.1100, Performance Standards
- Section 18.1307, Floodland District Boundary Changes Limited

Section 18.1308, Shoreland C-1 Amendments
Section 18.1309, Protest
Section 18.1500, Definitions
Chapter 18, Appendices, B-F

18.1705

DUTIES OF ZONING ADMINISTRATOR AND BUILDING INSPECTOR

- (A) The Village Zoning Administrator is hereby designated as the administrative and enforcement officer for the provisions of this ordinance, subject to the review of the ETZ Joint Committee in its discretion except where such authority is otherwise specifically delegated to a town building inspector. In the absence of a Village Zoning Administrator, the Village Building Inspector is hereby designated as the Village Zoning Administrator for the provisions of this Ordinance. The duty of the Zoning Administrator shall be to interpret and administer this Ordinance and to issue, after onsite inspection, all permits required by this Ordinance.
- (B) No structure shall be hereafter located, erected, moved, reconstructed, extended, enlarged or structurally altered until after the owner or his agent has secured a building permit from the building inspector of the town consistent with the procedural requirements of the ordinance establishing the position of town building inspector, unless otherwise exempted pursuant to Sections 18.1707 of this ordinance
- (C) In addition to the duties set forth above, the Village Zoning Administrator shall further, subject to review of the ETZ Joint Committee in its discretion:
1. Maintain records of all permits issued, fees collected, inspections made, work approved, and other official actions.
 2. Record the lowest floor elevations of all structures erected, moved, altered, or improved in the floodland districts.
 3. Establish that all necessary permits that are required for floodland uses by state and federal law have been secured.
 4. Inspect all structures, lands and waters as often as necessary to assure compliance with this ordinance.
 5. Investigate all complaints made relating to the location of structures and the use of structures, lands, waters, give notice of all violations of this ordinance to the owner, resident, agent, or occupant of the premises, and report on corrected violations to the Village Attorney in a manner specified by the attorney.
 6. Assist the Village Attorney in the prosecution of ordinance violations.
 7. Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to insure compliance with this ordinance. If, however, he is refused entry

after presentation of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin Statutes.

8. Prohibit the use of erection of any structure, land, or water until he has inspected and approved such use or erection.
9. Request assistance and cooperation from the appropriate township, sheriff's department and village attorney as deemed necessary.
10. Attend all such meetings of the ETZ Joint Committee as requested by the ETZ Joint Committee.

18.1706

ZONING PERMIT REQUIRED

No structure shall hereafter be located, erected, moved, reconstructed, extended, enlarged, or structurally altered until after the owner or his agent has secured a zoning permit from the Zoning Administrator, unless otherwise exempted pursuant to Section 18.1707 of this Ordinance. Applications for a zoning permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable:

- (A) Name and Addresses of the applicant, owner of the site, architect, professional engineer, and contractor.
- (B) Description of the Subject Site by lot, block and recorded subdivision, or metes and bounds; addresses of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
- (C) Plat of Survey prepared by a registered land surveyor showing the location, boundaries, dimensions, elevations, uses, and sizes of the following: subject site; existing and proposed structures; existing and proposed easements, streets, and other public ways; off street parking, loading areas and drive-ways; existing highway access restrictions; and existing and proposed street, side, and rear yards. In addition, the plat of survey shall show the location, elevation, and use of any abutting lands and their structures within 40 feet of the subject site.
- (D) The Zoning Administrator may waive the plat of survey requirement for accessory buildings and additions to single-family and two family dwellings when the building or addition is less than 250 square feet in area. When the plat of survey requirement is waived, the applicant shall submit a sketch plan, on forms provided by the Zoning Administrator, showing the information generally required on the plat of survey.
- (E)(F) Additional Information as may be required by the Joint Commission, Village Engineer or Zoning Administrator.
- (F) A Zoning Permit shall be granted or denied in writing by the Zoning Administrator within 45 days of submission subject to review by the ETZ Joint Committee in its discretion. The permit shall expire within six (6) months unless substantial work has commenced, or within 18 months if the

structure for which the permit is issued is not substantially completed. Any permit issued in conflict with the provisions of this Ordinance shall be null and void.

18.1707 USES NOT REQUIRING A ZONING PERMIT

No Zoning Permit shall be required for any of the following cases:

- (A) For building an accessory building less than 100 square feet in area.
- (B) For any improvement or alteration to an existing building less than 100 square feet in area which does not effect a change in use.
- (C) For repairs that do not alter the size or position of an existing structure on a lot. Such repairs shall not include the replacement or alteration of bearing walls.
- (D) However, no structure or development in a floodland district shall be exempt from obtaining a zoning permit, and any work that does qualify for an exemption under this section shall be required to comply with the applicable setback, yard, height, and other requirements set forth in this Ordinance.

18.1708 CERTIFICATE OF COMPLIANCE REQUIRED

- (A) No vacant land shall be occupied or used; and no building or premises shall be erected, altered, or moved, or create a change in use; and no nonconforming use shall be maintained, renewed, changed, or extended until a certificate of compliance shall have been issued by the Zoning Administrator and town building inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of this Ordinance. Such certificate shall be applied for at the time of occupancy of any land and/or building.
- (B) No land within the floodland districts shall be developed, occupied or used, and no structure hereafter erected, altered, or moved shall be occupied until the applicant submits to the Zoning Administrator a certification by a registered professional engineer or land surveyor that the floodplain regulations set forth in this Ordinance have been fully complied with. Such certification shall include the first floor elevation of any structure erected on the site.
- (C) No building located in a business or industrial zone and used for business or industrial purposes shall be occupied by a new tenant or a new owner or shall have the use changed without the issuance of a new certificate of compliance by the Zoning Administrator and town building inspector. Such certificate shall show that the building or premises or part thereof is in compliance with the provisions of the Extraterritorial Zoning Ordinance, Building Code, Electrical Code, Fire Prevention Code and the Plumbing Code of the applicable town and State of Wisconsin. Such certificate for the occupation of a previously existing building by a new tenant or use shall be applied for at

the time of any remodeling of the building or prior to the occupancy for the new use or by the new owner. Application for a certificate of compliance shall be made in the same manner as for a zoning permit pursuant to Section 18.1706 of this Ordinance.

18.1709

SHORELAND REGULATIONS

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to:

All land lying within 1,000 feet of the ordinary high water mark of any lake;

All lands lying within three hundred (300) feet of the ordinary high water mark of navigable rivers or streams, or the landward side of the floodplain, whichever is greater. Rivers and streams in The ETZ District shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other zoning base maps referenced in Section 3.2 of The Walworth County Shoreland Zoning Ordinance. If evidence to the contrary is presented; the Village Zoning Administrator shall make the initial determination whether or not the river or stream in question is navigable under laws of this state. The Village Zoning Administrator shall contact the appropriate district DNR office for a determination of navigability or ordinary high-water mark. Flood Hazard Boundary Maps, or Flood Insurance Study Maps (or soil maps or other existing county maps used to delineate floodplain areas which have been adopted by Walworth County) shall be used to determine the extent of the floodplain of rivers or streams in the ETZ District.

Tree Cutting, Shrubbery Clearing, and Earth Movements shall require a zoning permit and a conservation plan. In addition, the Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the Village to carry out an approved land conservation plan. The amount of such surety shall be determined by the Zoning Administrator and the form and type of all sureties shall be approved by the ETZ Joint Committee. The Zoning Administrator may, as appropriate, request a review of the proposed cutting, clearing, or earth movement activity by the Wisconsin Department of Natural Resources, and the USDA Soil Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a zoning permit but not to exceed thirty (30) days. All cutting, clearing, and earth movement activities shall be so conducted as to prevent erosion and sedimentation and preserve the natural beauty of the ETZ District. Paths and trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of natural ground cover and the minimum impairment of natural beauty. In the strip of land 35 feet wide inland from the ordinary high-water mark, no more than 30 feet in any 100 or the same proportion of a smaller lot shall be clear-cut.

Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty. These provisions do not apply to the removal of dead or diseased trees.

Cutting Plan: A special cutting plan allowing greater cutting may be permitted by the ETZ Joint Committee by issuance of a Conditional Use Permit, pursuant to Section 18.1714. An application for such a permit shall include a survey of the lot providing the following information; location of parking, topography of the land, existing vegetation, proposed cutting, and proposed replanting. The ETZ Joint Committee may grant such a permit only if it finds that such special cutting plans:

- A. Will Not Cause undue erosion or destruction of scenic beauty, and
- B. Will provide substantial visual screening from the water of dwellings, accessory structures and parking areas. Where the plan calls for replacement plantings the ETZ Joint Committee may require the submission of a bond which guarantees the performance of the planned tree or shrubbery replacement by the lot owner.

Beyond the thirty-five (35) foot strip, a zoning permit shall be required with conservation plans for projects within 300 feet of the OHWM (ordinary high water mark) and which are either (1) on slopes more than 20% (2) larger than 1000 square feet on slopes of 12-20% or (3) larger than 2000 square feet on slopes less than 12%.

Required Setbacks: all structures, except piers, wharves, boat hoists, open fence, boathouse, patios, bridges, dams, walkway and stairway which are necessary to provide pedestrian access to the shoreline, shall require a setback of at least seventy-five (75) feet from the ordinary high-water mark although a greater setback may be required where otherwise regulated by more restrictive ordinances.

Structures which require authorization or permits from the DNR pursuant to Chapters 30 and 31, Wisconsin Statutes, or which are to be located below the ordinary high-water mark, namely bridges, dams, culverts, piers, wharves, shoreland riprap, navigational aids, and waterway crossings of transmission lines shall comply with all applicable Federal, State, County and Local Regulations.

Boathouse: Boathouses shall not extend below the ordinary high water mark, shall not be located on lands having a slope of 12% or greater, shall be located so as to minimize earth disturbing activities and shoreland vegetation removal, and shall be designed exclusively for the storage of watercraft and related marine equipment and shall not be used for human habitation or commercial purposes. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipments, shall not be deemed to be a boathouse. Fireplaces, patio

doors, plumbing, heating, cooking facilities, or any features inconsistent with the use of the structure exclusively as a boathouse are not permitted in or on boathouses. The highest point to the roof elevation of the boathouse shall no be more than fourteen (14) feet vertical measurement above the ordinary high water mark, shall not exceed 400 square feet in horizontal are covered, and shall not be closer than three (3) feet to any side lot line. Railings shall not be placed on top of the boathouse, nor shall boathouse roofs be designed to provide general outdoor living space, i.e., as a deck. Only one boathouse is permitted on a lot as an accessory structure.

Shoreyards may be reduced to the average of the shoreyards of the principle structures existing on the abutting properties within a distance of 100 feet of the subject site but shall not be reduced to less than forty (40) feet.

Patios: Patios are exempted from the shoreland setback requirements provided that the structure shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction. Further, no permanent benches or tables shall be attached to the patio; the patio shall not exceed a height of six (6) inches above the original grade, and canopies, roofs, and railings on such structures are prohibited. The patio must be placed within the 30 in 100 foot area that is allowed to be clear-cut and shall be no more than 150 square feet in area.

Stairway, Walkway, Lift, Piers, and Wharves: Stairway, lift and walkway and that portion of piers and wharves landward of the ordinary high water mark are exempted from the shoreland setback requirements provided that the structure is necessary to access the shoreline because of steep slopes or wet, unstable soils. Further, the structure shall be located so as to minimize earth disturbing activities and shoreland vegetation removal during construction. The structure shall be no more than forty-eight (48) inches wide; open railing are permitted only where required by safety concerns; canopies, roofs, and closed railings/walls on such structures are prohibited; landings for stairways or docks are permitted only where required by safety concerns and shall not exceed twenty-five (25) feet in area.

Fences: Residential fences four (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 minimize the barrier to wildlife movement. Also refer to Section 18.0700, incorporated by reference in Section 18.1704.

Retaining Walls: Retaining walls and terracing shall only be allowed in the shoreline setback area where the applicant can successfully prove to the ETZ Joint Committee that there is a current erosion problem that cannot be remedied by resloping and revegetation of the area or other means consistent with natural shoreline aesthetics. Walls and terracing shall only be permitted to the extent that they resolve a

continuing erosion problem and shall not be used to provide level outdoor living space in the near-shore area.

Earth Movements Involving Stream Course Changing: Waterway construction or enlargement, channel clearing, removal of stream or lake bed materials, are conditional uses requiring review, public hearing, and approval by the ETZ Joint Committee in accordance with Section 18.1714. However, such earth movements having a DNR permit under Chapter 30 of the Wisconsin Statutes are exempt from this provision.

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

Tillage, Grazing, Livestock Watering, and the Spreading, Stacking and Stockpiling of Manure shall be permitted only when such uses are conducted in accordance with Walworth County's Conservation Standards, and when such uses do not cause the discharge of animal wastes into drainage ways or surface waters. Spreading of manure or fertilizer on frozen ground, stockpiling or stacking of manure, and the establishment and use of feed lots, shall be prohibited when such practice would cause direct run-off of surface waters into a drainage way or watercourse.

Surface Water Withdrawal, Diversion, or Discharge for irrigation, processing, or cooling purposes is prohibited except upon issuance of a special permit by the State Department of Natural Resources under rules and regulations adopted pursuant to Section 144.25(2) of the Wisconsin Statutes.

18.1710

OTHER PERMITS

It is the responsibility of the permit applicant to secure all other necessary permits required by any state, federal, or local agency. This includes, but is not limited to, a water use permit pursuant to Chapter 30 of the Wisconsin Statutes or a wetland fill permit pursuant to Section 404 of the Federal Water Pollution Control Act.

18.1711

SITE RESTRICTIONS

No land shall be used or structure erected where the land is unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, unfavorable topography, low percolation rate or bearing strength, erosion susceptibility, or any other feature likely to be harmful to the health, safety, prosperity, aesthetics, and general welfare of this community. The Zoning Administrator, in applying the provisions of this section, shall in writing recite the particular facts upon which he bases his conclusion that the land is not suitable for

certain uses. Thereafter the ETZ Joint Committee may issue recommendations to affirm, modify or withdraw the determination of unsuitability to the Village Plan Commission. The Village Plan Commission may adopt the recommendations of the ETZ Joint Committee or may change the recommendations after first submitting the proposed changes to the ETZ Joint Committee for recommendation and report. The ETZ Joint Committee recommendation on the proposed changes shall be submitted to the Plan Commission which may adopt or modify the recommendations of the ETZ Joint Committee. In addition:

- (A) All lots shall abut upon a public street, or other approved way, and each lot shall have a minimum street frontage of 50 feet.
- (B) All principal structures shall be located on a lot; and only one principal structure shall be located, erected, or moved onto a lot in single-family and two-family residential districts. Upon recommendation by the ETZ Joint Committee, the Plan Commission may permit more than one structure per lot in other districts where more than one structure is needed for the orderly development of the parcel. Where additional structures are permitted, upon recommendation by the ETZ Joint Committee the Plan Commission may impose additional yard requirements, landscaping requirements, or parking requirements, or require a minimum separation distance between principal structures.
- (C) No building permit shall be issued for a lot which abuts a public street dedicated to only a portion of its proposed width and located on that side thereof from which the required dedication has not been secured.
- (D) Lots abutting more restrictive district boundaries shall provide side and rear yards not less than those required in the more restrictive abutting district. The street yards on the less restrictive district shall be modified for a distance of not more than 60 feet from the district boundary line so as to equal the average of the street yards required in both districts

18.1712 USE RESTRICTIONS

The following use restrictions and regulations shall apply:

- (A) Principal Uses: Only those principal uses specified for a district, their essential services, and the following uses shall be permitted in that district.
- (B) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Residential accessory uses shall not involve the conduct of any business, trade, or industry except home occupations and professional home offices as defined in this Ordinance.
- (C) Conditional uses and their accessory uses are considered as special uses requiring review, public hearing and approval by the ETZ Joint Committee in accordance with Section 18.1714 of this Ordinance. Any development within 500 feet of the existing or proposed rights-of way of freeways, expressways, and interstate and controlled access traffic ways and within

1,500 feet of their existing or proposed interchange or turning lane rights-of-way shall be deemed to be conditional uses. Such development shall be specifically reviewed and approved by the ETZ Joint Committee as provided in Section 18.1714 of this Ordinance.

- (D) Unclassified or unspecified uses may be permitted by the ETZ Zoning Board of Appeals provided that such uses are similar in character to the principal uses permitted in the district.
- (E) Temporary uses, such as real estate sales field offices or shelters for materials and equipment being used in the construction of a permanent structure, may be permitted by the ETZ Zoning Board of Appeals.

18.1713 REDUCTION OR JOINT USE

No lot, yard, parking area, building area, or other space shall be reduced in area or dimension so as not to meet the provisions of this Ordinance. No part of any lot, yard, parking area, or other space required for a structure or use shall be used for any other structure or use.

18.1714 CONDITIONAL USE PERMIT

- (A)
 - 1. It is recommended that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Plan Commission of the Town in which the property is located in order to obtain their input and assistance.
 - 2. It is required that, prior to the filing of an application for the approval of a conditional use permit, the applicant consult with the Village Board which shall forward its recommendation to the ETZ Joint Committee.
 - 3. The ETZ Joint Committee may authorize the Zoning Administrator to issue a conditional use permit for conditional uses.
 - 4. The ETZ Joint Committee shall hold a public hearing on the application. Notice of the hearing shall be given by publication of a newspaper having general circulation in the area in which the subject property is located, as a Class 2 Notice, under Chapter 985, during the proceeding 30 days and by mailing notice to the Town Clerk of the town in which the subject property is located.
 - 5. The ETZ Joint Committee may approve the application after giving notice and holding a hearing as provided in paragraph (4) above, or the ETZ Joint Committee may change the conditions of approval of the application following the hearing.
- (B) APPLICATION

Application for conditional use permits shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following:

1. Names and addresses of the applicant, owner of the site, architect, professional engineer, contractor, and all opposite and abutting property owners of record.
2. Description of the subject site by lot, block, and recorded site; type of structure; proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site is located. For shoreland conditional use, such description shall also include information that is necessary for the ETZ Joint Committee to determine whether the proposed development will hamper flood flows, impair floodplain storage capacity, or cause danger to human or animal life. This additional information may include plans, certified by a registered professional engineer or land surveyor, showing elevations or contours of the ground; fill or storage elevations; first floor elevations of structures; size, location, and spatial arrangement of all existing and proposed structures on the site; location and elevation of streets, water supply, and sanitary facilities; photographs showing existing land uses and vegetation upstream and downstream; soil types; and other pertinent information.
3. Plat of survey prepared by a registered land surveyor showing all of the information required under Section 18.0204 for a Building Permit and, in addition, the mean and historic high water lines and floodlands on or within 40 feet of the subject premises and existing and proposed landscaping.
4. Additional information as may be required by the ETZ Joint Committee, The Town and/or Village Board, Village Engineer or Zoning Administrator.
5. A party shall not file an application for a conditional use permit affecting the same land more than once every twelve (12) months. Twelve months is to be calculated from the date of the conclusion of the first (1st) ETZ Joint Committee Public Hearing. If a change in a Williams Bay Extraterritorial Zoning Ordinance or State Statute affects the subject matter of the permit request, the party may apply again even if there has been a prior application concerning the same land within the twelve (12) month period

(C) **REVIEW AND APPROVAL**

The ETZ Joint Committee shall review the site, existing and proposed structures, architectural plans, neighboring uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, sewerage and water systems, and the proposed operation.

- (A) Conditions such as landscaping, architectural design, type of construction, flood proofing, anchoring of structures, construction commencement and completion dates, sureties, lighting, fencing, planting screens, operational control, hours of operation, improved traffic circulation, deed restrictions, highway access restrictions, increased yards, or parking requirements may be required by the ETZ Joint Committee upon its finding that these are necessary to fulfill the purpose and intent of this Ordinance.
- (B) Compliance with all other provisions of this Ordinance, such as lot width and area, yards, height, parking, loading, traffic, and highway access shall be required of all conditional uses. Variances shall only be granted as provided in Section 18.1716 of this Ordinance.
- (C) Revocation of Conditional use permit. Should a permit applicant, his heirs or assigns, fail to comply with the conditions of the permit issued by the ETZ Joint Committee or should the use, or characteristics of the use be changed without prior approval by the ETZ Joint Committee, the Conditional Use Permit may be revoked. The process for revoking a permit shall generally follow the procedures for granting a permit as set forth in Section 18.1714(A).

18.1715 LAND DIVISION

Any person requesting a Land Division for property within the ETZ area shall follow the procedures set forth in Chapter 17, of the Village of Williams Bay Municipal Code.

18.1716 ETZ ZONING BOARD OF APPEALS

- (A) There is hereby established a Zoning Board of Appeals for each Extraterritorial Zoning District of the Village of Williams Bay for the purpose of hearing appeals and applications and for granting variances and exceptions to the provisions of this Ordinance.
- (B) Membership. Each Zoning Board of Appeals shall consist of five (5) members, two (2) from the Town in which the ETZ is located and three (3) from the Village, appointed by the Village President and confirmed by the Village Board.
 - (1) Terms shall be for staggered three (3) year periods.
 - (2) Chairperson shall be designated by the Village President.
 - (3) The Village President shall appoint a first alternate member from the Village and a second alternate member from the town to act only when a regular member is absent or refuses to vote because of interest. The second alternate member may act only when the first alternate is unable to act or is already sitting.
 - (4) The Secretary shall be appointed by the Zoning Board of Appeals.

- (5) Zoning Administrator shall attend all meetings for the purpose of providing technical assistance when requested by the Board.
- (6) Official Oath shall be taken by all members in the quorum per Section 19.01 of the Wisconsin Statutes within ten (10) days of receiving notice of their appointment.
- (7) Vacancy shall be filled for the unexpired term in the same manner as appointments for full term.

(C) Organization.

The Zoning Board of Appeals shall organize and adopt rules of procedure for its own government in accordance with the provisions of this Ordinance.

- (1) Meetings shall be held at the call of the chairman and shall be open to the public.
- (2) Minutes of the proceedings and a record of all actions shall be kept by the secretary, or other designated person, showing the vote of each member upon each question, the reasons for the Board's determination, and its finding of facts. These records shall be immediately filed in the office of the Board and shall be a public record.
- (3) The Concurring Vote of four (4) members of the Board shall be necessary to correct an error; grant a variance; make an interpretation; and permit a utility, temporary, unclassified, or substituted use.

(D) Powers.

The Zoning Board of Appeals shall have the following powers:

- (1) Errors: To hear and decide appeals when it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator or ETZ Joint Committee.
- (2) Variances: To hear and grant appeals for variances as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit and purposes of this Ordinance shall be observed and the public safety, welfare, and justice secured. Use variances shall not be granted.
- (3) Interpretations: To hear and decide applications for interpretations of the zoning regulations and the boundaries of the zoning districts after the ETZ Joint Committee has made a review and recommendation.
- (4) Substitutions: To hear and grant applications for substitution of more restrictive nonconforming uses for existing nonconforming uses provided no structural alterations are to be made and the ETZ Joint Committee has made a review and recommendation. Whenever the Board permits such a substitution, the use may not thereafter be changed without application.
- (5) Temporary Uses: To hear and grant applications for temporary uses in any district provided that such uses are of a temporary nature, do not

involve the erection of a substantial structure, and are compatible with the neighboring uses, and provided that the ETZ Joint Committee has made a review and recommendation. The permit shall be temporary, revocable, and subject to any conditions required by the Board of Zoning Appeals, and shall be issued for a period not to exceed twelve (12) months. Compliance with all other provisions of this Ordinance shall be required.

- (6) Permits: The Board may reverse, affirm wholly, or partly modify the requirements appealed from, and may issue or direct the issue of a permit.
 - (7) Assistance: The Board may request assistance from other village officers, departments, commissions, and boards.
 - (8) Oaths: The chairman may administer oaths and compel the attendance of witnesses.
- (E) Appeals and Applications.
Appeals of the decision of the Zoning Administrator concerning the literal enforcement of this Ordinance may be made by any person aggrieved or by any officer, department, board or bureau of the Village or by the ETZ Committee. Such appeals shall be filed with the Village Clerk within thirty (30) days after the date of written notice of the decision or order of the Zoning Administrator. Applications may be made by the owner or lessee of the structure, land or water to be affected at any time and shall be filed with the Village Clerk. Such appeals and applications shall include the following:
- (1) Name and Address of the appellant or applicant and all abutting and opposite property owners of record.
 - (2) Plat of Survey prepared by a registered land surveyor showing all of the information required under Section 18.1706 for a Zoning Permit.
 - (3) Additional Information required by the Village Engineer, Zoning Board of Appeals, or Zoning Administrator.
- (F) Hearings.
The Zoning Board of Appeals shall fix a reasonable time and place for the hearing, shall give public notice thereof as specified in Section 18.1400 of the Village Zoning Ordinance, and shall give due notice to the parties in interest, the Zoning Administrator, the ETZ Joint Committee and the Plan Commission of the town in which the property is located or, if there is no such Plan Commission, to the Town Board. At the hearing the appellant may appear in person, by agent, or by attorney.
- (G) Notice to DNR.
The Zoning Board of Appeals shall transmit a copy of each application for a variance to floodland regulations or to C-1 or C-4 District regulations, and a copy of all shoreland and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment not less than ten (10) days prior to the public hearing. Final action on the application shall not be taken

for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to conservancy regulations in a shoreland or to floodland regulations, and a copy of all decisions related to shoreland and floodland appeals, shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

(H) Wetland and Floodland Mapping Disputes.

(A) Wetland Disputes. Whenever the Board of Appeals is asked to interpret a C-1 Conservancy District or C-4 Conservancy District boundary where an apparent discrepancy exists between the Village's or County's Final Wetland Inventory Map and actual field conditions, the Village shall contact the Wisconsin Department of Natural Resources (DNR) to determine if the wetland inventory map is in error. If the DNR staff concurs that the particular area was incorrectly mapped as a wetland, the Board of Appeals shall direct the ETZ Joint Committee to initiate appropriate action to rezone the property within a reasonable amount of time.

(B) Floodland Disputes. Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance Study and actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by uses of the flood profiles contained in an engineering study or, where such information is not available, by experience flood maps or any other evidence available to the Board of Appeals. The person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped the Board of Appeals shall advise the ETZ Joint Committee of its findings and the ETZ Joint Committee shall proceed to initiate appropriate action for a map amendment.

(H) Findings.

No variance to the provisions of this Ordinance shall be granted by the Board unless it finds beyond a reasonable doubt that all of the following facts and conditions exist and so indicates such in the minutes of its proceedings.

(A) Preservation of Intent: No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.

(B) Exceptional Circumstances: There must be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use, or intended use that do not apply generally to other

properties of uses in the same district, and the granting of the variance should not be of so general or recurrent nature as to suggest that this Ordinance should be changed.

- (C) Economic Hardship and Self-Imposed Hardship Not Grounds for Variance: No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
- (D) Preservation of Property Rights: The variance must be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
- (E) Absence of Detriment: No variance shall be granted that will create substantial detriment to adjacent property or that will materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- (F) Additional Requirements in C-4 ETZ Districts: No variance shall be granted where:
 - (A) Filling and development contrary to the purpose and intent of the C-4 ETZ District would result.
 - (B) A change in the boundaries of the C-4 ETZ District would result.
 - (C) A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
 - (D) Any action contrary to the provisions of Chapter NR-116 of the Wisconsin Administrative Code would result.

(J) Decision

The Zoning Board of Appeals shall decide all appeals and applications within thirty (30) days after the final hearing and shall transmit a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and ETZ Joint Committee.

- (1) Conditions may be placed upon any building permit ordered or authorized by this Board.
- (2) Variances, Substitutions, or Use Permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.

18.1717 CHANGES AND AMENDMENTS

18.1717A AUTHORITY

Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Village Board of Trustees may, by Ordinance, change the zoning district boundaries or amend, change, or supplement the regulation established by this ordinance or amendments thereto. Such change or amendment shall be subject

to the review, recommendation, and approval of the Joint Extraterritorial Zoning Committee for the affected town. The procedure set herein shall apply to amendments to the extraterritorial zoning ordinance. In the case of a protest against an amendment the applicable provisions under § 62.23(7)(d), Wis. Stats., shall be followed.

18.1717B INITIATION

A change or amendment may be initiated by the Village Board, Village Plan Commission, or appropriate Joint Extraterritorial Zoning Committee, or by a petition of one or more of the owners or lessees of property within the area proposed to be changed.

18.1717C PRE-PETITION CONSULTATION.

It is recommended that, prior to the filing of a petition to change district boundaries or amendments to the regulations, the petitioner consult with the Plan Commission of the town in which the property is located.

18.1717D PETITIONS

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Village Clerk and Town Clerk of the appropriate town, describe the premises to be rezoned or the regulations to be amended, list the reasons justifying the petition, specify the proposed use, and have attached the following:

- (A) Plot Plan drawn to scale of one (1) inch equals 100 feet showing the area proposed to be rezoned, its location, its dimensions, the location and classification of adjacent zoning districts, and the locations and existing use of all properties within 200 feet of the area proposed to be rezoned.
- (B) Owners' Names and Addresses of all properties lying within 200 feet of the area proposed to be rezoned.
- (C) Additional Information required by the Village Plan Commission, Village Board, or relevant Joint Extraterritorial Zoning Committee.
- (D) Limitation on Applications:
A party shall not file a petition for a zoning change affecting the same land more than once every twelve (12) months. Twelve (12) months is to be calculated from the date of the ETZ Joint Committee's first (1st) Public Hearing.

18.1717E REVIEW, RECOMMENDATIONS AND APPROVAL OF JOINT EXTRATERRITORIAL ZONING COMMITTEE

- (A) The appropriate Joint Extraterritorial Zoning Committee shall formulate tentative recommendations for amendments to the district plan and regulations, and shall hold a public hearing thereon. Notice of a hearing shall be given by publication in a newspaper having general circulation in the

area to be zoned, as a class 2 notice, under ch. 985, during the preceding 30 days, and by mailing the notice to the town clerk of the town for which the plan and regulations are proposed. The notice shall contain the layout of tentative districts either by maps or words of description, and may contain the street names and house lot numbers for purposes of identification if the ETZ Joint Committee or the governing body so determines. At a public hearing an opportunity to be heard shall be afforded to representatives of the town board of the town and to any person in the town for which the plan and regulations are proposed.

- (B) Only the members of the appropriate ETZ Joint Committee shall vote on matters relating to the amendments thereto. A separate vote shall be taken on the proposed rezone or amendment for each town and the town members of the ETZ Joint Committee shall vote only on matters affecting the particular town which they represent. The ETZ Joint Committee shall not approve and forward the proposed rezone or amendment, unless the proposed rezone or amendment receives a favorable vote of at least 4 members of the ETZ Joint Committee. Upon such approval, the ETZ Joint Committee shall forward its approval and recommendation to the Village Board.

18.1717F VILLAGE BOARD ACTION

- (A) The Village Board shall hold a public hearing upon each petition giving public notice thereof as specified in Section 18.1717E listing a time, place and changes or amendments proposed.
- (B) As soon as possible after such public hearing, and after careful consideration of the ETZ Joint Committee's recommendation, the Village Board shall act on the petition either approving or disapproving the same. The Village Board may deny the petition recommended for the approval by the ETZ Joint Committee or recommend modifications to the petition only by the favorable vote of 2/3 of the full Village Board membership, otherwise the petition as recommended by the ETZ Joint Committee shall be deemed approved by the Village Board. If the Village Board shall recommend a modification to the petition, such recommendation shall be made to the appropriate ETZ Joint Committee and the petition returned thereto for recommendation and report. The ETZ Joint Committee and the Village Board may hold a hearing on the proposed changes after giving notice as provided in Section 18.1717E. The ETZ Joint Committee recommendations of the proposed changes shall be submitted to the Village Board in accordance with the voting requirements set forth in Section 18.1717E(B). The Village Board shall not adopt the proposed plan and regulations or amendments thereto unless the proposed plan and regulations or amendments thereto receive a favorable vote of a majority of the six (6) members of the appropriate ETZ Joint Committee.

FEES AND PENALTIES

(A) Permit fees. All persons, firms or corporations performing work by which this Ordinance requires the issuance of a permit shall pay a fee for such permit to the appropriate Town Clerk or to the Village Clerk as provided below to help to defray the cost of administration, investigation, advertising, and processing of permits and variances. The fee for permits shall be as follows:

Town Permits.

Building permit or a certificate of compliance..... \$25.00

Zoning Permits.

Single Family Dwelling (New)..... \$140.00

Multi-Family Dwelling (New) \$140.00 (per unit)

Commercial \$160.00

All Others except as otherwise specified \$80.00

Planned Unit Development Application..... \$100.00

Conditional Use Permit. \$75.00

Variance or Appeal..... \$75.00

Amendment to Ordinance (map or text)..... \$100.00

(B) DOUBLE FEE

A double fee may be charged by the Zoning Administrator or town building inspector if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this ordinance nor from prosecution for violation of this Ordinance.

(C) VIOLATIONS

It shall be unlawful to use or improve any structure or land, or to use water or air in violation of any of the provisions of this Ordinance. In the case of any violation, the Village Board, the Zoning Administrator, the Plan Commission, the ETZ Joint Committee or any property owner who would be specifically damaged by such violation, may institute appropriate action or proceeding to enjoin a violation of this Ordinance or cause a structure to be vacated or removed.

(D) REMEDIAL ACTION

Whenever an order for the Zoning Administrator has not been complied with within 30 days after written notice has been mailed to the owner, resident agent or occupant of the premises, the Village board, the Zoning Administrator, or the Village Attorney

may institute appropriate legal action or proceedings to prohibit such owner, agent, or occupant from using such structure, land, or water.

(E) **PENALTIES**

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or any order of the Zoning Administrator issued in accordance with the Ordinance or resist enforcement shall, upon conviction thereof, forfeit not less than \$10 nor more than \$200 and costs of prosecution of each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

18.1719 **ADOPTION AND EFFECTIVE DATE**

18.1719A **JOINT ETZ COMMITTEE APPROVAL**

The ETZ Joint Committee for the Town of Delavan approved and recommended this ordinance at a meeting held on the _____ day of _____, 2000. The ETZ Joint Committee for the Town of Geneva approved and recommended this ordinance at a meeting held on the _____ day of _____, 2000. The ETZ Joint Committee for the Town of Linn approved and recommended this ordinance at a meeting held on the _____ day of _____, 2000. The ETZ Joint Committee for the Town of Walworth approved and recommended this ordinance at a meeting held on the _____ day of _____, 2000.

18.1719B **PUBLIC HEARING**

Pursuant to and in accordance with the Laws of the State of Wisconsin, the Village Board of Trustees held a public hearing on the Ordinance on the _____ day of _____, 2000.

18.1719C **VILLAGE BOARD APPROVAL**

The Village Board of trustees concurred with the recommendations of the various ETZ Joint Committees and adopted the Extraterritorial Zoning Ordinance on the _____ day of _____, 2000.

18.1719D **EFFECTIVE DATE**

This ordinance shall be in full force and effect upon and from its passage, approval, and publication as required by law.

VILLAGE OF WILLIAMS BAY

By: _____

Donald H. Weyhrauch, President

ATTEST:

Jean Gould, Clerk

Date of 1st Reading: _____
Date of 2nd Reading: _____
Date Adopted: _____

INSERT APPENDIX A HERE

(Part 2 of the Official Zoning Map for the Village of Williams Bay--Map of Extraterritorial Zoning Area).