

**ORDINANCE #2023-14**  
**AN ORDINANCE CREATING SECTION 390-0822 OF THE CODE OF ORDINANCES**  
**OF THE VILLAGE WILLIAMS BAY CONCERNING SHORE YARD STANDARDS**

WHEREAS, the Building, Zoning and Ordinance Committee having recommended to the Village Board the adoption of an ordinance regulating development of shore yard areas by providing standards to owners of properties containing shore yards, in order to preserve the natural beauty of the areas adjacent to Geneva Lake and navigable rivers or streams as well as ensuring conditions which effectively retard water runoff which may adversely affect adjoining waterways and adjoining properties; and

WHEREAS, the Plan Commission of the Village of Williams Bay having held a duly noticed public hearing to address the proposed creation of Section 390-0822; and

WHEREAS, following said public hearing, the plan commission having voted to recommend to the Village Board of the Village of Williams Bay the creation of Section 390-0822 of the Code of Ordinances of the Village of Williams Bay; and

WHEREAS, the Village Board of the Village of Williams Bay having determined that it is appropriate to accept the recommendations of the Building, Zoning and Ordinance Committee and the Plan Commission, and enact an ordinance providing for shore yard standards regulating the development of shoreland for the reasons stated by the committee, which will serve to protect, promote and enhance the quality of life, public health and safety and general welfare of persons in the village.

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

Section I. Section 390-0822 of the Code of Ordinances of the Village of Williams Bay is hereby created to read as follows:

§390-0822. Shore Yard standards.

In addition to any other applicable use, site, or sanitary regulation, the following restrictions and regulations shall apply to all shore yard, defined as all land lying within 150 feet of the ordinary high-water mark of any lake and all lands lying within 75 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 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. 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.

A. Tree cutting, shrubbery clearing, and earth movements shall require a zoning permit and a conservation plan. In addition, tree cutting and shrubbery removal

shall require a tree removal permit issued by the Tree Commissioner. The Zoning Administrator may, where appropriate, require an applicant to furnish a surety to enable the village 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 Village Board. 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 Natural Resources Conservation Service, or other appropriate agency, and await their comments and recommendations before issuing a zoning permit but not to exceed 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 shore yard. Paths and trails shall not exceed 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.

- (1) Tree cutting and shrubbery clearing shall be subject to and governed by the provisions of §331-2.
- (2) Beyond the thirty-five-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:
  - (a) On slopes more than 20%;
  - (b) Larger than 1,000 square feet on slopes of 12% to 20%; or
  - (c) Larger than 2,000 square feet on slopes less than 12%.

**B. Required setbacks.**

Except as otherwise specified in this Chapter, all structures, shall require a setback of at least 150 feet from the ordinary high-water mark although a greater setback may be required where otherwise regulated by more restrictive ordinances.

- (1) 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.

**C. Permitted Intrusions into Required Shore Yards.**

Intrusions into shore yards are permitted only in compliance with the requirements of § 390-0505C.

- D. 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 shore yard 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 48 inches wide; open railings 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 25 feet in area.

- E. Retaining walls. Retaining walls and terracing may only be allowed as a conditional use in the shore yard setback area where the applicant can successfully prove 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 may only be allowed 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.
- F. Earth movements involving stream course changing, waterway construction or enlargement, channel clearing, or removal of stream or lake bed materials are conditional uses requiring review, public hearing, and approval by the Village Board in accordance with § 390-1207. However, such earth movements having a DNR permit under Chapter 30 of the Wisconsin Statutes are exempt from this provision.
- G. 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.

Section II. This ordinance shall take effect upon passage and publication as provided by law.

Approved by the village board of the village of Williams Bay this 15th day of January, 2024.

VILLAGE OF WILLIAMS BAY

By: \_\_\_\_\_  
William Duncan, President

Attest: \_\_\_\_\_  
Tina Kolls, Clerk

First Reading: 12-18-2023  
Second Reading: 1-15-2024  
Date Adopted: 1-15-2024  
Date Published: 1-25-2024