

VILLAGE OF TWIN LAKES

ORDINANCE NO. 2005-8-1

An Ordinance to Create Chapter 17.38 of the Twin Lakes Code of Ordinances Pertaining to Shoreland Protection Overlay District

The President and the Trustees of the VILLAGE OF TWIN LAKES, Kenosha County, Wisconsin, do herewith ordain as follows, to wit:

SECTION I

Chapter 17.38 of the Twin Lakes Code of Ordinances pertaining to Shoreland Protection Overlay District is hereby created to read as follows:

17.38 Shoreland Protection Overlay District

17.38.010 Shoreland Protection Overlay District - Purpose. The Shoreland Protection Overlay District is intended to provide for orderly development of shorelands in the Village of Twin Lakes while providing for the preservation of shore cover and furthering the aesthetic appearance of the shoreline. The district includes all lands within 100 feet of the Ordinary High Water Mark of any navigable lake, channel or stream within the Village as identified in 17.37.140 of this Code.

17.38.020 Definitions

- A "Accessory Structure" Shall be defined for purposes of this Chapter as any building or portion of a building subordinate to the main building and used for a purpose customarily incidental to the permitted use of the main building or the use of the premises or any other thing constructed or erected on the premises, the use of which requires a permanent location on the ground or attachment to something having a permanent location on the ground. With the exception of decks, when an Accessory Building, as defined elsewhere in this Code, is part of the main building or is substantially attached thereto, the yard requirements of the main building shall be applied to the Accessory Building.
- B "Vegetative Buffer" Shall be defined as an area of vegetation containing a combination of native genotype plants, trees, and shrubs maintained along the shoreline or edge of a navigable lake, channel, or stream for the purpose of reducing the impact from adjacent upland and waterward activities.
- C "Shorelands" Shall have the same meaning as in Section 17.37.030 (42) of this Code.
- D "Shore Yard" Shall be defined as the land between the Ordinary High Water Mark (OHWM) and the building setback line on properties within the district having frontage on a navigable waterway or other waterway defined in this Chapter.

17.38.030 Uses. Any use permitted or allowed on a conditional basis in the underlying basic use district is allowed as a permitted or conditional use in the Shoreland Protection Overlay District.

17.38.040 Lot Areas and Width. Lot area and width shall conform to that required in the underlying basic use district except that lots created in the Shoreland Protection Overlay District after the effective date of this Ordinance shall have a minimum width of fifty (50) feet at the OHWM.

17.38.050 Building Height and Area. Building and structure height and area shall conform to the requirements of the underlying basic use district except as defined herein.

17.38.060 Setback and Yards. All buildings and structures shall conform to the setback and yard requirements of the underlying district except as defined herein.

17.38.070 Special Regulations.

- A No primary structure, as defined in the underlying basic use district, in the Shoreland Protection Overlay District shall be located closer than sixty (60) feet to the OHWM of a navigable lake, channel, or stream. This setback may be reduced to the average of the setback of the primary structures on the adjoining properties upon prior installation and continued maintenance of a fifteen (15) foot Vegetative Buffer on the premises of a design and maintenance plan acceptable to the Village. In no case, may the Shore Yard setback for primary structures be less than twenty-five (25) feet.
- B No accessory structure in the Shoreland Protection Overlay District shall be located closer than fifteen (15) feet to the OHWM of a navigable lake, channel or stream nor closer than fifteen (15) feet to the side lot line.
- C No individual accessory structure in the Shore Yard shall exceed six hundred (600) square feet and the total of all accessory structures in the Shore Yard on a given premises shall not exceed twelve hundred (1200) square feet. The aggregate amount of impervious surface in the shore yard shall not exceed twenty percent (20%)of the total area of the shore yard.
- D The maximum height of an accessory structure in the shore yard shall not exceed twelve (12) feet measured from the average of the existing grade at the corners of the structure or at least four (4) points equally spaced around the perimeter of the structure.
- E Notwithstanding an access way to the water, which may not exceed thirty percent (30%) of the total footage of the property measured at the OHWM, existing Vegetative Buffers shall be maintained within fifteen (15)feet of the OHWM.
- F To preserve the scenic beauty of shorelands, to control erosion, and to reduce nutrient flow from the shorelands, the following shore cover regulations shall be enforced in the shore yard
 - 1 No more than thirty percent (30%) of the vegetative cover shall be clear cut.
 - 2 Clear cutting of more than thirty percent (30%) of the vegetative cover may be allowed if the cutting is mitigated by the planting of new vegetation at a ratio of two new plantings for each one removed.
 - 3 Cutting of this thirty percent (30%) shall not create a clear cut opening in the district greater than thirty (30) feet wide for every one-hundred (100) feet of shoreline prorated for the width of the subject parcel.
 - 4 In the remaining seventy percent (70%), cutting shall leave sufficient cover to screen cars, dwelling and accessory structures as seen from the water; and preserve natural beauty and control erosion.
 - 5 Except within fifteen (15)feet of the OHWM, these provisions shall not apply to the removal of dead, diseased or dying trees, or to silvicultural thinning upon recommendations of a certified or licensed Arborist. This work may be allowed within fifteen (15) feet of the OHWM upon receipt of a permit from the Village.

- G Filling and grading in the Shoreland Protection Overlay District shall be permitted only after the granting of a permit by the Village of Twin Lakes pursuant to Section 14.22 of this Code related to Grading, Filling and Stormwater Control. In addition, filling or grading which exposes more than ten thousand (10,000) square feet of the bank of a navigable body of water shall require a permit from the Wisconsin Department of Natural Resources (DNR) pursuant Wisconsin Statutes.
- H Filling and grading existing beaches in the Shoreland Protection Overlay District for the purpose of maintenance of existing beaches to their previous historical condition and grade shall be permitted upon the issuance of a permit by the Building Inspector and proper authority of the DNR. Requests for such permit shall include a photograph of the existing beach. A final photograph is required upon completion of the maintenance, each photograph to be submitted to the Building Inspector.

17.38.080 Nonconforming Uses and Structures.

- A Uses and Structures, whether primary or accessory, lawfully existing or located at the time of the passage of this Chapter or amendments thereto may continue although such use or structure does not conform to this Chapter.
- B When a Nonconforming Structure, whether primary or accessory, or when a structure, whether primary or accessory, containing a nonconforming use is damaged by fire, explosion, violent wind, act of God, the public enemy, or other calamity, or is intentionally dismantled to the extent of more than fifty percent (50%) of its current locally assessed value, it shall not be reconstructed except in conformity with the regulations of this Code.

SECTION II

All Ordinances or parts of Ordinances contravening the terms and conditions of this Ordinance are hereby to that extent repealed.

SECTION III

This Ordinance shall take effect upon passage as provided by law.

Dated this 15th day of August, 2005.

VILLAGE OF TWIN LAKES

SIGNATURE ON FILE

Howard K. Skinner, Village President

ATTEST:

SIGNATURE ON FILE

Kathleen Richardson, Village Clerk/Treasurer

Members Voting:

- _____ Aye
- _____ Nay
- _____ Absent

_____ Abstained

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Creates Shoreland Protection
Overlay Zoning District.