

ORDINANCE NO. 020623-01

An Ordinance Repealing and Recreating Article XVI. Extraterritorial Zoning, Sections 18-300 through 18-399, of the Municipal Code for The Village of Fontana-on-Geneva Lake

The Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

SECTION 1.

The entirety of Article XVI., Extraterritorial Zoning, comprised of Sections 18-300 through 18-399 is hereby repealed and recreated so as to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2.

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

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin this 7th day of February, 2023.

VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: 

Pat Kenny, Village President

Attest: 

Drew Lussow, Village Clerk

ARTICLE XVI. - EXTRATERRITORIAL ZONING

EXHIBIT A

*Footnotes:**-- (4) --*

Editor's note— Ord. No. 09-09-13-01, § 1(exh. A), adopted Sept. 9, 2013, amended art. XVI in its entirety to read as herein set out. Former art. XVI §§ 18-260—18-264, pertained to similar subject matter, and derived from Ord. No. 2-4-13-01, § 1, adopted Feb. 4, 2013. Ord. No. 09-09-13-01 set out provisions as §§ 18-500—18-549, to maintain the style of section numbering, at the editors discretion these provisions have been renumbered as herein set out.

Sec. 18-300. - Intent, scope and authority.

- (a) The purpose of these extraterritorial zoning (ETZ) regulations 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). These ETZ regulations and the associated map have been approved by the Joint Extraterritorial Zoning Committee for the Town of Walworth and the Town of Linn, 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.
- (b) The restrictions and requirements set forth in this section shall be deemed the minimum necessary to conserve the value of land and buildings and encourage the most appropriate use of land, to lessen congestion in the streets, secure safety from fire, panic, and other dangers, promote health and general welfare, provide adequate light and air, prevent overcrowding of land, avoid undue concentration of population, and facilitate the adequate provision of transportation, water, sewers, schools, parks, and other public requirements. Should the requirement of this section be found in conflict with any 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 the extraterritorial zoning jurisdiction limits, the more stringent law, ordinance, regulation, restriction, or requirement shall govern.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Secs. 18-301—18-309. - Reserved.

Sec. 18-310. - Description of extraterritorial zoning area.

- (a) The area within the village extraterritorial zoning (ETZ) jurisdiction and the zoning districts within that area are depicted on the official zoning map for the village, as described in section 18-22 of this chapter.

- (b) In the event of any dispute regarding the location or extent of the ETZ area, a court of competent jurisdiction determining whether an area is included within or excluded from the extraterritorial zoning area shall refer to Wis. Stats. § 62.23(7a), which requires all boundary lines to follow government lot or survey section or fractional section lines or public roads.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Secs. 18-311—18-319. - Reserved.

Sec. 18-320. - Establishment of extraterritorial zoning districts.

- (a) The following regulations set forth in the Municipal Code of the village are hereby incorporated into this ETZ ordinance as if set forth at length herein, including, but not limited to future changes and amendments to said regulations:

(1) Section 18-108, Environmental Corridor Overlay District, as to properties located within the extraterritorial zoning area.

- (b) In addition to the district regulations set forth in section 18-330 of this chapter, the following additional zoning district use regulations are hereby adopted. Specifically, as of the effective date of these extraterritorial zoning (ETZ) regulations, there existed numerous Walworth County Zoning Districts within the ETZ area depicted on the village official zoning map. The Walworth County Zoning Districts described in the conversion chart below are hereby made a part of the extraterritorial zoning regulations set forth in this section.

Former Walworth County District	Village ETZ District
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
R-1	R-1, ETZ
C-1	C-1, ETZ

C-2	C-2, ETZ
C-3	C-3, ETZ
P-1	P-1, ETZ
P-2	P-2, ETZ
B-1	B-1, ETZ
B-2	B-2, ETZ
B-3	B-3, ETZ
B-4	B-4, ETZ
M-3	M-3, ETZ

- (c) In addition to the regulations set forth in subsection (a) above, the following zoning district has been created within the village extraterritorial zoning area: RCE, ETZ-County Estate District.
- (d) Finally, any property within the ETZ boundaries which has a Walworth County Zoning District classification not included among those districts described in the conversion chart above in subsection (b), said properties, if any, shall continue to be subject to the text of the Walworth County Zoning District regulations in effect as of January 6, 1997. Such district regulations are incorporated herein by reference as if set forth at length herein.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Secs. 18-321—18-329. - Reserved.

Sec. 18-330. - Description and purpose of extraterritorial zoning districts.

Sections 18-331 through 18-347 describe and specify the purpose of each standard zoning district established by this chapter; establish principal, accessory, and temporary uses permitted by right or as conditional uses; establish bulk, density, and intensity standards; and reference other applicable regulations within the village's Municipal Code.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Sec. 18-331. - A-1, ETZ Prime Agricultural Land (A-1, ETZ) District.

(a) *Description and purpose.* The primary purpose of the A-1 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 or its successor. As a matter of policy, it is hereby determined that the highest and best use of these lands is agriculture.

(b) *Principal land uses permitted by right.*

- (1) Crop farming.
- (2) Dairying.
- (3) Apiculture (beekeeping).
- (4) Floriculture (cultivation of ornamental flowering plants).
- (5) Grazing.
- (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 and 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) Greenhouses.
- (19) Nature trails and walks.
- (20) Stables.
- (21) Roadside stands not exceeding one per tax parcel.
- (22) One single-family detached dwelling.

(c) *Principal land uses permitted as conditional use.*

- (1) Veterinarian services for farm animals.

- (2) Land restoration.
- (3) Utilities.
- (4) Schools and churches.
- (5) Bed and breakfast (see subsection 18-56(i)).
- (d) *Accessory uses permitted by right.*
 - (1) Home occupations.
 - (2) Any other use normally accessory to a permitted use.
 - (3) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the A-1 Extraterritorial Zoning District are detailed in Figure 18-331.

Figure 18-331: Density, Intensity, and Bulk Regulations in the A-1, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	35 acres
Maximum Gross Density	35 acres/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	50 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet

Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	60 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Principal Building Height, other than dwelling units	2 times the distance to the nearest lot line
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 24, 6-11-2018; Ord. No. 090919-02, § 1, 9-9-2019)

Sec. 18-332. - A-2, ETZ Agricultural Land (A-2, ETZ) District.

- (a) *Description and purpose.* 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 activity.
- (b) *Principal land uses permitted by right.*
- (1) Crop farming.
 - (2) Apiculture (beekeeping).
 - (3) Dairying.
 - (4) Floriculture (cultivation of ornamental flowering plants).
 - (5) Grazing.
 - (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, and 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) Greenhouses.
 - (19) Nature trails and walks.
 - (20) Stables.
 - (21) Roadside stands not exceeding one per tax parcel.
 - (22) One single-family detached dwelling.
- (c) *Principal land uses permitted as conditional use.*
- (1) Veterinarian services for farm animals.
 - (2) Land restoration.
 - (3) Utilities.
 - (4)

Schools and churches.

(5) Bed and breakfast (see subsection 18-56(i)).

(d) *Accessory uses permitted by right.*

(1) Home occupations.

(2) Any other use normally accessory to a permitted use.

(3) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

(m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the A-2, ETZ District are detailed in Figure 18-332.

Figure 18-332: Density, Intensity, and Bulk Regulations in the A-2, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	20 acres
Maximum Gross Density	35 acres/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	75 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet

Minimum Town Road Setback	60 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Principal Building Height, other than dwelling units	2 times the distance to the nearest lot line
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 25, 6-11-2018; Ord. No. 090919-02, § 2, 9-9-2019)

Sec. 18-333. - A-3, ETZ Agricultural Land Holding (A-3, ETZ) District.

- (a) *Description and purpose.* 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 the village corporate limits where urban expansion is planned to take place on the adopted

regional land use plan and adopted municipal land use plans that refine and detail the regional land use plan. 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.

(b) Principal land uses permitted by right.

- (1) Crop farming.
- (2) Dairying.
- (3) Apiculture (beekeeping).
- (4) Floriculture (cultivation of ornamental flowering plants).
- (5) Grazing.
- (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, and 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) Greenhouses.
- (19) Nature trails and walks.
- (20) Stables.
- (21) Roadside stands not exceeding one per tax parcel.
- (22) One single-family detached dwelling.

(c) Principal land uses permitted as conditional use.

- (1) Veterinarian services for farm animals.
- (2) Land restoration.
- (3) Utilities.
- (4) Schools and churches.
- (5) Bed and breakfast (see subsection 18-56(l)).

(d) *Accessory uses permitted by right.*

- (1) Home occupations.
- (2) Any other use normally accessory to a permitted use.
- (3) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the A-3, ETZ District are detailed in Figure 18-333.

Figure 18-333: Density, Intensity, and Bulk Regulations in the A-3, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	35 acres
Maximum Gross Density	35 acres/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	75 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	60 feet

Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Principal Building Height, other than dwelling units	2 times the distance to the nearest lot line
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 26, 6-11-2018; Ord. No. 090919-02, § 3, 9-9-2019)

Sec. 18-334. - A-4, ETZ Agricultural Related Manufacturing, Warehousing, and Marketing (A-4, ETZ) District.

(a) *Description and purpose.* 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 that are dependent upon or closely allied to the agricultural district.

(b) *Principal land uses permitted by right.*

(1) Crop farming, including grape growing.

(2) One single-family dwelling.

(c) *Principal land uses permitted as conditional use.*

- (1) Corn shelling, hay baling, and threshing services.
- (2) Contract sorting, grading, and packaging services.
- (3) Bottling of spring water.
- (4) Grist mill services.
- (5) Horticultural services.
- (6) Canning of fruits, vegetables, preserves, jams, and jellies.
- (7) Canning of specialty foods.
- (8) Preparation of cereals.
- (9) Production of natural and processed cheese.
- (10) Production of chocolate and cocoa.
- (11) Coffee roasting and production of coffee products.
- (12) Production of condensed and evaporated milk.
- (13) Wet milling of corn.
- (14) Cottonseed oil milling.
- (15) Production of creamery butter.
- (16) Commercial greenhouse.
- (17) Vegetable store.
- (18) Drying and dehydrating fruits and vegetables.
- (19) Preparation of feeds for animals and fowl.
- (20) Production of flour and other grain mill products.
- (21) Blending and preparing of flour.
- (22) Fluid milk processing.
- (23) Production of frozen fruits, fruit juices, vegetables, and other specialties.
- (24) Malt production.
- (25) Livestock sales services.
- (26) Meat packing.
- (27) Fruit and vegetable pickling, vegetable sauces and seasoning, and salad dressing preparation.
- (28) Poultry hatchery services.
- (29) Poultry and small game dressing and packing, providing that all operations be conducted within closed buildings.
- (30)

Milling of rice.

- (31) Production of sausages and other meat products, providing that all operations be conducted within enclosed buildings.
- (32) Production of shortening, table oils, margarine, and other edible fats and oils.
- (33) Milling of soybean oil.
- (34) Milling of vegetable oil.
- (35) Sugar processing and production.
- (36) Production of wine, brandy, and brandy spirits.
- (37) Grain elevators and bulk storage of feed grains.
- (38) Fertilizer production, sales, storage, mixing, and blending.
- (39) Sale or maintenance of farm implements and related equipment.
- (40) Transportation-related activities primarily serving the basic agricultural industry.
- (41) Animal hospitals, shelters, and kennels.
- (42) Veterinarian services.
- (43) Commercial stables.
- (44) Commercial stables with horse shows.
- (45) Land restoration.
- (46) Utilities.
- (47) Bed and breakfast (see subsection 18-56(i)).
- (48) Schools and churches.
- (49) Contractor storage yards.
- (50) Composting.
- (51) Boat storage and service and recreational vehicle storage.

(d) Accessory uses permitted by right.

- (1) Home occupations.
- (2) Any use normally accessory to a permitted use.
- (3) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) Reserved.

- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the A-4, ETZ District are detailed in Figure 18-334.

Figure 18-334: Density, Intensity, and Bulk Regulations in the A-4, ETZ District

Density and Intensity Requirements

Minimum Lot Area	35 acres
Maximum Gross Density	35 acres/dwelling unit
Maximum Building Coverage	50 percent
Minimum Landscape Surface Ratio	30 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	60 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	

Maximum Principal Building Height, other than dwelling units	2 times the distance to the nearest lot line
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 27, 6-11-2018; Ord. No. 090919-02, § 4, 9-9-2019)

Sec. 18-335. - A-5, ETZ Rural Residential (A-5, ETZ) District.

- (a) *Description and purpose.* The primary purpose of this district is to permit the utilization of relatively small quantities of land in predominantly agricultural areas 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 for reasons related to soils, topography, or severance from larger agricultural parcels.
- (b) *Principal land uses permitted by right.*
- (1) Crop farming.
 - (2) Dairying.
 - (3) Apiculture (beekeeping).
 - (4) Floriculture (cultivation of ornamental flowering plants).
 - (5) Grazing.
 - (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, and seed crops.
- (12) Raising of tree fruits, nuts, and berries.
- (13) Sod fanning.
- (14) Vegetable raising.
- (15) Viticulture (grape growing).
- (16) Equestrian trails.
- (17) Forest and game management.
- (18) Greenhouses.
- (19) Nature trails and walks.
- (20) Stables.
- (21) Roadside stands not exceeding one per tax parcel.
- (22) One single-family dwelling.
- (c) *Principal land uses permitted as conditional use.*
 - (1) Veterinarian services for farm animals.
 - (2) Land restoration.
 - (3) Utilities.
 - (4) Schools and churches.
 - (5) Bed and breakfast (see subsection 18-56(i)).
- (d) *Accessory uses permitted by right.*
 - (1) Home occupations.
 - (2) Any other use normally accessory to a permitted use.
 - (3) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the A-5, ETZ District are detailed in Figure 18-335.

Figure 18-335: Density, Intensity, and Bulk Regulations in the A-5, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1 acre

Maximum Gross Density	1 acre/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	70 percent
Minimum Average Lot Width	125 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	60 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Principal Building Height, other than dwelling units	2 times the distance to the nearest lot line

Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 10-07-13-01, § 2, 10-7-2013; Ord. No. 061118-01, § 1, 6-11-2018; Ord. No. 061118-02, § 28, 6-11-2018; Ord. No. 090919-02, § 5, 9-9-2019)

Sec. 18-336. - RCE, ETZ Country Estate (RCE, ETZ) District.

- (a) *Description and purpose.* This district is intended to preserve a rural setting of very low density and high quality for "estate" or "gentlemen's farm" type development, while providing also for the continuance of commercial agriculture on properties of sufficient area to permit compatibility with surrounding residential development.
- (b) *Principal land uses permitted by right.*
 - (1) Single-family detached dwellings.
 - (2) Public parks and recreation areas, but not including facilities for organized athletics, except as a permitted conditional use.
 - (3) Crop, cattle, and tree farming subject to the following:
 - a. The keeping or raising of hogs or fur-bearing animals shall not be permitted.
 - b. The keeping or raising of poultry and domestic livestock shall be permitted as part of a principal agricultural use of the premises on farms of at least 20 acres in area on the basis of not more than two head of livestock per acre nor more than 20 fowl per acre, nor more than two goats on one farm.
 - (4) Horticulture, but not including commercial greenhouses in excess of 1,000 square feet.
- (c) *Principal land uses permitted as conditional use.*
 - (1) Bed and breakfast (see subsection 18-56(l)).

(d) *Accessory uses permitted by right.*

- (1) Private garages, carports, and paved parking areas, when located on the same lot and not involving the conduct of a business, except as a permitted home occupation.
- (2) Stables, barns, poultry houses, greenhouses not in excess of 1,000 square feet, sheds, or other similar structures, provided that no building housing domestic livestock or poultry shall be closer than 50 feet to any lot line.
- (3) Home occupations.
- (4) The keeping or raising of domestic livestock for show, breeding, or other use incidental to the principal use of the premises subject to the following:
 - a. The keeping or raising of hogs or fur-bearing animals shall not be permitted.
 - b. Not more than one head of livestock shall be permitted per acre.
- (5) Any use normally accessory to a permitted use, except as otherwise specifically stated herein.
- (6) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the RCE, ETZ District are detailed in Figure 18-336.

Figure 18-336: Density, Intensity, and Bulk Regulations in the RCE, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	15 acre
Maximum Gross Density	15 acre/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	70 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA

Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	30 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	30 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 29, 6-11-2018; Ord. No. 090919-02, § 6, 9-9-2019)

Sec. 18-337. - R-1, ETZ Country Home (R-1, ETZ) District.

- (a) *Description and purpose.* This district is intended for high-quality, single-family residential development of a semi-rural nature on a large lot, low-density basis where public sewer and water are not to be provided.
- (b) *Principal land uses permitted by right.* Any use as permitted by right in the RCE, ETZ District.
- (c) *Principal land uses permitted as conditional use.*
 - (1) Any use as permitted as a conditional use in the RCE, ETZ District.
- (d) *Accessory uses permitted by right.* Any accessory use as permitted in the RE, ETZ District except that the keeping or raising of domestic livestock other than horses shall not be permitted on a lot less than five acres.
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the R-1, ETZ District are detailed in Figure 18-337.

Figure 18-337: Density, Intensity, and Bulk Regulations in the R-1, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1.5 acres
Maximum Gross Density	3 acres/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	70 percent
Minimum Average Lot Width	150 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	30 feet

Minimum Rear Setback	75 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Height, Single-Family Dwelling	35 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	30 feet
Minimum Accessory Building Rear Setback	75 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 090919-02, § 7, 9-9-2019)

Sec. 18-338. - C-1, ETZ Lowland Resource Conservation (C-1, ETZ) District.

- (a) *Description and purpose.* The primary purpose of this district is to preserve, protect and enhance the lakes, streams, and wetland areas in Walworth County. 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 recreational resources of the county.

(b) *Principal land uses permitted by right.* The following uses are permitted in this district provided that such uses do not involve dumping; filling; extension of cultivated areas; mineral, soil, or peat removal; or any other activity that would substantially disturb or impair the natural fauna, flora, watercourses, water regimen, or topography.

- (1) Crop farming and related agricultural uses not including the erection of buildings or structures.
- (2) Drainage.
- (3) Fish hatcheries.
- (4) Flood overflow and movement of water.
- (5) Forest and game management.
- (6) Hunting and fishing.
- (7) Impoundments.
- (8) Navigation.
- (9) Park and recreation areas, not including the location or erection of buildings or structures.
- (10) Stream or bank protection.
- (11) Swimming beaches.
- (12) Wilderness areas and wildlife preservation and refuges.
- (13) Hiking and nature trails.
- (14) Wild crop harvesting.

(c) *Principal land uses permitted as conditional use.*

- (1) Land restoration.
- (2) Golf courses and country clubs.
- (3) Yachting clubs and marinas.
- (4) Hunting and fishing clubs.
- (5) Recreation camps.
- (6) Public and private campgrounds.
- (7) Utilities.

(d) *Accessory uses permitted by right.*

- (1) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

(m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations. None; no buildings or structures permitted in the C-1, ETZ District.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 30, 6-11-2018)

Sec. 18-339. - C-2, ETZ Upland Resource Conservation (C-2, ETZ) District.

(a) *Description and purpose.* The primary purpose of this district is to preserve, protect, enhance and restore all significant woodlands, related scenic areas, submarginal farmlands, and abandoned mineral extraction lands within the ETZ area. 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 ensure 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 ETZ area.

(b) *Principal land uses permitted by right.*

- (1) Crop farming and related agricultural uses.
- (2) Forest preservation.
- (3) Forest and game management.
- (4) Hunting and fishing clubs.
- (5) Parks and recreation areas; arboreta; botanical gardens.
- (6) Stables.
- (7) Single-family detached dwellings.

(c) *Principal land uses permitted as conditional use.*

- (1) Animal hospitals, shelters and kennels.
- (2) Land restoration.
- (3) Golf courses and country clubs.
- (4) Ski hills.
- (5) Yachting clubs and marinas.
- (6) Hunting and fishing clubs.
- (7) Recreation camps.
- (8) Public or private campgrounds.
- (9) Riding stables.
- (10) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds and museums, and park and ride facilities.

(11) Utilities.

(12) Bed and breakfast (see subsection 18-56(i)).

(d) *Accessory uses permitted by right.*

(1) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

(m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the C-2, ETZ District are detailed in Figure 18-339.

Figure 18-339: Density, Intensity, and Bulk Regulations in the C-2, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	5 acres
Maximum Gross Density	5 acres/dwelling unit
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	70 percent
Minimum Average Lot Width	300 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	100 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet

Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Any structure used for the housing of animals shall be a minimum of 100 feet from all lot lines	
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	20 feet
Minimum Accessory Building Rear Setback	100 feet
Maximum Accessory Building Height and Building Coverage	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 31, 6-11-2018; Ord. No. 090919-02, § 8, 9-9-2019)

Sec. 18-340. - C-3, ETZ Conservancy-Residential (C-3, ETZ) District.

- (a) *Description and purpose.* 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 environmentally significant uplands (in addition to those regulations set forth in section 18-108: Environmental Corridor (EC) Overlay District of this ordinance), which already have been divided into relatively small parcels or which, because of their proximity to urban areas have a very high-value residential 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.

(b) *Principal permitted uses by right.*

- (1) Forest preservation.
- (2) Forest and game management.
- (3) Single-family detached dwellings.

(c) *Principal land uses permitted as conditional use.*

- (1) Animal hospitals, shelters and kennels.
- (2) Land restoration.
- (3) Utilities.
- (4) Governmental and cultural uses, such as fire stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums.
- (5) Bed and breakfast (see subsection 18-56(i)).

(d) *Accessory uses permitted by right.*

- (1) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the C-3, ETZ District are detailed in Figure 18-340.

Figure 18-340: Density, Intensity, and Bulk Regulations in the C-3, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	100,000 square feet
Maximum Gross Density	100,000 square feet/dwelling unit
Maximum Building Coverage	25%
Minimum Landscape Surface Ratio	70%
Minimum Average Lot Width	200 feet
Minimum Street Frontage	100 feet

Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	20 feet
Minimum Rear Setback	50 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 32, 6-11-2018; Ord. No. 090919-02, § 9, 9-9-2019)

Sec. 18-341. - P-1, ETZ Recreational Park (P-1, ETZ) District.

(a) *Description and purpose.* The P-1, ETZ District is used to provide for areas where the open space and recreational needs, both public and private, of the citizens can be met without undue disturbance of natural resources and adjacent uses.

(b) *Principal land uses permitted by right.*

- (1) Parks, general recreation.
- (2) Parks, leisure and ornamental.
- (3) Forest reserves.
- (4) Boat rentals and boat access sites.
- (5) Golf courses and country clubs.
- (6) Gymnasiums and athletic clubs.
- (7) Ice skating.
- (8) Picnic grounds.
- (9) Playfields and athletic fields.
- (10) Playgrounds.
- (11) Play lots and tot lots.
- (12) Recreational access ways.
- (13) Forest and game management.

(c) *Principal land uses permitted as conditional use.*

- (1) Golf courses and country clubs.
- (2) Ski hills.
- (3) Yachting clubs and marinas.
- (4) Hunting and fishing clubs.
- (5) Recreation camps.
- (6) Public or private campgrounds.
- (7) Cultural activities.
- (8) Amusement activities.
- (9) Public assembly uses.
- (10) Riding stables.
- (11) Archery ranges.
- (12) Golf driving ranges.
- (13) Sports fields.

- (14) Polo fields.
- (15) Skating rinks.
- (16) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, and museums, and park and ride facilities.
- (17) Utilities.
- (18) Schools and churches.
- (19) Recycling centers.
- (20) Composting.
- (21) Bed and breakfast (see subsection 18-56(i)).
- (d) *Accessory uses permitted by right.* Any use normally accessory to a permitted use.
 - (1) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the P-1, ETZ District are detailed in Figure 18-341.

Figure 18-341: Density, Intensity, and Bulk Regulations in the P-1, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	Sufficient area for the principal and accessory buildings, subject to building, site, and operational plan approval
Maximum Gross Density	NA (No residential uses permitted)
Maximum Building Coverage	25 percent
Minimum Landscape Surface Ratio	70 percent
Minimum Average Lot Width	NA
Minimum Street Frontage	NA
Principal Structure Bulk Requirements	

Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	50 feet
Minimum Rear Setback	50 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 33, 6-11-2018; Ord. No. 090919-02, § 10, 9-9-2019)

Sec. 18-342. - P-2, ETZ Institutional Park (P-2, ETZ) District.

- (a) *Description and purpose.* The P-2 District is intended to eliminate the ambiguity of maintaining, in unrelated use districts, areas which are under public or public-related ownership, where the use for public purpose is anticipated to be permanent.
- (b) *Principal land uses permitted by right.*
 - (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.
 - (9) Nursery schools and day care centers.
 - (10) Orphanages.
 - (11) Retirement homes.
 - (12) Universities and colleges.
 - (13) Lodges and fraternal buildings.
 - (14) Town halls or town garage.
 - (15) Golf courses.
- (c) *Principal land uses permitted as conditional use.*
 - (1) Golf course country clubs.
 - (2) Ski hills.
 - (3) Yachting clubs and marinas.
 - (4) Recreation camps.
 - (5) Public or private campgrounds.
 - (6) Cultural activities.
 - (7) Public assembly uses.
 - (8) Riding stables.
 - (9) Archery ranges.
 - (10) Golf driving ranges.
 - (11) Sports fields.
 - (12) Polo fields.

- (13) Utilities.
- (14) Schools and churches.
- (15) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.
- (16) Colleges, universities, hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories.
- (17) Recycling centers.
- (18) Composting.
- (19) Bed and breakfast (see subsection 18-56(i)).
- (d) *Accessory uses permitted by right.* Any use normally accessory to a permitted use.
 - (1) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the P-2, ETZ District are detailed in Figure 18-342.

Figure 18-342: Density, Intensity, and Bulk Regulations in the P-2, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	Sufficient area for the principal and accessory buildings, subject to building, site, and operational plan approval
Maximum Gross Density	2.5 acres/dwelling unit
Maximum Building Coverage	50 percent
Minimum Landscape Surface Ratio	25 percent
Minimum Average Lot Width	100 feet
Minimum Street Frontage	50 feet
Principal Structure Bulk Requirements	

Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	25 feet
Minimum Rear Setback	25 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	10 feet
Minimum Accessory Building Interior Side Setback	NA
Minimum Accessory Building Rear Setback	NA
Maximum Accessory Building Height	NA

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 10-07-13-01, § 1, 10-7-2013; Ord. No. 061118-02, § 34, 6-11-2018; Ord. No. 090919-02, § 11, 9-9-2019)

Sec. 18-343. - B-1, ETZ Local Business (B-1, ETZ) District.

- (a) *Description and purpose.* The B-1, ETZ District is intended to generally provide for orderly and appropriate regulations to ensure the compatibility of the diverse uses of retail and customer service establishments typically found in a downtown character area.
- (b) *Principal land uses permitted by right.* The following uses are principal uses provided that they shall be retail establishments selling and storing primarily new merchandise:
- (1) Bakeries.
 - (2) Beauty shops.
 - (3) Clinics.
 - (4) Clubs.
 - (5) Delicatessens.
 - (6) Fish markets.
 - (7) Fruit stores.
 - (8) Grocery stores.
 - (9) Hobby shops.
 - (10) Meat markets.
 - (11) Restaurants.
 - (12) Sporting goods stores.
 - (13) Tobacco stores.
 - (14) Antique shops.
 - (15) Barber shops.
 - (16) Business offices.
 - (17) Clothing and apparel stores.
 - (18) Confectioneries.
 - (19) Drug stores.
 - (20) Florists.
 - (21) Gift stores.
 - (22) Hardware stores.
 - (23) Optical stores.
 - (24) Professional offices.
 - (25) Self-service and pickup laundry and dry cleaning establishments.
 - (26) Supermarkets.
 - (27) Vegetable stores.

(c) *Principal land uses permitted as conditional use.*

- (1) One residential dwelling when located within the principal business structure.
- (2) Off-season, fully enclosed storage facilities.
- (3) Lodges and fraternal buildings.
- (4) Nursing homes.
- (5) Nursery and day care centers.
- (6) Retirement homes.
- (7) Vehicle sales and service.
- (8) Public parking lots.
- (9) Taxi stands.
- (10) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, and playgrounds, museums, and park and ride facilities.
- (11) Utilities.
- (12) Schools and churches.
- (13) Bed and breakfast (see subsection 18-56(i)).

(d) *Accessory uses permitted by right.* Any use normally accessory to a permitted use.

- (1) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the B-1, ETZ District are detailed in Figure 18-343.

Figure 18-343: Density, Intensity, and Bulk Regulations in the B-1, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1 acre
Maximum Gross Density	NA
Maximum Building Coverage	40%
Minimum Landscape Surface Ratio	40%
Minimum Average Lot Width	150 feet

Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	10 feet
Minimum Rear Setback	20 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	See Section 18-362
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 35, 6-11-2018; Ord. No. 090919-02, § 12, 9-9-2019)

Sec. 18-344. - B-2, ETZ General Business (B-2, ETZ) District.

- (a) *Description and purpose.* The B-2, ETZ District is intended to provide for business and trades of a more general nature, normally serving a larger trade area.
- (b) *Principal land uses permitted by right.*
- (1) All permitted uses by right in the B-1, ETZ Local Business District.
 - (2) Appliance stores.
 - (3) Caterers.
 - (4) Churches.
 - (5) Clothing repair shops.
 - (6) Crockery stores.
 - (7) Department stores.
 - (8) Electrical supply.
 - (9) Financial institutions.
 - (10) Food lockers.
 - (11) Furniture stores.
 - (12) Furniture upholstery stores.
 - (13) Heating supply.
 - (14) Hotels and motels.
 - (15) Laundry and dry cleaning establishments employing not over seven persons.
 - (16) Liquor stores, bars, taverns, cocktail lounges.
 - (17) Music stores.
 - (18) Newspaper office and press rooms.
 - (19) Night clubs and dance halls.
 - (20) Office supplies.
 - (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) Secondhand stores.
- (32) Television broadcasting studios.
- (33) Trade and contractor's office.
- (34) Upholsterer's shops.
- (35) Variety stores.
- (36) Boat and marine supplies not including manufacturing.

(c) *Principal land uses permitted as conditional use.*

- (1) One residential dwelling when located within the principal business structure.
- (2) Animal hospitals, shelters and kennels.
- (3) Public assembly uses.
- (4) Commercial recreational facilities.
- (5) Lodges and fraternal buildings.
- (6) Nursing homes.
- (7) Nursery and day care centers.
- (8) Retirement homes.
- (9) Drive-in theaters.
- (10) Funeral homes.
- (11) Drive-in banks.
- (12) Vehicle sales and services.
- (13) Public parking lots.
- (14) Taxi stands.
- (15) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, park and ride facilities.
- (16) Utilities.
- (17) Schools and churches.
- (18) Hospitals, sanitariums, religious, charitable, penal and correctional institutions, cemeteries and crematories.
- (19) Packing, packaging, and light assembly of products from furs, glass, metals, paper, leather, plaster, plastics, textiles, and wood.

- (20) Tanning studios.
- (21) Small engine repair shops.
- (22) Flea markets.
- (23) Bed and breakfast (see subsection 18-56(l)).
- (d) *Accessory uses permitted by right.* Any use normally accessory to a permitted use.
 - (1) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the B-2, ETZ District are detailed in Figure 18-344.

Figure 18-344: Density, Intensity, and Bulk Regulations in the B-2, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1 acre
Maximum Gross Density	NA
Maximum Building Coverage	40%
Minimum Landscape Surface Ratio	40%
Minimum Average Lot Width	150 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	10 feet
Minimum Rear Setback	30 feet
Minimum Subdivision Road Setback	25 feet

Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	See Section 18-362
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 36, 6-11-2018; Ord. No. 090919-02, § 13, 9-9-2019)

Sec. 18-345. - B-3, ETZ Waterfront Business (B-3, ETZ) District.

- (a) *Description and purpose.* The B-3, ETZ District is intended to generally provide for orderly and appropriate regulations to ensure the compatibility of the diverse uses of retail and customer service establishments typically found on waterfront property.
- (b) *Principal land uses permitted by right.*
 - (1) Clothing and apparel store.
 - (2) Clothing repair shop.
 - (3) Confectioneries retail sales.
 - (4) Florist.
 - (5) Fur apparel, retail sales.
 - (6)

Fruit store.

- (7) Gift store.
- (8) Museum.
- (9) Music store.
- (10) Office supply store.
- (11) Offices, professional.
- (12) Offices, business.
- (13) Second-hand store.
- (14) Sporting goods store.
- (15) Tanning salon.
- (16) Tobacco store.
- (17) Vegetable store.

(c) *Principal land uses permitted as conditional use.*

- (1) All permitted by right and conditional uses permitted in the B-1, ETZ and B-2, ETZ Districts.
- (2) Boat rentals 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) Supper clubs.
- (10) Swimming beaches and pools.
- (11) Yachting clubs.
- (12) Bath houses.
- (13) Boat liveries.
- (14) Dance halls.
- (15) One residential dwelling when located within the principal business structure.
- (16) Public assembly uses.
- (17) Commercial recreational 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) Vehicle sales and services.
- (24) Public parking lots.
- (25) Taxi stands.
- (26) Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums and park and ride facilities.
- (27) Utilities.
- (28) Schools and churches.
- (d) *Accessory uses permitted by right.* Any use normally accessory to an approved conditional use.
 - (1) Tourist rooming house (see subsection 18-64(x)).
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the B-3, ETZ District are detailed in Figure 18-345.

Figure 18-345: Density, Intensity, and Bulk Regulations in the B-3, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1 acre
Maximum Gross Density	NA
Maximum Building Coverage	40%
Minimum Landscape Surface Ratio	40%
Minimum Average Lot Width	150 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA

Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	10 feet
Minimum Rear Setback	50 feet
Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	See Section 18-362
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 061118-02, § 37, 6-11-2018)

Sec. 18-346. - B-4, ETZ Highway Business (B-4, ETZ) District.

- (a) *Description and purpose.* The B-4, ETZ District is intended to provide for orderly and appropriate regulations at appropriate locations along principal highway routes to those businesses and customer services which are logically related to and dependent upon highway traffic or which are specifically designed to serve the needs of such traffic.

(b) *Principal land uses permitted by right.*

- (1) Antique shop within outside storage.
- (2) Bail shop.
- (3) Beauty shop.
- (4) Candy, nut and confectionary store.
- (5) Clothing and apparel store.
- (6) Clothing repair shop.
- (7) Crockery store.
- (8) Florist.
- (9) Fruit store.
- (10) Fur apparel, retail sales.
- (11) Furniture upholstery shop.
- (12) Furniture store.
- (13) Gift store.
- (14) Hobby shop.
- (15) Library.
- (16) Museum.
- (17) Music store.
- (18) Office supply store.
- (19) Offices, professional.
- (20) Offices, business.
- (21) Optical store.
- (22) Photographic store.
- (23) Second-hand store with no outside storage.
- (24) Sporting goods store.
- (25) Tanning salon.
- (26) Tobacco store.
- (27) Upholster's store.
- (28) Variety store.
- (29) Vegetable store.

(c) *Principal land uses permitted as conditional use.*

- (1) All permitted by right and conditional uses permitted in the B-1, ETZ, B-2, ETZ and B-3, ETZ

Districts.

- (2) Adult entertainment use, provided that there is a minimum building separation of 400 feet from the nearest residential structure, churches, schools, public parks, public playgrounds, public beaches, day care centers and park zoning districts (P-1, P-2) existing at the time of application for a conditional use permit; and further provided that any adult entertainment use be conducted within an enclosed building.
- (3) Automobile and truck retail services.
- (4) Automobile repair services.
- (5) Bar and taverns.
- (6) Candy, nut and confectionery sales.
- (7) Gasoline service stations.
- (8) Gift stores.
- (9) Hotels, motels and tourist courts.
- (10) Night clubs and dance halls.
- (11) Restaurants.
- (12) Sales, service and installation of tires, batteries and accessories.
- (13) One residential dwelling unit when located within the principal business structure.
- (14) Animal hospital, shelters and kennels.
- (15) Yachting clubs and marinas.
- (16) Public assembly uses.
- (17) Commercial recreations facilities.
- (18) Off-season storage facilities.
- (19) Lodges and fraternal buildings.
- (20) Nursing homes.
- (21) Nursery and day care centers.
- (22) Retirement homes.
- (23) Drive-in food and beverage establishments.
- (24) Drive-in banks.
- (25) Vehicle sales and services.
- (26) Public parking lots.
- (27) Taxi stands.
- (28)

Governmental and cultural uses, such as fire and police stations, community centers, libraries, public emergency shelters, parks, playgrounds, museums, and park and ride facilities.

(29) Utilities.

(30) Schools and churches.

(31) Commercial greenhouses.

(d) *Accessory uses permitted by right.* Any use normally accessory to an approved conditional use.

(1) Tourist rooming house (see subsection 18-64(x)).

(e)—(l) *Reserved.*

(m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the B-4, ETZ District are detailed in Figure 18-346.

Figure 18-346: Density, Intensity, and Bulk Regulations in the B-4, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	1 acre
Maximum Gross Density	NA
Maximum Building Coverage	40%
Minimum Landscape Surface Ratio	40%
Minimum Average Lot Width	150 feet
Minimum Street Frontage	100 feet
Principal Structure Bulk Requirements	
Minimum Front or Street Setback	NA
Minimum Shore Yard Setback	75 feet
Minimum Interior Side Setback	10 feet
Minimum Rear Setback	50 feet

Minimum Subdivision Road Setback	25 feet
Minimum Town Road Setback	50 feet
Minimum County Road Setback	65 feet
Minimum State and U.S. Highways Setback	85 feet
Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Height, Single-Family Dwelling	45 feet
Accessory Structure Requirements	
Minimum Setback from Principal Structure	See Section 18-362
Minimum Accessory Building Interior Side Setback	See Section 18-362
Minimum Accessory Building Rear Setback	See Section 18-362
Maximum Accessory Building Height	See Section 18-362

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013; Ord. No. 10-07-13-01, § 3, 10-7-2013; Ord. No. 061118-02, § 38, 6-11-2018)

Sec. 18-347. - M-3, ETZ Mineral Extraction (M-3, ETZ) District.

- (a) *Description and purpose.* The M-3 ETZ District is intended to provide for orderly and appropriate regulations at appropriate locations for mineral extraction operations.
- (b) *Principal land uses permitted by right.*
 - (1) Governmental and cultural uses such as fire and police stations, community centers, libraries, public emergency shelters, parks and playgrounds, museums, and park and ride facilities.
- (c) *Principal land uses permitted as conditional use.*
 - (1) Aggregate or ready-mix plant.
 - (2) Clay, ceramic, and refractor minerals mining.

- (3) Crushed and broken stone quarrying.
 - (4) Mixing of asphalt.
 - (5) Nonmetallic mining services.
 - (6) Processing of top soil.
 - (7) Sand and gravel quarrying.
 - (8) Washing, refining, or processing of rock, slate, gravel, sand or minerals.
 - (9) The extension of any existing mineral extraction related uses.
 - (10) Recycling centers.
 - (11) Composting.
 - (12) Utilities, provided all principal structures and uses associated with the utility are not less than 50 feet from all district lot lines except business, park and industrial.
- (d) *Accessory uses permitted by right.* Any use normally accessory to an approved conditional use.
- (e)—(l) *Reserved.*
- (m) *Density, intensity and bulk regulations.* Density, intensity, and bulk regulations specific to the MK-3, ETZ District are detailed in Figure 18-347.

Figure 18-347: Density, Intensity, and Bulk Regulations In the M-3, ETZ District

Density and Intensity Requirements	
Minimum Lot Area	NA
Maximum Gross Density	NA
Maximum Building Coverage	NA
Minimum Landscape Surface Ratio	NA
Minimum Average Lot Width	NA
Minimum Street Frontage	100 feet
Principal Structure and Activities Bulk Requirements	

All excavations shall be at least 200 feet from the right-of-way of any public or approved private street or property line. The committee may vary this requirement for shallow clay barrow excavation when the excavation and backfilling is conducted in a continuous phase and the barrow material is replaced on-site for the re-establishment of the original grade after considering such evidence as may be presented at the public hearing bearing upon the general purpose and intent of this ordinance. In no case shall the setback requirement be reduced to less than 2½ times the purposed maximum depth.

Minimum Pavement Setback	10 feet from right-of-way; 5 feet from other lot lines
Maximum Principal Building Height	45 feet
Accessory Structure Requirements	
All accessories, such as offices, parking areas, and stock piles, shall be at least 100 feet from any right-of-way or property line.	
Maximum Accessory Building Height	(a) See Section 18-362

(n) *Reclamation plan.* See section 26-292 in the Village of Fontana Code of Ordinances from reclamation plan requirements.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Sec. 18-348. - Reserved.

Sec. 18-349. - Definitions.

For the purpose of this ETZ ordinance, the following definitions shall be used. In the event the definitions set forth in this section conflict with the definitions set forth in section 18-13, the definitions set forth in this section shall control in article XVI. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number.

(a) *Commercial greenhouse:* A structure or nursery used to raise vegetables, flowers, and similar materials for retail sale excluding roadside stands.

(b)

Contractors storage yard: Outside and/or inside storage of equipment, commercial vehicles, and/or supplies for contractors such as plumbers, heating and air conditioning contractors, excavators, carpenters, landscapers, painting contractors, wastewater treatment system contractors, electricians, well drillers and similar uses.

- (c) *Gift stores:* Retail stores where items such as art, antiques, jewelry, books, and notions are sold.
- (d) *Hardware stores:* Retail stores where items such as plumbing, heating, carpentry and electrical supplies; sporting goods; and paints are sold.
- (e) *Hotel:* A building where rooms, with or without meals, are supplied to the transient public, or to any one who may apply, for compensation.
- (f) *Motel:* A series of attached, semi-attached, or detached sleeping units for the accommodation of transient guests.
- (g) *Nursing home:* A building or institution for the care of the aged, the infirm or the sick, provided the same shall comply with the further definitions and with the regulations contained in the rules of the Wisconsin Department of Health and Social Services.
- (h) *Personal service establishments:* Includes uses such as, but not limited to, artists services, barber services, beauty services, dry cleaning, laundry, photographic studios, shoe repair and cleaning services, custom tailoring, travel arranging services and day spas.
- (i) *Retirement home:* A building or institution for the accommodation of elderly persons, with or without nursing or medical care; provided that if such nursing or medical care is to be provided on a continuing basis for at least three persons during not less than 72 hours in each week, such building or institution shall be classified as a nursing home.
- (j) *School:* Any building or part thereof which is designed, constructed, or used for education or instruction in any branch of knowledge.
- (k) *Utilities:* Public and private facilities, such as water wells, water and sewage pumping stations, water storage tanks, power and communication transmission lines, electrical power substations, static transformer stations, telephone and telegraph exchanges, microwave radio relays, and gas regulation stations, but not including electric power generation plants, sewage disposal plants, municipal incinerators, warehouses, shops and storage yards.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Secs. 18-350—18-369. - Reserved.

Sec. 18-370. - Extraterritorial zoning procedures.

- (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 if set forth at length herein, including any future amendments thereto and shall apply to all property within the ETZ boundaries and the zoning districts existing therein.

FORWARD TO CHAPTER 18 OF THE MUNICIPAL CODE OF FONTANA-ON-LAKE-GENEVA

Article 1: Introduction and Definitions

Article 3: Land Use Regulations

Article 4: Density and Intensity Standards

Article 5: Bulk Standards

Article 6: Nonconforming Situations (except Section 18-93 regarding substandard lots)

Article 8: Floodplain Zoning Districts

Article 9: Shoreland-Wetland Zoning Ordinance

Article 10: Design Standards

Article 11: Landscaping Standards

Article 12: Signage Standards

Article 13: Performance Standards

Article 14: Administration

Article 15: Procedures

Sections 18-43 and 18-247 and supporting definitions and procedures as to Planned Developments

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Sec. 18-371. - Existing substandard lots.

In any agricultural, conservancy, residential or agricultural extraterritorial zoning district regulated by this ordinance, one one-family detached residential dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Walworth County Register of Deeds office before the effective date or

amendment of this ordinance, provided such legal lot or parcel meets all the following minimum requirements, and further provided, that all requirements of the current Walworth County Sanitary Ordinance are met:

Lot	Width:		Minimum 50 feet (public sewerage) Minimum 65 feet (septic system)
	Area:		Minimum 7,500 square feet (public sewerage) Minimum 10,000 square feet (septic system)
Yards:	Street		Minimum 25 feet from lot line; corner lots shall have two such yards
Yards:	Side:	(Sewered)	10 feet
		(Unsewered)	Minimum 16 percent of the lot width on each side but not less than five feet from the lot line
	Rear:		Minimum 25 feet from lot line
	Shore:		Minimum 75 feet

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Sec. 18-372. - Accessory uses and structures.

- (a) Accessory uses and structures are permitted in any district but not until their principal structure is present or under construction. Uses accessory to residential district developments shall not involve the conduct of any business, trade or industry except for home occupations, minor home occupations and professional home office as defined and permitted herein. An accessory structure cannot contain a separate dwelling unit.
- (b) The size (square footage at ground floor elevation) of accessory structures shall be based on lot area. The lot area shall be considered the net area less areas zoned C-1, ETZ, C-2, ETZ and C-3, ETZ.
 - (1) *Accessory structure floor area:* The total accessory structure floor area shall be calculated as follows:

- a. Parcel from 0 to 12,000 square feet is limited to ten percent of lot area in accessory structures;
 - b. Parcel 12,001 square feet to 40,000 square feet is limited to 1,650 square feet of accessory structures;
 - c. Parcel 40,001 square feet to 1.99 acres is limited to 2,150 square feet of accessory structures;
 - d. Parcel two acres to 2.99 acres is limited to 2,650 square feet of accessory structures;
 - e. Parcel three acres to 3.99 acres is limited to 3,150 square feet of accessory structures;
 - f. Parcel four acres to 4.99 acres is limited to 3,650 square feet of accessory structures;
 - g. Parcel five acres or more is limited to two percent of lot area in accessory structures.
- (2) *Residential accessory structures:* The height and location of accessory structures listed below are applicable to accessory structures used for residential purposes in all extraterritorial zoning districts where they are a permitted or conditional use. The requirements are not applicable to boathouses, accessory structures used for agricultural purposes in the A-1, ETZ, A-2, ETZ and A-3, ETZ Districts, nor for accessory structures used for business, industrial, public, or recreational purposes shall be as follows:
- a. Accessory structures are permitted in the rear and side yards of all lots, and in the street yards of waterfront lots, flag lots, through lots, corner lots and lots of one acre or more in size. When located in the side yard and the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback. Only boathouses, boat hoists, and piers shall be permitted in the shoreyard.
 - b. Accessory structures 1,200 square feet or less in size shall not exceed 17 feet in height, and accessory structures 1,201 square feet to 1,650 square feet in size shall not exceed 20 feet in height. When located in the side yard they shall conform to the setbacks required by the zone district and/or this article. When located in the street yard, they shall not be closer than the minimum required side yard, rear yard and street yard setback except an alley which shall be at least five feet. When located in the street yard on waterfront lots, they shall not be located closer than three feet to the lot line, five feet to an alley line, nor ten feet to the road right-of-way. When located in the rear yard they shall not be located closer than three feet to the lot line.
 - c. Accessory structures greater than 1,650 square feet shall not exceed 25 feet in height, and shall maintain the setbacks required by the zone district for the principal structure.
- (3) *Fences (not including agricultural fences regulated under Wis. Stats. ch. 90).* No obstruction shall be permitted in any extraterritorial district above the height of 2½ feet above the plane through the mean centerline roadway grades within the triangular space formed by any two

existing or proposed intersection street or alley right-of-way lines and a line joining points on such lines located 50 feet from their point of intersection.

- a. Fences are permitted on the property lines, but shall not in any case exceed a height of six feet in the side and rear yards; shall not exceed a height of six feet in the street yard and shall not be closer than two feet to any existing right-of-way.
- b. In the shoreyard, fences are permitted on the property lines, but shall not exceed a height of four feet, are not permitted to cross between property lines within the 75-foot shoreyard setback, shall not create a barrier to wildlife movement and shall maintain natural shoreland beauty.
- c. Fences along freeways are permitted on the property lines but shall not exceed a height of ten feet.
- d. Entrance pillars may be permitted on either side of the driveway/access to the lot provided the pillars shall not be closer than two feet to any right-of-way, shall not exceed two feet in width and shall not exceed six feet in height.
- e. Security fences of an open type similar to woven wire or wrought iron, are permitted on the property lines in all districts except residential and conservation districts, but shall not exceed ten feet in height and shall not be closer than two feet to any existing public right-of-way.
- f. Screening fences of a closed type may be permitted in all nonresidential zoning districts provided it does not exceed ten feet in height, and shall not be closer than 25 feet to any right-of-way and ten feet to a property line.

(Ord. No. 09-09-13-01, § 1(exh. A), 9-9-2013)

Secs. 18-373—18-399. - Reserved.