

3.6 Zoning Area and Setback Requirements

Table 2: Area and Setback Requirements

Land Uses within the Districts	Minimum Lot Size	Maximum Lot Size or Coverage	Frontage on Minimum public Lot Width R.O.W. at setback		Minimum Front Yard Setback	Minimum Side Yard Setback	Minimum Rear Yard Setback	Maximum Height
Single- Family Residential	1-acre Unsewered 15,000 SF Sewered	2 acres Unsewered	30'	100' 75' at Water's Edge	See Sec. 3.14	1.5 story-Sum width 25' one side 10'. 2.5 story-Sum width 30' one side 12'.	25'	35' or 2.5 stories
Two-Family Residential	1.5 acres Unsewered 22,500 SF Sewered	2 Acres Unsewered	30'	100'	See Sec. 3.14	1.5 story-Sum width 25' one side 10'. 2.5 story-Sum width 30' one side 12'.	25'	35' or 2.5 stories
Condominium (Sewered)	21,000 SF per building	1 acre	150'	100'	See Sec. 3.14	1.5 story-Sum width 25' one side 10'. 2.5 story-Sum width 30' one side 12'.	25'	35' or 2.5 stories
Multi-Family Residential* (Sewered)	30,000 SF per building	2 acres	150'	150'	63 ft from center of road	25' per side	30'	35' or 2.5 stories
Rural	1 acre	10 acres	200'	200'	See Sec. 3.14	1.5 story-Sum width 20' 1.5-2.5 story-Sum width 30' Livestock buildings or fenced areas-40'	Residence 40' Livestock buildings or fenced areas-40'	35' or 2.5 stories
Farmland Preservation (Other than non-farm residence)	10 acres	None	200'	200'	See Sec. 3.14	25'	25'	35' or 2.5 stories Farm Structures are Exempt
Farmland Preservation (Non-Farm Residence)	1 acre	2 acres	30'	200'	See Sec. 3.14	25'	25'	35' or 2.5 stories
General Agricultural	5 acres	None	200'	100'	See Sec. 3.14	25'	25'	35' or 2.5 stories Farm Structures Exempt
Business	1 acre for Unsewered 15,000 Sq. Ft. Sewered	None	100'	100'	See Sec. 3.14	1.5 story-Sum width 25' one side 10'. 2.5 story-Sum width 30' one side 12'.	25' with loading area	60'
Business with Residential.	1 acre for Unsewered 15,000 SF Sewered, plus area for type of Residential Use	50% Coverage	100'	200'	See Sec. 3.14	15' per side	25' with loading area	35' or 2.5 stories
Industrial	20,000 SF	50% Coverage	100'	100'	60'-see note (4)	10' per side for existing. 30' for new with Buffer	25'-see note (5)	35' or 2.5 stories

* These conditions apply for a Multi-Family Conditional Use permit, if granted by the Town Board

Notes and Exceptions to Table 2:

- (1) Where soil conditions are such as to require larger lot sizes for subdivisions of land under the provisions of Comm 83 and/or Comm 85, Wisconsin Administrative Code or the Sanitary Ordinance of Fond du Lac County, then such larger lot sizes shall be considered as required by the zoning ordinance
- (2) The minimum lot size, height, and yard requirements for a conditional use shall be as specified in the Conditional Use permit, but in no case shall any setback be less than 50 feet from a lot line and the front yard setback be at least the distance specified in Section 3.14 of this ordinance.
- (3) If a business or industrial building is to be constructed in an established block where there are existing buildings, the front yard depth shall be the average of the front yard depths of buildings existing on the block face where the building is to be located, but no less than 15 feet from the right-of-way line.
- (4) A parcel in a Business or Industrial district abutting the Residential district shall provide a suitable buffer of plant materials, fencing or both, to shield the residential area from a business or industrial area. Where the transition from business or industrial to residential is a public street, the front yard of a Business or Industrial district use shall be substantially landscaped, as determined by the Plan Commission and Town Board.
- (5) Any permitted industrial zoned use shall be so constructed and operated as to create no nuisance with respect to noise, vibration, emission of smoke or particulate matter, glare and heat or as to create fire or explosive hazards.
- (6) All riparian lots must meet the DNR setback of 75 feet from the ordinary highwater mark.
- (7) The building inspector shall require a sanitary permit issued by the County Sanitarian under the County Sanitary Ordinance, prior to issuance of any building permit related to a structure that requires sanitary facilities.
- (8) Zoning permits are valid for 12 months from the date of issuance unless the applicant appeals to the Town Board for an extension.
- (9) Substandard Non-Sewered Lots:
 - (a). A substandard lot which is at least 16,000 square feet in area and is at least 50 feet in width at the building line may be used as a building site for a single-family dwelling upon issuance of a zoning permit if it meets the following requirements:
 1. Such use is permitted in the zoning district.
 2. The lot is of record in the County Register of Deeds office prior to the effective date of this ordinance.
 3. The lot is in separate ownership from abutting lands. If abutting lands and the substandard lot are owned by the same owner, the substandard lot shall not be sold or used without full compliance with the terms of this ordinance.
 4. All dimensional requirements of this ordinance are complied with insofar as practical.

- (b). The lot is served by a sanitary sewer, or has a sanitary permit issued by County Sanitarian under County Sanitary Ordinance.
- (10). Substandard Lots - On a single lot having a width of less than 60 feet and of record at the time of the passage of this ordinance, the sum of the widths of the required side yards shall be not less than the equivalent of 5 inches per foot of lot width for buildings not over 1-1/2 stories high, and of 6 inches per foot of lot width for buildings from 1-1/2 to 2-1/2 stories high and no single side yard shall be less than 40% of the total required side yard width; provided further that the buildable width of any such lot in no case shall be reduced to less than 30 feet.

3.7 District Uses and Regulations

3.7.1 Determination of Use.

- A. The Zoning Administrator shall determine if a proposed use can be classified as a principal use already listed for any of the zoning districts. If a proposed use can be so classified, then the use shall be regulated as specified by this chapter.
- B. If a proposed use cannot be classified as a listed principal use, it shall be considered an unclassified use and shall be regulated as follows:
 - 1. The Zoning Administrator shall determine if the proposed unclassified use is similar to other uses listed for the zoning district applicable to the site of the proposed unclassified use. If so, the application for the proposed unclassified use shall be processed as specified by this chapter.
 - 2. If the Zoning Administrator determines otherwise, then the application for the proposed unclassified use shall be denied and the applicant shall be notified in writing.
- C. The Zoning Administrator may refer unclassified uses to the Town Plan Commission if the Administrator is uncertain how to classify any uses not listed.
- D. After making a determination regarding an unclassified use, the Zoning Administrator shall recommend an amendment to this chapter adding the previously unclassified use to the applicable zoning district.

3.7.2 Open Land/Agricultural Uses.

The following uses, if in the Farmland Preservation District, shall meet the requirements of s.91.42 Wis. Stats.

- A. **Agricultural Use:** Any of the following activities conducted for the purpose of producing an income or livelihood:
 - 1. Crop or forage production.
 - 2. Keeping livestock.
 - 3. Beekeeping.
 - 4. Nursery, sod, or Christmas tree production.
 - 5. Floriculture.
 - 6. Aquaculture.