
Section 98-201 Purpose*through*Section 98-203 Tables of Land Uses

ARTICLE II: LAND USE REGULATIONS**Section 98-201 Purpose**

The purpose of this Article is to indicate which land uses may locate in each zoning district and under what requirements; and which land uses may not locate therein. A further distinction is made for land uses which may locate in a given district only upon obtaining a conditional or temporary use permit to do so. Finally, certain land uses may locate in a given district as a matter of right upon compliance with special regulations for such a land use.

Section 98-202 Interpretation of Land Use Tables

- (1) The land uses listed in Sections 98-202 (Table of Land Uses) and 98-204 (Table of Land Uses Permitted in Permanently Protected Green Space Areas) are specifically designated and refer too the detailed listing of land uses contained in Section 98-206 (Detailed Land Use Descriptions and Regulations).
- (2) **Land Uses Permitted by Right:** Land uses listed as permitted by right (designated as a "P" in Sections 98-203 and 98-204) are permitted per the general land use requirements of this Chapter (Section 98-205); per the general requirements of the specific zoning district in which they are located; per any additional requirements imposed by applicable overlay zoning districts as designated on the Official Zoning Map; per the general requirements of this Chapter including Section 98-908; and per any and all other applicable City, County, State, and Federal regulations.
- (4) **Land Uses Permitted as a Conditional Use:**
 - (a) Land uses listed as permitted as a conditional uses (designated as a "C" in Sections 98-203 and 98-204) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 98-206 (Detailed Land Use Descriptions and Regulations), including any additional requirements imposed as part of the conditional use review process. Each application for, and instance of, a conditional use shall be considered a unique situation and shall not be construed as precedence for similar requests (See also Section 98-905).
- (5). **Land Uses Permitted as an Accessory Use:** Land uses permitted as an accessory use are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 98-206 (Detailed Land Use Descriptions and Regulations).
- (6) **Land Uses Permitted as a Temporary Use:** Land uses listed as permitted a as temporary use (designated as a "T" in Sections 98-203 and 98-204) are permitted subject to all the requirements applicable to uses permitted by right as listed in Subsection (2), above, plus any additional requirements applicable to that particular land use as contained in Section 98-206(9) (Detailed Land Use Descriptions and Regulations). (See also Section 98-906).
- (7) Land uses for which a blank space is shown for a specific zoning district are not permitted n such zoning district, except as legal nonconforming uses (Section 98-207).
- (8) Although a land use may be indicated as permitted by right or permitted as a conditional use in a particular district, it does not follow that such a land use is permitted or permissible on every parcel in such district. No land use is permitted or permissible on a parcel unless it can be located thereon in full compliance with all of the standards and regulations of this Chapter

Section 98-203 Tables of Land Uses*through***Section 98-203 Tables of Land Uses**

which are applicable to the specific land use and parcel in question, or unless an appropriate variance has been granted pursuant to Section 98-910.

Section 98-203 Tables of Land Uses

This Chapter regulates the location of land uses to specific zoning districts through the use of the Tables of Land Uses contained in this Section (See the following pages for Tables).

Table 98-203(1) Tables of Land Uses																				
P	=	Permitted by Right in a Conventional Development (See 98-206(1)(a).)																		
C	=	Permitted as a Conditional Use (See Section 98-905)																		
CI	=	Permitted as a Conditional Use in a Cluster Development (See Section 98-206(1)(b))																		
I	=	Permitted as a Conditional Use in an Institutional Residential Development (See 98-206(1)(c))																		
M	=	Permitted as a Conditional Use within a Mobile Home Development or Park (See 98-206 (1)(d) or (e))																		
+	=	Permitted as a Conditional Use until 365 days after the Effective Date of this Zoning Ordinance																		
Zoning District Abbreviations														Type of Land Use						
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI				GI	HI	PBP	
DWELLING UNIT TYPES (SEE 98-034)																				
P	P	P	P	P	P	P	P		P								(1) Single-Family Detached 35 acre lot			
	P	P	P	P	P	P	P		P								(2) Single-Family Detached 5 acre lot			
	CI	P	P	P	P	P	P		P								(3) Single-Family Detached 40,000 sf lot			
			P	P	P	P	P		P								(4) Single-Family Detached 15,000 sf lot			
				P	P	P	P		P								(5) Single-Family Detached 9,000 sf lot			
				+	P	P	C		C								(6) Twin Homes/Duplex 6,000 sf per du			
				+	C	P	C		C								(7) Two-Flat 9,000 sf lot			
						P	C		C								(8) Townhouse 4,500 sf lot			
						P	C		C								(9) Multiplex 4,500 sf per du			
						P	C		C								(10) Apartment 4,500 sf per du			
						I	I	I	I	I	I	I					(11) Institutional Residential 9,000 sf lot			
					M												(12) Mobile Home 9,000 sf lot			
RH Rural Holding							TR Two-family Res					NB Neighborhood Business				PI Planned Industrial				
CR Countryside Res							MR Multi-family Res					PB Planned Business				GI General Industrial				
ER Estate Residential							NO Neighborhood Office					GB General Business				HI Heavy Industrial				
SR Single-family Res							PO Planned Office					CB Central Business				PBP Planned Business Park				

Section 98-203 Tables of Land Uses

through

Section 98-203 Tables of Land Uses

Table 98-203(2) and (3) Tables of Land Uses																	
P = Permitted by Right (98-202(2))									C = Permitted as a Conditional Use (98-202(4))								
Zoning District Abbreviations																	
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	Type of Land Use
																	NONRESIDENTIAL LAND USES
																	AGRICULTURAL USES (98-206(2)(L))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Cultivation
C																	(b) Husbandry
C																	(c) Intensive Agriculture
C															C		(d) Agricultural Services
P																	(e) On-Site Agricultural Retail
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(f) Selective Cutting
C	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C		(g) Clear Cutting
																	INSTITUTIONAL USES (98-206(3)(L))
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(a) Passive Outdoor Public Recreational
P	P	P	P	P	P	P	P	P	P	P	P	P	P				(b) Active Outdoor Public Recreational
C	C	C	C	C	C	C	P	P	P	P	P	P	P				(c) Indoor Institutional
C	C	C	C	C	C	C	C	C	C	C	C	C	C				(d) Outdoor Institutional
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	(e) Public Services and Utilities
						C	C	C	C	C	C	C					(f) Institutional Residential
P	P	P	P	P	P	P	C		C								(g) Community Living Arrangement (1-8 res.)
	C	C	C	C	P	P	C	C	C								(h) Community Living Arrangement (9-15)
						C	C	C	C								(i) Community Living Arrangement (16+)
RH Rural Holding				TR Two-family Res				NB Neighborhood Business				PI Planned Industrial					
CR Countryside Res				MR Multi-family Res				PB Planned Business				GI General Industrial					
ER Estate Residential				NO Neighborhood Office				GB General Business				HI Heavy Industrial					
SR Single-family Res				PO Planned Office				CB Central Business				PBP Planned Business Park					

Section 98-203 Tables of Land Uses

through

Section 98-203 Tables of Land Uses

Table 98-203(4) Tables of Land Uses																	
P = Permitted by Right (98-202(2)) C = Permitted as a Conditional Use (98-202(4))																	
Zoning District Abbreviations																	
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	Type of Land Use
																	COMMERCIAL USES (98-206(4)(L))
							P	P	P	P	P	P	P	P	P	P	(a) Office
							P	P	P	P	P	P	P			P	(b) Personal or Professional Services
							C	C	P	P	P	P	C				(c) Indoor Sales or Services
										C	C	C					(d) Outdoor Display (Ord. No. 01-19 2/12/01)
									P	P	P	P	P	P	P		(e) Indoor Maintenance Service
															C	C	(f) Outdoor Maintenance Service
								C	C	C	C	C					(g) In-Vehicle Sales or Service
							C	C	C	C	C	C	C				(h) Indoor Commercial Entertainment
C							C	C	C	C	C	C	C				(i) Outdoor Commercial Entertainment
C										C	C		C	C		C	(j) Commercial Animal Boarding
								C		C	C	C					(k) Commercial Indoor Entertainment
C	C	C	C	C	C	C	C		C	C	C	C					(l) Bed and Breakfast Establishments
					C	C	C	C	C	C	C	C	C	C		C	(m) Group Day Care Center (9+children)
C																	(n) Campground
						C	C		C		C	C					(o) Boarding House
															C		(p) Sexually-Oriented Land Use

Section 98-203 Tables of Land Uses

through

Section 98-203 Tables of Land Uses

									C	C			C	C		(q) Vehicle Repair and Maintenance	
C									C							(r) Intensive Outdoor Recreation	
							C	C	C	C	C				C	(s) Physical Activity Studio	
RH Rural Holding						TR Two-family Res						NB Neighborhood Business				PI Planned Industrial	
CR Countryside Res						MR Multi-family Res						PB Planned Business				GI General Industrial	
ER Estate Residential						NO Neighborhood Office						GB General Business				HI Heavy Industrial	
SR Single-family Res						PO Planned Office						CB Central Business				PBP Planned Business Park	

Table 98-203(5), (6) and (7) Tables of Land Uses																	
P = Permitted by Right (98-202(2)) C = Permitted as a Conditional Use (98-202(4))																	
Zoning District Abbreviations																	
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	Type of Land Use
																	STORAGE/DISPOSAL (98-206(5)(L))
										C	C		P	P	P		(a) Indoor Storage or Wholesaling (Ord. No. 01-19 2/12/01)
														C	P		(b) Outdoor Storage or Wholesaling
											C		C	C			(c) Personal Storage Facility
C															C		(d) Junkyard or Salvage Yard
C															C		(e) Waste Disposal Facility
C															C		(f) Composting Operation
																	TRANSPORTATION USES (98-206(6)(L))
											P	P		P	P		(a) Off-Site Parking Lot
C								C					C	C	C		(b) Airport/Heliport
														C	C		(c) Freight Terminal
													C	P	P		(d) Distribution Center

Section 98-203 Tables of Land Uses

through

Section 98-203 Tables of Land Uses

																		TRANSPORTATION USES (98-206(7)(L))					
														P	P	P		(a) Light Industrial					
																P		(b) Heavy Industrial					
C														C	C	C		(c) Communication Tower					
C																		(d) Extraction Use					
RH Rural Holding						TR Two-family Res						NB Neighborhood Business						PI Planned Industrial					
CR Countryside Res						MR Multi-family Res						PB Planned Business						GI General Industrial					
ER Estate Residential						NO Neighborhood Office						GB General Business						HI Heavy Industrial					
SR Single-family Res						PO Planned Office						CB Central Business						PBP Planned Business Park					

Table 98-203(8) Tables of Land Uses																		
P = Permitted by Right (98-202(2)) C = Permitted as a Conditional Use (98-202(4))																		
Zoning District Abbreviations																		
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	Type of Land Use	
																	ACCESSORY USES (98- 206(8)(L))	
									C	C	C	C					(a) Commercial Airport	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(b) Farm Residence	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(c) Private Residential Garage or Shed	
							P	P	P	P	P	P	P	P	P		(d) Company Cafeteria	
							P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C		(e) Company Provide On-Site Recreation	
C										C	C						(f) Outdoor Display Incidental	
							C	C	C	C	C	C	C				(g) In-Vehicle Sales and Services	
													P	P	P		(h) Indoor Sales Incident to Light Ind. Use	

Section 98-203 Tables of Land Uses

through

Section 98-203 Tables of Land Uses

									C	C	C	C					(i) Light Ind. Incidental to Indoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(j) Home Occupation
P	P	P	P	P	P	P											(k) Family Day Care Home (4-8 children)
C	C	C	C	C	C	C											(l) Intermediate Day Care Home (8-15 children)
C															C		(m) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(n) On-Site Parking Lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(o) Private Residential Recreational Facility
C	C	C															(p) Private Residential Kennel
C																	(q) Private Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(r) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(s) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(t) Lawn Care of Subject Property
C	C	C															(u) Septic Systems
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P		(v) Exterior Communication Devices
	C	C															(w) Caretaker's Residence
C	C	C	C	C	C	C											(x) Second Private Residential Garage
RH Rural Holding							TR Two-family Res					NB Neighborhood Business					PI Planned Industrial
CR Countryside Res							MR Multi-family Res					PB Planned Business					GI General Industrial
ER Estate Residential							NO Neighborhood Office					GB General Business					HI Heavy Industrial
SR Single-family Res							PO Planned Office					CB Central Business					

**Section 98-204 Table of Land Uses Permitted in
Permanently Protected Green Space Areas**
through
**Section 98-204 Table of Land Uses Permitted
in Permanently Protected Green Space Areas**

Table 98-203(9) Tables of Land Uses																	
T = Permitted as a Temporary Use (98-202(6))																	
Zoning District Abbreviations																	
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	Type of Land Use
																	TEMPORARY USES (98-206(9)(_))
									T	T	T	T					(a) General Temporary Outdoor Sales
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		(b) Outdoor Assembly
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T		(c) Contractor's Project Office
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(d) Contractor's On-Site Equipment Storage
							T	T	T	T	T	T	T	T	T	T	(e) Relocate-able Residence
T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	T	(f) On-Site Real Estate Sales Office
T									T	T	T	T	T	T			(g) Outdoor Sales of Farm Products
RH Rural Holding						TR Two-family Res						NB Neighborhood Business				PI Planned Industrial	
CR Countryside Res						MR Multi-family Res						PB Planned Business				GI General Industrial	
ER Estate Residential						NO Neighborhood Office						GB General Business				HI Heavy Industrial	
SR Single-family Res						PO Planned Office						CB Central Business					

Section 98-204 Table of Land Uses Permitted in Permanently Protected Green Space Areas

In all developments, certain areas may be required to be set aside as permanently protected green space for the purpose of natural resources protection, to meet a Minimum Green Space Ratio (GSR) requirement, or to meet a Minimum Landscape Surface Ratio (LSR) requirement. Where such permanently protected green space is required, and where the land use is also permitted per the land use regulations of the applicable conventional zoning district (see Section 98-203, Table of Land Uses), the following table shall also be employed to establish land use regulations. All land uses listed in Section 98-203 but not listed in this Section are prohibited in permanently protected green spaces.

Section 98-204 Table of Land Uses Permitted in
Permanently Protected Green Space Areas

through

Section 98-205 Regulations Applicable to All
Land Uses

Table 98-204: Land Uses Permitted in Permanently Protected Green Space Areas						
Land Use	Permanently Protected Green Space Areas					
	Conservancy	Drainageway	Lakeshore	Woodland	Steep Slope	Other Permanently Protected Green Space
(a) Cultivation						C
(b) Passive Outdoor Recreation	P	P	P	P	P	P
(c) Active Outdoor Recreation						P
(d) Outdoor Institutional						P
(e) Lawn Care (mow-feed-seed-weed)	C	C	C	C	C	P
(f) Golf Course	C	C	C	C	C	P
(g) Any Permitted Temporary Use						P,T
(h) Drainage Structure	C	C	C	C	C	C
(i) Filling	C	C	C	C	C	C
(j) Septic System						C
(k) Road, Bridge						
(l) Utility Lines & Related Facilities	C	C	C	C	C	C
(m) Piers and Wharfs	C	C	C	C	C	C
(n) Fences (Ord. No. 04-04 1/26/04)	C	C	C	P	P	C
C: Permitted as a Conditional Use per 98-206(10), 98-203, and 98-905						
T: Permitted as a Temporary Use per 98-206(10), 98-203, and 98-206.						

**Section 98-205 Regulations Applicable to All
Land Uses***through***Section 98-205 Regulations Applicable to All
Land Uses****Section 98-205 Regulations Applicable to All Land Uses**

All uses of land initiated within the jurisdiction of this Chapter on, or following, the effective date of this Chapter shall comply with all of the provisions of this Chapter. Specifically:

- (1) **Land Use Regulations and Requirements:** All uses of land shall comply with all the regulations and requirements of Article II, pertaining to the types of uses to which land may be put, and to various requirements which must be met for certain types of land uses within particular zoning districts. Such regulations and requirements address both general and specific regulations which land uses shall adhere to; and which are directly related to the protection of the health, safety and general welfare of the residents of the City of Lake Geneva and its environs.
- (2) **Density and Intensity Regulations and Requirements:** All development of land shall comply with all the regulations and requirements of Article III, pertaining to the maximum permitted density (for residential land uses) and intensity (for nonresidential land uses) of land uses. Such regulations and requirements address issues such as Floor Area Ratios (FARs), Green Space Ratios (GSRs), and Landscape Surface Ratios (LSRs); which are directly related to, and are a critical component of density or intensity and the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.
- (3) **Bulk Regulations and Requirements:** All development of land shall comply with all the regulations and requirements of Article IV, pertaining to the maximum permitted bulk of structures and the location of structures on a lot. Such regulations and requirements address issues such as height, setbacks from property lines and rights-of-way, and minimum separation between structures; which are directly related to, and a critical component of, the effective bulk of a structure and the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.
- (4) **Natural Resources and Green Space Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Article V, pertaining to the protection of sensitive natural resources and required green space areas. Such regulations and requirements address issues such as absolute protection, partial protection, and mitigation; which are directly related to, and a critical component of, the protection of natural resources and the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.
- (5) **Landscaping and Bufferyards Regulations and Requirements:** All development of land shall comply with all the regulations and requirements of Article VI, pertaining to the provision of landscaping and bufferyards. Such regulations and requirements address issues such as minimum required landscaping of developed land, and minimum required provision of bufferyards between adjoining zoning districts and/or development options; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.
- (6) **Performance Standards and Requirements:** All development of land shall comply with all the regulations and requirements of Article VII, pertaining to the provision of appropriate access, parking, loading, storage, and lighting facilities. Such regulations and requirements address issues such as maximum permitted access points, minimum required parking spaces, the screening of storage areas, and maximum permitted intensity of lighting, as well as defining acceptable levels of potential nuisances such as noise, vibrations, odors, heat, glare

**Section 98-205 Regulations Applicable to All
Land Uses***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

and smoke; which are directly related to, and a critical component of, the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.

- (7) **Signage Regulations and Requirements:** All and use and/or development of land shall comply with all the regulations and requirements of Article VIII, pertaining to the type and amount of signage permitted on property. Such regulations and restrictions address issues such as the maximum area of permitted signage and the number and types of permitted signage; which are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs.
- (8) **Procedural Regulations and Requirements:** All land use and/or development of land shall comply with all the regulations and requirements of Article IX, pertaining to the procedures necessary to secure review and approval of land use and/or development. Such regulations and restrictions address both procedural and technical requirements; and are directly related to, and a critical component of, the protection of the health, safety, and general welfare of the residents of the City of Lake Geneva and its environs. At a minimum, all development shall be subject to the requirements of Section 98-908.
- (9) **Number of Buildings Per Lot:** In the RH and CR-5 ac, ER-1, SR-3, SR-4 Districts, only 1 principal building shall be permitted on any 1 lot. In the TR-6, MR-8, NO, PO, NB, PB, GB, CB, PI, GI, and HI Districts, more than 1 principal building shall be permitted on any 1 lot upon the granting of a conditional use permit for a Group Development in compliance with Section 98-208.
- (10) **Number of Land Uses Per Building**
- (a) No more than 1 nonresidential land use shall be permitted in any building unless a conditional use permit for a Group Development is granted in compliance with Section 98-208.
- (b) With the exceptions of a Commercial Apartment or a Home Occupation, no building containing a nonresidential land use shall contain a residential land use. (See Sections 98-206(8)(a) and 98-206(8)(j).)
- (11) **Division or Combining of a Lot:** no recorded lot shall be divided into 2 or more lots, and no two or more recorded lots shall be combined into one or more lots, unless such division or combination results in the creation of lots, each of which conforms to all of the applicable regulations of the zoning district in which said lot is located (as set forth in this Chapter). (See also the Land Division Regulations).

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****Section 98-206 Detailed Land Use Descriptions and Regulations**

The land use categories employed by this Chapter (particularly Sections 98-203 and 98-204) are defined in this Section. Land uses which are not listed in this Chapter are not necessarily excluded from locating within any given zoning district. Section 98-911 empowers the Zoning Administrator to make interpretations on matters regarding specific land use proposals which are not addressed by this Chapter.

(1) Residential Land Uses**(a) Conventional Residential Development**

Description: This land use includes, but is not limited to, all residential developments which do not provide permanently protected green space areas. Property which is under common ownership of a property owners' association is permitted, but is not a required component of this type of development. Up to 10% of a Conventional Residential Development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (1)(f) below.)

1. Permitted by Right: {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8, NO, NB}
2. Conditional Use Regulations: {SR-4, TR-6, MR-8, NO, NB}

(b) Cluster Residential Development

Description: This land use is a residential subdivision that requires dwelling unit types which require smaller lots than conventional residential developments within the same zoning district. This lot size flexibility is provided because the provision of sound neighborhood design principles results in a community character which is consistent with such Conventional Residential Developments. (See note (1)(f) below.)

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {CR-5ac}:
 - a. Development clusters shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. If such adjacent areas are developed as a conventional residential development, bufferyards shall be provided within adjoining portions of the cluster residential development (See 98-610).
 - c. No access shall be permitted to local residential streets.
 - d. Applicant shall provide appropriate deed restrictions and performance bonds to ensure the long-term maintenance and viability of common areas and the development as a whole.
 - e. Applicant shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(c) Institutional Residential Development**

Description: This land use is a form of residential development designed to accommodate institutional residential uses, such as retirement homes, nursing homes, convents, and dormitories (see Section 98-206(3)(f)). No individual lots are required, although the development shall contain a minimum of 800 square feet of gross site area for each occupant of the development. A minimum of 30% of the development's Gross Site Area (GSA) shall be held as permanently protected green space. (See note (1)(f) below.)

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {MR-8, NO, PO, NB, PB, GB, CB}:
 - a. The proposed site shall be located so as to avoid disruption of an established or developing office area. Within the Neighborhood Office (NO) and Planned Office (PO) District, institutional residential developments shall be designed so as to maintain the character of the adjacent properties.
 - b. Shall be located with primary vehicular access on a collector or arterial street.
 - c. No access shall be permitted to a local residential street.
 - d. Applicant shall provide off-street passenger loading area at a minimum of one location within the development.
 - e. All structures shall be located a minimum of 50 feet from any residentially zoned property which does not contain an institutional residential land use.
 - f. Applicant shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(d) Mobile Home Residential Development (Subdivision)

Description: This land use is a form of residential development which is exclusively reserved for individually sold lots containing mobile home units. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 98-034 of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (1)(f) below.)

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {TR-6}:
 - a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. Mobile Home Residential Developments shall comply with the same landscaping and bufferyard requirements as the Multi-family Residential-12 district, as specified in Section 98-610 of this Chapter.
 - c. No access shall be permitted to local residential streets.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(e) Mobile Home Residential Development (Rental/Condo Park)**

Description: This land use is a form of conventional residential development which is exclusively reserved for individually sold or rented air right pads containing mobile home units. Each of the lots and mobile home units must meet the requirements for mobile homes listed in Section 98-034 of this Chapter. Under this development option, approximately 10% of a development's Gross Site Area (GSA) can contain natural resource areas which must be protected (or other permanently protected green space areas), without a reduction in Maximum Gross Density (MGD). (See note (1)(f) below.)

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {TR-6}:
 - a. Development shall be located so as to blend with adjacent residentially zoned areas to the greatest extent possible.
 - b. Mobile Home Residential Developments shall comply with the same landscaping and bufferyard requirements as the Multi-family Residential-12 district, as specified in Section 98-610 of this Chapter.
 - c. No access shall be permitted to local residential streets.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(f) Note Regarding Percentage of Green Space and Maximum Density Yield

This estimate is provided as a general rule of thumb for the convenience of the users of this Chapter. Such a yield is not to be considered as ensured by the provisions of this Chapter.

(2) Agricultural Land Uses**(a) Cultivation**

Description: Cultivation land uses include all operations primarily oriented to the on-site, outdoor raising of plants. This land use includes trees which are raised as a crop to be replaced with more trees after harvesting, such as in nursery or Christmas tree operations. The raising of plants for consumption of farm animals are considered cultivation if said plants are consumed by animals which are located off-site.

1. Permitted by Right: {All Districts}
 - a. On buildable lots, cultivation areas shall not exceed 20% of the lot's area.
 - b. Cultivation areas shall not be located within the required front yard of street yard of any buildable or developed lot.
2. Conditional Use Regulations: Not applicable
3. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 98-704(6)(a).)

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(b) Husbandry**

Description: Husbandry land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity of less than 1 animal unit (as defined in Section 98-034) per acre. Apiaries are considered husbandry land uses.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH}:
 - a. Any building housing animals shall be located a minimum of 300 feet from any residentially zoned property, and 100 feet from all other lot lines.
 - b. All outdoor animal containments (pasture) shall be located a minimum of 10 feet from any residentially zoned property.
3. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 98-704(6)(a).)

(c) Intensive Agriculture

Description: Intensive agricultural land uses include all operations primarily oriented to the on-site raising and/or use of animals at an intensity equal to or exceeding 1 animal unit (as defined in Section 98-034) per acre and/or agricultural activities requiring large investments in structures. Examples of such land uses include feed lots, hog farms, poultry operations, fish farms, commercial greenhouse operations and certain other operations meeting this criterion.

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {RH}:
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. Shall be completely surrounded by a bufferyard with a minimum intensity of 1.00. (See Section 98-610.)
 - c. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 300 feet from all residentially zoned property and 100 feet from all other lot lines.
 - d. Shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - e. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 98-704(6)(a).)

(d) Agricultural Service

Description: Agricultural service land uses include all operations pertaining to the sale, handling, transport, packaging, storage, or disposal of agricultural equipment, products, by-products, or materials primarily used by agricultural operations. Examples of such land uses include agricultural implement sales, storage, or repair operations; feed and seed

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

stores; agricultural chemical dealers and/or storage facilities; animal feed storage facilities; commercial dairies; food processing facilities; canning and other packaging facilities; and agricultural waste disposal facilities (except commercial composting uses, see Section 98-206(5)(f)).

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {RH, HI}:
 - a. Shall not be located in, or adjacent to, an existing or platted residential subdivision.
 - b. All buildings, structures, outdoor storage areas, and outdoor animal containments shall be located a minimum of 100 feet from all lot lines.
 - c. If within the RH District, shall be located in an area which is planned to remain commercially viable for agricultural land uses.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per employee on the largest work shift. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 98-704(6)(a).)

(e) On-Site Agricultural Retail

Description: On-site agricultural retail land uses include land uses solely associated with the sale of agricultural products grown exclusively on the site. The sale of products grown or otherwise produced off-site shall not be permitted within on-site agricultural retail operations and such activity constitutes retail sales as a commercial land use. Packagings and equipment used to store, display, package or carry products for the convenience of the operation or its customers (such as egg cartons, baskets, containers, and bags) shall be produced off-site.

1. Permitted by Right: {RH}:
 - a. No structure or group of structures shall exceed 500 square feet in floor area.
 - b. No structure shall exceed 12 feet in height.
 - c. All structures shall meet all required setbacks for nonresidential land uses.
 - d. Signage shall be limited to 1 on-site sign which shall not exceed 30 square feet in area.
 - e. Such land use shall be served by no more than 1 driveway. Said driveway shall require a valid driveway permit.
 - f. A minimum of one parking space shall be required for every 200 square feet of product display area.
 - g. The sale of products which are grown or otherwise produced on non-adjacent property under the same ownership, or on property under different ownership, shall be prohibited.
 - h. Said structure and fencing shall be located a minimum of 300 feet from any residentially zoned property.
2. Conditional Use Regulations: Not applicable

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

3. Parking Regulations: One space per employee on the largest work shift and four spaces for customers. (Note: Agricultural land uses are hereby made exempt from the surfacing requirements of Section 98-704(6)(a).)

(f) Selective Cutting

Description: Selective cutting land uses include any operation associated with the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction of trees (including fire) where the extent of such activity is limited to an area (or combined areas) of less than or equal to 30% of the woodlands on the property (or up to 100% for developments approved prior to the effective date of this Chapter). Selective cutting activity shall be limited to areas located within development pads which are designated on recorded Plats or Certified Survey Maps. The destruction of trees in an area in excess of this amount of the woodlands on the property shall be considered clear cutting, (see (g), below).

1. Permitted by Right {All Districts}
2. Conditional Use Regulations: Not applicable.

(g) Clear Cutting

Description: Clear cutting land uses include the one-time, continuing, or cumulative clearing, cutting, harvesting, or other destruction (including by fire) of trees in an area (or combined areas) of more than 30% of the woodlands on a property (or up to 100% for developments approve prior to the effective date of this Chapter). Clear cutting is permitted only as a conditional use within the jurisdiction of this Chapter. Areas which have been clear cut as a result of intentional action following the effective date of this Chapter without the granting of a conditional use permit are in violation of this Chapter and the property owner shall be fined for such violation (in accordance with the provisions of Section 98-936) and shall be required to implement the mitigation standards required for the destruction of woodlands solely at his/her expense, including costs associated with site inspection to confirm the satisfaction of mitigation requirements. Areas which have been clear cut unintentionally as a result of fire shall not subject the owner of the property to fines associated with the violation of this Chapter, but shall require the satisfaction of mitigation requirements at the satisfaction of mitigation requirements.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {All Districts}:
 - a. Applicant shall demonstrate that clear cutting will improve the level of environmental protection on the subject property.
 - b. Areas of the subject property which are clear cut beyond the limitations established above, shall be replanted per the requirements of Section 98-507. (Referenced section requires the replanting of trees in other portions of the subject property—thereby freeing the currently wooded area for development while ensuring that the amount of required wooded area on the subject property remains constant.
 - c. Clear cutting shall not be permitted within a required bufferyard or landscaped area (see Section 98-610), or within an area designated as permanently protected green space (see Article VI).

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(3) Institutional Land Uses**(a) Passive Outdoor Public Recreation**

Description: Passive outdoor public recreational land uses include all recreational land uses located on public property which involve passive recreational activities. Such land uses include arboretums, natural areas, wildlife areas, hiking trails, bike trails, particular active recreational use (see (b), below), picnic areas, picnic shelters, gardens, fishing areas, and similar land uses.

1. Permitted by Right {All Districts}:
2. Conditional Use Regulations: Not applicable.
3. Parking Requirements: One space per four expected patrons at maximum capacity for any use requiring over five spaces.

(b) Active Outdoor Public Recreation

1. Permitted by Right: {All Districts except GI and HI}:
 - a. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 98-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and active recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Facilities which serve a community-wide function shall be located with primary vehicular access on a collector or arterial street.
 - d. Facilities which serve a regional or community-wide function shall provide off-street passenger loading area if the majority of the users will be children.
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: Active Outdoor Public Recreation: one space per four expected patrons at maximum capacity for any use requiring over five spaces.

(c) Indoor Institutional

Description: Indoor institutional land uses include all indoor public and not for profit recreational facilities (such as gyms, swimming pools, libraries, museums, and community centers), schools, churches, nonprofit clubs, nonprofit fraternal organizations, convention centers, hospitals, jails, prisons, and similar land uses.

1. Permitted by Right: {NO, PO, NB, PB, GB, CB, PI}
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if the majority of the users will be children (as in the case of a school, church, library, or similar land use.)
 - c. All structures shall be located a minimum of 50 feet from any residentially zoned property.

Section 98-206 Detailed Land Use Descriptions and Regulations

through

Section 98-206 Detailed Land Use Descriptions and Regulations

2. Conditional Use Regulations: {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8}:
 - a. Shall meet all regulations listed in 1., above.
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

Church: one space per five seats at the maximum capacity.

Community or Recreation Center: One space per 250 square feet of gross floor area, or one space per four patrons to the maximum capacity, plus one space per employee on the largest work shift.

Funeral Home: One space per three patron seats at the maximum capacity, plus one space per employee on the largest work shift.

Hospital: two spaces per three patient beds, plus one space per staff doctor and each other employee on the largest work shift.

Library or Museum: one space per 250 square feet of gross floor area or one space per four seats to the maximum capacity, whichever is greater, plus one space per employee on the largest work shift.

Elementary and Junior High: one space per teacher and per staff member, plus one space per two classrooms.

Senior High: one space per teacher and staff member, plus one space per five non-bused students.

College or Technical School: one space per staff member on the largest work shift, plus one space per two students of the largest class attendance period.

(d) Outdoor Institutional

Description: Outdoor institutional land uses include public and private cemeteries, privately held permanently protected green space areas, country clubs, non-public golf courses, and similar land uses.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {All Districts except GI and HI}:
 - a. Shall be located with primary vehicular access on a collector or arterial street.
 - b. Shall provide off-street passenger loading area if a significant proportion of the users will be children.
 - c. All structures and actively used outdoor recreational areas shall be located a minimum of 50 feet from any residentially zoned property.
 - d. Facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 98-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - e. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: Generally, one space per three expected patrons at maximum capacity. However, see additional specific requirements below:

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

Cemetery: one space per employee, plus one space per three patrons to the maximum capacity of all indoor assembly areas.

Golf Course: 36 spaces per nine holes, plus one space per employee on the largest work shift, plus 50 percent of spaces otherwise required for any accessory uses (e.g., bars, restaurant).

Swimming Pool: one space per 75 square feet of gross water area.

Tennis Court: three spaces per court.

(e) Public Service and Utilities

Description: Public service and utilities land uses include all Town, County, State and Federal facilities (except those otherwise treated in this Section), emergency service facilities such as fire departments and rescue operations, wastewater treatment plants, public and/or private utility substations, water towers, utility and public service related distribution facilities, and similar land uses.

1. Permitted by Right: {All Districts}:

- a. Outdoor storage areas shall be located a minimum of 50 feet from any residentially zoned property.
- b. All outdoor storage areas adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of .60 (See Section 98-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
- c. All structures shall be located within a minimum of 20 feet from any residentially zoned property.
- d. The exterior of all buildings shall be compatible with the exteriors of surrounding buildings.

2. Conditional Use Regulations: Not applicable.

3. Parking Regulations: One space per employee on the largest work shift, plus one space per company vehicle normally stored or parked on the premises, plus one space per 500 square feet of gross square feet of office area.

(f) Institutional Residential

Description: Institutional residential land uses include group homes, convents, monasteries, nursing homes, convalescent homes, limited care facilities, rehabilitation centers, and similar land uses not considered to be community living arrangements under the provisions of Wisconsin Statutes 62.23.

1. Permitted by Right: Not applicable.

2. Conditional Use Regulations {MR-8, NO, PO, NB, PB, GB, CB}: see listing for Institutional Residential under Residential Uses, Subsection (1)(b), above.

3. Parking Regulations:

Monastery or Convent: one space per six residents, plus one space per employee on the largest work shift, plus one space per five chapel seats if the public may attend.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

Nursing Home: one space per six patient beds, plus one space per employee on the largest work shift, plus one space per staff member and per visiting doctor.

(g) Community Living Arrangement (1-8 residents)

Description: Community living arrangement land uses include all facilities provided for in Wisconsin Statutes 46.03(22), including child welfare agencies, group homes for children, and community based residential facilities. Community living arrangements do not include day care centers (see separate listing); nursing homes (an institutional residential land use); general hospitals, special hospitals, prisons or jails (all indoor institutional land uses). Community living arrangement facilities are regulated depending upon their capacity as provided for in Wisconsin Statutes 62.23.

1. Permitted by Right: {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8}:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility regardless of its capacity.
- b. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the City Council following a public hearing).
- c. Foster homes housing 4 or fewer children and licensed under Wisconsin Statutes 48.62 shall not be subject to a., above; and shall not be subject to, or count toward, the total arrived at in b., above.

State Law Reference: Section 62.23, Wisconsin Statutes

2. Conditional Use Regulations: {NO and NB}

- a. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

3. Parking Requirements: Three spaces.

(h) Community Living Arrangements (9-15 residents)

Description: See (g) above.

1. Permitted by Right: {TR-6, MR-8}:

- a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
- b. The applicant shall demonstrate that the total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the City Council following a public hearing). *State Law Reference; Section 62.23, Wisconsin Statutes.*

2. Conditional Use Regulations {CR-5ac, ER-1, SR-3, SR-4, NO, PO, NB}:

- a. Shall meet all regulations for permitted uses in 1., above.
- b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

3. Parking Regulations: Four spaces.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(i) Community Living Arrangement (16+ residents)**

Description: See (g), above.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {MR-8, NO, PO, NB}:
 - a. No community living arrangement shall be established within 2,500 feet of any other such facility, regardless of capacity.
 - b. The total capacity of all community living arrangements (of all capacities) in the City shall not exceed 1 percent of the City's population (unless specifically authorized by the City Council following a public hearing).
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses. *State Law Reference: Section 62.23, Wisconsin Statutes.*
3. Parking Regulations: One space per every three residents.

(4) Commercial Land Uses**(a) Office**

Description: Office land uses include all exclusively indoor land uses whose primary functions are the handling of information or administrative services. Such land uses do not typically provide services directly to customers on a walk-in or on-appointment basis.

1. Permitted by Right {NO, PO, NB, PB, GB, CB, PI, GI, HI}
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: One space per 300 square feet of gross floor area.

(b) Personal or Professional Service

Description: Personal service and professional service land uses include all exclusively indoor land uses whose primary function is the provision of services directly to an individual on a walk-in or on-appointment basis. Examples of such uses include professional services, insurance or financial services, realty offices, medical offices, and clinics, veterinary clinics, barber shops, beauty shops, and related land uses.

1. Permitted by Right {NO, PO, NB, PB, GB, CB, PI}
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: one space per 300 square feet of gross floor area.

(c) Indoor Sales or Service

Description: Indoor sales and service land uses include all land uses which conduct or display sales or rental merchandise or equipment, or non-personal or non-professional services, entirely within an enclosed building. This includes self-service facilities such as coin-operated Laundromats. Depending on the zoning district, such land uses may or may not display products outside of an enclosed building. Such activities are listed as "Outdoor Display Incidental to Indoor Sales" under "Accessory Uses" in the Table of Land Uses, (Section 98-206(8)(f)). A land use which contains both indoor sales and outdoor sales exceeding 15% of the total sales area of the building(s) on the property shall be considered an outdoor sales land use, (See (d), below.). Artisan craft production such as

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

consumer ceramics, custom woodworking, or other production activities directly associated with retail sales are regulated as “light industrial uses incidental to retail sales” (see Section 98-206(8)(i).)

1. Permitted by Right {NB, PB, GB, CB}
2. Conditional Use Regulations {NO, PO, PI}
 - a. Permitted uses shall be limited to indoor sales and personal services which primarily support office tenants such as office supply stores, copy centers and travel agencies.
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per 300 square feet of gross floor area.

(d) **Outdoor Display** (Ord. No. 01-19 2/12/01)

Description: Outdoor display land uses include all land uses which conduct sales, display sales or rental merchandise or equipment outside of an enclosed building. Examples of such land uses include vehicle rental, manufactured and mobile housing sales and monument sales. The area of outdoor sales shall be calculated as the area which would be enclosed by a fence installed and continually calculated maintained in the most efficient manner which completely encloses all materials displayed outdoors. Such land uses do not include the storage or display of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard. (See Subsection (5), below, also.) (Land uses which conduct or display only a limited amount of product outside of an enclosed building, are listed separately in Sections 98-906(8)(f) as “Outdoor Display Incidental to Indoor Sales.”)

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {CB, PB, GB}:
 - a. The display of items shall not be permitted in permanently protected green space areas, required landscaped areas, or required bufferyards.
 - b. The display of items shall not be permitted within required setback areas for the principal structure.
 - c. In no event shall the display of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 98-704. If the number of provided parking stalls on the property is already less than the requirement, such display area shall not further reduce the number of parking stalls already present.
 - d. Display areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - e. Signs, screenage, enclosures, landscaping, or materials being displayed shall not interfere in any manner with either on-site or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- f. Outdoor display shall be permitted during the entire calendar year, however, if goods are removed from the display area all support fixtures used to display the goods shall be removed within 10 calendar days of the goods' removal.
 - g. Inoperative vehicles or equipment, or other items typically stored or displayed in a junkyard or salvage yard, shall not be displayed for this land use.
 - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all borders of the display area abutting residentially zoned property, except per e., above (See Section 98-610.).
 - i. Shall comply with Section 98-905 regarding conditional uses.
3. Parking regulations:
- a. In front of required principal building setback: one space per 300 square feet of gross floor area.
 - b. Behind required principal building setback: one space per 300 square feet of gross floor area.

(e) Indoor Maintenance Service

Description: Indoor maintenance services include all land uses which perform maintenances services (including repair) and contain all operations (except loading) entirely within an enclosed building. Because of outdoor vehicle storage requirements, vehicle repair and maintenance is considered a vehicle repair and maintenance land use, (See Section 98-206(4)(q)).

1. Permitted by Right {NB, PB, GB, CB, PI, GI, HI}
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: One space per 300 square feet of gross floor area.

(f) Outdoor Maintenance Service

Description: Outdoor maintenance services include all land uses which perform maintenance services, including repair, and have all, or any portion, of their operations located outside of an enclosed building.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {HI}:
 - a. All outdoor activity areas shall be completely enclosed by a minimum 6 feet high fence. Such enclosures shall be located a minimum of 50 feet from any residentially zoned property and shall be screened from such property by a bufferyard with a minimum opacity of .60 (see Section 98-610).
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per 300 square feet of gross floor area.

(g) In-Vehicle Sales or Service

Description: In-vehicle sales and service land uses include all land uses which perform sales and/or services to persons in vehicles, or to vehicles which may or may not be

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

occupied at the time of such activity (except vehicle repair and maintenance services, see Section 98-206(4)(q)). Such land uses often have traffic volumes which exhibit their highest levels concurrent with peak traffic flows on adjacent roads. Examples of such land uses include drive-in, drive-up, and drive-through facilities, vehicular fuel stations, all forms of car washes. If performed in conjunction with a principal land use (for example, a convenience store, restaurant or bank), in-vehicle sales and service land uses shall be considered an accessory use (see Section 98-206(8)(g)).

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {PO, NB, PB, GB, CB, PI}:
 - a. Clearly marked pedestrian crosswalks shall be provided for each walk-in customer access to the facility adjacent to the drive-through lane(s).
 - b. The drive-through facility shall be designed so as to not impede or impair vehicular and pedestrian traffic movement, or exacerbate the potential for pedestrian/vehicular conflicts.
 - c. In no instance shall a drive-through facility be permitted to operate which endangers the public safety, even if such land use has been permitted under the provisions of this Section.
 - d. The setback of any overhead canopy or similar structure shall be a minimum of 10 feet from all street rights-of-way lines, a minimum of 20 feet from all residentially-zoned property lines, and shall be a minimum of 5 feet from all other property lines. The total height of any overhead canopy or similar structure shall not exceed 20 feet as measured to the highest part of the structure.
 - e. All vehicular areas of the facility shall provide a surface paved with concrete or bituminous material which is designed to meet the requirements of a minimum 4 ton axle load.
 - f. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 98-610).
 - g. Interior curbs shall be used to separate driving areas from exterior fixtures such as fuel pumps, vacuums, menu boards, canopy supports and landscaped islands. Said curbs shall be a minimum of 6 inches high and be of a non-mountable design. No curb protecting an exterior fixture shall be located closer than 25 feet to all property lines.
 - h. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per 50 square feet of gross floor area. Each drive-up lane shall have a minimum stacking length of 100 feet behind the pass through window and 40 feet beyond the pass through window.

(h) Indoor Commercial Entertainment

Description: Indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

1. Permitted by Right: Not applicable
2. Conditional Use Regulations {NO, PO, NB, PB, GB, CB, PI}:
 - a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
 - b. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (see Section 98-610).
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment; (whichever is greater).

(i) Outdoor Commercial Entertainment

Description: Outdoor commercial entertainment land uses include all land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities often have the potential to be associated with nuisances related to noise, lighting, dust, trash and late operating hours. Outdoor entertainment land uses may include, but are not limited to, outdoor eating and drinking areas, and outdoor assembly areas.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations: {RH, NO, PO, NB, PB, GB, CB, PI }:
 - a. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property (Section 98-610).
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space for every three patron seats at the maximum capacity of the establishment.

(Ord. No. 12-07)

(j) Commercial Animal Boarding

Description: Commercial animal boarding facility land uses include land uses which provide short-term and/or long-term boarding for animals. Examples of these land uses include commercial kennels and commercial stables. Exercise yards, fields, training areas, and trails associated with such land uses are considered accessory to such land uses and do not require separate consideration. Animal boarding facilities and activities which, except for parking are completely and continuously contained indoors, are subject to a separate set of regulations (see 4., below.).

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH, PB, GB, PI, GI, PBP}:
 - a. All activities, except vehicle parking, shall be completely and continuously contained indoors—including animal exercise and display areas.
 - b. The minimum permitted size of horse or similar animal stall shall be 100 sf.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- c. Special events such as shows, exhibitions, and contests shall only be permitted when a temporary use permit has been secured. (See Section 98-906).
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per every 1,000 square feet of gross floor area.

(k) Commercial Indoor Lodging

Description: Commercial indoor lodging facilities include land uses which provide overnight housing in individual rooms or suites of rooms, each room or suites of rooms, each room or suite having a private bathroom. Such land uses may provide in-room or in-suite kitchens, and may also provide indoor recreational facilities for the exclusive use of their customers. Restaurant, arcades, fitness centers, and other on-site facilities available to non-lodgers are not considered accessory uses and therefore require review as a separate land use.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {PO, PB, GB, CB}:
 - a. If located on the same side of a building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 100 feet of a residentially zoned property.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 98-610).
 - c. Within the PO District, each and every room must take primary access via an individual interior door, and may not be accessed via an external balcony, porch or deck, except for emergency purposes.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per bedroom, plus one space for each employee on the largest work shift.

(l) Bed and Breakfast Establishment

Description: Bed and breakfast establishments are exclusively indoor lodging facilities which provide meals only to paying lodgers. Such land uses may provide indoor recreational facilities for the exclusive use of their customers.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8, NO, NB, PB, GB, CB}:
 - a. All such facilities shall be required to obtain a permit to serve liquor, if applicable. They shall be inspected annually at a fee as established by a fee separate ordinance, to verify that the land use continues to meet all applicable regulations.
 - b. 1 sign, with a maximum area of 20 sf, shall be permitted on the property.
 - c. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 98-610).

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- d. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exits to the outdoors from such premises. Rooms utilized for sleeping shall have a minimum size of one hundred (100) square feet for two (2) occupants with an additional thirty (30) square feet for each additional occupant to a maximum of four (4) occupants per room. Each sleeping room used for the bed and breakfast operation shall have a separate operational smoke detector alarm, as required in the Lake Geneva Building Code. One lavatory and bathing facility shall be required for every 10 occupants, in addition to the owner/occupants personal facilities.
- e. The dwelling unit in which the bed and breakfast takes place shall be the principal residence of the operator/owner and said operator/owner shall live on the premises when the bed and breakfast operation is active.
- f. Only the meal of breakfast shall be served to overnight guests.
- g. Each operator shall keep a list of names of all persons staying at the bed and breakfast operation. This list shall be kept on file for a period of one year. Such list shall be available for inspection by City officials at any time.
- h. The maximum stay for any occupants of a bed and breakfast operation shall be fourteen (14) days.
- i. It shall be unlawful for any persons to operate a bed and breakfast operation as defined and as permitted in the Municipal Code of the City of Lake Geneva without first having obtained a conditional use permit.
- j. Application Requirements. Applicant for a license to operate a bed and breakfast shall submit a floor plan of the single-family dwelling unit illustrating that the proposed operation will comply with the City Zoning Ordinance as amended, other applicable City codes and ordinances, and within the terms of this Chapter.
- k. Consideration of Issuance. After application duly filed with the Clerk for a license under this division, Plan Commission review and recommendation for a conditional use permit, the Council shall hold a public hearing and determine whether any further license shall be issued based upon the public convenience and necessity of the people in the City. In the Council's determination of the number of bed and breakfast operations required to provide for such public convenience and necessity, the Council shall consider the effect upon residential neighborhoods of issuance of additional licenses for public services.
- l. Public Nuisance Violations. Bed and breakfast operations shall not be permitted whenever the operation endangers, or offends, or interferes with the safety or rights of others so as to constitute a nuisance.
- m. Suspension, Revocation and Renewal. Any license issued under the provisions of this Chapter may be revoked by the City Council for good cause shown after investigation and opportunity to the holder of such license to be heard in opposition thereto; in such investigation the compliance or non-compliance with the state law and local ordinances, the conduct of the licensee in regard to the public, and other consideration shall be weighed in determination of such issue.
- n. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

3. Parking Regulations: One space per each bedroom.

(m) Group Day Care Center (Nine or More Children)

Description: Group day care centers are land uses in which qualified persons provide child care services for nine or more children. Examples of such land uses include day care centers and nursery schools. Such land uses shall not be located within a residential building. Such land uses may be operated in conjunction with another principal land use on the same environs, such as a church, school, business, or civic organization. In such instances, group day care centers are not considered as accessory uses and therefore require review as a separate land use.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {TR-6, MR-8, NO, PO, NB, PB, GB, CB, PI, GI}
 - a. Facility shall provide a bufferyard with a minimum opacity of .50 along all property borders abutting residentially zoned property (see Section 98-610).
 - b. Shall comply with Section 98-905, applicable to all conditional uses.
 - c. Property owner's permission is required as part of the conditional use permit application.
3. Parking Regulations: One space per five students, plus one space for each employee on the largest work shift.

(n) Campground

Description: Campgrounds include any facilities designed for overnight accommodation of persons in tents, travel trailers, or other mobile or portable shelters or vehicles.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH}:
 - a. Facility shall provide a bufferyard with a minimum opacity of .70 along all property borders abutting residentially zoned property (see Section 98-610).
 - b. Shall comply with Section 98-905, applicable to all conditional uses.
3. Parking Regulations: One and one-half (1.5) spaces per campsite.

(o) Boarding House

Description: Boarding Homes include any residential use renting rooms which do not contain private bathroom facilities (with the exception of approved bed and breakfast facilities).

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {MR-8, NO, NB, GB, and CB}
 - a. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 98-610).
 - b. Shall provide a minimum of one on-site parking space for each room for rent.
 - c. Shall be located in an area of transition from residential land uses to nonresidential land uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

d. Shall comply with Section 98-905, applicable to all conditional uses.

3. Parking Regulations: One space per five students, plus one space for each employee on the largest work shift.

(p) Sexually-Oriented Land Uses

Description: Sexually-oriented land uses include any facility oriented to the display of sexually-oriented materials such as videos, movies, slides, photos, books, or magazines; or actual persons displaying and/or touching sexually specified areas—including the provision of body piercing or tattooing services. For the purpose of this Chapter, “sexually-oriented areas” includes any one or more of the following: genitals, anal area, female areola or nipple; and sexually-oriented material includes any media which displays sexually specified area(s). Establishments which sell or rent sexually-oriented materials shall not be considered sexually-oriented if the area devoted to sale of said materials is less than 5% of the sales area devoted to non-sexually oriented materials and if such materials are placed in generic covers or otherwise obscured areas. NOTE: The incorporation of this Subsection into this Chapter is designed to reflect the City Council's official finding that sexually-oriented commercial uses have a predominant tendency to produce certain undesirable secondary effects on the surrounding community, as has been demonstrated in other, similar jurisdictions. Specifically, the City Council is concerned with the potential for such uses to limit: the attractiveness of nearby locations for new development, the ability to attract and/or retain customers, and the ability to market and sell nearby properties at a level consistent with similar properties not located near such facilities. It is explicitly not the intent of this Subsection to suppress free expression by unreasonably limiting alternative avenues of communication, but rather to balance the need to protect free expression opportunities with the need to implement the City's Comprehensive Master Plan and protect the character and integrity of its commercial and residential neighborhoods.

1. Permitted by Right: Not applicable.

2. Conditional Use Regulations {HI}:

- a. Shall be located a minimum of 1,000 feet from any agriculturally zoned property or residentially zoned property; and shall be located a minimum of 1,000 feet from any school, church, or outdoor recreational facility.
- b. Exterior building appearance and signage shall be designed to ensure that use does not detract from the ability of businesses in the vicinity to attract customers, nor affect the marketability of properties in the vicinity for sale at their assessed values.
- c. Shall comply with Section 98-905, applicable to all conditional uses.

3. Parking Regulations: One space per 300 sq ft of gross floor area, or one space per person at the maximum capacity of the establishment (whichever is greater).

(q) Vehicle Repair and Maintenance Service

Description: Vehicle repair and maintenance services include all land uses which perform maintenance services (including repair) to motorized vehicles and contain all operations (except vehicle storage) entirely within an enclosed building.

1. Permitted by Right: Not applicable.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

2. Conditional Use Regulations {PB, GB, GI, HI}:
 - a. Storage of abandoned vehicles is prohibited.
 - b. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (Section 98-610).
 - c. Shall comply with Section 98-905, applicable to all conditional uses.
3. Parking Regulations: One space per 300 square feet of gross floor area. Adequate on-site parking is required for all customer and employee vehicles.

(r) Intensive Outdoor Recreation

Description: Land uses, located on public or private property, that require intensive lighting and generate regional traffic and noise beyond property lines. Intensive Outdoor Recreation uses may include, but are not limited to, amusement parks, water parks, fair grounds, outdoor stadiums, drive-in theaters, outdoor commercial swimming pools, driving ranges, miniature golf facilities, go-cart tracks, racetracks, and tournament –oriented athletic facilities.

1. Permitted by right: Not applicable.
2. Conditional Use Regulations: {RH and PB}
 - a. A bufferyard with a minimum opacity of 1.0 shall be provided along all property abutting residentially zoned property and for any facility requiring night lighting.
 - b. Facilities serving a regional or community-wide function shall provide an off-street passenger loading area if the majority of the users will be children.
 - c. A minimum of 100 feet setback shall be required to any activity area other than parking.
3. Parking Requirements: A minimum of one space per every four expected patrons at maximum capacity shall be provided.

(Ord. No. 12-07)

(s) Physical Activity Studio

Description: Physical activity studio land uses include all land uses which provide a facility for training, instruction, and physical activity within an enclosed building. Such activities often have operating hours which extend significantly earlier or later than most other commercial land uses, and often employ amplified music to set training tempo. Examples of such uses include health or fitness centers, all forms of training studios (yoga, dance, art, martial arts, gymnastics, etc.), and music schools.

1. Permitted by right: Not applicable.
2. Conditional Use Regulations: {NO, PO, NB, PB, GB, CB, PI, PBP}
 - a. If located on the same side of the building as abutting residentially zoned property, no customer entrance of any kind shall be permitted within 150 feet, or as far as possible, of a residentially zoned property.
 - b. Facility shall provide bufferyard with minimum opacity of .60 along all borders of the property abutting residentially zoned property if outdoor physical activity takes place (see Section 98-610).

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per every three persons at the maximum capacity of the establishment.
(Ord. No. 13-19)

(5) Storage or Disposal Land Uses**(a) Indoor Storage or Wholesaling (Ord. No. 01-19 2/12/01)**

Description: Indoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. With the exception of loading and parking facilities, such land uses are contained entirely within an enclosed building. Examples of this land use include conventional warehouse facilities, long-term indoor storage facilities, and joint warehouse and storage facilities. Retail outlets associated with this use shall be considered accessory uses per Subsection 98-206(8)(h), below.

1. Permitted by Right {PI, GI, HI}
2. Conditional Use Regulations: {PB, GB}.
3. Parking Regulations: One space per 2,000 sf of gross floor area.

(b) Outdoor Storage or Wholesaling

Description: Outdoor storage and wholesaling land uses are primarily oriented to the receiving, holding, and shipping of packaged materials for a single business or a single group of businesses. Such a land use, in which any activity beyond loading and parking is located outdoors, is considered an outdoor storage and wholesaling land use. Examples of this land use include contractor's storage yards, equipment yards, lumber yards, coal yards, landscaping materials yard, construction materials yards, and shipping materials yards. Such land uses do not include the storage of inoperative vehicles or equipment, or other materials typically associated with a junkyard or salvage yard (See Subsection (4), below.)

1. Permitted by Right {HI}:
 - a. All outdoor storage areas shall be completely enclosed by any permitted combination of buildings, structures, walls and fencing. Such walls and fencing shall be a minimum of 8 feet in height and shall be designed to completely screen all stored materials from view from non-industrialized areas at an elevation of 5 feet above the grade of all adjacent properties and rights-of-way. Said walls or fencing shall be screened from residentially zoned property by a bufferyard with a minimum opacity of .80.
 - b. The storage of items shall not be permitted in permanently protected green space areas (see Section 98-608).
 - c. The storage of items shall not be permitted in required frontage landscaping or bufferyard areas.
 - d. In no event shall the storage of items reduce or inhibit the use or number of parking stalls provided on the property below the requirement established by the provisions of Section 98-704. If the number of provided parking stalls on the

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

property is already less than the requirement, such storage areas shall not further reduce the number of parking stalls already present.

- e. Storage areas shall be separated from any vehicular parking or circulation area by a minimum of 10 feet. This separation shall be clearly delimited by a physical separation such as a greenway, curb, fence, or line of planters, or by a clearly marked paved area.
 - f. Materials being stored shall not interfere in any manner with either on- or off-site traffic visibility, including potential traffic/traffic and traffic/pedestrian conflicts.
 - g. Inoperative vehicles or equipment, or other items typically stored in a junkyard or salvage yard, shall not be stored under the provisions of this land use.
 - h. Facility shall provide a bufferyard with a minimum opacity of .60 along all property borders abutting residentially zoned property (see Section 98-610).
 - i. All outdoor storage areas shall be located no closer to a residentially zoned property than the required minimum setback for buildings on the subject property.
2. Conditional Use Regulations {GI}:
- a. Shall comply with all regulations for permitted uses in 1., above.
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space for every 10,000 square feet of gross storage area, plus one space per each employee on the largest work shift.

(c) Personal Storage Facility

Description: Personal storage facilities are land uses oriented to the indoor storage of items entirely within partitioned buildings having an individual access to each partitioned area. Such storage areas may be available on either a condominium or rental basis. Also known as "mini-warehouses".

- 1. Permitted by Right: Not applicable.
 - 2. Conditional Use Regulations {GB, PI, GI}:
 - a. Facility shall be designed so as to minimize adverse visual impacts on nearby developments. The color, exterior materials, and orientation of proposed buildings and structures shall complement surrounding development.
 - b. Facility shall provide a bufferyard with a minimum opacity of .80 along property borders abutting residentially zoned property (see Section 98-610).
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
 - d. No electrical power shall be ran to the storage facilities, except for exterior lighting.
3. Parking Regulations: One space for each employee on the largest work shift.

(d) Junkyard or Salvage Yard

Description: Junkyard or salvage yard facilities are any land or structure used for a salvaging operation including but not limited to: the above-ground, outdoor storage and/or sale of waste paper, rags, scrap metal, and any other discarded materials intended for

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

sale or recycling; and/or the collection, dismantlement, storage, or salvage of 2 or more unlicensed and/or inoperative vehicles. Recycling facilities involving on-site outdoor storage of salvage materials are included in this land use.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH and HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 98-610).
 - b. All buildings, structures, outdoor storage areas, and other activity areas shall be located a minimum of 100 feet from all lot lines.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - d. Shall not involve the storage, handling or collection of hazardous materials, including any of the materials listed in Section 98-719.
 - e. Shall comply with Section 98-905, standards and regulations applicable to all conditional uses.
3. Parking Regulations: One space for every 20,000 square feet of gross storage area, plus one space for each employee on the largest work shift.

(e) Waste Disposal Facility

Description: Waste disposal facilities are any areas used for the disposal of solid wastes including those defined by Wisconsin Statutes 144.01(15), but not including composting operations (see Subsection (f), below).

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH and HI}:
 - a. Shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 98-610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d. Operations shall not involve the on-site holding, storage or disposal of hazardous materials (as defined by Section 98-719) in any manner.
 - e. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, in an amount equivalent to 110% of the costs determined to be associated with said restoration (as determined by a third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the City Administrator), and shall be held by the City for the purpose of ensuring that the site is restored to its proposed condition. (The requirement for said surety is waived for waste disposal facilities owned by public agencies).

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- f. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

State Law Reference: Section 144, Subchapter IV, Wisconsin Statutes.

3. Parking Regulations: One space for each employee on the largest work shift.

(f) Composting Operation

Description: Composting operations are any land use devoted to the collection, storage, processing and or disposal of vegetation.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH and HI}:
 - a. Shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property occupied by non-agricultural land uses (see Section 98-610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 100 feet from all lot lines.
 - d. No food scraps or other vermin-attracting materials shall be processed, stored or disposed of on-site.
 - e. Operations shall not involve the on-site holding, storage or disposal of hazardous wastes as defined by State Statutes in any manner.
 - f. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space for each employee on the largest work shift.

(6) Transportation Land Uses**(a) Off-Site Parking Lot**

Description: Off-site parking lots are any areas used for the temporary parking of vehicles which are fully registered, licensed and operative. See also Section 98-704 for additional parking regulations.

1. Permitted Use Regulations {GB, CB, GI, HI}:
 - a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: No requirement.

(b) Airport/Heliport

Description: Airports and heliports are transportation facilities providing takeoff, landing, servicing, storage and other services to any type of air transportation. The operation of any type of air vehicle (including ultralight aircraft, hang gliders, parasails, and related

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

equipment, but excepting model aircraft) within the jurisdiction of this Chapter shall occur only in conjunction with an approved airport or heliport.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH, PO, PI, GI, HI}:
 - a. All buildings, structures, outdoor airplane or helicopter storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property not otherwise completely screened from activity areas by buildings or structures (see Section 98-610).
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per each employee on the largest work shift, plus one space per every 5 passengers based on average daily ridership.

(c) Freight Terminal

Description: Freight terminals are defined as land and buildings representing either end of one or more truck carrier line(s) which may have some or all of the following facilities: yards, docks, management offices, storage sheds, buildings and/or outdoor storage areas, freight stations, and truck maintenance and repair facilities, principally serving several or many businesses and always requiring trans-shipment.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {GI and HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section 98-610).
 - b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
 - c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations: One space per each employee on the largest work shift.

(d) Distribution Center

Description: Distribution centers are facilities oriented to the short-term indoor storage and possible repackaging and reshipment of materials involving the activities and products of a single user. Retail outlets associated with this use shall be considered accessory uses per Subsection 98-206(8)(m), below.

1. Permitted by Right {GI, HI}.
2. Conditional Use Regulations {PI}:

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all property borders abutting residentially zoned property (see Section (98-610).
- b. All buildings, structures, outdoor storage areas, and any other activity areas shall be located a minimum of 100 feet from all lot lines abutting residentially zoned property.
- c. In no instance shall activity areas be located within a required frontage landscaping or bufferyard areas.
- d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

3. Parking Regulations: One space per each employee on the largest work shift.

(7) Industrial Land Uses**(a) Light Industrial Land Use**

Description: Light industrial land uses are industrial facilities at which all operations (with the exception of loading operations): 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; 3) do not pose a significant safety hazard (such as danger of explosion); and 4) comply with all of the performance standards listed for potential nuisances in Article VII. Light industrial land uses may conduct retail sales activity as an accessory use provided that the requirements of Subsection (8)(h), below, are complied with.

1. Permitted by Right {PI, GI, HI}:

- a. All activities, except loading and unloading, shall be conducted entirely within the confines of a building.

2. Conditional Use Regulations: Not applicable.

3. Parking Regulations: One space per each employee on the largest work shift.

(b) Heavy Industrial Land Use

Description: Heavy industrial land uses are industrial facilities which do not comply with 1 or more of the following criteria: 1) are conducted entirely within an enclosed building; 2) are not potentially associated with nuisances such as odor, noise, heat, vibration, and radiation which are detectable at the property line; and 3) do not pose a significant safety hazard (such as danger of explosion). More specifically, heavy industrial land uses are industrial land uses which may be wholly or partially located outside of an enclosed building; may have the potential to create certain nuisances which are detectable at the property line; and may involve materials which pose a significant safety hazard. However, in no instance shall a heavy industrial land use exceed the performance standards listed in Article VII. Examples of heavy industrial land uses include meat product producers; alcoholic beverage producers; paper, pulp or paperboard producers; chemical and allied product producers (except drug producers) including poison or fertilizer producers; petroleum and coal product producers; asphalt, concrete or cement producers; tanneries; stone, clay or glass product producers; primary metal producers; electrical industrial apparatus producers; transportation vehicle producers; commercial sanitary sewage treatment plants; railroad switching yards; and recycling facilities not involving the on-site storage of salvage materials.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

1. Permitted by Right: {HI}:
 - a. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property abutting properties which are not zoned Heavy Industrial (see Section 98-610).
 - b. All outdoor activity areas shall be located a minimum of 100 feet from residentially zoned property. No materials shall be stacked or otherwise stored so as to be visible over bufferyard screening elements.
2. Conditional Use Regulations: Not applicable.
3. Parking Regulations: One space per each employee on the largest work shift.

(c) Communication Tower

Description: Communication towers include all free-standing broadcasting, receiving, or relay structures, and similar principal land uses; and any office, studio or other land uses directly related to the function of the tower.

1. Permitted by Right: Not applicable.
2. Conditional Use Requirements {RH, PI, GI, HI}:
 - a. Tower shall be located so that there is sufficient radius of clear land around the tower so that its collapse shall be completely contained on the property.
 - b. The installation and continued maintenance of a bufferyard with a minimum opacity of .80 along property borders abutting residentially zoned property (see Section 98-610).
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.
3. Parking Regulations:

(d) Extraction Use

Description: Extraction uses include land uses involving the removal of soil, clay, sand, gravel, rock, minerals, peat, or other material in excess of that required for approve on-site development or agricultural activities.

1. Permitted by Right: Not applicable.
2. Conditional Use {RH}:
 - a. Shall receive approval from Walworth County prior to action by the City of Lake Geneva, and shall comply with all County, State and Federal regulations.
 - b. Facility shall provide a bufferyard with a minimum opacity of 1.00 along all borders of the property (see Section 98-610).
 - c. All buildings, structures, and activity areas shall be located a minimum of 300 feet from all lot lines.
 - d. Required site plans shall include detailed site restoration plans, which shall include at minimum, detailed grading and revegetation plans, and a detailed written statement indicating the timetable for such restoration. A surety bond, an amount equivalent to 110% of the costs determined to be associated with said restoration

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

(as determined by a third party selected by the City), shall be filed with the City by the Petitioner (subject to approval by the Zoning Administrator), and shall be held by the City for the purposes of ensuring that the site is restored to its proposed condition (The requirement for said surety is waived for publicly-owned waste disposal facilities.)

- e. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

3. Parking Regulations: One space per each employee on the largest work shift.

(8) Accessory Land Uses

Accessory uses are land uses which are incidental to the principal activity conducted on the subject property. Only those accessory uses listed in Table 98-203 shall be permitted within the jurisdiction of this Chapter. With the exception of a commercial apartment (see (a), below), or a farm residence (see (b), below), in no instance shall an accessory use, cellar, basement, tent or recreational trailer be used as a residence. With the exception of farm buildings, accessory buildings located within a residential district shall be constructed or finished in a complimentary architectural style and with complimentary materials to the principal residential buildings in the neighborhood. Accessory uses shall not be located between a principal building and a street frontage on the same lot, nor within any required front yard or street side yard, except when there is a shoreyard. In instances where there is a shoreyard, shoreyards shall be treated as front yards and street yards as rear yards, whereby accessory structures may be located between a principal building and a street frontage on the same lot.

(a) Commercial Apartment

Description: Commercial apartments are dwelling units which are located above the ground floor of a building used for commercial land use (as designated in Subsection (4), above)—most typically an office or retail establishment. The primary advantage of commercial apartments is that they are able to share required parking spaces with nonresidential uses.

1. Permitted by Right: NOT APPLICABLE (Ord. No. 00-12 09/25/00).
2. Conditional Use Regulations {CB, NB, PB, GB}: (Ord. No. 00-12 09/25/00)
 - a. The gross floor area devoted to commercial apartments shall be counted toward the floor area of a nonresidential development.
 - b. A minimum of 1 off-street parking space shall be provided for each bedroom within a commercial apartment. Parking spaces provided by nonresidential land uses on the site may be counted for this requirement with the approval of the Zoning Administrator.
 - c. Apartment units located on the ground floor or lower shall be required to demonstrate the provision of features to ensure safety and privacy to residents, particularly in relation to areas of high pedestrian and vehicular traffic.
 - d. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(b) Farm Residence

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

Description: A farm residence is a single-family detached dwelling unit located on the same property as any of the principal agricultural land uses listed in Subsection (2), above.

1. Permitted by Right {All Districts}
2. Conditional Use Regulations: Not applicable.

(c) Detached Residential Garage, Carport, Utility Shed, Play Structure, or Lawn Ornament

Description: A private residential garage, carport or utility shed is a structure which primarily accommodates the sheltered parking of a passenger vehicle and/or the storage of residential maintenance equipment of the subject property. Walks, drives, paved terraces and purely decorative garden accessories such as pools, fountains, statuary, sun dials, flag poles, etc., shall be permitted in setback areas but not closer than three (3) feet to an abutting property line other than a street line. For the purposes of this section, children's play structures including play houses or elevated play structures and climbing gyms, shall be considered accessory structures and shall comply with the requirements of this Section whether such play structures are placed on a foundation or not. Swing sets, slides, and sandboxes are not considered children's play structures for purposes of this Section. A building permit is not required for construction of a play structure. Play structures shall not be used for storage or be constructed out of materials that would constitute a nuisance. It may be located on the same lot as a residential unit or units, or on a separate lot in conjunction with a residential land use. See Section 98-408 for requirements applicable to legal, nonconforming garages. Garages, carports and utility sheds in excess of 1,000 square feet of gross floor area, or which exceed 30% coverage of the rear yard area, or which exceed the lot coverage of the principal structure, are not permitted in residential districts except as conditional uses in the RH, CR-5ac, and ER-1 Districts (Also see Section 98-206(8)).

1. Permitted by Right {All Districts, if under 1,000 sq. ft.}
 - a. One (1) attached or detached garage.
 - b. A total of three (3) accessory structures
2. Conditional Use Regulations:
 - a. In excess of 1,000 sq. feet for the combination of all accessory structures and for more than three accessory structures.
 - b. Second garage structures on a parcel.

(d) Company Cafeteria

Description: A company cafeteria is a food service operation which provides food only to company employees and their guests, which meets State food service requirements, and is located on the same property as a principal land use engaged in an operation other than food service.

1. Permitted by Right {NO, PO, PB, GB, CB, PI, GI, HI}
2. Conditional Use Regulations: Not applicable.

(e) Company Provided On-Site Recreation

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

Description: A company provided on-site recreational facility is any active or passive recreational facility located on the same site as a principal land use, and which is reserved solely for the use of company employees and their guests. Facilities using activity night lighting shall be a conditional use.

1. Permitted by Right {NO, PO, PB, GB, CB, PI, GI, HI}
 - a. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
2. Conditional Use Regulations {NO, PO, PB, GB, CB, PI, GI, HI}:
 - a. Outdoor recreational facilities using night lighting and adjoining a residentially zoned property shall install and continually maintain a bufferyard with a minimum opacity of 0.60 (see Section 98-610). Said bufferyard shall be located at the property line adjacent to said residentially zoned property.
 - b. All structures and actively used outdoor areas shall be located a minimum of 50 feet from any residentially zoned property.
 - c. Shall comply with Section 98-905, procedures applicable to all conditional uses.

(f) Outdoor Display Incidental to Indoor Sales and Services (more than 12 days)

Description: See Subsection 98-206(4)(d).

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH, PB, GB}:
 - a. Shall comply with all conditions of Subsection (4)(d), above.
 - b. Display area shall not exceed 25% of gross floor area of principal building on the site.
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(g) In-Vehicle Sales and Services Incidental to On-Site Principal Land Use

Description: See Subsection 98-206(4)(g), above.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {NO, PO, NB, PB, GB, CB}:
 - a. Shall comply with all conditions of Subsection (4)(g), above.
 - b. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(h) Indoor Sales Incidental to Storage or Light Industrial Land Use

Description: These land uses include any retail sales activity conducted exclusively indoors which is incidental to a principal land use such as warehousing, wholesaling, or any light industrial land use, on the same site.

1. Permitted by Right {PI, GI, HI}:

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- a. Adequate parking, per the requirements of Section 98-704, shall be provided for customers. Said parking shall be in addition to that required for customary light industrial uses.
 - b. The total area devoted to sales activity shall not exceed 25% of the total area of the buildings on the property except that the total area devoted to sales activity shall not exceed 75% of the total area of the buildings for Artisan Studio uses, such as, ceramics, jewelry, glass, sculpture and other studio uses. (Ord. No. 00-2 2/14/00)
 - c. Shall provide restroom facilities directly accessible from retail sales area.
 - d. Retail sales area shall be physically separated by a wall from other activity areas.
2. Conditional Use Regulations: Not applicable.

(i) Light Industrial Activities Incidental to Indoor Sales or Service Land Use (Ord. No. 01-18 2/12/00)

Description: These land uses include any light industrial activity conducted exclusively indoors which is incidental to a principal land use such as indoor sales or service, on the same site.

1. Permitted by Right: {PB, GB}
 - a. Indoor storage up to 50% of the Floor Area Ratio (FAR) will be permitted if located in the same building as the principal use.
2. Conditional Use Regulations {PB, NB, GB, CB}:
 - a. The total area devoted to light industrial activity shall not exceed 15% of the total area of the buildings on the property, or 5,000 square feet, whichever is less. However, artisan studio activities for such products as pottery, stained glass, jewelry, custom fabrics, weaving, needlecrafts, painting, sculpture, custom woodworking, basketry, metalwork, candle making, leather working, soap making and limited production activities (as determined by the Plan Condition) may exceed these limits by consideration and approval through the conditional use process.
 - b. Production area shall be physically separated by a wall from other activity areas and shall be soundproofed to the level required by Section 98-709 for all adjacent properties.
 - c. Indoor storage in a separate building or indoor storage greater than 50% of the Floor Area Ratio (FAR) located in the same building as the principal use will require a conditional use permit.
 - d. Shall comply with Section 98-905, procedures applicable to all conditional uses.

(j) Home Occupation

Description: It is the intent of this Section to provide a means to accommodate a small home-based family or professional business without the necessity of rezoning from a residential to a commercial district. Approval of an expansion of a home occupation at a future time beyond the limitations of this Section is not to be anticipated; relocation of the business to an area that is appropriately zoned may be necessary. Home occupations are economic activities performed within any single-family detached residence which comply

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

with the following requirements. Examples include personal and professional services, and handicrafts, which comply with all of the following requirements:

1. Permitted by Right: {All Districts}

- a. The home occupation shall be conducted only within the enclosed area of the dwelling unit or an attached garage.
- b. There shall be no exterior alterations which change the character thereof as a dwelling and/or exterior evidence of the home occupation other than those signs permitted in the district.
- c. No storage or display of materials, goods, supplies, or equipment related to the operation of the home occupation shall be visible outside any structures located on the premises.
- d. No home occupation use shall create smoke, odor, glare, noise, dust, vibration, fire hazard, small electrical interference or any other nuisance not normally associated with the average residential use in the district.
- e. Only one (1) sign may be used to indicate the type of occupation or business. Such sign shall not be illuminated and shall not exceed three (3) square feet.
- f. The use shall not involve the use of commercial vehicles for more than occasional delivery of materials to and from the premises.
- g. A permitted home occupation is restricted to a service-oriented business prohibiting the manufacturing of items or products or the sale of items or products on the premises. Examples of service-oriented business are, but are not limited to, computer programming, accounting, insurance agency and computer-based consulting and clerical services.
- h. A permitted home occupation shall not occupy more than thirty percent (30%) of the floor area of the dwelling.
- i. Persons employed by a permitted home occupation shall be limited to the resident family members and no more than one non-resident employee.
- j. Under no circumstances shall a vehicle repair or body work business qualify as a home occupation.

2. Conditional Use Regulations:

- a. The Plan Commission may approve home occupations in residential districts which do not meet the standards in subsection 1., above, as conditional uses. The standards in Section 98-905 shall be applicable.
- b. The types and numbers of equipment or machinery used on the conditional use site may be restricted by the Plan Commission.
- c. Sale or transfer of the property or expansion of the home occupation shall cause the Conditional Use Permit to be null and void.

(k) Family Day Care Home (Four to Eight Children)

Description: Family day care homes are occupied residences in which a qualified person or persons provide child care for 4 to 8 children. The care of less than 4 children is not subject to the regulations of this Chapter.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

1. Permitted by Right: {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8}
2. Conditional Use Regulations: Not applicable.

State Law Reference: Section 66.304(b)(2), Wisconsin Statutes

(l) Intermediate Day Care Home (Nine to Fifteen Children)

Description: Intermediate day care homes are occupied residences in which a qualified person or persons provide child care for 9 to 15 children.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations: {RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8}

State Law Reference: Section 66.304(b)(2), Wisconsin Statutes

(m) Migrant Labor Camp

Migrant labor camps include any facility subject to the regulation of Wisconsin Statutes 103.90.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH and HI}:
 - a. Shall be surrounded by a bufferyard with a minimum opacity of .60 along all property lines adjacent to all properties in residential, office or commercial zoning districts (see Section 98-610).
 - b. Migrant labor camp shall be an accessory use to an active principal use, under the same ownership, which is associated within the City of Lake Geneva.
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(n) On-Site Parking Lot

Description: On-site parking lots are any areas located on the same site as the principal land use which are used for the temporary parking of vehicles which are fully registered, licensed and operative. Refer also to Section 98-704.

1. Permitted by Right: {All Districts}
 - a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
 - b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.
2. Conditional Use Regulations: Not applicable.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(o) Private Residential Recreational Facility**

Description: This land use includes all active outdoor recreational facilities located on a private residential lot which are not otherwise listed in Table 93-203. Materials and lighting shall limit light levels at said property line are to be equal to or less than 0.5 foot candles (see Section 98-707). All private residential recreation facilities and their attendant structures shall comply with the bulk requirements for accessory structures (See Article IV.) Common examples of these accessory uses include swing sets, tree houses, basketball courts, tennis courts, swimming pools, and recreational-type equipment.

1. Permitted by Right: (All Districts)

- a. Access to an off-site parking lot shall only be permitted to a collector or arterial street.
- b. Access and vehicular circulation shall be designed so as to discourage cut-through traffic.

2. Conditional Use Regulations: Not applicable.

(p) Private Residential Kennel

Description: A maximum of any combination of 3 dogs and/or cats (over 6 months of age) are permitted by right for any 1 residential unit. Any residence housing a number of dogs and/or cats exceeding this number shall be considered a private residential kennel. Such a kennel (dogs only) shall require licensing by the City of Lake Geneva. In addition to those requirements, a private residential kennel shall meet the following requirements:

1. Permitted by Right: {All Districts for any combination of 3 (or fewer) dogs and/or cats over 6 months of age}.

2. Conditional Use Regulations {RH}

- a. For any number over three animals, a maximum of one additional animal per 5 acres shall be permitted.
- b. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property and shall be screened from adjacent properties.
- c. Shall comply with Section 98-905, procedures applicable to all conditional uses.

(q) Private Residential Stable

Description: A private residential stable is a structure facilitating the keeping of horses (or similar animals) on the same site as a residential dwelling.

1. Permitted by Right: Not applicable.

2. Conditional Use Regulations {RH}:

- a. A minimum lot area 175,000 square feet (4 acres) is required for a private residential stable.
- b. A maximum of one horse per five acres of fully enclosed, by fencing and/or structures, area is permitted.
- c. Outdoor containments for animals shall be located a minimum of 25 feet from any residentially zoned property.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- d. The requirements of Subsection 98-206(4)(k) shall also apply to private residential stables.
- e. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(r) Drainage Structure

Description: These include all improvements including, but not limited to swales, ditches, culverts, drains, tiles, gutters, levees, basins, detention or retention facilities, impoundments, and dams intended to effect the direction, rate and/or volume of stormwater runoff, snow melt, and/or channelized flows across, within and/or away from a site.

- 1. Permitted by Right {All Districts}:
 - a. Shall comply with Section 98-206(10) for the placement of drainage structures in permanently protected green space areas.
 - b. Shall comply with Section 98-206(10) regarding protection measures for drainageways.
 - c. Any drainage improvement shall not increase the rate or volume of discharge from the subject property onto any adjacent properties, except where regional stormwater management facilities such as storm sewers and retention or detention facilities are in place to serve the subject property.
- 2. Conditional Use Regulations: Not applicable.

(s) Filling

Description: Filling includes any activity in an area over 4,000 square feet or greater than 500 cubic yards of fill, involving the modification of the earth's surface above that in its undisturbed state.

- 1. Permitted by Right: {All Districts}:
 - a. Shall comply with Section 98-204 regarding filling activities in permanently protected green space areas.
 - b. Shall comply with Article V regarding protection measures for natural resources.
 - c. Shall not create drainage onto other properties.
 - d. Shall not impede on-site drainage
 - e. Shall comply with provisions of the Subdivision and Platting Ordinance.
- 2. Conditional Use Regulations: Not applicable.

(t) Lawn Care

Description: Lawn care includes any activity involving the preparation of the ground, installation and maintenance of vegetative ground cover (including gardens) which complies with the City of Lake Geneva Code of Ordinances. Lawn care is not permitted in certain permanently protected green space areas, see Section 98-509.

- 1. Permitted by Right {All Districts}

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

2. Conditional Use Regulations: Not applicable.

(u) Individual Septic Disposal System

Description: This land use includes any State-enabled, County-approved septic disposal system.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations {RH, CR-5ac, ER-1}
 - a. Minimum lot size of 0.5 acres.
 - b. Shall comply with Article V regarding protection measures for natural resources.
 - c. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.

(v) Exterior Communication Devices (e.g. satellite dishes, ham radio towers, t.v. antennas)

Description: This land use includes any antennas use for communication reception.

1. Permitted by Right: {All Districts}
 - a. Except for television antennas and satellite dishes which are 18" or smaller, exterior communication devises shall not be visible from a public street.
 - b. Devises must be sited an equal or greater number of fee from any property lines as their maximum height and may not be located in a required street yard.
 - c. The applicant must demonstrate that all reasonable mechanisms have been used to mitigate safety hazards and the visual impacts of the device.
2. Conditional Use Regulations: Not applicable.

(w) Caretakers Residence

Description: This land use includes any residential unit which provides permanent housing for a caretaker of the subject property in either an attached or detached configuration.

1. Permitted by Right: Not applicable.
2. Conditional Use Regulations: {CR-5ac and ER-1}
 - a. Shall provide housing only for on-site caretaker and family.
 - b. Shall comply with Section 98-905, standards and procedures for all conditional uses.

(9) Temporary Land Uses**(a) General Temporary Outdoor Sales {NB, PB, GB, CB}**

Description: Includes the display of any items outside the confines of a building which is not otherwise permitted as a permitted or conditional use, or a special event otherwise regulated by the City of Lake Geneva Municipal Code. Examples of this land use include but are not limited to: seasonal garden shops, tent sales, bratwurst stands, and garage sales; however, up to two garage sales are exempt from the provisions of this section.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

1. Temporary Use Regulations:
 - a. Display shall be limited to a maximum of 12 days in any calendar year.
 - b. Display shall not obstruct pedestrian or vehicular circulation, including vehicular site distances.
 - c. Signage shall comply with the requirements for temporary signs in Section 98-807.
 - d. Adequate parking shall be provided.
 - e. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
 - f. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(b) Outdoor Assembly {All Districts}**

Description: Includes any organized outdoor assembly of more than 100 persons.

1. Temporary Use Regulations:

- a. Activities shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Signage shall comply with the requirements for temporary signs in Section 98-807.
- c. Adequate parking, drinking water, and toilet facilities shall be provided, and shall be described in the application.
- d. If subject property is located adjacent to a residential area, activities shall be limited to daylight hours.
- e. Adequate provisions for crowd control shall be made, and shall be described within the application.
- f. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

(c) Contractor's Project Office {All Districts}

Description: Includes any structure containing an on-site construction management office for an active construction project.

1. Temporary Use Regulations:

- a. Structure shall not exceed 2,000 square feet in gross floor area.
- b. Facility shall be removed within 10 days of issuance of occupancy permit.
- c. Shall not be used for sales activity. (See subsection (9)(f), below.)
- d. Projects requiring said land use to be in place for more than 365 days shall require a Conditional Use Permit.
- e. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

(d) Contractor's On-Site Equipment Facility {All Districts}

Description: Includes any structure or outdoor area designed for the on-site storage of construction equipment and/or materials for an active construction project.

1. Temporary Use Regulations:

- a. Facility shall be removed within 10 days of issuance of occupancy permit.
- b. Projects requiring said land use to be in place for more than 365 days shall require a Conditional Use Permit.
- c. Shall be limited to a maximum area not exceeding 10% of the property's Gross Site Area.
- d. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations****(e) Relocatable Building {NO, PO, NB, PB, GB, CB, PI, GI, HI}**

Description: Includes any manufactured building which serves as a temporary building for less than 6 months. (Facilities serving more than 6 months shall be considered conditional uses and subject to the general standards and provisions presented in Section 98-905.)

1. Temporary Use Regulations:

- a. Shall conform to all setback regulations.
- b. Shall conform to all building code regulations.
- c. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

(f) On-Site Real Estate Sales Office {All Districts}

Description: Includes any building which serves as an on-site sales office for a development project.

1. Temporary Use Regulations:

- a. Structure shall not exceed 5,000 square feet in gross floor area.
- b. Facility shall be removed or converted to a permitted land use within 10 days of the completion of sales activity.
- c. Signage shall comply with the requirements for temporary signage in Section 98-807.
- d. Projects requiring said land use to be in place for more than 365 calendar days shall require a conditional use permit.
- e. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

(g) Seasonal Outdoor Sales of Farm Products {RH, NB, PB, GB, CB, PI, GI}

Description: Includes any outdoor display of farm products not otherwise regulated by the City of Lake Geneva Code of Ordinances.

1. Temporary Use Regulations:

- a. Display shall not obstruct pedestrian or vehicular circulation, including vehicular sight distances.
- b. Signage shall comply with the requirements for temporary signs in Section 98-807.
- c. Adequate parking shall be provided.
- d. If subject property is located adjacent to a residential area, sales and display activities shall be limited to daylight hours.
- e. Shall comply with Section 98-906, standards and procedures applicable to all temporary uses.

(h) Tents {RH, CR, ER, SR, TR, MR}

Description: Includes any structure or enclosure, consisting of a pliable material, constructed or erected for the purposes of shelter.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

1. Tents shall not be erected, used, or maintained for dwelling, lodging, or other purposes, except as may be used for incidental recreation purposes when erected on the same lot as a residential dwelling and used only by the residents of the dwelling.

(10) Natural Resource Disruption and Required Mitigation Standards:

For all land uses, disruption to natural resource areas shall comply with the requirements of the Subsection Ordinance pertaining to drainage, grading and erosion control. All land uses located within Permanently Protected Green Space Areas shall comply with the following:

(a) Cultivation

1. Permitted as a Conditional Use: {Other permanently protected green space areas}:
 - a. Permitted only if designated on the submitted site plan, and/or the recorded Plat or Certified Survey as an "Area which may be used for cultivation".

(b) Passive Outdoor Public Recreational Area

1. Permitted by Right: {All permanently protected green space areas}:
 - a. Limited to a 20 foot wide area in permanently protected natural resource areas. Permitted in other permanently protected green space areas without restriction.
 - b. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas beyond said 20 foot wide area.

(c) Active Outdoor Public Recreational Area

1. Permitted by Right: {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
2. Permitted as a Conditional Use: {Floodfringe}

(d) Outdoor Institutional

1. Permitted by Right: {Other permanently protected green space areas}:
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.

(e) Lawn Care

1. Permitted by Right: {Other permanently protected green space areas}:
 - a. Non-native ground cover shall not be permitted to spread into permanently protected natural resource areas. Clearance of understory growth shall be permitted.
2. Permitted as a Conditional Use: {All permanently protected natural resource areas except wetlands}:
 - a. Only disturbance associated with the care of native vegetation is permitted, with the exception of a 20 foot wide access path which may be cleared for passive recreational purposes.
 - b. Each property abutting a natural resource area shall be limited to one such access path.

**Section 98-206 Detailed Land Use Descriptions
and Regulations***through***Section 98-206 Detailed Land Use
Descriptions and Regulations**

- c. Non-native vegetation (such as domestic lawn grass) shall not be introduced into natural resource areas beyond said 20 foot wide access path.

(f) Golf Course

- 1. Permitted by Right: {Other permanently protected green space areas except wetlands};
 - a. Non-native vegetation shall not be permitted to spread into permanently protected natural resource areas.
- 2. Permitted as a Conditional Use: {All permanently protected natural resource areas};
 - a. Only disturbance associated with the care of native vegetation is permitted. Natural resource areas which are located within or adjacent to golf play areas shall be incorporated into the course design as out-of-bounds play hazards, and shall be maintained in their natural state.

(g) Any Permitted Temporary Use

- 1. Permitted by Right: {Other permanently protected green space areas};
 - a. Activity shall in no manner encroach upon permanently protected natural resources areas. Party securing the temporary use permit shall be responsible for restoring all such natural resource areas to an undamaged state, or shall be considered in violation of the provisions of this chapter. (Section 98-906).

(h) Drainage System

- 1. Permitted as a Conditional Use: {All permanently protected green space areas};
 - a. Structure shall not be deemed necessary by the City Engineer.
 - b. Natural vegetation shall be restored in disturbed areas.

(i) Filling

- 1. Permitted as a Conditional Use: {All permanently protected green space areas};
 - a. Filling in the floodway shall be done only as required by a necessary road, bridge, utility, or other infrastructure facility which has been deemed necessary by the Department of Public Works.
 - b. Natural vegetation shall be restored in disturbed areas.
 - c. In no instance shall filling raise the base flood elevation.

(j) Individual Septic Disposal System

- 1. Permitted as a Conditional Use: {Other permanently protected open space};
 - a. Shall not locate closer than 30 feet to any other permanently protected natural resource area.

(k) Road and/or Bridge

- 1. Permitted as a Conditional Use: {All permanently protected green space areas};
 - a. May locate in or across a natural resources areas only in conjunction with a boat landing, or when deemed essential by the Department of Public Works.

**Section 98-207 Nonconforming Use
Regulations***through***Section 98-207 Nonconforming Use
Regulations**

- b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
- c. Road networks shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

(l) Utility Lines and Related Facilities

1. Permitted as a Conditional Use: {All permanently protected green space areas}:
 - a. May locate in or across a natural resource areas only when deemed essential by the Department of Public Works.
 - b. May locate in other permanently protected green space areas if designed to provide an essential service to an activity area located within the green space area which cannot be efficiently reached from another point.
 - c. In general, utility lines shall be designed to circumvent permanently protected green space areas, thereby eliminating the need for intrusions and crossings.

(m) Piers and Wharfs

1. Permitted as a Conditional Use: {All permanently protected green space areas}:
 - a. A site plan shall be required per Section 98-908 for construction, erection, placement or extension of a pier or wharf, with specific information provided regarding: its location in relation to the shoreline and abutting riparian property lines, and regarding dimensions and building materials.
 - b. In the area known as Baker Park, those piers subject to the provisions of the park dedication and subsequent Resolution, the permitted use of piers or wharves shall be those uses specified as principal or conditional uses for the zoning district of the parcel from which the right to the pier or wharf arises. This Zoning Ordinance is not intended to supersede those rights given to those property owners under the original Baker Park dedication.

(n) Fences per the requirements of Sec. 98-720

1. Permitted as by Right: Woodland and Steep Slope Districts
2. Permitted as by Conditional Use: All permanently protected green space areas not specified above.
 - a. Under no circumstances shall a fence be erected which encumbers in any way the public access and use of the lake shore path in the Lakeshore Overlay zoning district.

Section 98-207 Nonconforming Use Regulations

- (1) **Definition:** A nonconforming use is an active and actual use of land or structures, or both; legally established prior to the effective date of this Chapter or subsequent applicable amendments thereto which has continued the same use to the present, and which would not be permitted under the current terms of this Chapter.
- (2) **Continuance of a Nonconforming Use:** Any nonconforming use lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as specified in this Section. Any legal use under the previous

Section 98-208 Group Developments*through***Section 98-208 Group Developments**

Zoning Ordinance which is made nonconforming by this Chapter may apply for a conditional use permit (per Section 98-905) to be granted legal conforming status. Any legal use under the previous zoning map which is made nonconforming by a change to the official zoning map may apply for a zoning map amendment (per Section 98-903) to an appropriate zoning district to be granted legal conforming use status.

(3) Modification of a Nonconforming Use

(a) Except as permitted in (b), below, a nonconforming use shall not be expanded, or changed to another nonconforming use; unless such modification would make the nonconforming use have a more desirable effect in terms of implementing the purpose of this Chapter (as determined by the Zoning Administrator). If such a modification occurs, said use shall not be modified back to the original nonconforming use, or to any other nonconforming use which does not better accomplish the purpose of this Chapter.

(b) A nonconforming nonresidential use which is not served by public sanitary sewer and/or public water if said facilities are not available within 1,000 feet of the subject property, and upon the granting of a conditional use permit per the requirements of Section 98-905.

(4) **Discontinuance of a Nonconforming Use:** When any nonconforming use of any structure or land is discontinued for a period of 12 months, or is changed into a conforming use, any future use of said structure or land shall be in complete conformity with the provisions of this Chapter.

(5) **Maintenance of a Nonconforming Use:** The normal maintenance of a structure or land containing or related to a nonconforming use is permitted, including necessary repairs and incidental alterations which do not exacerbate the adverse impacts of the nonconforming use in relation to the purpose of this Chapter. In no instance shall said repairs exceed over the life of the structure, 50% of the present equalized assessed value of said structure or property prior to said repairs.

(6) **Reconstruction of Two-family Dwellings in areas formally zoned R-2:** A legal, non-conforming two-family structure which is destroyed by fire, tornado or other disaster may apply for construction as a conditional use to be reconstructed so as not to expand the floor area nor footprint of the structure, if said structure is located in an area which was zoned to permit two-family dwellings on the day preceding the Effective Date of the Ordinance.

(7) **Nonconforming Lots, Structures, and Buildings:** See Sections 98-307, 98-408 and 98-409.

Section 98-208 Group Developments

(1) **Definition:** A group development is any development containing two (2) or more structures containing principal land uses (as listed in Table 98-203) on the same lot, and/or any single structure on a single lot which contains five (5) or more dwelling units or two (2) or more non-residential uses. Common examples of group developments include six (6) unit apartment buildings, apartment complexes, condominium complexes, shopping centers, one building office structures, one building commercial strip centers, (4 unit apartment buildings, and other land uses in which each lot contains 4 or fewer dwelling units, are not group developments, even though such developments may contain parcels under common ownership.) (Ord. No. 98-10 11/9/98)

(2) **Regulation of Group Developments:** Group developments are permitted as conditional uses in all zoning districts. Any land use which is permitted within the applicable zoning district(s) is

Section 98-208 Group Developments*through***Section 98-208 Group Developments**

permitted to locate within a group development. The land use regulations of this Section, as well as Section 98-206 and all other applicable provisions of this Chapter shall apply to the group development. The requirements of Section 98-905 shall apply to the review of proposals for group developments.

(3) Specific Development Standards for Group Developments

- (a) All required off-street parking spaces and access drives shall be located entirely within the boundaries of the group development.
- (b) The development shall contain a sufficient number of waste bins to accommodate all trash and waste generated by the land uses in a convenient manner.
- (c) No group development shall take access to a local residential street.
- (d) All development located within a group development shall be located so as to comply with the intent of this Chapter regarding setbacks of structures and buildings from lot lines. As such, individual principal and accessory structures and buildings located within group developments shall be situated within building envelopes which serve to demonstrate complete compliance with said intent. Said building envelopes which serve to demonstrate complete compliance with said intent. Said building envelopes shall be depicted on the site plan required for review of group developments. The use of this approach to designing group developments will also ensure the facilitation of subdividing group developments in the future, (if such action is so desired).

- (4) Discrimination Against Condominium Forms of Ownership:** It is not the intent of this Section, nor any other provision of this Chapter, to discriminate against condominium forms of ownership in any manner which conflicts with Wisconsin Statutes 703.27. As such, the provisions of this Section are designed to ensure that condominium forms of ownership are subject to the same standards and procedures of review and development as other physically identical forms of development.