

Section 98-001 Title

through

Section 98-005 Purpose

CHAPTER 98: ZONING ORDINANCE

ARTICLE 0: INTRODUCTION AND DEFINITIONS

Section 98-001 Title

This Chapter shall be known, cited and referred to as the CITY OF LAKE GENEVA ZONING ORDINANCE except as referred to herein, where it shall be known as "this Chapter".

Section 98-002 Authority

This Chapter, being Chapter 98 of the Municipal Code and consisting of Articles 0 through 9 thereof, is enacted pursuant to the authority granted by the State of Wisconsin Statutes. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive and shall in no manner be construed so as to limit the application or interpretation of this Chapter. *State Law Reference: Section 62.23(7), 62.231, 87.30 and 144.26, Wisconsin Statutes.*

Section 98-003 Legislative Intent

In enacting this Chapter, special attention has been given to ensuring a direct relationship of these regulations to the City of Lake Geneva's Comprehensive Master Plan. The general intent of this Chapter is to implement certain goals and objectives of the Comprehensive Master Plan which are best addressed through zoning approaches, as enabled by State of Wisconsin Statutes.

Section 98-004 Rationale and the Appearance of Ordinance Text**(1) Rationale**

Throughout this Chapter, paragraphs labeled "Rationale" are included to ensure a complete understanding of the purpose and reasoning of the City in adopting that particular portion of this Chapter. Each Rationale is intended as an official statement of the legislative findings or purposes, and shall serve to guide the administrative and judicial interpretation of this Chapter. The specific rationale expressed in each Rationale section are not intended to be exhaustive, and other non-explicit rationale may also be applicable. These paragraphs have been legislatively adopted together with the more formal text of this Chapter and shall be treated in the same manner as other aspects of legislative history.

(2) Appearance of Ordinance Text

The underlined, boldfaced, italicized, alternative point-sized, and/or capitalized typefaces used in this Chapter are inserted only for convenience, and are in no way to be construed as part of the provisions of this Chapter or as a limitation on the scope of the particular sections or subsections to which they refer.

Section 98-005 Purpose

- (1) The overall purpose of this Chapter is to implement the City of Lake Geneva Comprehensive Master Plan to the extent possible under zoning, as authorized by State of Wisconsin Statutes.
- (2) This Chapter is designed to control and lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to promote adequate light and air; to encourage the protection of groundwater resources; to prevent the

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overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks, and other public requirements; and to preserve burial sites as defined in s.157.70(1). *State Law Reference: Section 62.23(7)(c), Wisconsin Statutes*

- (3) Specifically, this Chapter is adopted for the purpose of protecting the public health, safety, morals, comfort, convenience and general welfare by implementing certain goals and objectives of the Comprehensive Master Plan. Additional purposes of this Chapter are specified throughout this Chapter.

Rationale: In developing the specific regulations of this Chapter, much effort has gone into balancing the goals and objectives of the Comprehensive Master Plan. The current status of this Chapter and its components (including the Official Zoning Map) represents the cohesive result of carefully considered plan implementation practices. Amendments to these provisions and/or the Official Zoning Map shall seriously consider the effect of such changes on the interrelationships which exist within this Chapter, and between this document, the Comprehensive Master Plan, and related long-range planning policies and programs. (See Sections 98-902 and 98-903.)

Section 98-006 Separability and Non-Liability

It is hereby declared to be the intention of the City Council that the several provisions of this Chapter are separable in accordance with the following:

- (1) If any court of competent jurisdiction shall adjudge any provision of this Chapter to be invalid, such judgment shall not affect any other provisions of this Chapter not specifically included in said judgment.
- (2) If any court of competent jurisdiction shall adjudge invalid the application of any portion of this Chapter to a particular property, water, building, other structure, such judgment shall not affect the application of said provision to any other property, building, or structure not specifically included in said judgment.
- (3) If any requirement or limitation which is attached to an authorization given under this Chapter is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation.
- (4) The City does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and hereby asserts that there is no liability on the part of the Common Council, its agencies, or employee for any flood damages, sanitation problems, or structural damages, sanitation problems, or upon, and conformance with this Chapter.

Section 98-007 Abrogation

It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right. It is also not intended that this Chapter abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law.

Section 98-008 Application

- (1) In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, and

Section 98-009 Jurisdiction*through***Section 98-011 Effective Date**

shall be liberally construed in favor of the City and shall not be construed to be a limitation or repeal of any other power now possessed by the City of Lake Geneva.

- (2) Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Regardless of any other provision of this Chapter, no land shall be developed or used, and no structure erected or maintained in violation of any state or federal regulations.
- (3) No structure, land, water or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this chapter and all other applicable local, county and State regulations.

A zoning permit shall be issued for any new or modified structure, pavement, or land disturbance activity such as grading, filling, excavating, or woodland clearing. The zoning permit shall be issued to confirm compliance with all applicable provisions of the zoning ordinance including fences and antennae.

- (4) Nothing herein contained shall require any changes in plans, construction, size or designated use of any building or part thereof, for which a zoning or building permit has been issued before the effective date of this chapter and the construction of which shall have been started within 6 months from the date of such permit.
- (5) Except as provided in this Chapter, under provisions for Nonconforming Uses (Section 98-207), Nonconforming Developments (Section 98-307), Substandard Lots (Section 98-407), and Nonconforming Structures and Buildings (Section 98-408), no building, structure, development or premises shall be hereinafter used or occupied and no applicable permit granted that does not conform to the requirements of this Chapter.
- (6) In cases of mixed-occupancy or mixed-use, the regulations for each land use shall apply to the portion of the structure or land so used.
- (7) Except for outlots authorized under the City's Land Division Regulations to contain permanently protected green space area, no yard or other open space shall be considered as providing a yard or open space for a building or structure on any other lot.

Section 98-009 Jurisdiction

This Chapter is applicable to all territory located within the corporate limits of the City of Lake Geneva.

Section 98-010 Re-enactment and Repeal

- (1) This Chapter, in part, carries forward by re-enactment some of the provisions of the regulations governing zoning and related matters, being previously known collectively as the "Zoning Code", Chapter 98 of the Code of Ordinances for the City of Lake Geneva, adopted prior to the effective date of this Chapter. It is not the intention of this Chapter to repeal, but rather to re-enact and continue in force such existing provisions so that all rights and liabilities that have accrued thereunder are preserved and may be enforced, unless explicitly surrendered by specific provisions of this Chapter or altered by the Official Zoning Map.
- (2) All provisions of Chapter 98 of the City of Lake Geneva Code of Ordinances which are not re-enacted herein are hereby repealed.

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- (3) The adoption of this Chapter shall not adversely affect the City's right to prosecute any violation of the predecessor Zoning Ordinance provided the violation occurred while that Chapter was in effect.

Section 98-011 Effective Date

All plans approved under previous zoning regulations shall be valid and may be used to obtain permits for a period of not more than one year after the effective date of this Chapter, except where subject to Developer's Agreement provisions. This Chapter shall become effective upon passage and posting according to law, following the date of repeal and re-enactment of the Official Zoning Map, which was May 1, 1997.

Section 98-031 Introduction to Word Usage, Abbreviations and Definitions

The purpose of Sections 98-031 through 98-034 is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which are not part of common English usage.

Section 98-032 Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the manifest intent of this Chapter.

- (1) Words used or defined in one tense or form shall include other tenses & derivative forms.
- (2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (3) The masculine gender shall include the feminine, and vice versa.
- (4) The words "shall", "must" and "will" are mandatory.
- (5) The words "may", "can" and "might" are permissive.
- (6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other similar entities.
- (7) The word "City" shall mean the City of Lake Geneva, Wisconsin.
- (8) The word "County" shall mean the County of Walworth, Wisconsin.
- (9) The word "State" shall mean the State of Wisconsin.
- (10) The word "Commission" shall mean the City of Lake Geneva Plan Commission.
- (11) The words "Council", "City Council", and "Common Council" shall refer to the City of Lake Geneva Common Council.
- (12) The word "Board" shall mean the City of Lake Geneva Board of Zoning Appeals.
- (13) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

Section 98-033 Abbreviations

- (1) The following abbreviations in this Chapter are intended to have the following meanings:

ac	acre	na	not applicable
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Section 98-034: Definitions*through***Section 98-034: Definitions**

CB	Central Business (zoning district)	NB	Neighborhood Business (zoning district)
CR-5ac	Countryside Residential-5ac (zoning district)	NO	Neighborhood Office (zoning district)
db	Decibel	NDA	Net Developable Area
ER-1	Estate Residential-1 (zoning district)	nonres	nonresidential
FAR	Floor Area Ratio	PB	Planned Business (zoning district)
ft	foot	PD(_-_)	Planned Development (zoning district)
GB	General Business (zoning district)	PI	Planned Industrial (zoning district)
GI	General Industrial (zoning district)	PO	Planned Office (zoning district)
GSA	Gross Site Area	res	residential
GSR	Green Space Ratio	RPA	Resource Protection Area
ISR	Impervious Surface Ratio	RH	Rural Holding (zoning district)
LSR	Landscape Surface Ratio	SR-3	Single-family Residential-3 (zoning district)
max	maximum	SR-4	Single-family Residential-4 (zoning district)
MBS	Maximum Building Size	sf	square feet
MGD	Maximum Gross Density	TR-6	Two-family Residential-6 (zoning district)
min	minimum	8-	eight or fewer
MH	Maximum Height	9+	nine or more
MLA	Maximum Lot Area	16+	sixteen or more
MSA	Minimum Site Area	#F	number of floors
MR-8	Multi-family Residential-8 (zoning district)		

Section 98-034: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section. Definitions provided by this Section include:

Abutting: Having a common border with, or being separated from such common border by an alley or easement.

Access: A means of vehicular approach, i.e., entry to or exit from a property, street or highway.

Access, secondary: A means of vehicular or non-vehicular approach, entry to, or exit from property from a source other than a public street or highway.

Access standards: See Section 98-702.

Acre: 43,560 square feet.

Accessory use or structure: A use or structure subordinate to, and serving, the principal use or structure on the same lot and customarily incidental thereto. See Section 98-202(5).

Active outdoor public recreational (land use): See Section 98-206(3)(b).

Activity center: An area which is typified by a concentration of nonresidential and/or multi-family development.

Addition: Any walled and roofed expansion to the perimeter and/or height of a building in which the addition is connected by a common load-bearing wall. Any walled and roofed addition which is connected by a fire wall or is separated by independent perimeter load-bearing walls is new

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construction.

Adjacent: Abutting, or being located directly across a right-of-way from, a separate lot.

Agricultural district: See Section 98-105(1).

Agricultural land use(s): See Section 98-206(2).

Agricultural services (land use): See Section 98-206(2)(d).

Air pollution standards: See Section 98-710.

Airport (land use): See Section 98-206(6)(b).

Alley: A public right-of-way usually of reduced width which affords a secondary means of access to abutting property.

Amendment of zoning regulations: See Section 98-902.

Amendment of official zoning map: See Section 98-903.

Animal unit: A measure which represents a common denominator for the purposed of defining a husbandry or intensive agricultural land use. The animal unit measure relates to the carrying capacity of one acre of land and is related to the amount of feed various species consume, and the amount of waste they produce. The following table indicates the number of common farm species which comprise a single animal unit:

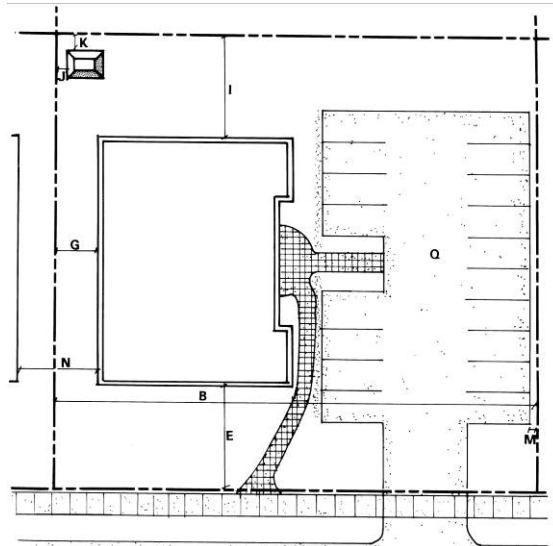
ANIMAL UNIT TABLE					
Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit
Horse (> 2 yrs)	1.0	Calves (< 1 yr)	4.0	Lambs	14.0
Colt (< 2 yrs)	2.0	Brood Sow or Boar	2.5	Chickens	200.0
Cattle (> 2 yrs)	1.0	Hogs (up to 220 lbs)	5.0	Other Poultry	200.0
Cattle (< 2 yrs)	2.0	Sheep	7.0		
Source: <i>The Stockman's Handbook</i>					

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Apartment: This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to the underside of the roof, is required between each dwelling unit. No more than 16 dwelling units, and no less than 3, may be located in a building. As part of the conditional use requirements for group developments, any development comprised of one or more buildings which contain 4 or more dwelling units shall provide additional site design features such as: underground parking, architectural elements, landscaping, and/or on-site recreational facilities. All apartment units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration(right) and to Article I for setback requirements labeled in capital letters:



Appeal: A means for obtaining review of a decision, determination, order, or failure to act pursuant to the terms of this Chapter as expressly authorized by the provisions of Section 98-912.

Average ground elevation: The average level of the finished surface of the ground adjacent to the exterior walls of a building or structure.

Base flood: The flood having a one percent chance of being equaled or exceeded in any given year. The 100 year flood.

Basement: A portion of a building located partly underground, but having one-half or less of its floor to ceiling height below the average grade of the adjoining ground.

Bed and breakfast establishment (land use): See Section 98-206(4)(l).

Bedroom: A room in a residence marketed, designed, or otherwise likely to function primarily for sleeping.

Blanket variance: A variance which is automatically granted by a provision of this Chapter in order to reduce the creation of legal nonconforming developments (see Section 98-307 or legal nonconforming residential structures (see Section 98-408(9)).

Board of Zoning Appeals: See Section 98-934.

Boarding house (land use): See Section 98-206(4)(o).

Bufferyard: Any permitted combination of distance, vegetation, fencing and berming which results in a reduction of visual and other interaction with an adjoining property. See Article VI.

Building: A structure built, maintained, or intended for use for the shelter or enclosure of persons, animals, or property of any kind. The term is inclusive of any part thereof. Where independent units with separate entrances are divided by party walls, each unit is a building.

Building, accessory: A building which:

- (a) Is subordinate to and serves a principal structure or a principal use;
- (b) Is subordinate in area, extent, and purpose to the principal structure or use served;
- (c) Is located on the same lot as the principal structure or use served except as otherwise expressly authorized by provisions of this Chapter; and
- (d) Is customarily incidental to the principal structure or use. Any portion of a principal building devoted or intended to be devoted to an accessory use is not an accessory building.

Building coverage: The percentage of a lot covered by principal and accessory buildings, including all structures with a roof.

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Building front: That exterior wall of a building which faces the front lot line of the lot.

Building height: The vertical distance from: (1) the lowest elevation of the adjoining ground level or (2) the established grade, whichever is lower to the top of the cornice of a flat roof, to the deck line of a mansard roof, to a point of the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on a pitched or hip roof. Also applies to structures.

Building line: A line on a lot, generally parallel to a lot line or road right-of-way line, located a sufficient distance therefrom to provide the minimum yards required by this Chapter. The building line determines the area in which buildings are permitted subject to all applicable provisions of this Chapter. This is also referred to as a "setback".

Building envelope: A component of a group development which conforms to the lot lines of developments which are not group developments, in that required minimum setback distances are measured from the building envelope line. (Refer to Section 98-208)

Building, principal: A building in which is conducted, or in which is intended to be conducted, the main or principal use of the lot on which it is located.

Building separation: The narrowest distance between two buildings. See Minimum Building Separation.

Building size: The total gross floor area of a building. See Maximum Building Size.

Bulk (of a building): The combination of building height, size, and location on a lot.

Bulkhead Line: A geographic line along a reach of navigable water that has been adopted by a municipal ordinance and approved by the Department of Natural Resources pursuant to Section 30.11, Wisconsin Statutes, and which allows limited filling between this bulkhead line and the original ordinary highwater mark, except where such filling is prohibited by the floodway provisions of this ordinance.

Cafeteria, company (land use): See Section 98-206(8)(d).

Caliper: A measurement of the size of a tree equal to the diameter of its trunk measurement one-half (0.5) foot above natural grade. Used for trees in a nursery setting.

Campground (land use): See Section 98-206(4)(n).

Candlepower: The amount of light that will illuminate a surface one foot distant from a light source to an intensity of one footcandle. Maximum (peak) candlepower is the largest amount of candlepower emitted by any lamp, light source, or luminaire.

Caretaker's Residence: A dwelling unit which is used exclusively by either the owner, manager, or operator of a principal permitted use and which is located on the same parcel as the principal use. See Section 98-206(8)(w).

Carport (land use): An open sided, roofed vehicle shelter, usually formed by extension of the roof from the side of a building. See Section 98-206(8)(c).

Cellar: That portion of the building having more than one-half (1/2) of the floor-to-ceiling height below the average grade of the adjoining ground.

Central Business (CB) District: See Section 98-105(3)(f).

Certificate of Occupancy: See Section 98-909.

Clear cutting (land use): See Section 98-206(2)(g).

Clerestory window: A window in which the lowest glassed area is a minimum of seven feet above the level of the floor located directly under the window.

Climax Tree: A tree that would occupy the uppermost canopy of a forest in a natural ecological situation. These trees are often referred to as shade trees. Examples include hickory, oak, maple, etc. See Section 98-610.

Commercial animal boarding (land use): See Section 98-206(4)(j).

Commercial apartment (land use): See Section 98-206(8)(a).

Commercial district(s): See Section 98-102.

Commercial indoor lodging (land use): See Section 98-206(4)(k).

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Commercial land use(s): See Section 98-206(4).

Commercial vehicle: Any motor vehicle used for business or institutional purposes or having painted thereon or affixed thereto a sign identifying a business or institution or a principal product or service of a business or institution. Agricultural equipment used as part of a permitted agricultural principal use shall not be considered as a commercial vehicle.

Communication tower (land use): See Section 98-206(7)(c).

Community character: The impression which an area makes in regard to the type, intensity, density, quality, appearance, and age of development.

Community living arrangement (land use): See Sections 98-206(3)(g) through (i).

Company provided on-site recreation (land use): See Section 98-206(8)(e).

Composting operation (land use): See Section 98-206(5)(f).

Comprehensive Master Plan: The Comprehensive Master Plan of the City of Lake Geneva, Wisconsin, adopted January 13, 1992, and as subsequently amended.

Conditional use: A land use which requires a conditional use permit in order to develop. See Section 98-202(4). See Section 98-905 for applicable procedures.

Construction materials standards: See Section 98-718.

Construction, Start of: The installation of foundation footings and/or materials for road construction.

Contractor's on-site equipment storage (land use): See Section 98-206(9)(d).

Contractor's project office (land use): See Section 98-206(9)(c).

Conventional residential development: See Section 98-206(1)(a).

Countryside Residential-5ac (CR-5ac) District: See Section 98-105(2)(a).

Cultivation (land use): See Section 98-206(2)(a).

Day Care: See family day care home, intermediate day care home, or group day care center.

Deck: A structure that has no roof or walls. Can be attached or detached to the principle structure. If attached, it is required to have main supports and continuous footings below grade by 48" and must be raised above grade and must comply with the principle setback requirements or as modified by Section 98-405(4). If detached, shall be an accessory structure.

Dedication: The transfer of property interest from private to public ownership for a public purpose. The transfer may be of fee-simple interest or of a less than fee-simple interest, including an easement.

Density: A term used to describe the number of dwelling units per acre.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an optionee or contract purchaser.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development option(s): The type of residential or nonresidential development as categorized by the proportion of the site devoted to permanently protected green space.

Development pad: The area of a lot within a large lot residential development which is devoted to structures and septic systems.

Direct access: A condition of immediate physical connection resulting from adjacency of a road or right-of-way abutting a property.

Disposal land use(s): See Section 98-206(5).

Distribution center (land use): See Section 98-206(6)(d).

Drainage: The removal of surface water or groundwater from land by drains, grading, or other means. Drainage includes the control of runoff, to minimize erosion and sedimentation during and after development, and the means necessary for water supply preservation or prevention or

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alleviation of flooding.

Drainageway: Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following: (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on USGS 7.5 minute topographic maps for the City of Lake Geneva and its environs; (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on USGS 7.5 minute topographic maps for the City of Lake Geneva and its environs. See Section 98-506.

Drainage standards: See Section 98-717.

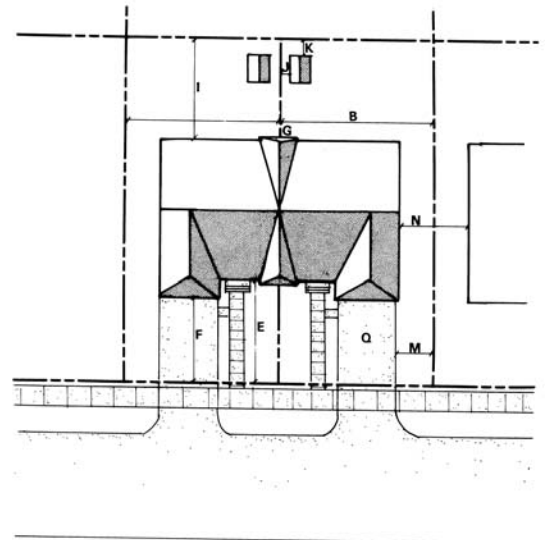
Drainage structure (land use): See Section 98-206(8)(r).

Dripline: Outer perimeter edge of a tree canopy as transferred perpendicularly to ground level.

Drive-in theater (land use): See Section 98-206(4)(i).

Dryland access: A vehicular access route which is above the regional flood elevation and which connects land located in the floodplain to land which is outside the floodplain, such as a road with its surface above the regional flood elevation and wide enough to accommodate wheeled vehicles.

Duplex: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. Refer to the illustration (right) and to Article I for setback requirements labeled in capital letters:



Dwelling: A residential building or one or more portions thereof occupied or intended to be occupied exclusively for residence purpose, but not including habitations provided in nonresidential uses such as lodging uses and commercial campgrounds.

Dwelling, attached: A dwelling which is joined to another dwelling at one (1) or more sides by a party wall or walls.

Dwelling, detached: A dwelling which is entirely surrounded by open space on the same lot.

Dwelling, single-family detached: See Section 98-203(1). See also Single-family detached dwelling unit.

Dwelling unit: A room or group of rooms, providing or intended to provide living quarters for not more than one (1) family.

Dwelling unit separation: The narrowest distance between two dwelling units. See Minimum dwelling unit separation.

Easement: Written authorization by a property owner for another party to use for a specified purpose any designated part of his property which has been recorded in the Register of Deeds' office.

Electromagnetic radiation standards: See Section 98-712.

Elevated Building: A non-basement building built to have its lowest floor elevated above the ground level by means of fill, solid foundation perimeter walls, pilings columns (post and piers), shear walls, or breakaway walls.

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Encroachment: Any fill, structure, building, use, or development in the floodway.

Environmental Control Facility: Any facility, temporary or permanent, which is reasonably expected to abate, reduce, or aid in the prevention, measurement, control or monitoring of noise, air, or water pollutants, solid waste or thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.

Environs (of the City of Lake Geneva): The area in which the City of Lake Geneva exercises extraterritorial powers.

Erosion: The detachment and movement of soil or rock fragments by water, wind, ice, and/or gravity.

Essential Services: Facilities that are:

- (a) Owned or maintained by public utility companies or public agencies, and;
- (b) Located in public ways or in easements provided for the purpose, or on a customer's premises and not requiring a private right-of-way, and;
- (c) Reasonably necessary for the furnishing of adequate water, sewer, gas, electric, communication, or similar services to adjacent customers, and;
- (d) Not including any cross-country line on towers.

Estate Residential (ER-1) District: See Section 98-105(2)(b).

Explosion standards: See Section 98-714.

Exterior Communication Devices (land use): See Section 98-206(8)(v).

Extraction use (land use): See Section 98-206(7)(d).

Extraterritorial area: The area outside of the City Limits in which the City of Lake Geneva exercises extraterritorial powers of land division, and/or zoning, review.

Family: An individual or two (2) or more persons, each related by blood, marriage or adoption, living together as a single housekeeping unit; or a group of not more than four (4) persons not so related, maintaining a common household.

Family day care home (land use): See Section 98-206(8)(k).

Farm residence (land use): See Section 98-206(8)(b).

Fees: See Section 98-935.

Fencing standards: See Section 98-720.

Filling (land use): See Section 98-206(8)(s).

Fire standards: See Section 98-714.

First habitable floor: The top surface above an unfinished basement, cellar or crawl space that is intended for living quarters.

Floodplain and related topics: See Section 98-503.

Floor area: The sum of the gross horizontal areas of the several floors of a building including interior balconies, mezzanines, basements and attached accessory buildings, fitting rooms, stairs, escalators, unenclosed porches, detached accessory buildings utilized as dead storage, heating and utility rooms, inside off-street parking or loading space, Measurements shall be made from the inside of the exterior walls and to the center of interior walls.

Floor area ratio (FAR): The ratio calculated by dividing the total floor area of all buildings on a site by the Gross Site Area. See Maximum floor area ratio.

Footcandle: A unit of illumination produced on a surface, all points of which are one (1) foot from a uniform point source of one candle.

Freeboard: Represents a factor of safety usually expressed in terms of a certain amount of feet above a calculated flood level. Freeboard compensates for the many unknown factors that contribute to flood heights greater than the height calculated. These unknown factors may include, but are not limited to, ice jams, debris accumulation, wave action, obstruction of bridge openings and floodways, the effects of urbanization on the hydrology of the watershed, loss of flood storage

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areas due to development and the sedimentation of a river or stream bed.

Freight terminal(land use): See Section 98-206(6)(c).

Garage (residential): A detached accessory building or portion of the principal building, including a carport, which is used primarily for storing passenger vehicles, trailers or one (1) truck of a rated capacity not in excess of ten thousand (10,000) pounds. See Section 98-206(8)(c).

Gas station: See in-vehicle sales or service.

General Business (GB) District: See Section 98-105(3)(e).

General floor plans: A graphic representation of the anticipated utilization of the floor area within a building or structure, but not necessarily as detailed as construction plans.

General Industrial (GI) District: See Section 98-105(3)(h).

General temporary outdoor sales (land use): See Section 98-206(9)(a).

Glare: The brightness of a light source which causes eye discomfort.

Glare standards: See Section 98-713.

Green space ratio (GSR): The percentage of the gross site area which is preserved as permanently protected green space. Green space ratio is calculated by dividing the area of permanently protected green space by the gross site area. See Minimum green space ratio.

Gross density: The result of dividing the number of dwelling units located on a site by the gross site area. See Maximum gross density.

Gross floor area: The total floor area of a building.

Gross site area (GSA): The total area of a site available for inclusion in calculations of the maximum permitted density or intensity of development.

Group day care center (land use): See Section 98-206(4)(m).

Group development: See Section 98-208.

Habitable buildings: Any building, or portion thereof used for human habitation.

Heat standards: See Section 98-713.

Hearing Notice: Publication or posting meeting the requirements of Chapter 985, Stats. Class 1 notice is the minimum required for appeals: Published once at least one week (7 days) before hearing. Class 2 notice is the minimum required for all zoning ordinances and amendments including map amendments: published twice, once each week consecutively, the last at least a week (7 days) before the hearing. Local ordinances or bylaws may require additional notice, exceeding these minimums.

Heavy industrial (land use): See Section 98-206(7)(b).

Height of structure: See Building Height.

Heliport (land use): See Section 98-206(6)(b).

High flood damage potential: Any danger to human life or public health or the potential for any significant economic loss to a structure or its contents.

Holding zone: A zoning district designed to limit development potential until adequate public services and infrastructure are provided.

Home occupation (land use): See Section 98-206(8)(j).

Husbandry (land use): See Section 98-206(2)(b).

Impervious surface: Areas designed and installed to prohibit infiltration of stormwater. Concrete, brick, asphalt and similar paved surfaces are considered impervious. Gravel areas and areas with "landscaped pavers" which are intended for vehicular traffic are considered to be impervious.

Increase in regional flood height: A calculated upward rise in the regional flood elevation, equal or greater than 0.01 foot, resulting in comparison of existing conditions and proposed conditions which is directly attributable to manipulation of mathematical variables such as roughness factors, expansion and contraction coefficients and discharge.

Indoor commercial entertainment (land use): See Section 98-206(4)(h).

Indoor institutional (land use): See Section 98-206(3)(c).

Indoor maintenance service (land use): See Section 98-206(4)(e).

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Indoor sales (land use): See Section 98-206(4)(c).

Indoor sales accessory to light industrial use (land use): See Section 98-206(8)(i).

Indoor service (land use): See Section 98-206(4)(c).

Indoor storage (land use): See Section 98-206(5)(a).

Indoor wholesaling (land use): See Section 98-206(5)(a).

Industrial district(s): See Section 98-102.

Industrial land use(s): See Section 98-206(7).

Infill development: Development located in areas which are largely developed already.

Institutional land use(s): See Section 98-206(3).

Institutional residential development: See Section 98-206(1)(b).

Institutional residential unit: This dwelling unit type consists of an attached, multi-family residence which takes access from a shared entrance or hallway. All institutional residential units within a development shall be located a minimum of 30 feet from the boundary of the development.

Intensity: A term used to describe the amount of gross floor area or landscaped area, on a lot or site, compared to the gross area of the lot or site.

Intensive agricultural (land use): See Section 98-206(2)(c).

Intermediate day care home (land use): See Section 98-206(8)(l).

Interpretation: See Section 98-911 for application procedures and Section 98-932(2)(n).

In-vehicle sales (land use): See Section 98-206(4)(g).

In-vehicle sales as accessory use (land use): See Section 98-206(8)(g).

In-vehicle service (land use): See Section 98-206(4)(h).

In-vehicle service as accessory use (land use): See Section 98-206(8)(g).

Junkyard (land use): See Section 98-206(5)(d).

Lakeshore: Those lands lying within the following distances from the ordinary high water mark of navigable waters: 1,000 feet from a lake, pond, or flowage; and 300 feet from a river or stream; or to a landward side of the floodplain, whichever distance is the greater. Lakeshores shall not include those lands adjacent to farm drainage ditches where (a) such lands are not adjacent to a navigable stream or river; (b) those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching or had no previous stream history; and (c) such lands are maintained in non-structural agricultural use. See Section 98-505.

Landscape point: See Section 98-603.

Landscaped area: The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced groundcovers, shrubs, bushes, and trees. Landscaped area includes the area located within planted and continually maintained landscaped planters.

Landscape surface area ratio (LSR): The percentage of the gross site area or lot area which is preserved as permanently protected landscaped area.

Land use: The type of development and/or activity occurring on a piece of property.

Lawn Care (land use): See Section 98-206(8)(t).

Light industrial (land use): See Section 98-206(7)(a).

Light industrial incidental to indoor sales: See Section 98-206(8)(i).

Lighting standards: See Section 98-707.

Loading standards: See Section 98-705.

Local residential street: A road which primarily serves to collect traffic originating directly from residential driveways and private residential courts and streets.

Lot: A parcel of land that: (a) is undivided by any street or private road; (b) is occupied by, or designated to be developed for, one (1) building or principal use; and (c) contains the accessory buildings or uses customarily incidental to such building, use, or development, including such open spaces and yards as designed and arranged or required by this Chapter for such building,

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use, or development.

Lot area: The area contained within the property boundaries of a recorded lot.

Lot corner: A lot situated at the junction of and abutting on two or more intersection streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot depth: The mean horizontal distance between the front lot line and the rear lot line of a lot.

Lot frontage: Lot width measured at the street lot line. When a lot has more than one street lot line, lot width shall be measured, and the minimum lot width required by this Chapter shall be provided at each such line.

Lot interior: A lot other than a corner lot.

Lot line: A lot line is the property line bounding a lot except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

Lot line, front: A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

Lot line, rear: In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

Lot line, side: Any boundary of a lot which is not a front lot line, a street side lot line, or a rear lot line.

Lot line, street side: Any lot line which abuts a public or private street right-of-way which is not the front lot line.

Lot of record: A platted lot or lot described in a certified survey map or metes and bounds description which has been approved by the City or by Walworth County; and has been recorded in the office of the Register of Deeds.

Lot, through: A lot which has a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac). Except for through lots which abut an arterial or nonresidential collector street, through lots shall be prohibited under the provisions of this Chapter.

Lot width: The maximum horizontal distance between the side lot lines of a lot, measured parallel to the front lot lines and at the rear of the required front yard. See minimum lot width.

Lowest floor: The lowest enclosed floor (including basement). Any unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosed area is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Chapter.

Maintenance guarantee: A guarantee of facilities or work to either ensure the correction of any failures of any improvements required pursuant to this Chapter or to maintain same.

Master Plan: A plan, map, report, or other document pertaining to the physical development of the City which has been adopted by the City Plan Commission, as described in Wisconsin Statutes 62.23(2) and (3).

Maximum accessory building coverage: The largest permitted area of all accessory buildings on a lot.

Maximum building coverage: The largest permitted area of all buildings on a lot.

Maximum building size (MBS): The largest permitted total gross floor area a building may contain. See building size.

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Maximum floor area ratio (FAR): The largest amount of floor area permitted on a lot. See floor area ratio.

Maximum gross density (MGD): The maximum number of dwelling units permitted per acre of Gross Site Area. See gross density.

Maximum height: The maximum height of the highest portion of any structure. See height.

Migrant labor camp (land use): See Section 98-206(8)(m).

Minimum building separation: The narrowest permitted building separation.

Minimum dwelling unit separation: The narrowest permitted dwelling unit separation.

Minimum floor elevation: The lowest elevation permissible for the construction, erection, or other placement of any floor, including a basement floor.

Minimum landscape surface ratio (LSR): The lowest permitted landscape surface ratio. See landscape surface ratio.

Minimum lot area (MLA): The minimum size lot permitted within the specified zoning district and development option.

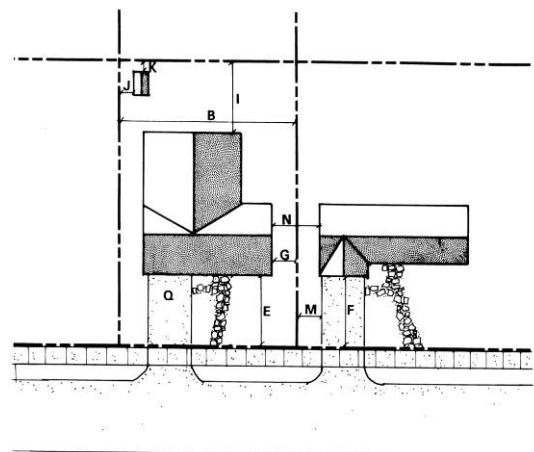
Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

Minimum setback: The narrowest distance permitted from a street, side, or rear property line to a structure.

Minimum site area (MSA): The minimum gross site area in which the specified development option may occur. See gross site area (GSA).

Mini-warehouse: See Section 98-206(5)(c).

Mobile home (land use): This dwelling unit type consists of a fully detached, single-family residence, which has not received a Federal Manufactured Housing Certificate and which is located on an individual lot or within a group development. This dwelling unit type may not be split into 2 or more residences. Within 30 days of occupancy, the owner shall remove the axle and install skirting per the requirements of the Plan Commission. Refer to the illustration (right) and to Article I for setback requirements labeled in capital letters:



Mobile Home Park Residential Development: See Section 98-206(1)(e).

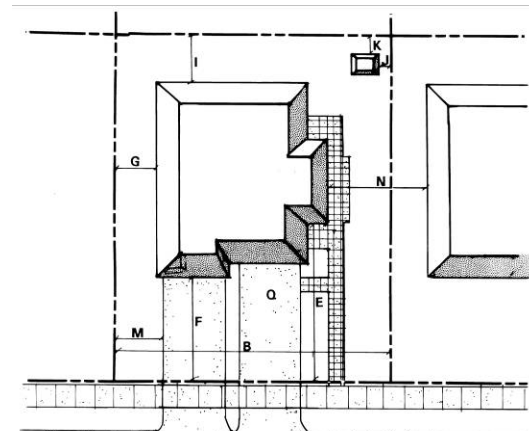
Mobile Home Residential Development: See Section 98-206(1)(d).

Mobile home sales: See Sections 98-206(4)(d).

Motel, Motor Court, Hotel: See commercial indoor lodging.

Motor freight terminal: See freight terminal.

Multiplex: This dwelling unit type consists of an attached, multi-family residence which has a private, individual exterior entrance. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level through the roof, is required between each dwelling unit. No more than 6 and no less than 3 multiplex dwelling units may be attached per group. All multiplex units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration (previous page) and to Article I for setback



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requirements labeled in capital letters:

Multi-family Residential-8 (MR-8) District: See Section 98-105(2)(f).

Natural resource protection overlay zoning districts: Zoning districts which primarily identify and regulate the disturbance of areas containing protected natural resources. See Sections 98-106 and 98-107. See overlay zoning districts.

Navigable water: Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis. 492 (1952), and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)] For the purposes of this Chapter, rivers and streams will be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps until such time that the Wisconsin Department of Natural Resources has made a determination that the waterway is not, in fact, navigable.

Neighborhood Business (NB) District: See Section 98-105(3)(c).

Neighborhood Office (NO) District: See Section 98-105(3)(a).

Net developable area (NDA): The area of a site which may be disturbed by development activity. Net Developable Area is the result of subtracting Required Resource Protection Area (RPA) from the Gross Site Area (GSA).

Noise standards: See Section 98-709.

Nonconforming building or structure: Any building, or other structure, which is lawfully existing under provisions preceding this Chapter, which would not conform to the applicable regulations if the building or structure were to be erected under the provisions of this Chapter.

Nonconforming development: A lawful development approved under provisions preceding the effective date of this Chapter, which would not conform to the applicable regulations if the development were to be created under the current provisions of this Chapter. See Section 98-307.

Nonconforming use: An active and actual use of land, buildings or structures lawfully existing prior to this Chapter which has continued as the same use to the present and which does not comply with all the applicable regulations of this Chapter. See Section 98-207.

Nonresidential district(s): See Section 98-102.

Nonresidential land use(s): See Section 98-206(2)-(7).

Noxious matter or materials: Material capable of causing injury to living organisms by chemical reaction, or is capable of causing detrimental effects on the physical or economic well-being of individuals.

Noxious materials standards: See Section 98-715.

Odor standards: See Section 98-711.

Obstruction to flow: Any development which physically blocks the conveyance of floodwaters such that this development by itself or in conjunction with any future similar development will cause an increase in regional flood height.

Office (land use): See Section 98-206(4)(a).

Office district: See Section 98-102.

Official map: The map adopted by the Common Council which indicates the existing and proposed location of streets, highways, parks, playgrounds, roads, rights-of-way, waterways, public transit facilities and other public facilities as authorized by State Statutes.

Official zoning map: See Sections 98-103, 98-104, and 98-107.

Off-site parking lot (land use): See Section 98-206(6)(a).

On-site: Located on the lot in question, except in the context of on-site detention, when the term

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means within the boundaries of the development site as a whole.

On-site agricultural retail (land use): See Section 98-206(2)(e).

On-site parking lot (land use): See Section 98-206(8)(n).

On-site real estate sales office (land use): See Section 98-206(9)(f).

Opacity: The degree to which vision is blocked by bufferyard. Opacity is the proportion of a bufferyard's vertical plane which obstructs views into an adjoining property.

Open sales lot: An unenclosed portion of a lot or lot of record where goods are displayed for sale, rent or trade.

Ordinary high water mark: The point on the bank or shore of a body of water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristics.

Other permanently protected green space: Permanently protected green space areas which are not constrained by one of the protected natural resources (wetlands, floodplains, steep slopes, lakeshores, drainageways, and woodlands). Examples include portions of private lots, outlots, or parcels commonly held by a property owners' association which are deed restricted from site disruption.

Outdoor assembly (land use): See Section 98-206(9)(b).

Outdoor commercial entertainment (land use): See Section 98-206(4)(i).

Outdoor display (land use): See Sections 98-206(4)(d).

Outdoor display incidental to indoor sales (land use): See Sections 98-206(8)(f).

Outdoor institutional (land use): See Section 98-206(3)(d).

Outdoor maintenance service (land use): See Section 98-206(4)(f).

Outdoor sales of farm products (land use): See Section 98-206(9)(g).

Outdoor storage (land use): See Section 98-206(5)(b).

Outdoor storage of firewood standards: See Section 98-724.

Outdoor wholesaling (land use): See Section 98-206(5)(b).

Overlay zoning district: A zoning district which imposes uniform restrictions on all properties within its area which are in addition to the restrictions specific to the standard zoning districts described in Section 98-102, as well as the general restrictions of this Chapter. See Sections 98-106, 98-107, 98-108, 98-109, 98-110, 98-111, 98-112, and 98-113.

Owner: The person or persons having the right of legal title to a lot or parcel of land.

Pad, Development: See Development pad.

Parcel: The area within the boundary lines of a lot.

Parking standards: See Section 98-704.

Parking lot design standards: See Section 98-704(6)(j).

Parking requirements: See Section 98-704(7)(c).

Parking space design standards: See Section 98-704(6)(h).

Passive outdoor public recreational (land use): See Section 98-206(3)(a).

Penalty: See Section 98-936.

Performance guarantee: A financial guarantee to ensure that all improvements, facilities, or work required by this Chapter will be completed in compliance with the Chapter, regulations and the approved plans and specifications of a development.

Performance standard: Criterion established to control and limit the impacts generated by, or inherent in, uses of land or buildings. See Article VII.

Peripheral setback: The distance between a structure and the boundary of a development option.

Permanently protected green space: An area in which site disruption and/or development is strictly limited. See Section 98-204.

Permitted by right, use: See Section 98-202(2).

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Personal service(s) (land use): See Section 98-206(4)(b).

Personal storage facility (land use): See Section 98-206(5)(c).

Piers and wharfs: See Section 98-206(10)(m).

Plan Commission: The Plan Commission of the City of Lake Geneva. See also Section 98-933.

Planned Business (PB) District: See Section 98-105(3)(d).

Planned Development (PD -) District: See Section 98-105(4)(a).

Planned Industrial (PI) District: See Section 98-105(3)(g).

Planned Office (PO) District: See Section 98-105(3)(b).

Principal building: See Building, principal.

Principal use: Any and all of the primary uses of a property, treated as a use permitted by right or as a conditional use (rather than as an accessory use or a temporary use) per Section 98-206(1)-(7).

Private Residential Kennel (land use): See Section 98-206(8)(p).

Private Residential Recreational Facility (land use): See Section 98-206(8)(o).

Private Residential Stable (land use): See Section 98-206(8)(q).

Private Sewage System: A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same parcel as the structure. This term also means an alternative sewage system approved by the department of industry, labor, and human relations including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different parcel than the structure.

Professional service(s) (land use): See Section 98-206(4)(b).

Protected natural resources: Resources such as floodways, floodfringes, floodplain conservancy areas, wetlands, drainageways, woodlands, steep slopes, and lakeshores, which are protected by the provisions of this Chapter. See Section 98-106.

Public improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public services and utilities (land use): See Section 98-206(3)(e).

Public sewer: Includes the City of Lake Geneva sewer system and other forms of sewer systems approved by the State Department of Natural Resources and maintained by a public agency authorized to operate such systems.

Recorded lot: See Lot of record.

Recreational vehicle: A vehicle designed and used principally for the transport of persons.

Relocatable building (land use): See Section 98-206(9)(e).

Required resource protection area (RPA): The area of a site which may not be disturbed by development activity and which must also be reserved as permanently protected green space. Required resource protection area is the result of subtracting the net developable area (NDA) from the gross site area (GSA).

Residential collector street: A collector street serving primarily residential land uses which primarily serves to connect local residential streets to collector or arterial streets.

Residential district(s): See Section 98-102.

Residential land use(s): See Section 98-206(1).

Residentially zoned: A property located in a residential district per Section 98-102.

Restrictive, more (less): A regulation imposed by this Chapter is more (less) restrictive than another if it prohibits or limits development to a greater (lesser) extent or by means of more (less) detailed specifications.

Restaurant: See indoor commercial entertainment.

Restaurant, fast food: See in-vehicle sales and service.

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Rural Holding (RH) District: See Section 98-105(1)(a).

Salvage yard (land use): See Section 98-206(5)(d).

Scale (of development): A term used to describe the gross floor area, height, or volume of a single structure or group of structures.

Sedimentation: The deposition of soil that has been transported from its site of origin by water, ice, wind, gravity, or other natural means as a result of erosion.

Selective cutting (land use): See Section 98-206(2)(f).

Septic systems (land use): See Section 98-206(8)(u).

Setback: The shortest distance between a building's or structure's exterior from the nearest point on the referenced lot line. See minimum setback.

Sexually-oriented use (land use): See Section 98-206(4)(p).

Shopping center: See group development.

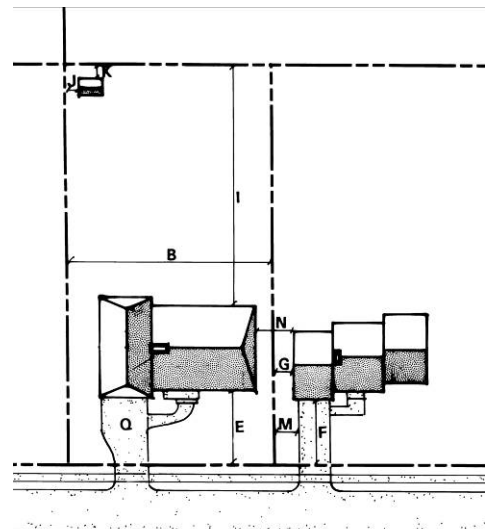
Shoreland and related topics: See Section 98-504.

Shrub: A low-lying deciduous or evergreen plant. See Section 98-610.

Sign: See Section 98-802. See also, Section 98-907 for applicable procedures.

Signal receiving antenna (satellite dishes) standards: See Section 98-721.

Single-family detached dwelling unit: A dwelling designed for and occupied by not more than one family and having no roof, wall, or floor in common with any other dwelling unit. This dwelling unit type consists of a fully detached single-family residence which is located on an individual lot or within a group development. The dwelling unit must be a site built structure built in compliance with the State of Wisconsin Uniform Dwelling Code (UDC), or may be a manufactured dwelling (modular home) as permitted by the UDC or a manufactured home as permitted by the HUD code. For any of these dwelling units, the use of a permanent, continuous UDC foundation is required. This dwelling unit type may not be split into two or more residences. Refer to the illustration (right) and to Article I for setback requirements labeled in capital letters:



Single-family Residential-3 (SR-3) District: See Section 98-105(2)(c).

Single-family Residential-4 (SR-4) District: See Section 98-105(2)(d).

Site area: See Gross site area.

Site plan: See Section 98-908. See also, Section 98-908 for applicable procedures.

Skylight: A window or other paned area located on the ceiling or roof of a structure.

Solid fence: Any fence which cannot be seen through. Such fences include basketweave fences, stockade fences, plank fences, and similar fences.

Standard zoning districts: Zoning districts which primarily regulate the use of land, and intensity or density of such use. See Sections 98-102, 98-103, and 98-105.

Stable, commercial: See commercial animal boarding.

Stable, private: See private residential stable.

Standard Industrial Classification code (SIC): The numeric code for categorizing land uses developed by the US Department of Commerce. SIC codes in this Chapter are based on the listing contained within the 1987 manual.

Standard pavement width: Required pavement width per the City of Lake Geneva Subdivision Ordinance in residential subdivisions on a street that allows parking or as otherwise determined by the City Engineer.

Start of Construction: The date the building permit is issued, provided the actual start of activity

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was within 730 calendar days of the permit date. The actual start of activity means either the first placement of permanent construction of a structure on the site such as the pouring of a slab or footings, the installation of piles, or the construction of columns. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for basement, footings, piers, or foundations; nor does it include the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or shed not occupied as dwelling units or part of the main structure.

Steep Slope: Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on USGS 7.5 minute topographic maps for the City of Lake Geneva and its environs. See Section 98-508.

Storage land use(s): See Section 98-706.

Storage standards: See Section 98-706.

Story: That portion of a building included between the surface of any floor and the surface of the floor next above; or if there is no floor above, the space between the floor and the ceiling next above. Neither a basement nor a cellar shall be counted as a story.

Street: Any public or private way dedicated or permanently open to pedestrian and vehicular use which is twenty-two (22) feet or more in width if it exists at the time of enactment of this Chapter; and any such public right-of-way sixty (60) feet or more in width when established after the effective date of this Chapter.

Street Line: See Lot line, front.

Strip development: A pattern of land uses typified by nonresidential and/or multi-family development located along one or both sides of a street which is generally only one lot deep and which is characterized by many curb cuts, low green space ratios, low landscape surface ratios, high floor area ratios, and/or low quantities of landscaping.

Substandard lot: A lot of record which lawfully existed prior to this Chapter, which would not conform to the applicable regulations if the lot were to be created under the current provisions of this Chapter. See Section 98-407.

Substantial improvement: Any structural repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the present equalized assessed value of the structure either before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred. The term does not, however, include either:

- (a) Any project to improve a structure to comply with existing state or local health, sanitary, or safety code specifications solely necessary to assure safe living conditions; and
- (b) Any alteration of a structure or site documented as deserving preservation by the Wisconsin State Historical Society, or listed on the National Register of Historic Places.

Ordinary maintenance repairs are not considered structural repairs, modifications or additions. Such ordinary maintenance repairs include internal and external painting, decorating, paneling, and the replacement of doors, windows, and other non-structural components. (For purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.)

Structure: Anything constructed or erected, the use of which requires a more or less permanent location on the ground, or attached to something having a permanent location on the ground, excepting public utility fixtures and appurtenances.

Swale: A linear depression in land running downhill or having a marked change in contour direction in which sheet runoff would collect and form a temporary watercourse.

Temporary use: A land use which is present on a property for a limited and specified period of time. See Section 98-206(9). See also Section 98-906 for applicable procedures.

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Townhouse: This dwelling unit type consists of an attached, two-story, single-family residence which has a private, individual access and is located on its own lot or within a group development. This dwelling unit type may not be split into additional residences. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level through the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. No more than 8 and no less than 3 townhouse dwelling units may be attached per group. All townhouse units within a development shall be located a minimum of 30 feet from the boundary of the development. Refer to the illustration (right) and to Article I for setback requirements labeled in capital letters:

Toxic materials standards: See Section 98-715.

Transportation land use(s): See Section 98-206(6).

Truck stop: See In-Vehicle sales and service.

Twin house: These dwelling unit types consist of a single-family dwelling which is attached on one side to another single-family residence. A minimum building code required fire rated wall assembly division, separating living areas from the lowest level to flush against the underside of the roof, and individual sanitary sewer and public water laterals, are required between each dwelling unit. The two residences may or may not be located on individual lots. The Twin House is distinguished from the Duplex House merely by having each unit located on an individual lot or within a group development. These dwelling unit types may not be split into additional residences. Refer to the illustration (right) and to Article I for setback requirements labeled in capital letters:

Two-Flat house: This dwelling unit type consists of a single-family residence, which is in complete compliance with the State of Wisconsin One- and Two-Family Dwelling Code (s. 101.60-.66), which has been converted into a two-family residence. The two residences are both located on the same lot or within the same group development. This dwelling unit type may not be split into additional residences. Where permitted, this use is a conditional use and must be approved through the procedures of Section 98-905. Refer to the illustration below and to Article I for setback requirements labeled in capital letters:

Two-family Residential-6 (TR-6) District: See Section 98-105(2)(e).

Unnecessary hardship: The circumstance where special conditions affecting a particular property, which were not self-created, have made strict conformity with restrictions governing areas, setbacks, frontage, height or density unnecessarily burdensome or unreasonable in light of the purposes of the ordinance.

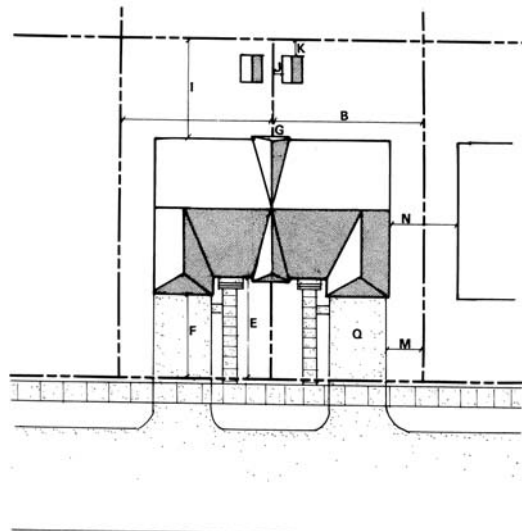
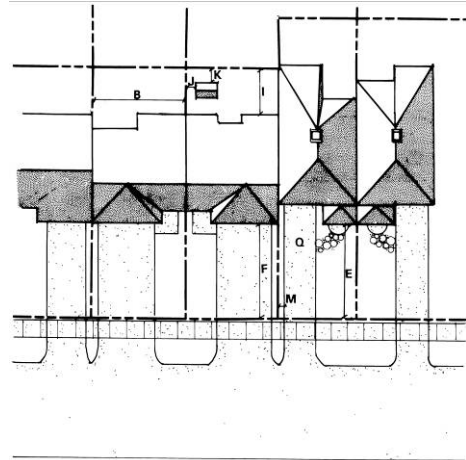
Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

Use, Accessory: See Accessory use.

Use, Conditional: See Conditional use.

Use, Principal: See Principal use.

Utility shed (land use): See Section 98-206(8)(c).



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Utility vehicle: A vehicle designed and used primarily for the transport of equipment and/or materials.

Variance: Permission to depart from the literal requirements of this Chapter granted pursuant to Section 98-910.

Vibration standards: See Section 98-708.

Violation: See Section 98-936.

Visibility standards: See Section 98-703.

Waste disposal facility (land use): See Section 98-206(5)(e).

Waste materials standards: See Section 98-716.

Wetland: See Section 98-504.

Wind energy systems standards: See Section 98-722.

Wisconsin Wetland Inventory Map: Maps prepared by the Wisconsin Department of Natural Resources.

Woodland: Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on USGS 7.5 minute topographic maps for the City of Lake Geneva and its environs. See Section 98-507.

Working days: Monday, Tuesday, Wednesday, Thursday or Friday; excluding holidays granted by the City of Lake Geneva to its Department Heads.

Yard: A required open space on a lot, which is unoccupied and unobstructed by a structure from its lowest ground level to the sky, except as expressly permitted in this Chapter. A yard shall extend along a lot line and at right angles to such lot line to a depth or width specified in the yard regulations for the district in which such lot is located.

Yard, front: A yard extending along the full width of the front lot line between side lot lines and extending from the abutting front street right-of-way line to a depth required in the yard regulations for the district in which such lot is located.

Yard, rear: A yard extending along the full width of the rear lot line between the side lot lines and extending toward the front lot line for a depth as specified in the yard regulations for the district in which such lot is located.

Yard, side: A yard extending along the side lot line between the front and rear yards, having a width as specified in the yard regulations for the district in which such lot is located.

Yard, street: The required area of setback located along a street right-of-way, abutting a front, side or rear yard.

Zoning Administrator: The City employee charged with the application and interpretation of this Chapter. See Section 98-932.

Zoning district(s): See Section 98-102.

Zoning district categories: See Section 98-102.

Zoning map: See "Official Zoning Map", above and see Section 98-103.

Section 98-101 Purpose*through***Section 98-103 Map of Standard Zoning Districts****ARTICLE I: ESTABLISHMENT OF ZONING DISTRICTS****Section 98-101 Purpose**

The area located within the jurisdiction of this Chapter (See Section 98-009) is hereby divided into zoning districts of such number and community character as are necessary to achieve compatibility of land uses within each district, to implement the officially adopted City of Lake Geneva Comprehensive Master Plan, and to achieve the other purposes of this Chapter (See Section 98-005).

Section 98-102 Standard Zoning Districts and Standard Zoning District Categories

For the purpose of this Chapter, all areas within the jurisdiction of this Chapter (See Section 98-009) are hereby divided into the following standard zoning districts, and standard zoning district categories (listed in underlined text), which shall be designated as follows:

Agricultural District:

Rural Holding (RH) District

Residential Districts:

Countryside Residential-5ac (CR-5ac) District

Estate Residential-1 (ER-1) District

Single-family Residential-3 (SR-3) District

Single-family Residential-4 (SR-4) District

Two-family Residential-6 (TR-6) District

Multi-family Residential-8 (MR-8) District

Nonresidential Districts:**Office District:**

Neighborhood Office (NO) District

Planned Office (PO) District

Commercial Districts:

Neighborhood Business (NB) District

Planned Business (PB) District

General Business (GB) District

Central Business (CB) District

Industrial Districts:

Planned Industrial (PI) District

General Industrial (GI) District

Heavy Industrial (HI) District

Planned Development Districts:

Planned Development District (year-order of approval in that year) e.g.: (PD 97-2)

State Law Reference: Section 62.23(7)(b), Wisconsin Statutes

Section 98-103 Map of Standard Zoning Districts*through***Section 98-105 Purpose and Intent of Standard Zoning Districts****Section 98-103 Map of Standard Zoning Districts**

Standard zoning districts established by this Chapter are shown on the Official Zoning Map of the City of Lake Geneva, which together with all explanatory materials thereon, is hereby made part of this Chapter.

Section 98-104 Interpretation of Zoning District Boundaries

The following rules shall be used to determine the precise location of any zoning district boundary shown on the Official Zoning Map of the City of Lake Geneva:

- (1) Zoning district boundaries shown as following or approximately following the limits of any City, Village, Town or County boundary shall be construed as following such limits.
- (2) Zoning district boundaries shown as following or approximately following streets or railroad lines shall be construed as following the centerline of such streets or railroad lines.
- (3) Zoning district boundary lines shown as following or approximately following platted lot lines or other property lines as shown on the City of Lake Geneva or County of Walworth Tax Maps shall be construed as following such lines.
- (4) Zoning district boundaries shown as following or approximately following the centerlines of streams, rivers, or other continuously flowing watercourses shall be construed as following the channel centerlines of such watercourses, and, in the event of a natural change in the location of such streams, rivers, or other watercourses, the zoning district boundary shall be construed as moving with the channel centerline.
- (5) Zoning district boundaries shown as following or approximately following ridgelines or watershed boundaries shall be construed as following such lines.
- (6) Zoning district boundaries shown as separated from, any of the features listed in paragraphs (1) through (5), above, shall be construed to be at such distances therefrom as are shown on the Official Zoning Map.
- (7) Where any uncertainty exists as to the exact location of a zoning district boundary line, as shown on the Official Zoning Map, the location of the line shall be determined by the Zoning Administrator.

Section 98-105 Purpose and Intent of Standard Zoning Districts*through***Section 98-105 Purpose and Intent of Standard Zoning Districts****Section 98-105 Purpose and Intent of Standard Zoning Districts**

The following subsections specify the purpose and intent of the standard zoning districts established by this Chapter.

(1) Agricultural District**(a) Rural Holding (RH) District**

1. **Description and Purpose:** This district is intended to permit development which is solely of a rural community character. The land use standards for this district permit very low density single-family residential development at a density of 1 dwelling unit for every 35 gross acres, as well as a variety of agricultural and agricultural support land uses. Density and intensity standards for this district are designed to ensure that development which requires even a minimum of urban services does not occur until such services are available. As such, the Rural Holding (RH) District shall either serve as a designation which preserves and protects agricultural activities, or as a "holding zone" which provides for an interim land use (agriculture) that will easily permit further development (with rezoning to another district) at the appropriate time.

Rationale: This district is used to provide for the protection of agricultural activities, and a very low density residential area for those who want to live in a rural environment and who retain enough land with their residence to ensure that the rural environment is maintained as long as the Rural Holding (RH) District designation is retained. In this manner, even if all property were developed in a given area with the Rural Holding (RH) District designation, the rural community character of that area would still be maintained.

2. List of Allowable Land Uses (per Article II)**a. Land Uses Permitted by Right: (per Section 98-202(2))**

Single-Family - 35 acre lot
Cultivation (per Section 98-206(2)(a))
On-Site Agricultural Retail (per Section 98-206(2)(e))
Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Active Outdoor Public Recreation (per Section 98-206(3)(b))
Public Services and Utilities (per Section 98-206(3)(e))
Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Husbandry (per Section 98-206(2)(b))
Intensive Agriculture (per Section 98-206(2)(c))
Agricultural Services (per Section 98-206(2)(d))
Clear Cutting (per Section 98-206(2)(g))
Indoor Institutional (Church and school only) (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Outdoor Commercial Entertainment (per Section 98-206(4)(i))
Commercial Animal Boarding (per Section 98-206(4)(j))
Bed and Breakfast Establishments (per Section 98-206(4)(l))
Campground (per Section 98-206(4)(n))
Intensive Outdoor Recreation (per Section 98-206(4)(r)) (Ord. No. 12-07)

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Junkyard or Salvage Yard (per Section 98-206(5)(d))
 Waste Disposal Facility (per Section 98-206(5)(e))
 Composting Operation (per Section 98-206(5)(f))
 Airport/Heliport (per Section 98-206(6)(b))
 Communication Tower (per Section 98-206(7)(c))
 Extraction Use (per Section 98-206(7)(d))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))
1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
 Detached Private Garage, Carport or Shed (per Section 98-206(8)(c))
 Home Occupation (per Section 98-206(8)(j))
 Family Day Care Home (4-8 children) (per Section 98-206(8)(k))
 On-Site Parking Lot (per Section 98-206(8)(n))
 Private Residential Recreational Facility (per Section 98-206(8)(o))
 Drainage Structure (per Section 98-206(8)(r))
 Filling (per Section 98-206(8)(s))
 Lawn Care (per Section 98-206(8)(t))
 Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Outdoor Display Incidental (per Section 98-206(8)(f))
 Intermediate Day Care Home (per Section 98-206(8)(l))
 Migrant Labor Camp (per Section 98-206(8)(m))
 Private Residential Kennel (per Section 98-206(8)(p))
 Private Residential Stable (per Section 98-206(8)(q))
 Septic Systems (per Section 98-206(8)(u))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))
 Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. Regulations Applicable to Residential Uses
a. Residential Density and Intensity Requirements:

Minimum Zoning District Area: 35 acres
 Maximum Gross Density (MGD): .03 du/acre
 Minimum Landscape Surface Ratio (LSR): 90%
 Maximum Building Coverage: 5%
 Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

A: Minimum Lot Area: 35 acres
B: Minimum Lot Width: 200 feet
C: Minimum Street Frontage: 50 feet

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Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

E: Front or Street Lot Line to House: 35 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Lot Line to Garage: 35 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Garage: 50 feet

H: Total of Both Sides, Lot Lines to House/Garage: 100 feet

I: Rear Lot Line to House or Garage: 100 feet

J: Side Lot Line to Accessory Structure: 50 feet

K: Rear Lot Line to Accessory Structure: 50 feet

L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation: 100 feet

O: Maximum Height of Dwelling Unit: 35 feet

P: Maximum Height of Accessory Structure: 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot

(Includes garage, drives, & all designated parking surfaces):

4 spaces if located on street with standard pavement width

8 spaces if located on street with reduced pavement width

R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet

S: Minimum Roof Pitch: 3 : 12

T: Minimum Eave Width: 18 inches

c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential

d. **Residential Performance Standards:** (See Article VII)

e. **Residential Signage Regulations:** (See Article VIII)

4. Regulations Applicable to Nonresidential Uses:

a. Nonresidential Intensity Requirements:

Maximum Number of Floors (F): 1

Minimum Landscape Surface Ratio (LSR): 90%

Maximum Floor Area Ratio (FAR): .10

Minimum Lot Area (MLA): 40,000 sf

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit

B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 35 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 50 feet

E: Building to Residential Rear Lot Line: 50 feet

F: Building to Nonresidential Side Lot Line: 50 feet

G: Building to Nonresidential Rear Lot Line: 50 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 100 feet

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K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

- 1) 20 landscaping points per 100 linear ft. of building foundation
- 2) 10 landscaping points per 1,000 square ft. of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(2) Residential Districts

(a) Countryside Residential (CR-5ac) District

1. Description and Purpose

This district is intended to permit development which has a very low density, countryside community character. Unlike the case for the Rural Holding (RH) District, the land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses, and are not oriented to a wide range of agricultural activities. Density and intensity standards for this district are designed to ensure that the Countryside Residential (CR-5ac) District shall serve as a designation which preserves and protects the countryside community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 1 dwelling unit for every 5 gross acres.

Rationale: This district is used to provide for the permanent protection of a very low density residential area for those who want to live in a countryside environment and retain enough land with their residence, or in their development, to ensure that the countryside character is maintained as long as the CR-5ac District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

- Single-Family - 5 acre lot
- Cultivation (per Section 98-206(2)(a))
- Selective Cutting (per Section 98-206(2)(f))
- Passive Outdoor Public Recreation (per Section 98-206(3)(a))
- Active Outdoor Public Recreation (per Section 98-206(3)(b))
- Public Services and Utilities (per Section 98-206(3)(e))
- Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

- Single-Family 40,000 sf lot in a cluster development (per 98-206(1)(b))
- Clear Cutting (per Section 98-206(2)(g))

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Indoor Institutional (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
Bed and Breakfast Establishments (per Section 98-206(4)(l))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
Detached Garage, Carport or Shed (per Section 98-206(8)(c))
Home Occupation (per Section 98-206(8)(j))
Family Day Care Home (4-8 children) (per Section 98-206(8)(k))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Intermediate Day Care Home (per Section 98-206(8)(l))
Private Residential Kennel (per Section 98-206(8)(p))
Septic Systems (per Section 98-206(8)(u))
Caretaker's Residence (per Section 98-206(8)(w))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses

a. Residential Density Requirements:

1) Conventional Single-family Development:

Minimum Zoning District Area: 5 acres
Maximum Gross Density (MGD): .20 du/acre
Minimum Landscape Surface Ratio (LSR): 80%
Maximum Building Coverage: 20%
Maximum Accessory Building Coverage: 5%

2) Cluster Single-family Development¹:

Minimum Zoning District Area: 5 acres
Maximum Gross Density (MGD): .25 du/acre
Minimum Landscape Surface Ratio (LSR): 90%
Maximum Building Coverage: 20%
Maximum Accessory Building Coverage: 5%

b. Residential Bulk Requirements: (per Table 98-403)

A: Minimum Lot Area: 5 acres; Cluster¹: 40,000 sf

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B: Minimum Lot Width: 200 feet; Cluster¹: 150 feet

Minimum Setbacks:

E: Front or Street Lot Line to House: Single-family: 35 feet; Cluster¹: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Lot Line to Attached Garage: 35 feet; Cluster¹: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Attached Garage: 50 feet; Cluster¹: 30 feet

H: Total of Both Sides, Lot Lines to House/Attached Garage: 100 feet; Cluster¹: 60 feet

I: Rear Lot Line to House/Attached Garage: 50 feet; Cluster¹: 30 feet

J: Side Lot Line to Accessory Structure: 50 feet; Cluster¹: 5 feet

K: Rear Lot Line to Accessory Structure: 50 feet; Cluster¹: 5 feet

L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

M: Minimum Paved Surface Setback: 5 feet from side or rear

N: Minimum Dwelling Unit Separation: 100 feet; Cluster¹: 60 feet

O: Maximum Height of Dwelling Unit: 35 feet

P: Maximum Height of Accessory Structure: 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet

S: Minimum Roof Pitch: 3 : 12

T: Minimum Eave Width: 18 inches

¹Cluster development requires a conditional use permit

- c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Multi-family Residential
- d. **Residential Performance Standards: (See Article VII)**
- e. **Residential Signage Regulations: (See Article VIII)**
- 4. **Regulations Applicable to Nonresidential Uses**
 - a. **Nonresidential Intensity Requirements:**
 - Maximum Number of Floors (F): 1
 - Minimum Landscape Surface Ratio (LSR): 80%
 - Maximum Floor Area Ratio (FAR): .10
 - Minimum Lot Area (MLA): 40,000 sf
 - Maximum Building Size (MBS): na
 - b. **Nonresidential Bulk Requirements:**
 - A:** Minimum Lot Area: 40,000 sf
 - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
 - Minimum Setbacks:** (Note L:., below, along zoning district boundaries.)
 - C:** Building to Front or Street Lot Line: 25 feet
 - D:** Building to Residential Side Lot Line: 30 feet
 - E:** Building to Residential Rear Lot Line: 30 feet
 - F:** Building to Nonresidential Side Lot Line: 30 feet
 - G:** Building to Nonresidential Rear Lot Line: 30 feet
 - H:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary

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I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 60 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential and Multi-family):

1) 50 landscaping points per 100 linear feet of building foundation

2) 30 landscaping points per 1,000 square feet of gross floor area

3) 50 landscaping points per 100 linear feet of street frontage

4) 100 landscaping points per 10,000 square feet paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(b) Estate Residential-1 (ER-1) District

1. Description and Purpose

This district is intended to permit development which has a low density, estate community character. The land use standards for this district permit primarily single-family detached residential development and a variety of related institutional land uses. Density and intensity standards for this district are designed to ensure that the Estate Residential-1 District shall serve as a designation which preserves and protects the estate character of its area.

Rationale: This district provides for the permanent protection of a low density residential area for those who want to live in an estate environment and retain enough land with their residence, or in their development, to ensure that the estate community character is maintained as long as the ER-1 District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

Single-Family - 40,000 sf lot

Cultivation (per Section 98-206(2)(a))

Selective Cutting (per Section 98-206(2)(f))

Passive Outdoor Public Recreation (per Section 98-206(3)(a))

Active Outdoor Public Recreation (per Section 98-206(3)(b))

Public Services and Utilities (per Section 98-206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))

Indoor Institutional (per Section 98-206(3)(c))

Outdoor Institutional (per Section 98-206(3)(d))

Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))

Bed and Breakfast Establishments (per Section 98-206(4)(l))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

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1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
 Detached Garage, Carport or Shed (per Section 98-206(8)(c))
 Home Occupation (per Section 98-206(8)(j))
 Family Day Care Home (4-8 children) (per Section 98-206(8)(k))
 On-Site Parking Lot (per Section 98-206(8)(n))
 Private Residential Recreational Facility (per Section 98-206(8)(o))
 Drainage Structure (per Section 98-206(8)(r))
 Filling (per Section 98-206(8)(s))
 Lawn Care (per Section 98-206(8)(t))
 Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Intermediate Day Care Home (per Section 98-206(8)(l))
 Private Residential Kennel (per Section 98-206(8)(p))
 Septic Systems (per Section 98-206(8)(u))
 Caretaker's Residence (per Section 98-206(8)(w))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses

a. Residential Density and Intensity Requirements:

Minimum Zoning District Area: 40,000 square feet
 Maximum Gross Density (MGD): 1.00 du/acre
 Minimum Landscape Surface Ratio (LSR): 60%
 Maximum Building Coverage: 30%
 Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

A: Minimum Lot Area: 40,000 sf
B: Minimum Lot Width: 150 feet
C: Minimum Street Frontage: 50 feet

Minimum Setbacks:

E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
G: Side Lot Line to House or Attached Garage: 30 feet
H: Total of Both Sides, Lot Lines to House/Attached Garage: 60 feet
I: Rear Lot Line to House/Attached Garage: 30 feet
J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
M: Minimum Paved Surface Setback: 5 feet from side or rear, 10 feet from street
N: Minimum Dwelling Unit Separation: 60 feet

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- O:** Maximum Height of Dwelling Unit: 35 feet
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3 spaces per du
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3 : 12
- T:** Minimum Eave Width: 18 inches

- c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- and Multi-family Residential.
- d. **Residential Performance Standards:** (See Article VII)
- e. **Residential Signage Regulations:** (See Article VIII)
- 4. **Regulations Applicable to Nonresidential Uses**
 - a. **Nonresidential Intensity Requirements:**
 - Maximum Number of Floors (F): 1
 - Minimum Landscape Surface Ratio (LSR): 60%
 - Maximum Floor Area Ratio (FAR): .10
 - Minimum Lot Area (MLA): 40,000 square feet
 - Maximum Building Size (MBS): na
 - b. **Nonresidential Bulk Requirements:**
 - A:** Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit
 - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
 - Minimum Setbacks:** (Note **L:**, below, along zoning district boundaries.)
 - C:** Building to Front or Street Lot Line: 35 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - D:** Building to Residential Side Lot Line: 30 feet
 - E:** Building to Residential Rear Lot Line: 30 feet
 - F:** Building to Nonresidential Side Lot Line: 30 feet
 - G:** Building to Nonresidential Rear Lot Line: 30 feet
 - H:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary
 - I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
 - J:** Minimum Building Separation: 60 feet
 - K:** Maximum Building Height: 35 feet
 - L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206
 - c. **Nonresidential Landscaping Requirements:**
 - 1) 45 landscaping points per 100 linear feet of building foundation
 - 2) 25 landscaping points per 1,000 square feet of gross floor area
 - 3) 45 landscaping points per 100 linear feet of street frontage
 - 4) 90 landscaping points per 10,000 square feet paved area/20 stalls
 - d. **Nonresidential Performance Standards:** (See Article VII)
 - e. **Nonresidential Signage Regulations:** (See Article VIII)

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Standard Zoning Districts****(c) Single-family Residential-3 (SR-3) District**

1. **Description and Purpose:** This district is intended to permit development which has a moderate density community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-3 District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 3 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-3 District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Article II)**a. Land Uses Permitted by Right:** (per Section 98-202(2))

Single-Family - 15,000 sf lot
Cultivation (per Section 98-206(2)(a))
Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Active Outdoor Public Recreation (per Section 98-206(3)(b))
Public Services and Utilities (per Section 98-206(3)(e))
Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
Indoor Institutional (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
Bed and Breakfast Establishments (per Section 98-206(4)(l))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))**1) Land Uses Permitted by Right:**

Farm Residence (per Section 98-206(8)(b))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Home Occupation (per Section 98-206(8)(j))
Family Day Care Home (per Section 98-206(8)(k))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Intermediate Day Care Home (per Section 98-206(8)(l))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

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Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses**a. Residential Density and Intensity Requirements:**

Minimum Zoning District Area: 15,000 square feet
Maximum Gross Density (MGD): 3.00 du/acre
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Building Coverage: 40%
Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

A: Minimum Lot Area: 15,000 square feet
B: Minimum Lot Width: 100 feet
C: Minimum Street Frontage: 50 feet
Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)
E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
G: Side Lot Line to House or Garage: 10 feet
H: Total of Both Sides, Lot Lines to House/Garage: 20 feet
I: Rear Lot Line to House or Garage: 30 feet
J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
N: Minimum Dwelling Unit Separation: 20 feet
O: Maximum Height of Dwelling Unit: 35 feet
P: Maximum Height of Accessory Structure: 15 feet
Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet
S: Minimum Roof Pitch: 3 : 12
T: Minimum Eave Width: 18 inches

c. Residential Landscaping Requirements: Not applicable for single-family. See Nonresidential Landscaping Requirements for Multi-family Residential

d. Residential Performance Standards: (See Article VII)

e. Residential Signage Regulations: (See Article VIII)

4. Regulations Applicable to Nonresidential Uses**a. Nonresidential Intensity Requirements:**

Maximum Number of Floors (F): 1
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Floor Area Ratio (FAR): .10

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Minimum Lot Area (MLA): 40,000 square feet

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit

B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 10 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 10 feet

G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 20 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential Multi-family):

1) 40 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 40 landscaping points per 100 linear feet of street frontage

4) 80 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(d) Single-family Residential-4 (SR-4) District

1. **Description and Purpose:** This district is intended to permit development which has a moderate density, community character. Density and intensity standards for this district are designed to ensure that the Single-family Residential-4 (SR-4) District shall serve as a designation which preserves and protects the residential community character of its area. Residential development with a Maximum Gross Density (MGD) of 4 dwelling units per gross acre is available within this district.

Rationale: This district is used to provide for the permanent protection of a moderate density residential area for those who want to live in an suburban residential environment and who retain enough land with their residence, or in their development, to ensure that the community character is maintained as long as the SR-4 District designation is retained, regardless of how much development occurs within that area.

2. **List of Allowable Land Uses (per Article II)**

- a. **Land Uses Permitted by Right:** (per Section 98-202(2))

Single-Family - 9,000 sf lot

Cultivation (per Section 98-206(2)(a))

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Selective Cutting (per Section 98-206(2)(f))
 Passive Outdoor Public Recreation (per Section 98-206(3)(a))
 Active Outdoor Public Recreation (per Section 98-206(3)(b))
 Public Services and Utilities (per Section 98-206(3)(e))
 Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Twin house/Duplex - 6,000 sf per du permitted until 365 days after the Effective Date of this Zoning Ordinance
 Two-Flat - 9,000 sf lot permitted until 365 days after the Effective Date of this Zoning Ordinance
 Clear Cutting (per Section 98-206(2)(g))
 Indoor Institutional (per Section 98-206(3)(c))
 Outdoor Institutional (per Section 98-206(3)(d))
 Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
 Bed and Breakfast Establishments (per Section 98-206(4)(l))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
 Private Residential Garage or Shed (per Section 98-206(8)(c))
 Home Occupation (per Section 98-206(8)(j))
 Family Day Care Home (per Section 98-206(8)(k))
 On-Site Parking Lot (per Section 98-206(8)(n))
 Private Residential Recreational Facility (per Section 98-206(8)(o))
 Drainage Structure (per Section 98-206(8)(r))
 Filling (per Section 98-206(8)(s))
 Lawn Care (per Section 98-206(8)(t))
 Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Intermediate Day Care Home (per Section 98-206(8)(l))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses

a. Residential Density and Intensity Requirements:

Minimum Zoning District Area: 9,000 square feet
 Maximum Gross Density (MGD): 4.00 du/acre
 Minimum Landscape Surface Ratio (LSR): 50%
 Maximum Building Coverage: 40%
 Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

A: Minimum Lot Area: 9,000 square feet

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B: Minimum Lot Width: 75 feet

C: Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)

E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Garage: 6 feet

H: Total of Both Sides, Lot Lines to House/Garage: 15 feet

I: Rear Lot Line to House or Garage: 30 feet

J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation: 12 feet

O: Maximum Height of Dwelling Unit: 35 feet

P: Maximum Height of Accessory Structure: 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet

S: Minimum Roof Pitch: 3 : 12

T: Minimum Eave Width: 18 inches

c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Multi-family Residential

d. **Residential Performance Standards:** (See Article VII)

e. **Residential Signage Regulations:** (See Article VIII)

4. Regulations Applicable to Nonresidential Uses

a. Nonresidential Intensity Requirements:

Maximum Number of Floors (F): 1

Minimum Landscape Surface Ratio (LSR): 50%

Maximum Floor Area Ratio (FAR): .15

Minimum Lot Area (MLA): 40,000 square feet

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit

B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)

C: Building to Front or Side Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 6 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 6 feet

G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

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J: Minimum Building Separation: 12 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential Multi-family):

- 1) 40 landscaping points per 100 linear ft. of building foundation
- 2) 20 landscaping points per 1,000 square ft. of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(e) Two-family Residential-6 (TR-6) District

1. **Description and Purpose:** This district is intended to permit development which has a moderate density community character. The land use standards for this district permit both single-family detached residential development and twin house/duplexes permitted by right and two flat, mobile home parks, and mobile home subdivisions permitted as a conditional use. Density and intensity standards for this district are designed to ensure that the Two-family Residential-6 District shall serve as a designation which preserves and protects the moderate density residential community character of its area. Various residential development options are available in this district, with a Maximum Gross Density (MGD) of 6 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a moderate density residential environment and who retain enough land with their residence, or in their development, to ensure that the desired community character is maintained as long as the TR-6 District designation is retained, regardless of how much development occurs within that area. As such, this district is intended to provide the principal location for a wide range of single-family attached dwelling types, including single-family, duplexes, twin houses, and two flats.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

Single-Family - 9,000 sf lot

Twin House/Duplex - 6,000 sf per du

Cultivation (per Section 98-206(2)(a))

Selective Cutting (per Section 98-206(2)(f))

Passive Outdoor Public Recreation (per Section 98-206(3)(a))

Active Outdoor Public Recreation (per Section 98-206(3)(b))

Public Services and Utilities (per Section 98-206(3)(e))

Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))

Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

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Two-Flat - 9,000 sf lot
Mobile Home Development or Park - 9,000 sf lot (per Sections 98-206(1)(c) or (d))
Clear Cutting (per Section 98-206(2)(g))
Indoor Institutional (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Bed and Breakfast Establishments (per Section 98-206(4)(l))
Group Day Care Center (9+ children)(per Section 98-206(4)(m))

c. **Land Uses Permitted as Accessory Uses:** (per Section 98-202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Home Occupation (per Section 98-206(8)(j))
Family Day Care Home (per Section 98-206(8)(k))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) **Land Uses Permitted as Conditional Use:**

Intermediate Day Care Home (per Section 98-206(8)(l))

d. **Land Uses Permitted as Temporary Uses:** (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. **Regulations Applicable to Residential Uses:**

a. **Residential Density and Intensity Requirements:**

1) Conventional Development

Minimum Zoning District Area: 9,000 square feet
Maximum Gross Density (MGD): 6.00 du/acre
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Building Coverage: 40%
Maximum Accessory Building Coverage: 10%

2) Mobile Home Park/Development

Minimum Zoning District Area: 10 acres
Maximum Gross Density (MGD): 5.00 du/acre
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Building Coverage: 40%
Maximum Accessory Building Coverage: 10%

b. **Residential Bulk Requirements:**

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A: Minimum Lot Area: 9,000 square feet (except for twin homes at 6,000 sq ft)

B: Minimum Lot Width: 75 feet

C: Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L.**, below, along zoning district boundaries.)

E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Garage: 6 ft or 0 ft along common wall

H: Total of Both Sides, Lot Lines to House/Garage: 15 feet or 0 ft along common wall

I: Rear Lot Line to House or Garage: 30 feet

J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation: 12 feet or 0 feet along common wall

O: Maximum Height of Dwelling Unit: 35 feet

P: Maximum Height of Accessory Structure: 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3

R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet

S: Minimum Roof Pitch: 3 : 12

T: Minimum Eave Width: 18 inches

c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Multi-family Residential

d. **Residential Performance Standards:** (See Article VII)

e. **Residential Signage Regulations:** (See Article VIII)

4. Regulations Applicable to Nonresidential Uses:

a. **Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)**

Maximum Number of Floors (F): 2

Minimum Landscape Surface Ratio (LSR): 30%

Maximum Floor Area Ratio (FAR): .22

Minimum Lot Area (MLA): 40,000 square feet

Maximum Building Size (MBS): na

b. **Nonresidential Bulk Requirements:**

A: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit

B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L.**, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 6 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 6 feet

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G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 12 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential Multi-family):

- 1) 45 landscaping points per 100 linear ft. of building foundation
- 2) 20 landscaping points per 1,000 square ft. of gross floor area
- 3) 45 landscaping points per 100 linear feet of street frontage
- 4) 90 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(f) Multi-family Residential-8 (MR-8) District

1. **Description and Purpose:** This district is intended to permit development which has a higher density community character. The land use standards for this district permit single-family detached, twin house/duplex, two flats, townhouses, multiplexes, and apartments permitted by right and related institutional land uses. Density and intensity standards for this district are designed to ensure that the Multi-family Residential-8 District shall serve as a designation which preserves and protects the community character of its area. A variety of residential development options are available in this district, with a Maximum Gross Density (MGD) of 8 dwelling units per gross acre.

Rationale: This district is used to provide for the permanent protection of an area for those who want to live in a higher density residential environment and who retain enough land with their residence, or in their development, to ensure that the urban community character is maintained as long as the MR-8 District designation is retained, regardless of how much development occurs within that area. As such, it is intended to provide the principal location for mixed residential development.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

Single-Family - 9,000 sf lot

Twin House/Duplex - 6,000 sf per du

Two-Flat - 9,000 sf lot

Townhouse - 4,500 sf lot

Multiplex - 4,500 sf per du (3 or 4 unit building)

Apartment - 4,500 sf per du (3 or 4 unit building)

Cultivation (per Section 98-206(2)(a))

Selective Cutting (per Section 98-206(2)(f))

Passive Outdoor Public Recreation (per Section 98-206(3)(a))

Active Outdoor Public Recreation (per Section 98-206(3)(b))

Public Services and Utilities (per Section 98-206(3)(e))

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Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))
Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Multiplex - 4,500 sf per du (4 to 10 unit building)
Apartment - 4,500 sf per du (4 to 10 unit building)
Institutional Residential - 9,000 sf lot (per Section 98-206(3)(f))
Clear Cutting (per Section 98-206(2)(g))
Indoor Institutional (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Community Living Arrangement (16+ residents) (per 98-206(3)(i))
Bed and Breakfast Establishments (per Section 98-206(4)(l))
Group Day Care Center (9+ children) (per Section 98-206(4)(m))
Boarding House (per Section 98-206(4)(o))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Home Occupation (per Section 98-206(8)(j))
Family Day Care Home (per Section 98-206(8)(k))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Intermediate Day Care Home (per Section 98-206(8)(l))

d. **Land Uses Permitted as Temporary Uses:** (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. **Regulations Applicable to Residential Uses:**

For single-family and two-family dwellings, see the TR-6 District. Bulk regulations below apply only to townhouse, multiplex, apartment and institutional residential development.

a. **Residential Density and Intensity Requirements:**

Minimum Zoning District Area: 18,000 square feet
Maximum Gross Density (MGD): 8.00 du/acre
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Building Coverage: 40%
Maximum Accessory Building Coverage: 10%

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b. Residential Bulk Requirements:

A: Minimum Lot Area: 4,500 square feet per du

B: Minimum Lot Width: 75 feet; 20 feet for townhouse on interior of row, 30 feet for townhouse on end of row

C: Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

G: Side Lot Line to House or Garage: 10 feet or 0 feet along common wall

H: Total of Both Sides, Lot Lines to House/Garage: 20 feet or 0 ft along common wall

I: Rear Lot Line to House or Garage: 30 feet

J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley

L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

N: Minimum Dwelling Unit Separation: 20 feet or 0 feet along common wall

O: Maximum Height of Dwelling Unit: 35 feet, greater with conditional use permit

P: Maximum Height of Accessory Structure: 15 feet

Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 2.5 per 3-bedroom, 2 per 2-bedroom, 1-bedroom, or efficiency

R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet

S: Minimum Roof Pitch: 3 : 12

T: Minimum Eave Width: 18 inches

c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Multi-family Residential

d. **Residential Performance Standards:** (See Article VII)

e. **Residential Signage Regulations:** (See Article VIII)

4. Regulations Applicable to Nonresidential Uses:

a. Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 2

Minimum Landscape Surface Ratio (LSR): 25%

Maximum Floor Area Ratio (FAR): .275

Minimum Lot Area (MLA): 40,000 square feet

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 40,000 sq ft, 20,000 sf with a conditional use permit

B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

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C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
D: Building to Residential Side Lot Line: 10 feet
E: Building to Residential Rear Lot Line: 30 feet
F: Building to Nonresidential Side Lot Line: 10 feet
G: Building to Nonresidential Rear Lot Line: 30 feet
H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
J: Minimum Building Separation: 20 feet
K: Maximum Building Height: 35 feet
L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential Multi-family):

- 1) 50 landscaping points per 100 linear ft. of building foundation
- 2) 20 landscaping points per 1,000 square ft. of gross floor area
- 3) 50 landscaping points per 100 linear feet of street frontage
- 4) 100 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(3) Nonresidential Districts

(a) Neighborhood Office (NO) District

1. **Description and Purpose:** This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the older portions of the City predominately developed with large homes which are desirable to maintain, where traffic volumes and adjacent land uses dictate the transition of these areas to certain nonresidential uses. The desired neighborhood character of the development is attained through Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 5,000 square feet. A range of dwelling unit types may be allowed. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to adjacent residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide for the permanent protection of an area which preserves the original residential appearance, yet permits office and institutional land uses, and which ensures that the neighborhood character is maintained as long as the NO District designation is retained, regardless of how much development occurs within that area.

Neighborhood Office Architectural Requirements

- (a) Maximum Zoning District: 2 acres
- (b) Minimum Zoning District Separation: 2,000 feet

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- (c) All new Neighborhood Office (NO) Districts shall be established through the conditional rezoning process. Under this approach, the Neighborhood Office District shall not be vested until the approved project has been completed.
- (d) Maximum Building Size: 5,000 sq. ft. (one story); 10,000 sq. ft. (two-story)
- (e) No parking in required setbacks for principal buildings
- (f) Residential architectural and landscaping requirements include: foundation planting, pitched roof, 15% window covering, natural materials (brick, wood, stone)
- (g) Minimum Landscape Surface Ratio: 25% for one story; 30% for two story
- (h) Operating Hours: No earlier than 6:00am or later than 11:00pm
- (i) Shall provide a neighborhood-oriented amenity, per Plan Commission direction (i.e., outdoor neighborhood gathering area, public art, etc)

2. List of Allowable Land Uses (per Article II)
a. Land Uses Permitted by Right: (per Section 98-202(2))

Single-Family - 9,000 sf lot
 Cultivation (per Section 98-206(2)(a))
 Selective Cutting (per Section 98-206(2)(f))
 Passive Outdoor Public Recreation (per Section 98-206(3)(a))
 Active Outdoor Public Recreation (per Section 98-206(3)(b))
 Indoor Institutional (per Section 98-206(3)(c))
 Public Services and Utilities (per Section 98-206(3)(e))
 Office (per Section 98-206(4)(a))
 Personal or Professional Services (per Section 98-206(4)(b))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Twin House/Duplex - 6,000 sf per du
 Two-Flat - 9,000 sf lot
 Townhouse - 4,500 sf lot
 Multiplex - 4,500 sf per du
 Apartment - 4,500 sf per du
 Clear Cutting (per Section 98-206(2)(g))
 Outdoor Institutional (per Section 98-206(3)(d))
 Institutional Residential - 9,000 sf lot (per Section 98-206(3)(f))
 Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))
 Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
 Community Living Arrangement (16+ residents) (per Section 98-206(3)(i))
 Indoor Sales or Service (per Section 98-206(4)(c))
 Indoor Commercial Entertainment (per Section 98-206(4)(h))
 Outdoor Commercial Entertainment (per Section 98-206(4)(i)) (Ord. No. 12-07)
 Bed and Breakfast Establishments (per Section 98-206(4)(l))
 Group Day Care Center (9+ children) (per Section 98-206(4)(m))
 Boarding House (per Section 98-206(4)(o))
 Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

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- 1) Land Uses Permitted by Right:
 - Farm Residence (per Section 98-206(8)(b))
 - Private Residential Garage or Shed (per Section 98-206(8)(c))
 - Company Cafeteria (per Section 98-206(8)(d))
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - Home Occupation (per Section 98-206(8)(j))
 - On-Site Parking Lot (per Section 98-206(8)(n))
 - Private Residential Recreational Facility (per Section 98-206(8)(o))
 - Drainage Structure (per Section 98-206(8)(r))
 - Filling (per Section 98-206(8)(s))
 - Lawn Care (per Section 98-206(8)(t))
 - Exterior Communication Devices (per Section 98-206(8)(v))
- 2) Land Uses Permitted as Conditional Use:
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - In-Vehicle Sales and Service (per Section 98-206(8)(g))
- d. **Land Uses Permitted as Temporary Uses:** (per Section 98-202(6))
 - Outdoor Assembly (per Section 98-206(9)(b))
 - Contractor's Project Office (per Section 98-206(9)(c))
 - Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 - Relocatable Building (per Section 98-206(9)(e))
 - On-Site Real Estate Sales Office (per Section 98-206(9)(f))
3. **Regulations Applicable to Residential Uses:** For single-family and two-family dwellings, see the TR-6 District. For townhouse, multiplex, apartment and institutional residential development, see the MR-8 district.
 - a. **Residential Density and Intensity Requirements:**
 - Institutional Residential Development:
 - Minimum Zoning District Area: 9,000 square feet
 - Maximum Gross Density (MGD): up to 50.00 per limits of the conditional use permit
 - Minimum Landscape Surface Ratio (LSR): 50%
 - Maximum Building Coverage: 40%
 - Maximum Accessory Building Coverage: 10%
 - Maximum Building Size: 5,000 sf
 - b. **Residential Bulk Requirements:** For single-family and two-family dwellings, see the TR-6 District. For townhouse, multiplex, apartment and institutional residential development, see the MR-8 district.
 - c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential
 - d. **Residential Performance Standards:** (See Article VII)
 - e. **Residential Signage Regulations:** (See Article VIII)
4. **Regulations Applicable to Nonresidential Uses:**

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- a. **Nonresidential Intensity Requirements:** (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 2

Minimum Landscape Surface Ratio (LSR): 40%

Maximum Floor Area Ratio (FAR): .25

Minimum Lot Area (MLA): 9,000 square feet

Maximum Building Size (MBS): na

- b. **Nonresidential Bulk Requirements:**

A: Minimum Lot Area: 9,000 square feet

B: Minimum Lot Width: 75 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 6 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 6 feet

G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 12 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

- c. **Nonresidential Landscaping Requirements** (Nonresidential, Two- & Multi-family):

1) 45 landscaping points per 100 linear ft. of building foundation

2) 20 landscaping points per 1,000 square ft. of gross floor area

3) 45 landscaping points per 100 linear feet of street frontage

4) 95 landscaping points per 10,000 square ft. paved area/20 stalls

- d. **Nonresidential Performance Standards:** (See Article VII)

- e. **Nonresidential Signage Regulations:** (See Article VIII)

(b) **Planned Office (PO) District**

1. **Description and Purpose:** This district is intended to permit high-quality office and institutional land uses at an intensity compatible with the overall community character of the City. Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide for the permanent protection of an area for those who desire a high quality office environment which maintains the attractiveness of the site and retains enough open land in their development to

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ensure that the community character is maintained as long as the PO District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Article II)**a. Land Uses Permitted by Right:** (per Section 98-202(2))

Cultivation (per Section 98-206(2)(a))
Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Active Outdoor Public Recreation (per Section 98-206(3)(b))
Indoor Institutional (per Section 98-206(3)(c))
Public Services and Utilities (per Section 98-206(3)(e))
Office (per Section 98-206(4)(a))
Personal or Professional Services (per Section 98-206(4)(b))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
Outdoor Institutional (per Section 98-206(3)(d))
Institutional Residential - 20,000 sf lot (per Section 98-206(3)(f))
Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
Community Living Arrangement (16+ residents) (per 98-206(3)(i))
Indoor Sales or Service (per Section 98-206(4)(c))
In-Vehicle Sales or Service (per Section 98-206(4)(g))
Indoor Commercial Entertainment (per Section 98-206(4)(h))
Outdoor Commercial Entertainment (per Section 98-206(4)(i)) (Ord. No. 12-07)
Commercial Indoor Lodging (per Section 98-206(4)(k))
Group Day Care Center (9+ children) (per Section 98-206(4)(m))
Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)
Airport/Heliport (per Section 98-206(6)(b))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))**1) Land Uses Permitted by Right:**

Farm Residence (per Section 98-206(8)(b))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Company Cafeteria (per Section 98-206(8)(d))
Company Provided On-Site Recreation (per Section 98-206(8)(e))
Home Occupation (per Section 98-206(8)(j))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation (per Section 98-206(8)(e))
In-Vehicle Sales and Service (per Section 98-206(8)(g))

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d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 Relocatable Building (per Section 98-206(9)(e))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Institutional Residential Uses:
a. Residential Density and Intensity Requirements:

Institutional Residential Development:
 Minimum Zoning District Area: 40,000 square feet
 Maximum Gross Density (MGD): up to 50.00 per limits of the conditional use permit
 Minimum Landscape Surface Ratio (LSR): 50%
 Maximum Building Coverage: 40%
 Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

A: Minimum Lot Area: 20,000 sf
B: Minimum Lot Width: 100 feet
C: Minimum Street Frontage: 50 feet
Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)
E: Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
F: Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
G: Side Lot Line to House or Garage: 10 feet
H: Total of Both Sides, Lot Lines to House/Garage: 20 feet
I: Rear Lot Line to House or Garage: 30 feet
J: Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
K: Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
L: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
M: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
N: Minimum Dwelling Unit Separation: 20 feet
O: Maximum Height of Dwelling Unit: 35 feet, greater with conditional use permit
P: Maximum Height of Accessory Structure: 15 feet
Q: Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
R: Minimum Dwelling Core Dimensions: 24 feet by 40 feet
S: Minimum Roof Pitch: 3 : 12
T: Minimum Eave Width: 18 inches

c. Residential Landscaping Requirements: Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential

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- d. **Residential Performance Standards:** (See Article VII)
- e. **Residential Signage Regulations:** (See Article VIII)
- 4. **Regulations Applicable to Nonresidential Uses:**
 - a. **Nonresidential Intensity Requirements:** (For 2+ floor buildings, see Table 98-305)
 - Maximum Number of Floors (F): 4
 - Minimum Landscape Surface Ratio (LSR): 25%
 - Maximum Floor Area Ratio (FAR): .30
 - Minimum Lot Area (MLA): 20,000 square feet
 - Maximum Building Size (MBS): na
 - b. **Nonresidential Bulk Requirements:**
 - A:** Minimum Lot Area: 20,000 square feet
 - B:** Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
 - Minimum Setbacks:** (Note **L:**, below, along zoning district boundaries.)
 - C:** Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - D:** Building to Residential Side Lot Line: 10 feet
 - E:** Building to Residential Rear Lot Line: 30 feet
 - F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
 - G:** Building to Nonresidential Rear Lot Line: 30 feet
 - H:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary
 - I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
 - J:** Minimum Building Separation: 20 feet or 0 feet on zero lot line side
 - K:** Maximum Building Height: 45 feet
 - L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206
 - c. **Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):**
 - 1) 40 landscaping points per 100 linear ft. of building foundation
 - 2) 15 landscaping points per 1,000 square ft. of gross floor area
 - 3) 40 landscaping points per 100 linear feet of street frontage
 - 4) 80 landscaping points per 10,000 s.f. paved area/20 stalls
 - d. **Nonresidential Performance Standards:** (See Article VII)
 - e. **Nonresidential Signage Regulations:** (See Article VIII)
- (c) **Neighborhood Business (NB) District**
 - 1. **Description and Purpose:** This district is intended to permit small scale commercial development which is compatible with the desired overall neighborhood community character of the area in general, and with adjacent residential development in particular. The desired neighborhood community character of the development is attained through Landscape Surface Area Ratio (LSR) requirements, and by restricting the Maximum Building Size (MBS) of all buildings within each instance of this District to 5,000 square feet.

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Significant areas of landscaping are required in this district to ensure that this effect is achieved. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is used to provide both convenience oriented goods and services and for the permanent protection of adjacent residential areas by permitting only a limited range of commercial activities. Together, these requirements ensure that the desired character is maintained as long as the NB District designation is retained, regardless of how much development occurs within that area.

Neighborhood Business Architectural Requirements

- (a) Maximum Zoning District: 2 acres
- (b) Minimum Zoning District Separation: 2,000 feet
- (c) All new Neighborhood Business (NB) Districts shall be established through the conditional rezoning process. Under this approach, the Neighborhood Business District shall not be vested until the approved project has been completed.
- (d) Maximum Building Size: 5,000 sq. ft. (one story); 10,000 sq. ft. (two-story)
- (e) No parking in required setbacks for principal buildings
- (f) Residential architectural and landscaping requirements include: foundation planting, pitched roof, 15% window covering, natural materials (brick, wood, stone)
- (g) Minimum Landscape Surface Ratio: 25% for one story; 30% for two story
- (h) Operating Hours: No earlier than 6:00 am or later than 11:00 pm
- (i) Shall provide a neighborhood-oriented amenity, per Plan Commission direction (i.e., outdoor neighborhood gathering area, public art, etc)

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

Single-Family - 9,000 sf lot
 Cultivation (per Section 98-206(2)(a))
 Selective Cutting (per Section 98-206(2)(f))
 Passive Outdoor Public Recreation (per Section 98-206(3)(a))
 Active Outdoor Public Recreation (per Section 98-206(3)(b))
 Indoor Institutional (per Section 98-206(3)(c))
 Public Services and Utilities (per Section 98-206(3)(e))
 Office (per Section 98-206(4)(a))
 Personal or Professional Services (per Section 98-206(4)(b))
 Indoor Sales or Service (per Section 98-206(4)(c))
 Indoor Maintenance Service (per Section 98-206(4)(e))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Twin House/Duplex - 6,000 sf per du

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Two-Flat - 9,000 sf lot
 Townhouse - 4,500 sf lot
 Multiplex - 4,500 sf per du
 Apartment - 4,500 sf per du
 Clear Cutting (per Section 98-206(2)(g))
 Outdoor Institutional (per Section 98-206(3)(d))
 Institutional Residential - 9,000 sf lot (per Section 98-206(3)(f))
 Community Living Arrangement (1-8 residents) (per Section 98-206(3)(g))
 Community Living Arrangement (9-15 residents) (per Section 98-206(3)(h))
 Community Living Arrangement (16+ residents) (per 98-206(3)(i))
 In-Vehicle Sales or Service (per Section 98-206(4)(g))
 Indoor Commercial Entertainment (per Section 98-206(4)(h))
 Outdoor Commercial Entertainment (per Section 98-206(4)(i)) (Ord. No. 12-07)
 Bed and Breakfast Establishments (per Section 98-206(4)(l))
 Group Day Care Center (9+ children) (per Section 98-206(4)(m))
 Boarding House (per Section 98-206(4)(o))
 Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)

c. **Land Uses Permitted as Accessory Uses:** (per Section 98-202(5))

- 1) Land Uses Permitted by Right:
 - Farm Residence (per Section 98-206(8)(b))
 - Private Residential Garage or Shed (per Section 98-206(8)(c))
 - Home Occupation (per Section 98-206(8)(j))
 - On-Site Parking Lot (per Section 98-206(8)(n))
 - Private Residential Recreational Facility (per Section 98-206(8)(o))
 - Drainage Structure (per Section 98-206(8)(r))
 - Filling (per Section 98-206(8)(s))
 - Lawn Care (per Section 98-206(8)(t))
 - Exterior Communication Devices (per Section 98-206(8)(v))
- 2) Land Uses Permitted as Conditional Use:
 - Commercial Apartment (per Section 98-206(8)(a))
 - In-Vehicle Sales and Service (per Section 98-206(8)(g))
 - Light Industrial Incidental to Indoor Sales (per Section 98-206(8)(i))

d. **Land Uses Permitted as Temporary Uses:** (per Section 98-202(6))

- General Temporary Outdoor Sales (per Section 98-206(9)(a))
- Outdoor Assembly (per Section 98-206(9)(b))
- Contractor's Project Office (per Section 98-206(9)(c))
- Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
- Relocatable Building (per Section 98-206(9)(e))
- On-Site Real Estate Sales Office (per Section 98-206(9)(f))
- Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. **Regulations Applicable to Residential Uses:**

For single-family and two-family dwellings, see the TR-6 District. For townhouse, multiplex, apartment and institutional residential development, see the MR-8 district.

a. **Residential Density and Intensity Requirements:**

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Institutional Residential Development:

Minimum Zoning District Area: 9,000 square feet

Maximum Gross Density (MGD): up to 50.00 per limits of the conditional use permit

Minimum Landscape Surface Ratio (LSR): 50%

Maximum Building Coverage: 40%

Maximum Accessory Building Coverage: 10%

Maximum Building Size: 5,000 sf

- b. **Residential Bulk Requirements:** For single-family and two-family dwellings, see the TR-6 District. For townhouse, multiplex, apartment and institutional residential development, see the MR-8 district.
- c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential
- d. **Residential Performance Standards:** (See Article VII)
- e. **Residential Signage Regulations:** (See Article VIII)
- 4. **Regulations Applicable to Nonresidential Uses:**
 - a. **Nonresidential Intensity Requirements:** (For 2+ floor buildings, see Table 98-305)
 - Maximum Number of Floors (F): 2
 - Minimum Landscape Surface Ratio (LSR): 30%
 - Maximum Floor Area Ratio (FAR): .275
 - Minimum Lot Area (MLA): 9,000 square feet
 - Maximum Building Size (MBS): 5,000 square feet
 - b. **Nonresidential Bulk Requirements:**
 - A:** Minimum Lot Area: 9,000 square feet
 - B:** Minimum Lot Width: 75 feet; Minimum Street Frontage: 50 feet
 - Minimum Setbacks:** (Note L:, below, along zoning district boundaries.)
 - C:** Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - D:** Building to Residential Side Lot Line: 6 feet
 - E:** Building to Residential Rear Lot Line: 30 feet
 - F:** Building to Nonresidential Side Lot Line: 6 feet
 - G:** Building to Nonresidential Rear Lot Line: 30 feet
 - H:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary
 - I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
 - J:** Minimum Building Separation: 12 feet
 - K:** Maximum Building Height: 35 feet
 - L:** Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206
 - c. **Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):**
 - 1) 40 landscaping points per 100 linear ft. of building foundation

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- 2) 15 landscaping points per 1,000 square ft. of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square ft. paved area/20 stalls

d. **Nonresidential Performance Standards:** (See Article VII)

e. **Nonresidential Signage Regulations:** (See Article VIII)

(d) Planned Business (PB) District

1. **Description and Purpose:** This district is intended to permit large and small scale commercial development which is compatible with the desired overall community character of the area in general. Significant areas of landscaping are required in this district to ensure that this effect is achieved. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide the principal zoning district for commercial development which occurs after the adoption of this Chapter. The standards of this district are designed to provide a clear distinction from the General Business and Central Business Districts in terms of permitted intensity of development, treatment of outdoor sales, and required green space areas. The desired suburban community character of the development is attained through the Landscape Surface Area Ratio (LSR) requirements. Together, these requirements ensure that the desired community character is maintained as long as the Planned Business District designation is retained, regardless of how much development occurs within that area.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

- Cultivation (per Section 98-206(2)(a))
- Selective Cutting (per Section 98-206(2)(f))
- Passive Outdoor Public Recreation (per Section 98-206(3)(a))
- Active Outdoor Public Recreation (per Section 98-206(3)(b))
- Indoor Institutional (per Section 98-206(3)(c))
- Public Services and Utilities (per Section 98-206(3)(e))
- Office (per Section 98-206(4)(a))
- Personal or Professional Services (per Section 98-206(4)(b))
- Indoor Sales or Service (per Section 98-206(4)(c))
- Indoor Maintenance Service (per Section 98-206(4)(e))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

- Clear Cutting (per Section 98-206(2)(g))
- Outdoor Institutional (per Section 98-206(3)(d))
- Institutional Residential - 20,000 sf lot (per Section 98-206(3)(f))
- Outdoor Display (per Section 98-206(4)(d))
- In-Vehicle Sales or Service (per Section 98-206(4)(g))
- Indoor Commercial Entertainment (per Section 98-206(4)(h))
- Outdoor Commercial Entertainment (per Section 98-206(4)(i)) (Ord. No. 12-07)

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Commercial Animal Boarding (per Section 98-206(4)(j))
 Commercial Indoor Lodging (per Section 98-206(4)(k))
 Bed and Breakfast Establishments (per Section 98-206(4)(l))
 Group Day Care Center (9+ children) (per Section 98-206(4)(m))
 Vehicle Repair and Maintenance (per Section 98-206(4)(q))
 Intensive Outdoor Recreation (per Section 98-206(4)(r)) (Ord. No. 12-07)
 Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)
 Indoor Storage and Wholesaling (per Section 98-206(5)(a))(Ord. No. 01-19
 2/12/01)

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

- 1) Land Uses Permitted by Right:
 - Farm Residence (per Section 98-206(8)(b))
 - Private Residential Garage or Shed (per Section 98-206(8)(c))
 - Company Cafeteria (per Section 98-206(8)(d))
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - Home Occupation (per Section 98-206(8)(j))
 - On-Site Parking Lot (per Section 98-206(8)(n))
 - Private Residential Recreational Facility (per Section 98-206(8)(o))
 - Drainage Structure (per Section 98-206(8)(r))
 - Filling (per Section 98-206(8)(s))
 - Lawn Care (per Section 98-206(8)(t))
 - Exterior Communication Devices (per Section 98-206(8)(v))
- 2) Land Uses Permitted as Conditional Use:
 - Commercial Apartment (per Section 98-206(8)(a))
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - Outdoor Display Incidental (per Section 98-206(8)(f))
 - In-Vehicle Sales and Service (per Section 98-206(8)(g))
 - Light Industrial Incidental to Indoor Sales (per Section 98-206(8)(i))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

General Temporary Outdoor Sales (per Section 98-206(9)(a))
 Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 Relocatable Building (per Section 98-206(9)(e))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))
 Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. Regulations Applicable to Institutional Residential Uses:
a. Residential Density and Intensity Requirements:

See the requirements of the Planned Office District.

b. Residential Bulk Requirements:

See the requirements of the Planned Office District.

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- c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential
- d. **Residential Performance Standards:** (See Article VII)
- e. **Residential Signage Regulations:** (See Article VIII)
- 4. **Regulations Applicable to Nonresidential Uses:**
 - a. **Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)**

Maximum Number of Floors (F): 4
Minimum Landscape Surface Ratio (LSR): 25%
Maximum Floor Area Ratio (FAR): .30
Minimum Lot Area (MLA): 20,000 square feet
Maximum Building Size (MBS): na
 - b. **Nonresidential Bulk Requirements:**

A: Minimum Lot Area: 20,000 square feet
B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
Minimum Setbacks: (Note L:, below, along zoning district boundaries.)
C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
D: Building to Residential Side Lot Line: 10 feet
E: Building to Residential Rear Lot Line: 30 feet
F: Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
G: Building to Nonresidential Rear Lot Line: 30 feet
H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
J: Minimum Building Separation: 20 feet or 0 feet on zero lot line side
K: Maximum Building Height: 45 feet
L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206
 - c. **Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):**
 - 1) 40 landscaping points per 100 linear ft. of building foundation
 - 2) 10 landscaping points per 1,000 square ft. of gross floor area
 - 3) 40 landscaping points per 100 linear feet of street frontage
 - 4) 80 landscaping points per 10,000 square ft. paved area/20 stalls
 - d. **Nonresidential Performance Standards:** (See Article VII)
 - e. **Nonresidential Signage Regulations:** (See Article VIII)

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(e) General Business (GB) District

1. **Description and Purpose:** This district is intended to permit both large and small scale commercial development at intensities which provide significant incentives for infill development and the continued economic viability of existing development. To accomplish this effect, minimum required Green Space Ratios (GSRs) are substantially lower than those required in the Planned Business District. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Suburban Commercial District. Performance standards for the General Business District are designed to ensure the long-term economic health of strip commercial development areas, existing as of the effective date of this Chapter, by limiting the attraction of the Planned Business District to those and uses which can afford the relatively higher development costs and rents associated with development in that district.

2. List of Allowable Land Uses (per Article II)
a. Land Uses Permitted by Right: (per Section 98-202(2))

Cultivation (per Section 98-206(2)(a))
 Selective Cutting (per Section 98-206(2)(f))
 Passive Outdoor Public Recreation (per Section 98-206(3)(a))
 Active Outdoor Public Recreation (per Section 98-206(3)(b))
 Indoor Institutional (per Section 98-206(3)(c))
 Public Services and Utilities (per Section 98-206(3)(e))
 Office (per Section 98-206(4)(a))
 Personal or Professional Services (per Section 98-206(4)(b))
 Indoor Sales or Service (per Section 98-206(4)(c))
 Indoor Maintenance Service (per Section 98-206(4)(e))
 Off-Site Parking Lot (per Section 98-206(6)(a))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
 Outdoor Institutional (per Section 98-206(3)(d))
 Institutional Residential - 9,000 sf lot (per Section 98-206(3)(f))
 Outdoor Display (per Section 98-206(4)(d))
 In-Vehicle Sales or Service (per Section 98-206(4)(g))
 Indoor Storage and Wholesaling (per Section 98-206(5)(a))(Ord. No. 01-19
 2/12/01)
 Indoor Commercial Entertainment (per Section 98-206(4)(h))
 Outdoor Commercial Entertainment (per Section 98-206(4)(i))
 Commercial Animal Boarding (per Section 98-206(4)(j))
 Commercial Indoor Lodging (per Section 98-206(4)(k))
 Bed and Breakfast Establishments (per Section 98-206(4)(l))
 Group Day Care Center (9+ children) (per Section 98-206(4)(m))
 Boarding House (per Section 98-206(4)(o))

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Vehicle Repair and Maintenance (per Section 98-206(4)(q))
Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)
Personal Storage Facility (per Section 98-206(5)(c))

c. **Land Uses Permitted as Accessory Uses:** (per Section 98-202(5))

1) **Land Uses Permitted by Right:**

Farm Residence (per Section 98-206(8)(b))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Company Cafeteria (per Section 98-206(8)(d))
Company Provided On-Site Recreation (per Section 98-206(8)(e))
Home Occupation (per Section 98-206(8)(j))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) **Land Uses Permitted as Conditional Use:**

Commercial Apartment (per Section 98-206(8)(a))
Company Provided On-Site Recreation (per Section 98-206(8)(e))
Outdoor Display Incidental (per Section 98-206(8)(f))
In-Vehicle Sales and Service (per Section 98-206(8)(g))
Light Industrial Incidental to Indoor Sales (per Section 98-206(8)(i))

d. **Land Uses Permitted as Temporary Uses:** (per Section 98-202(6))

General Temporary Outdoor Sales (per Section 98-206(9)(a))
Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
Relocatable Building (per Section 98-206(9)(e))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))
Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. **Regulations Applicable to Institutional Residential Uses:**

a. **Residential Density and Intensity Requirements:**

Institutional Residential Development:
Minimum Zoning District Area: 18,000 square feet
Maximum Gross Density (MGD): up to 50.00 per limits of the conditional use permit
Minimum Landscape Surface Ratio (LSR): 50%
Maximum Building Coverage: 40%
Maximum Accessory Building Coverage: 10%

b. **Residential Bulk Requirements:**

A: Minimum Lot Area: 9,000 square feet
B: Minimum Lot Width: 75 feet
C: Minimum Street Frontage: 50 feet
Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

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- E:** Front or Street Lot Line to House: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- F:** Front or Street Lot Line to Garage: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
- G:** Side Lot Line to House or Garage: 6 feet
- H:** Total of Both Sides, Lot Lines to House/Garage: 12 feet
- I:** Rear Lot Line to House or Garage: 30 feet
- J:** Side Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
- K:** Rear Lot Line to Accessory Structure: 3 ft from property line, 5 ft from alley
- L:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary
- M:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
- N:** Minimum Dwelling Unit Separation: 12 feet
- O:** Maximum Height of Dwelling Unit: 35 feet, greater with conditional use permit
- P:** Maximum Height of Accessory Structure: 15 feet
- Q:** Minimum Number of Off-Street Parking Spaces Required on the Lot (Includes garage, drives, & all designated parking surfaces): 3
- R:** Minimum Dwelling Core Dimensions: 24 feet by 40 feet
- S:** Minimum Roof Pitch: 3:12
- T:** Minimum Eave Width: 18 inches

- c. **Residential Landscaping Requirements:** Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential
- d. **Residential Performance Standards:** (See Article VII)
- e. **Residential Signage Regulations:** (See Article VIII)
- 4. **Regulations Applicable to Nonresidential Uses:**
 - a. **Nonresidential Intensity Requirements:** (For 2+ floor buildings, see Table 98-305)
 - Maximum Number of Floors (F): 4
 - Minimum Landscape Surface Ratio (LSR): 15%
 - Maximum Floor Area Ratio (FAR): .40
 - Minimum Lot Area (MLA): 9,000 square feet
 - Maximum Building Size (MBS): na
 - b. **Nonresidential Bulk Requirements:**
 - A:** Minimum Lot Area: 9,000 square feet
 - B:** Minimum Lot Width: 75 feet; Minimum Street Frontage: 50 feet
 - Minimum Setbacks:** (Note L:, below, along zoning district boundaries.)
 - C:** Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
 - D:** Building to Residential Side Lot Line: 6 feet
 - E:** Building to Residential Rear Lot Line: 25 feet
 - F:** Building to Nonresidential Side Lot Line: 10 feet or 0 feet on zero lot line side
 - G:** Building to Nonresidential Rear Lot Line: 25 feet
 - H:** Peripheral Setback: See 98-610(4)(b) along zoning district boundary
 - I:** Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

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J: Minimum Building Separation: 12 feet, 20 feet or 0 feet on zero lot line side

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

- 1) 20 landscaping points per 100 linear ft. of building foundation
- 2) 5 landscaping points per 1,000 square ft. of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(f) Central Business (CB) District

1. **Description and Purpose:** This district is intended to permit both large and small scale "downtown" commercial development at an intensity which provides significant incentives for infill development, redevelopment, and the continued economic viability of existing development. To accomplish this effect, minimum Landscape Surface Ratios (LSRs) permitted in this district are much lower than those allowed in the Planned Business and General Business Districts. A wide range of office, retail, and lodging land uses are permitted within this district. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. No requirements for on site landscaping or parking are required in this district. This district is strictly limited to the central city locations.

Rationale: This district is intended to provide an alternative, primarily infill development, designation for commercial activity to the Planned Business (PB) and General Business District are designed to assist in maintaining the long-term viability of the central city.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

- Cultivation (per Section 98-206(2)(a))
- Selective Cutting (per Section 98-206(2)(f))
- Passive Outdoor Public Recreation (per Section 98-206(3)(a))
- Active Outdoor Public Recreation (per Section 98-206(3)(b))
- Indoor Institutional (per Section 98-206(3)(c))
- Public Services and Utilities (per Section 98-206(3)(e))
- Office (per Section 98-206(4)(a))
- Personal or Professional Services (per Section 98-206(4)(b))
- Indoor Sales or Service (per Section 98-206(4)(c))
- Indoor Maintenance Service (per Section 98-206(4)(e))
- Off-Site Parking Lot (per Section 98-206(6)(a))

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b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
 Outdoor Institutional (per Section 98-206(3)(d))
 Institutional Residential - 9,000 sf lot (per Section 98-206(3)(f))
 In-Vehicle Sales or Service (per Section 98-206(4)(g))
 Indoor Commercial Entertainment (per Section 98-206(4)(h))
 Outdoor Commercial Entertainment (per Section 98-206(4)(i))
 Outdoor Display (per Section 98-206(4)(d)) (Ord. No. 01-19 2/12/01)
 Commercial Indoor Lodging (per Section 98-206(4)(k))
 Bed and Breakfast Establishments (per Section 98-206(4)(l))
 Group Day Care Center (9+ children) (per Section 98-206(4)(m))
 Boarding House (per Section 98-206(4)(o))
 Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

- 1) Land Uses Permitted by Right:
 - Commercial Apartment (per Section 98-206(8)(a))
 - Farm Residence (per Section 98-206(8)(b))
 - Private Residential Garage or Shed (per Section 98-206(8)(c))
 - Company Cafeteria (per Section 98-206(8)(d))
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - Home Occupation (per Section 98-206(8)(j))
 - On-Site Parking Lot (per Section 98-206(8)(n))
 - Private Residential Recreational Facility (per Section 98-206(8)(o))
 - Drainage Structure (per Section 98-206(8)(r))
 - Filling (per Section 98-206(8)(s))
 - Lawn Care (per Section 98-206(8)(t))
 - Exterior Communication Devices (per Section 98-206(8)(v))
- 2) Land Uses Permitted as Conditional Use:
 - Company Provided On-Site Recreation (per Section 98-206(8)(e))
 - In-Vehicle Sales and Service (per Section 98-206(8)(g))
 - Light Industrial Incidental to Indoor Sales (per Section 98-206(8)(i))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

General Temporary Outdoor Sales (per Section 98-206(9)(a))
 Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 Relocatable Building (per Section 98-206(9)(e))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))
 Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. Regulations Applicable to Institutional Residential Uses:
a. Residential Density and Intensity Requirements:

Institutional Residential Development:
 Minimum Zoning District Area: 9,000 square feet
 Maximum Gross Density (MGD): up to 50.00 per limits of the conditional use permit

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Minimum Landscape Surface Ratio (LSR): 50%

Maximum Building Coverage: 40%

Maximum Accessory Building Coverage: 10%

b. Residential Bulk Requirements:

See the requirements of the General Business District.

c. Residential Landscaping Requirements: Not applicable for single-family. See Nonresidential Landscaping Requirements for Two- & Multi-family Residential

d. Residential Performance Standards: (See Article VII)

e. Residential Signage Regulations: (See Article VIII)

4. Regulations Applicable to Nonresidential Uses:

a. Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 4

Minimum Landscape Surface Ratio (LSR): 0%

Maximum Floor Area Ratio (FAR): 3.00

Minimum Lot Area (MLA): 1,750 square feet

Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 1,750 square feet

B: Minimum Lot Width: 20 feet; Minimum Street Frontage: 20 feet

Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 0 feet*

D: Building to Residential Side Lot Line: 0 feet*

E: Building to Residential Rear Lot Line: 10 feet

F: Building to Nonresidential Side Lot Line: 0 feet*

G: Building to Nonresidential Rear Lot Line: 10 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 0 feet*

J: Minimum Building Separation: 0 feet*

K: Maximum Building Height: 45 feet, Minimum Building Height: 20 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot:

See parking lot requirements per specific land use in Section 98-206

Maximum permitted setback of 0 feet, except where permitted by the Plan Commission as an essential component of site design.

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

1) 0 landscaping points per 100 linear ft. of building foundation

2) 0 landscaping points per 1,000 square ft. of gross floor area

3) 0 landscaping points per 100 linear feet of street frontage

4) 20 landscaping points per 10,000 square ft. paved area/20 stalls

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d. **Nonresidential Performance Standards:** (See Article VII)

e. **Nonresidential Signage Regulations:** (See Article VIII)

(g) **Planned Industrial (PI) District**

1. **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with the overall desired suburban community character of the community. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for suburban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the GI District. In addition, land uses shall comply with the minimum performance standards presented in Article VII.

2. **List of Allowable Land Uses (per Article II)**

a. **Land Uses Permitted by Right:** (per Section 98-202(2))

Cultivation (per Section 98-206(2)(a))
Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Active Outdoor Public Recreation (per Section 98-206(3)(b))
Indoor Institutional (per Section 98-206(3)(c))
Public Services and Utilities (per Section 98-206(3)(e))
Office (per Section 98-206(4)(a))
Personal or Professional Services (per Section 98-206(4)(b))
Indoor Maintenance Service (per Section 98-206(4)(e))
Indoor Storage or Wholesaling (per Section 98-206(5)(a))
Light Industrial (per Section 98-206(7)(a))

b. **Land Uses Permitted as Conditional Use:** (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
Outdoor Institutional (per Section 98-206(3)(d))
Indoor Sales or Service (per Section 98-206(4)(c))
Indoor Commercial Entertainment (per Section 98-206(4)(h))
Outdoor Commercial Entertainment (per Section 98-206(4)(i))(Ord. No. 12-07)
Group Day Care Center (9+ children) (per Section 98-206(4)(m))
Personal Storage Facility (per Section 98-206(5)(c))
Airport/Heliport (per Section 98-206(6)(b))
Distribution Center (per Section 98-206(6)(d))
Communication Tower (per Section 98-206(7)(c))
Commercial Animal Boarding (per Section 98-206(4)(j))
Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)

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c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))

1) Land Uses Permitted by Right:

Farm Residence (per Section 98-206(8)(b))
 Private Residential Garage or Shed (per Section 98-206(8)(c))
 Company Cafeteria (per Section 98-206(8)(d))
 Indoor Sales Incident to Light Industrial Use (per Section 98-206(8)(h))
 Home Occupation (per Section 98-206(8)(j))
 On-Site Parking Lot (per Section 98-206(8)(n))
 Private Residential Recreational Facility (per Section 98-206(8)(o))
 Drainage Structure (per Section 98-206(8)(r))
 Filling (per Section 98-206(8)(s))
 Lawn Care (per Section 98-206(8)(t))
 Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation (per Section 98-206(8)(e))
 In-Vehicle Sales and Service (per Section 98-206(8)(g))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 Relocatable Building (per Section 98-206(9)(e))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))
 Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. Regulations Applicable to Residential Uses: Not Applicable

4. Regulations Applicable to Nonresidential Uses:
a. Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 4
 Minimum Landscape Surface Ratio (LSR): 25%
 Maximum Floor Area Ratio (FAR): .60
 Minimum Zoning District Area: 40,000 square feet
 Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 40,000 sq ft (20,000 sq ft permitted as a conditional use)

B: Minimum Lot Width: 200 feet (100 feet permitted as a conditional use);
Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note L:, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 30 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 15 feet

G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

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I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 30 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

- 1) 40 landscaping points per 100 linear ft. of building foundation
- 2) 10 landscaping points per 1,000 square ft. of gross floor area
- 3) 40 landscaping points per 100 linear feet of street frontage
- 4) 80 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(h) General Industrial (GI) District

1. **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development at an intensity which is consistent with existing transition and urban intensity development. Beyond a relatively high minimum Green Space Ratio (GSR), the primary distinguishing feature of this district is that it is geared to indoor industrial activities which are not typically associated with high levels of noise, soot, odors and other potential nuisances for adjoining properties. To ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for urban intensity light industrial land uses such as assembly operations, storage and warehousing facilities, offices, and light manufacturing which are protected from potential nuisances associated with certain development permitted within the HI District. In addition, uses shall comply with the minimum performance standards presented in Article VII.

2. List of Allowable Land Uses (per Article II)

a. Land Uses Permitted by Right: (per Section 98-202(2))

- Cultivation (per Section 98-206(2)(a))
- Selective Cutting (per Section 98-206(2)(f))
- Passive Outdoor Public Recreation (per Section 98-206(3)(a))
- Public Services and Utilities (per Section 98-206(3)(e))
- Office (per Section 98-206(4)(a))
- Indoor Maintenance Service (per Section 98-206(4)(e))
- Indoor Storage or Wholesaling (per Section 98-206(5)(a))
- Off-Site Parking Lot (per Section 98-206(6)(a))
- Distribution Center (per Section 98-206(6)(d))
- Light Industrial (per Section 98-206(7)(a))

**Section 98-105 Purpose and Intent of Standard
Zoning Districts***through***Section 98-105 Purpose and Intent of
Standard Zoning Districts****b. Land Uses Permitted as Conditional Use:** (per Section 98-202(4))

Clear Cutting (per Section 98-206(2)(g))
Group Day Care Center (9+ children) (per Section 98-206(4)(m))
Vehicle Repair and Maintenance (per Section 98-206(4)(q))
Outdoor Storage or Wholesaling (per Section 98-206(5)(b))
Personal Storage Facility (per Section 98-206(5)(c))
Airport/Heliport (per Section 98-206(6)(b))
Freight Terminal (per Section 98-206(6)(c))
Communication Tower (per Section 98-206(7)(c))
Commercial Animal Boarding (per Section 98-206(4)(j))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))**1) Land Uses Permitted by Right:**

Farm Residence (per Section 98-206(8)(c))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Company Cafeteria (per Section 98-206(8)(d))
Company Provided On-Site Recreation (per Section 98-206(8)(e))
Indoor Sales Incidental to Light Industrial Use (per Section 98-206(8)(h))
Home Occupation (per Section 98-206(8)(j))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation (per Section 98-206(8)(e))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
Contractor's Project Office (per Section 98-206(9)(c))
Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
Relocatable Building (per Section 98-206(9)(e))
On-Site Real Estate Sales Office (per Section 98-206(9)(f))
Outdoor Sales of Farm Products (per Section 98-206(9)(g))

3. Regulations Applicable to Residential Uses: Not Applicable**4. Regulations Applicable to Nonresidential Uses:****a. Nonresidential Intensity Requirements:** (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 4
Minimum Landscape Surface Ratio (LSR): 15%
Maximum Floor Area Ratio (FAR): 1.00
Minimum Lot Area (MLA): 9,000 square feet
Maximum Building Size (MBS): na

**Section 98-105 Purpose and Intent of Standard
Zoning Districts**
through
**Section 98-105 Purpose and Intent of
Standard Zoning Districts**
b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 9,000 square feet

B: Minimum Lot Width: 75 feet; Minimum Street Frontage: 50 feet

Minimum Setbacks: (Note **L:**, below, along zoning district boundaries.)

C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet

D: Building to Residential Side Lot Line: 50 feet

E: Building to Residential Rear Lot Line: 30 feet

F: Building to Nonresidential Side Lot Line: 20 feet

G: Building to Nonresidential Rear Lot Line: 30 feet

H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary

I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street

J: Minimum Building Separation: 40 feet

K: Maximum Building Height: 35 feet

L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

1) 20 landscaping points per 100 linear ft. of building foundation

2) 5 landscaping points per 1,000 square ft. of gross floor area

3) 20 landscaping points per 100 linear feet of street frontage

4) 40 landscaping points per 10,000 square ft. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

(i) Heavy Industrial (HI) District

1. **Description and Purpose:** This district is intended to permit both large and small scale industrial and office development at an intensity which provides ample incentive for infill development and redevelopment of industrial areas existing as of the effective date of this Chapter. This district is designed to permit a very wide variety of industrial uses which may occur both indoors and outdoors, including certain land uses which are permitted in no other zoning district because of their potential to create nuisances for adjoining properties. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street.

Rationale: This district is intended to provide a location for both light and heavy industrial uses in a zoning district in which the potential for nuisance complaints from nearby properties is minimized. It must be emphasized that this is not a district where virtually any land use is permitted, as all uses shall comply with the minimum performance standards presented in Article VII. In addition, certain land uses such as extraction, junkyards and salvage operations, and freight terminals are permitted within this district only upon the granting of a conditional use permit.

**Section 98-105 Purpose and Intent of Standard
Zoning Districts***through***Section 98-105 Purpose and Intent of
Standard Zoning Districts****2. List of Allowable Land Uses (per Article II)****a. Land Uses Permitted by Right:** (per Section 98-202(2))

Cultivation (per Section 98-206(2)(a))
Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Public Services and Utilities (per Section 98-206(3)(e))
Office (per Section 98-206(4)(a))
Indoor Maintenance Service (per Section 98-206(4)(e))
Indoor Storage or Wholesaling (per Section 98-206(5)(a))
Outdoor Storage or Wholesaling (per Section 98-206(5)(b))
Off-Site Parking Lot (per Section 98-206(6)(a))
Distribution Center (per Section 98-206(6)(d))
Light Industrial (per Section 98-206(7)(a))
Heavy Industrial (per Section 98-206(7)(b))

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Agricultural Services (per Section 98-206(2)(d))
Clear Cutting (per Section 98-206(2)(g))
Outdoor Maintenance Service (per Section 98-206(4)(f))
Sexually Oriented Land Use (per Section 98-206(4)(p))
Vehicle Repair and Maintenance (per Section 98-206(4)(q))
Junkyard or Salvage Yard (per Section 98-206(5)(d))
Waste Disposal Facility (per Section 98-206(5)(e))
Composting Operation (per Section 98-206(5)(f))
Airport/Heliport (per Section 98-206(6)(b))
Freight Terminal (per Section 98-206(6)(c))
Communication Tower (per Section 98-206(7)(c))

c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))**1) Land Uses Permitted by Right:**

Farm Residence (per Section 98-206(8)(c))
Private Residential Garage or Shed (per Section 98-206(8)(c))
Company Cafeteria (per Section 98-206(8)(d))
Company Provided On-Site Recreation (per Section 98-206(8)(e))
Indoor Sales Incident to Light Industrial Use (per Section 98-206(8)(h))
Home Occupation (per Section 98-206(8)(j))
On-Site Parking Lot (per Section 98-206(8)(n))
Private Residential Recreational Facility (per Section 98-206(8)(o))
Drainage Structure (per Section 98-206(8)(r))
Filling (per Section 98-206(8)(s))
Lawn Care (per Section 98-206(8)(t))
Exterior Communication Devices (per Section 98-206(8)(v))

2) Land Uses Permitted as Conditional Use:

Company Provided On-Site Recreation (per Section 98-206(8)(e))
Migrant Labor Camp (per Section 98-206(8)(m))

**Section 98-105 Purpose and Intent of Standard
Zoning Districts**
through
**Section 98-105 Purpose and Intent of
Standard Zoning Districts**
d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

Outdoor Assembly (per Section 98-206(9)(b))
 Contractor's Project Office (per Section 98-206(9)(c))
 Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
 Relocatable Building (per Section 98-206(9)(e))
 On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses: Not Applicable

4. Regulations Applicable to Nonresidential Uses:
a. Nonresidential Intensity Requirements: (For 2+ floor buildings, see Table 98-305)

Maximum Number of Floors (F): 2+
 Minimum Landscape Surface Ratio (LSR): 15%
 Maximum Floor Area Ratio (FAR): 1.00
 Minimum Lot Area (MLA): 9,000 square feet
 Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

A: Minimum Lot Area: 9,000 square feet
B: Minimum Lot Width: 100 feet; Minimum Street Frontage: 50 feet
Minimum Setbacks: (Note L:, below, along zoning district boundaries.)
C: Building to Front or Street Lot Line: 25 feet, 40 feet for a lot adjacent to a street with an Officially Mapped right-of-way equal to or exceeding 100 feet
D: Building to Residential Side Lot Line: 50 feet
E: Building to Residential Rear Lot Line: 40 feet
F: Building to Nonresidential Side Lot Line: 20 feet
G: Building to Nonresidential Rear Lot Line: 30 feet
H: Peripheral Setback: See 98-610(4)(b) along zoning district boundary
I: Minimum Paved Surface Setback: 5 feet from side or rear; 10 feet from street
J: Minimum Building Separation: 40 feet
K: Maximum Building Height: 45 feet
L: Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206

c. Nonresidential Landscaping Requirements (Nonresidential, Two- & Multi-family):

- 1) 20 landscaping points per 100 linear ft. of building foundation
- 2) 5 landscaping points per 1,000 square ft. of gross floor area
- 3) 20 landscaping points per 100 linear feet of street frontage
- 4) 40 landscaping points per 10,000 s.f. paved area/20 stalls

d. Nonresidential Performance Standards: (See Article VII)

e. Nonresidential Signage Regulations: (See Article VIII)

**Section 98-105 Purpose and Intent of Standard
Zoning Districts***through***Section 98-105 Purpose and Intent of
Standard Zoning Districts****(j) Planned Business Park (PBP) District**

1. **Description and Purpose:** This district is intended to permit both large and small scale office, service business and highly restrictive industrial and warehousing uses in a mutually compatible environment, within a large development park, with a campus-type setting. Land uses and site design within the PGP District shall be restricted to those which require a pleasant, hazard-free and nuisance-free environment, and do not create either an appreciable nuisance or hazard to other property, individuals or the general public. In order to ensure a minimum of disruption to residential development, no development within this district shall take direct access to a local residential street or a residential collector street. The City of Lake Geneva will require the application of City-approved restrictive covenants when considering an approval of a zoning map amendment to the Planned Business Park (PBP) Zoning District.

Rationale: this district is intended to provide a location for suburban intensity office, service, and light industrial land uses which are protected from potential use conflicts and nuisances that may be associated with certain development permitted within the PI or GI Districts. In addition, land uses shall comply with the minimum performance standards presented in Article VII.

2. List of Allowable Land Uses (Per Article II)**a. Land Uses Permitted by Right: (listed in addition to those in Section 98-202(2))**

Selective Cutting (per Section 98-206(2)(f))
Passive Outdoor Public Recreation (per Section 98-206(3)(a))
Public Services and Utilities (per Section 98-206(3)(e))
Office (per Section 98-206(4)(a))
Personal or Professional Services (per Section 98-206(4)(b))
Indoor Storage or Wholesaling (per Section 98-206(5)(a))
Light Industrial (per Section 98-206(7)(a))
Any otherwise Permitted Use within and fully consistent with an approved Group Development (per Section 98-208)

b. Land Uses Permitted as Conditional Use: (per Section 98-202(4))

Cultivation (per Section 98-206(2)(a))
Clear Cutting (per Section 98-206(2)(g))
Active Outdoor Public Recreation (per Section 98-206(3)(b))
Indoor Institutional (per Section 98-206(3)(c))
Outdoor Institutional (per Section 98-206(3)(d))
Indoor Maintenance Service (per Section 98-206(4)(e))
Group Day Care Center (9+ children) (per Section 98-206(4)(m))
Communication Tower (per Section 98-206(7)(c))
Any otherwise Conditional Use within and fully consistent with an approved Group Development (per Section 98-208)
Commercial Animal Boarding (per Section 98-206(4)(j))
Physical Activity Studio (per Section 98-206(4)(s)) (Ord. No. 13-19)

**Section 98-105 Purpose and Intent of Standard
Zoning Districts***through***Section 98-105 Purpose and Intent of
Standard Zoning Districts****c. Land Uses Permitted as Accessory Uses: (per Section 98-202(5))**

- 1) Land Uses Permitted by Right:
 - Company Cafeteria (per Section 98-206(8)(d))
 - Company Provided On-Site Recreational Facility (Unlit) (per Section 98-206(8)(e))
 - Indoor Sales Incident to Light Industrial Use (per Section 98-206(8)(h))
 - On-Site Parking Lot (per Section 98-206(8)(n))
 - Drainage Structure (per Section 98-206(8)(r))
 - Filling (per Section 98-206(8)(s))
 - Lawn Care (per Section 98-206(8)(s))
 - Exterior Communication Devices (per Section 98-206(8)(v))
 - On-Site Business Day Care Facility
- 2) Land Uses Permitted as Conditional Use:
 - Farm Residence (per Section 98-206(8)(b))
 - Private Residential Garage or Shed (per Section 98-206(8)(c))
 - Company Provided On-Site Recreation (lit) (per Section 98-206(8)(e))
 - Home Occupation (per Section 98-206(8)(j))
 - Private Residential Recreational Facility (per Section 98-206(8)(o))

d. Land Uses Permitted as Temporary Uses: (per Section 98-202(6))

- Outdoor Assembly (per Section 98-206(9)(b))
- Contractor's Project Office (per Section 98-206(9)(c))
- Contractor's On-Site Equipment Storage (per Section 98-206(9)(d))
- On-Site Real Estate Sales Office (per Section 98-206(9)(f))

3. Regulations Applicable to Residential Uses: Not Applicable**4. Regulations Applicable to Nonresidential Uses:****a. Nonresidential Intensity Requirements: (For 2+ floor bldgs., see Table 98-305)**

- Maximum Number of Floors (F): 4
- Minimum Landscape Surface Ratio (LSR): 30%
- Maximum Building Footprint Coverage: 40%
- Minimum Zoning District Area: 65,000 square feet (Ord. No. 01-28 9/10/01)
- Maximum Building Size (MBS): na

b. Nonresidential Bulk Requirements:

- 1) Minimum Lot Area: 65,000 sq ft (20,000 sq ft permitted as a conditional use) (Ord. No. 01-28 9/10/01)
- 2) Minimum Lot Width: 200 feet (100 feet permitted as a conditional use);
- 3) Minimum Street Frontage: 50 feet
- 4) Minimum Setbacks: (Note L:, below, along zoning district boundaries.)
- 5) Building to Front or Street Lot Line: 40 feet, except 25 feet for Street Side not adjacent to Federal, State, or County Highway.
- 6) Building to Residential Side Lot Line: 30 feet
- 7) Building to Residential Rear Lot Line: 30 feet

Section 98-105 Purpose and Intent of Standard Zoning Districts

through

Section 98-105 Purpose and Intent of Standard Zoning Districts

- 8) Building to Nonresidential Side Lot Line: 25 feet, except 40 feet when adjacent to Federal, State or County Highway.
- 9) Building to Nonresidential Rear Lot Line: 35 feet
- 10) Peripheral Setback: See 98-610(4)(b) for PI District along zoning district boundary
- 11) Minimum Paved Surface Setback: 10 feet from side or rear; 20 feet from street
- 12) Minimum Building Separation: 30 feet
- 13) Maximum Building Height: 45 feet
- 14) Minimum Number of Off-Street Parking Spaces Required on the Lot: See parking lot requirements per specific land use in Section 98-206
- c. **Nonresidential Landscaping Requirements** (Nonresidential, Two- & Multi-family):
 - 1) 40 landscaping points per 100 linear ft. of building foundation
 - 2) 10 landscaping points per 1,000 sq. ft. of gross floor area
 - 3) 40 landscaping points per 100 linear ft. of street frontage
 - 4) 80 landscaping points per 10,000 sq. ft paved area/20 stalls
 - 5) the above landscaping point totals shall be increased by 1.5 times for buildings in excess of 60,000 gross square feet. This provision shall also apply to building additions or Group Developments in which the combined total of the structure and/or all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than 60,000 gross square feet. The requirement applies to both new development and to portions of development prior to the adoption of this ordinance.
- d. **Nonresidential Performance Standards:** (See Article VII)
- e. **Nonresidential Signage Regulations:** (See Article VIII)
- f. **Performance Standards:** The Planned Business Park (PBP) District has been added to the listing of Zoning Districts after the adoption of the new Zoning Ordinance in 1997. Performance and signage standards for the Planned Industrial (PI) District presented in Articles VII and VIII of this Ordinance shall apply to development within the Planned Business Park (PBP) District.

(4) Planned Development Districts

(a) Planned Development (PD_-_) District

1. **Description and Purpose:** This district is intended to provide more incentives for redevelopment in areas of the community which are experiencing a lack of reinvestment, or which require flexible zoning treatment because of factors which are specific to the site. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and the land use, appearance, density, or intensity of development within the district in a manner which is consistent

**Section 98-106 Natural Resource Protection
Overlay Zoning Districts***through***Section 98-107 Map of Natural Resource
Protection Overlay Districts**

with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 98-914 for the procedures applicable to proposal review in this standard zoning district.

2. **Development Standards:** development standards are flexible within this zoning district. Refer to Section 98-914(2) for the range of development standards potentially available in this zoning district.

Section 98-106 Natural Resource Protection Overlay Zoning Districts

- (1) This Chapter employs overlay zoning districts to identify and regulate areas in which natural resource protection requirements apply. Each type of natural resource regulated by this Chapter is represented by an overlay zoning district bearing its name.
- (2) Natural Resource Protection Overlay Districts include:
 - Floodplain Overlay Districts
 - Shoreland-Wetland Overlay District
 - Lakeshore Overlay District
 - Drainageway Overlay District
 - Woodland Overlay District
 - Steep Slope Overlay District
- (3) For specific Natural Resource Protection Overlay District regulations, see Article V.

Section 98-107 Map of Natural Resource Protection Overlay Districts

Natural Resource Protection Overlay Zoning Districts established by this Chapter are shown on the Official Zoning Map of the City of Lake Geneva, which together with all the explanatory material thereon, is hereby made part of this Chapter. For specific Natural Resource Protection Overlay District designation criteria, see Article V.

- (1) Where an apparent discrepancy exists between the location of the outermost boundary of the Floodfringe District or the Floodplain District shown on the official zoning map and actual field conditions, the location shall be initially determined by the Zoning Administrator using the criteria described in (2) and (3), below. Where the Zoning Administrator finds that there is a significant difference between the map and the actual field conditions, the map shall be amended using the procedures established in Section 98-903. Disputes between the Zoning Administrator and the Applicant over the location of the district boundary line shall be settled using the procedures outlined in Section 98-934(8)(b).
- (2) Where flood profiles exist, the location of the district boundary line shall be determined by the Zoning Administrator using both the scale appearing on the map and the elevations shown on the water surface profile of the regional flood. Where a discrepancy exists between the map, and actual field conditions, the regional flood elevations shall govern. A map amendment is required where there is a significant discrepancy between the map and actual field conditions. The Zoning Administrator shall have the authority to grant or deny a land use permit on the basis of a district boundary derived from the elevations shown on the water surface profile of the regional flood, whether or not a map amendment is required. The Zoning Administrator shall be responsible for initiating any map amendments required under this section within a reasonable period of time.

Section 98-108 Downtown Design Overlay**Zoning District***through***Section 98-112 Reserved**

- (3) Where flood profiles do not exist, the location of the district boundary line shall be determined by the Zoning Administrator using the scale appearing on the map, visual on-site inspection and any available information provided by the Department of Natural Resources. Where there is a significant difference between the map and actual field conditions, the map shall be amended. Where a map amendment has been approved by both the Common Council and the Department of Natural Resources, the Zoning Administrator shall have the authority to grant or deny a land use permit.

Section 98-108 Downtown Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. As emphasized by said Plan, this district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 98-913(9) for the procedures applicable to proposal review in this overlay district.

Section 98-109 Historic Neighborhood Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the older, historically intact, portions of the City. As emphasized by said Plan, this district is designed to forward both aesthetic and historic preservation objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 98-913(10)-(19) for the procedures applicable to proposal review in this overlay district.

Section 98-110 Entry Corridor Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by preserving and enhancing the historical quality of the STH 50 corridor west of the downtown and the CTH H corridor north and south of the downtown, and by enhancing the economic redevelopment potential of the STH 120 corridor north and south of the downtown; the STH 12 corridor within the city limits; and the STH 50 corridor east of the downtown. As emphasized by the Plan, this district is designed to forward both aesthetic and historic preservation objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 98-913(20)-(29) for the procedures applicable to proposal review in this overlay district.

Section 98-111 Community Gateway Design Overlay Zoning District

This district is intended to implement the urban design recommendations of the Comprehensive Master Plan, by requiring that development located at and around the most important entrances to the community has a character which recognizes the City's adopted objectives of establishing an attractive and high-quality image. These important community gateways are located around the STH 120 interchange, the STH 12 interchange, and the intersection of CTH H and STH 120. As emphasized by the Plan, this district is designed to forward both aesthetic and economic

Section 98-112 Reserved*through***Section 98-114 Park Overlay Zoning District**

development objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic development principles. The application of these standards will ensure long-term progress and broad participation toward these principles. Refer to Section 98-913(30)-(39) for the procedures applicable to proposal review in this overlay district.

Section 98-112 Reserved**Section 98-113 Neighborhood Conservation Overlay Zoning District**

This district is intended to grant legal conforming status to land uses and all other aspects of development, for properties located within the district. Properties which have received this designation may continue land uses, densities and intensities of development, and structural configurations which exist as of the effective date of this Chapter. As legal, conforming land uses and structures, such land uses may be replaced with similar land uses and such structures may be reconstructed, even if damaged to more than 50 percent of their value. The physical expansion of such land uses or densities not otherwise permitted within the base zoning district, or the physical expansion of such structures not conforming with the intensity or bulk restrictions of the base zoning district, shall require the granting of a conditional use permit. The Zoning Administrator shall determine if sufficient evidence is presented to demonstrate the extent of land use and development existing as of the effective date of this Chapter if such reconstruction or re-use is proposed. Building permits, utility records and photographs are considered good evidence of such status.

Section 98-114 Park Overlay Zoning District

This district is intended to apply to lands owned by the public primarily for the purpose of providing public recreation opportunities or open space conservation. The district is intended to implement the recreation and open space objectives of the Comprehensive Master Plan by permitting recreation or open space land uses. Permitted uses include indoor and outdoor public or private recreation facilities, libraries, museums, recreation centers (for example, ballrooms, performing arts centers, and government-owned community centers). All other land uses shall be prohibited. Park Overlay Zoning Districts established by this Chapter are shown on the Official Zoning Map of the City of Lake Geneva.

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																			
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																			
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			

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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					

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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																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
																COMMERCIAL USES (98-206(4)(L))
							P	P	P	P	P	P	P	P	P	(a) Office
							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	(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		(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		(m) Group Day Care Center (9+children)
C																(n) Campground
						C	C		C		C	C				(o) Boarding House
															C	(p) Sexually-Oriented Land Use

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									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

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																		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						

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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).)

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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

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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

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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).

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- 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 lien 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.

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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:

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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.

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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.

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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

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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.

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- 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

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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.

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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.

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- 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).

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- 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.

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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.

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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.

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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).

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- 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

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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

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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).

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- 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

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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}:

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- 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.

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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

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(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

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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

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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}:

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- 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

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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.

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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.

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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.

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- 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}

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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.

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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.

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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.

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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.

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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.

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- 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.

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- 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

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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.

Section 98-301 Purpose*through***Section 98-303 Required Natural Resources
Site Evaluation****ARTICLE III: DENSITY AND INTENSITY REGULATIONS****Section 98-301 Purpose**

The purpose of this Article is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter (see Section 98-009). The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development.

Rationale: This Article regulates the development potential of all property within the jurisdiction of this Chapter. This Article is designed to ensure the implementation of many goals and objectives of the City of Lake Geneva Comprehensive Master Plan. (See also, Section 98-005 of this Chapter.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, and/or the needless destruction of sensitive natural resources. The approach employed by this Article, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals.

Section 98-302 How to Use this Article

This Article contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Article to determine the development potential of a given property, the guidelines provided by Section 98-306(1) though (3) should be reviewed. This Article recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in Section 98-306(1) and (2) refers to the requirements of Section 98-304, Residential Density Standards. The description of the process addressing nonresidential development in Section 98-306(1) and (3) refers to the requirements of Section 98-305, Nonresidential Intensity Standards.

**Section 98-303 Required Natural Resources
Site Evaluation***through***Section 98-303 Required Natural Resources
Site Evaluation****Section 98-303 Required Natural Resources Site Evaluation****(1) Purpose**

An important goal of the City of Lake Geneva Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodplain Areas, Floodfringe, Shorelands, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. (These resources are fully defined in Article V.) These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, and soil quality; habitat provision and diversification; aesthetic diversification; and buffering effects.

(2) Mitigation

In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Article V) Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.

Section 98-303(3) continues with the Natural Resources Site Evaluation Worksheet on the following page.

**Section 98-303 Required Natural Resources
Site Evaluation**
through
**Section 98-304 Residential Density
Standards**
(2) Natural Resources Site Evaluation Worksheet
(a) Determine the Gross Site Area (GSA) of the Site:

1. Total Site Area as determined by actual on-site survey: _____ acres
2. Subtract area located within proposed rights-of-ways of roads and within proposed boundaries of public facilities which are designated within the City's Comprehensive Master Plan and/or required for dedication per Subdivision regulations: - _____ acres
3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. - _____ acres
4. Subtract land which is proposed for a different development option or a different zoning district. - _____ acres
5. Subtract area of navigable waters (lakes & streams). - _____ acres
6. **Equals Gross Site Area (GSA)** = _____ **acres**

(b) Determine the Required Resource Protection Area (RPA) of the Site:

1. Portion of Gross Site Area containing Floodways. _____ acres
2. Portion of Gross Site Area containing Floodplain Areas. _____ acres
3. Portion of Gross Site Area containing Floodfringes. _____ acres
4. Add portion of Gross Site Area containing Wetlands. + _____ acres
5. Add portion of Gross Site Area containing Drainageways. + _____ acres
6. Add portion of Gross Site Area containing Lakeshores. + _____ acres
7. Add portion of Gross Site Area containing Woodlands. + _____ acres
8. Add portion of Gross Site Area containing Steep Slopes. + _____ acres
9. Subtract portions of natural resource areas ((b)1.-(b)9.) made developable using approved environmental mitigation techniques. - _____ acres
6. **Equals Required Resource Protection Area (RPA).** = _____ **acres**

(c) Determine the Net Developable Area (NDA) of the Site:

1. Enter Gross Site Area (GSA) {from (a)6., above}. _____ acres
2. Subtract Required Resource Protection Area (RPA) {from (b)10., above}. - _____ acres
3. **Equals Net Developable Area (NDA).** = _____ **acres**

Section 98-304 Residential Density Standards *through***Section 98-304 Residential Density Standards**

Zoning District	Key to Table 98-304 Maximum Gross Density	Minimum Lot Area
Regulates the type of uses permitted on the site. Section 98-105 describes each Zoning District. Table 98-203 provides a detailed listing of all uses permitted in each Zoning District. Sections 98-205 and 98-206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map (see Section 98-103).	Is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Section 98-303(3)(a).	Is the minimum size lot permitted within the specified Zoning District and Development Option. This also limits the type of dwelling unit permitted. Specific dwelling unit regulations are given in Section 98-034.

Table 98-304: City of Lake Geneva Residential Density Standards

Zoning District	Development Option	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Zoning District Area	Minimum Landscape Surface Ratio (LSR)
Single-family Res-4	Conventional	4.00	9,000 sf	9,000 sf	50%
Two-family Res-6	Conventional	6.00	9,000 sf	9,000 sf	50%
	Mobile Home	5.00	9,000 sf	10 acres	50%
Multi-family Res-8	Conventional/ Institutional	8.00	4,500 sf per du	18,000 sf	50%

Development Option

Describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site. (Refer to Section 98-206 for a full description of each development option and specific regulations which apply to its use.

Minimum Landscape Surface Ratio

Is the minimum permitted percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the GSA. GSA is calculated in Section 98-303(3)(a). "Landscaped area" is defined in Section 98-034.

**Section 98-305 Nonresidential Density
Standards**

through

Table 98-304: City of Lake Geneva Residential Density Standards

Zoning District	Development Option	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Zoning District Area	Minimum Landscape Surface Ratio (LSR)
Rural Holding	Conventional	.03	35 acres	35 acres	90%
Countryside Residential-5ac	Conventional	.20	5 acres	5 acres	80%
	Cluster	.25	40,000 sf	5 acres	90%
Estate Residential-1	Conventional	1.00	40,000 sf	40,000 sf	60%
Single-family Residential-3	Conventional	3.00	15,000 sf	15,000 sf	50%
Single-family Residential-4	Conventional	4.00	9,000 sf	9,000 sf	50%
Two-family Residential-6 ¹	Conventional	6.00	9,000 sf	9,000 sf	50%
	Mobile Home	5.00	9,000 sf	10 acres	50%
Multi-family Residential-8 ^{1,2}	Conventional/ Institutional	8.00 ⁴	4,500 sf per du	10 acres	50%
Neighborhood Office	Conventional	Varies ^{1,2,3}		9,000 sf	50%
	Institutional	Varies ⁵		9,000 sf	50%
Planned Office	Institutional	Varies ⁵	20,000 sf	40,000 sf	50%
Neighborhood Business	Conventional	Varies ^{1,2,3}		9,000 sf	50%
	Institutional	Varies ⁵		9,000 sf	50%
Planned Business	Institutional	Varies ⁵	20,000 sf	40,000 sf	50%
General Business	Institutional	Varies ⁵	9,000 sf	18,000 sf	50%
Central Business	Institutional	Varies ⁵	9,000 sf	9,000 sf	0%

¹ For single-family, see Single-family-4 District.

² For two-family, see Two-family-6 District.

³ For townhouse, multiplex, apartment and institutional residential development, see Multi-family-8 District.

⁴ Up to 10.00 du/acre per the limits of the conditional use permit.

⁵ Up to 50.00 du/acre per the limits of the conditional use permit.

**Section 98-305 Nonresidential Density
Standards**
through
**Section 98-305 Nonresidential Density
Standards**
Section 98-305 Nonresidential Density Standards

Zoning District	Key to Table 98-305 Maximum Floor Area	Maximum Building Size
Regulates the type of uses permitted on the site. Section 98-205 describes each Zoning District. Table 98-203 provides a detailed listing of all uses permitted in each Zoning District. Sections 98-205 and 98-206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map (see Section 98-103).	Is the maximum permitted ratio calculated by dividing the total gross floor area of all buildings on a site by the Gross Site Area (GSA). "Gross Floor Area" is defined in Section 98-034.	Is the maximum total Gross Floor Area which a building is permitted to contain. "Gross Floor Area" is defined in Section 98-034.

Zoning District	Max Number of Floors (F)	Min Landscape Surface Ratio (LSR)	Max Floor Surface Ratio (FAR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Neighborhood Business	1	30%	.250	9,000 sf	5,000 sf
	2	40%	.275	9,000 sf	5,000 sf
Planned Business	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.300	20,000 sf	Na
	4	35%	.300	20,000 sf	Na

Maximum Number of Floors

Is the maximum number of full floors a building is permitted to contain. "Full floors" is defined in Section 98-034

Minimum Landscape Surface Area Ratio

Is the minimum permitted percentage of the Gross Site Area (GSA) which must be protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the Gross Site Area (GSA). GSA is calculated in Section 98-303(3)(a). "Landscaped area" is defined in Section 98-034.

Minimum Lot Area

Is the minimum size lot permitted in the specified Zoning District for a building with the listed number of floors.

**Section 98-306 Detailed Instructions for
Density and Intensity Regulations**
through
**Section 98-306 Detailed Instructions for
Density and Intensity Regulations**
Table 98-305: City of Lake Geneva Nonresidential Intensity Standards

Zoning District	Max Number of Floors (F)	Min Landscape Surface Ratio (LSR)	Max Floor Surface Ratio (FAR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Rural Holding**	1	90%	.100	40,000 sf*	Na
Countryside Residential**	1	80%	.100	40,000 sf*	Na
Estate Residential**	1	60%	.100	40,000 sf*	Na
Single-family Res-3**	1	50%	.100	40,000 sf*	Na
Single-family Res-4**	1	50%	.150	40,000 sf*	Na
Two-family Res-6**	1	30%	.200	40,000 sf*	Na
	2	40%	.220	40,000 sf*	Na
Multi-family Res-8**	1	25%	.250	40,000 sf*	Na
	2	30%	.275	40,000 sf*	Na
Neighborhood Office	1 or 2	40%	.250	9,000 sf	Na
Planned Office	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.290	20,000 sf	Na
	4	35%	.300	20,000 sf	Na
Neighborhood Business	1	30%	.250	9,000 sf	5,000 sf
	2	40%	.275	9,000 sf	5,000 sf
Planned Business	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.290	20,000 sf	Na
	4	35%	.300	20,000 sf	Na
General Business	1	15%	.300	9,000 sf	Na
	2	18%	.350	9,000 sf	Na
	3	22%	.375	9,000 sf	Na
	4	25%	.400	9,000 sf	Na
Central Business	1	0%	1.000	1,750 sf	Na
	2	0%	2.000	1,750 sf	Na
	3	10%	2.500	1,750 sf	Na
	4	20%	3.000	1,750 sf	Na
Planned Industrial	1	25%	.500	40,000 sf*	Na
	2	30%	.550	40,000 sf*	Na
	3	33%	.575	40,000 sf*	Na
	4	35%	.600	40,000 sf*	Na
General Industrial	1	15%	.800	9,000 sf	Na
	2	18%	.900	9,000 sf	Na
	3	22%	.975	9,000 sf	Na
	4	25%	1.000	9,000 sf	Na
Heavy Industrial	1	15%	.850	9,000 sf	Na
	2+	18%	1.000	9,000 sf	Na

* reduction in Lot Area from 40,000 square feet to 20,000 square feet is permitted as a Conditional Use per Section 98-905 with site plan for end use of the property demonstrating full compliance with all of the requirements of the City Code.

** For permitted non-residential uses in Residential Districts, such as churches and schools.

**Section 98-306 Detailed Instructions for
Density and Intensity Regulations**

through

**Section 98-306 Detailed Instructions for
Density and Intensity Regulations****Section 98-306 Detailed Instructions for Density and Intensity Regulations****(1) Instructions for *Both* Residential and Nonresidential Development****(a) Check Planning Recommendations for the Subject Property**

1. **Check Comprehensive Plan Recommendations:** The City's *Comprehensive Plan* should be checked for implications related to the subject property, particularly the Land Use and Transportation Plan Map. (Copies of the *Comprehensive Plan* are available from the City.) From time to time, the *Comprehensive Plan* may be amended. The City's Public Work's Development should be consulted regarding changes to the Comprehensive Plan which may effect the subject property or its environs.
2. **Check Official Map Recommendations:** The City's *Official Map* should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements which may effect the subject property. The *Official Map* is on display at the City's Public Works Department. From time to time the Official Map may be amended. The City's Public Works Department should be contacted regarding changes to the Map which may effect the subject property or its environs.

- (b) **Check the Zoning of the Subject Property:** The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the City's *Official Zoning Map* (See Section 98-103), and the current zoning designation should be compared with the description of that district provided in Section 98-105. The *Official Zoning Map* is on display at the City's Public Work's Department. From time to time, the *Official Zoning Map* may be amended. The Zoning Administrator should be contacted regarding potential changes in the *Official Zoning Map* which may effect the subject property or its environs.

- (c) **Complete a Natural Resources Site Evaluation for the Site:** The effect of protected natural resources on the development potential of the subject property should be evaluated. All resources listed in Section 98-303, Required Natural Resources Site Evaluation, should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as *Required Resource Protection Area* (RPA) should be determined, as should the *Gross Site Area* (GSA) and the *Net Developable Area* (NDA) of the subject property. (Section 98-303(3) contains a worksheet to simplify these calculations.) The Zoning Administrator should be contacted if assistance is desired in completing these calculations.

(2) Instructions for Only Residential Development (For Steps (a) through (c), see (1), above.)

- (a) **Determine What Types of Dwelling Units are Permitted:** Page 1 of the Table of Land Uses (Section 98-203) should be checked to determine which types of dwelling units are permitted within the zoning district for the subject property. (Section 98-034 describes each dwelling unit types.)
- (b) **Identify the Desired Permitted Development Option:** Page 1 of the Table of Uses (Section 98-203) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Each development option is described in detail in Section 98-206(1). The selection of a particular development option may be related to the preponderance of sensitive natural resource areas on the site, or may reflect current or projected residential market conditions and the

**Section 98-306 Detailed Instructions for
Density and Intensity Regulations***through***Section 98-306 Detailed Instructions for
Density and Intensity Regulations**

dwelling unit types they call for. After the desired permitted development option is identified, Section 98-304: Residential Density Standards, should be referred to for the selected development option(s) in the zoning district(s).

- (c) **Check Minimum Site Area Requirement Against the Gross Site Area:** The required *Minimum Site Area (MSA)*, given in Section 98-304 (Residential Density Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MSA* required by the selected development option, then a different development option must be selected, or additional property should be acquired.
 - (d) **Determine Maximum Gross Density Permitted on the Site:** The *Maximum Gross Density (MGD)*, given in Section 98-304 (Residential Density Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted; and used in Step (h), below.
 - (e) **Determine the Maximum Number of Units Permitted on the Site:** The *Maximum Gross Density (MGD)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
 - (f) **Check the Minimum Permitted Lot Area Against Table 98-203:** The *Minimum Lot Area (MLA)* requirement given in Section 98-304 (Residential Density Standards), is the smallest size lot permitted within the selected development option within the selected zoning district. The *MLA* must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (d), above. If the *MLA* given in Section 98-203 is larger than the lot size requirement given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (i) using a different dwelling unit type and a different development option).
- (3) **Instructions for *Only* Nonresidential Development** (For Steps (a) through (c), see (1), above.) Section 98-305 contains a key to assist with the procedure described below.
- (a) **Determine What Types of Land Uses are Permitted:** The Table of Uses (Section 98-303) should be checked to determine which types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in Section 98-206.
 - (b) **Check Minimum Lot Area Requirement Against Gross Site Area Present on the Subject Property:** The required *Minimum Lot Area (MLA)*, given in Section 98-305 (Nonresidential Intensity Standards) for the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MLA* required by the zoning district, then additional property should be acquired. In other words, the *GSA* (from (c)) must be greater than or equal to the *MLA* (from (e)).
 - (c) **Check Minimum Landscape Surface Ratio Required Against the Required Resource Protection Area Present on the Subject Property:** The required *Landscape Surface Ratio (LSR)*, given in Section 98-305 (Nonresidential Intensity Standards) for the zoning

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district identified in (b), should be multiplied by the *Gross Site Area (GSA)* use in Step (e), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the *Required Resource Protection Area (RPA)* required on the subject property as determined under the Natural Resource Site Evaluation in step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors may have to be used in order to approach maximum development potential on the site. In other words, if the *RPA* (from (c)) is greater than the *LSR*, the use of more floors may permit the development of more floor area on the subject property.

- (d) **Determine Maximum Floor Area Ratio Permitted on the Site:** The *Maximum Floor Area Ratio (FAR)* for the zoning district identified in (b), above, should be noted. This number will be used in Step (h) below.
- (e) **Determine the Maximum Floor Area Permitted on the Site:** The *Maximum Floor Area Ratio (FAR)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum square footage of gross floor area permitted on the subject property within that zoning district. The ability to actually develop this amount of floor area is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a smaller amount of area actually fitting on the site.
- (f) **Check the Maximum Building Size Requirement (NC District):** The *Maximum Building Size (MBS)* requirement given in Section 98-305, Nonresidential Intensity Standards, is the largest size building permitted within the Neighborhood Office and Neighborhood Business Districts. The *MBS* must equal or be greater than the building size proposed for the project in Step (h), above. If the *MBS* given in Section 98-305 is smaller than the proposed building size calculated in Step (h) above, then a smaller building must be built, or the use of additional buildings should be considered.

Rationale: The combinations of *Maximum Floor Area Ratio (FAR)* and *Minimum Landscape Surface Ratio (LSR)* requirements within each zoning district are designed to result in a consistent community character of development within that district. The *Minimum Lot Area (MLA)* requirements for each zoning district are used to ensure that a consistency of neighborhood character within each zoning district is maintained and that maximum permitted *Floor Area Ratios (FARs)* are approachable, if not completely attainable, under efficient site design practices. The *Maximum Building Size (MBS)* requirements ensure that development within the Neighborhood Office and Neighborhood Business Districts retain a neighborhood function and maintains a scale which is compatible with nearby residential development.

Section 98-307 Nonconforming Development Regulations

A variance for any and all requirements of this Article is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Article, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.

Rationale: The “blanket variance” provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this

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Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.

Section 98-401 Purpose*through***Section 98-402: Residential Bulk Standards****ARTICLE IV: BULK REGULATIONS****Section 98-401 Purpose**

The purpose of this Article is to indicate the requirements for building location and bulk in both residential and nonresidential developments. The provisions of this Article interact closely with the provisions of Article III: Density and Intensity Regulations.

Section 98-402: Residential Bulk Standards

- (1) All residential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. Table 98-203 and Table 98-304 relate each use with each zoning district. Table 98-402 on the following page presents the standards for residential bulk regulations.
- (2) Rules to Distinguish a One-family Dwelling with an In-Family Suite, from a Two-family Dwelling:
 - (a) The dwelling unit shall appear as a single-family dwelling. A separate walled garage area and/or driveway is not permitted;
 - (b) A separate address is not permitted;
 - (c) Separate utility connection and/or meters are not permitted;
 - (d) A physical all-weather connection between the main living area and the in-family suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the in-family suite from the rest of the dwelling unit, but may not be locking, except that a locking door may be used for the bedroom and/or bathroom doors of this in-family suite;
 - (e) The in-family suite may contain separate kitchen, dining, bathroom, laundry, living, sleeping and recreation areas, including exterior porches, patios, and/or decks. In addition to the internal physical connection required above, separate outdoor access and/or separate access to the garage, may be provided. However, external stairs which serve as the primary access to the in-family suite are prohibited;
 - (f) The in-family suite may not be occupied by a non-family member (as defined by the State of Wisconsin One- and Two-family Dwelling Code);
 - (g) In-family suites should be considered and regulated as part of a single-family dwelling unit;
 - (h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an in-family suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with this condition shall be required.

Section 98-403 Nonresidential Bulk Standards

Section 98-402: Residential Bulk Standards *through*

Table 98-402: Summary of City of Lake Geneva Residential Bulk Standards

Zoning District	Min ¹ Lot Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Min Dwel-ling Sep-ara-tion (ft)	Max Building Height (ft)	
			Front/ Street ² (ft)	Side to Home ³ (ft)		Rear to Home ³ (ft)	Rear/ Side to accesso-ry bldg ⁴ (ft)	Pave-ment (ft) ⁶			
				Least Side	Sum of Sides						
Rural Holding	35 ac	200	35/40	50	100	100	50	5/10	100	35	15
Countryside Res-5 ⁸	5 ac	200	35/40	50	100	50	50	5/10	100	35	15
Estate Res-1	40,000	150	25/40	30	60	30	3/5	5/10	60	35	15
Single-family Res-3	15,000	100	25/40	10	20	30	3/5	5/10	20	35	15
Single-family Res-4	9,000	75	25/40	6	15	30	3/5	5/10	12	35	15
Two-family Res-6	9,000	75	25/40	0/6 ¹⁰	0/15 ¹⁰	30	3/5	5/10	0/12 ¹⁰	35	15
Multi-family Res-8 ⁶	4,500/du ₆	100 ⁶	25/40	0/10 ^{6,10}	0/20 ^{6,10,11}	30	3/5	5/10	0/20 ^{6,10}	35 ⁹	15
Neighborhood Office	9,000	75	25/40	6	15	30	3/5	5/10	12	35 ⁹	15
Planned Office ⁷	20,000	100	25/40	10	20	30	3/5	5/10	20	35 ⁹	15
Neighb Busi.	9,000	75	25/40	6	15	30	3/5	5/10	12	35 ⁹	15
Planned Busi. ⁷	20,000	100	25/40	10	20	30	3/5	5/10	20	35 ⁹	15
General Business ⁷	9,000	75	25/40	6	12	30	3/5	5/10	12	35 ⁹	15
Central Business ⁷	9,000	75	25/40	6	12	30	3/5	5/10	12	35 ⁹	15
Planned Business Park											

¹ Measured from existing or officially mapped right-of-way line, whichever is farthest from the center line of the street.

² For street with said right-of-way equal to or greater than 100 feet, 40 feet of setback is required.

³ Additional setbacks may be required along zoning district boundaries. See Section 98-610.

⁴ Accessory buildings shall be 3 feet from the property line 5 feet from an alley.

⁵ Minimum of 5 feet from a side or rear yard (or additional per 98-610), minimum of 10 feet from a public street

⁶ For single-family and two-family homes see Two-family-6 District.

⁷ Refers to bulk requirements for institutional residential developments in nonresidential zoning districts.

⁸ For cluster residential development, see bulk regulations for the ER-1 District.

⁹ Institutional residential buildings in excess of two stories are allowed with a conditional use permit.

¹⁰ Zero feet where property line divides attached buildings.

¹¹ 20 feet for townhouse on the interior of row, 30 feet for townhouse on the end of row.

Section 98-403 Nonresidential Bulk Standards *through* Section 98-404 Yard Setback Adjustments

Section 98-403 Nonresidential Bulk Standards

All nonresidential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. Table 98-203 and Table 98-305 relate each use with each zoning district. The following table, 98-403, presents the standards for nonresidential bulk regulations.

TABLE 98-403: CITY OF LAKE GENEVA NONRESIDENTIAL BULK STANDARDS										
ZONING DISTRICT ↓	MIN LOT AREA (sq ft)	MIN LOT WIDTH (ft)	MINIMUM SETBACKS						MIN BLDG SEPARA- TION (ft)	MAX BLDG HEIGHT (ft)
			FRONT/ STREET (ft)	SIDE FROM		REAR (ft)	SIDE/ REAR FROM ACC (ft)	PAVE- MENT (ft)		
				RES (ft)	NON- RES (ft)					
Rural Holding ¹	40,000 ²	100	35/40	50	50	50	50	5/10 ⁶	100	35
Countryside Res-5ac ¹	40,000 ²	100	25/40	30	30	30	3/5 ⁵	5/10 ⁶	60	35
Estate Residential-1 ¹	40,000 ²	100	25/40	30	30	30	3/5 ⁵	5/10 ⁶	60	35
Single-family Res-3 ¹	40,000 ²	100	25/40	10	10	30	3/5 ⁵	5/10 ⁶	20	35
Single-family Res-4 ¹	40,000 ²	100	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Two-family Res-6 ¹	40,000 ²	100	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Multi-family Res-8 ¹	40,000 ²	100	25/40	10	10	30	3/5 ⁵	5/10 ⁶	20	35
Neighborhood Office	9,000	75	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Planned Office	20,000	100	25/40	10	0/10 ⁴	30	3/5 ⁵	5/10 ⁶	0/20 ⁴	45
Neighborhood Business	9,000	75	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Planned Business	20,000	100	25/40	10	0/10 ⁴	30	3/5 ⁵	5/10 ⁶	0/20 ⁴	45
General Business	9,000	75	25/40	6	0/10 ⁴	25	3/5 ⁵	5/10 ⁶	12, 0/20 ⁴	35
Central Business	1,750	20	Maximum setback of 0 feet or block average, except per Plan Comm. as a component of site design. Side yard is 10 feet from residential.			10	3/5 ⁵	0 ⁶	Max = 0 except per Plan Comm.	45; Min = 20 except per Plan Comm.
Planned Industrial	40,000 ²	200 ³	25/40	30	15	30	3/5 ⁵	5/10 ⁶	30	35
General Industrial	9,000	75	25/40	50	20	30	3/5 ⁵	5/10 ⁶	40	35
Heavy Industrial	9,000	100	25/40	50	20	40	3/5 ⁵	5/10 ⁶	40	45
Planned Business Park										

¹Bulk requirements for institutional uses, such as churches and schools, in agricultural and residential districts.

²May be reduced to 20,000 square feet with a conditional use permit.

³May be reduced to 100 feet with a conditional use permit.

⁴Zero feet where property line divides attached buildings.

⁵Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.

⁶5 feet from side and rear lot lines, except where modified along district boundary by required bufferyard; see Section 98-610.
10 feet from front or street line.

Section 98-404 Yard Setback Adjustments*through***Section 98-405 Intrusions into Required Yards****Section 98-404 Yard Setback Adjustments****(1) Front Yard Setback Adjustment**

- (a) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, 40 feet of setback is required to address anticipated future conditions of noise and air quality.
- (b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 50 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all the adjoining same type principal structures on said block face or street face.
- (c) In order to preserve and maintain the character of established neighborhoods within the City of Lake Geneva, which are typified by front yard setbacks substantially in excess of the minimum required front yard setback, the following regulation shall apply. On block faces with an average front yard setback more than five feet over the minimum required front yard setback shall be increased to the average of the adjoining same type principal structures on said block face or street face.

Section 98-405 Intrusions into Required Yards

The minimum setback requirements of Sections 98-402 and 98-403 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per Section 98-610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.

(4) Permitted Intrusions Into Required Yards:

The following intrusions by buildings and structures are permitted into the specified required yards:

(a) Permitted Intrusions Into Required Front or Street Yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of section 98-707 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.

Section 98-406 Exceptions to Maximum Height Regulations*through***Section 98-407 Substandard Lot Regulations**

4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 98-720(3).

(b) Permitted Intrusions Into Required Rear or Side Yards:

1. Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 98-720.
3. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.

(c) Permitted Intrusions Into Required Rear Yards:

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line.

(5) All Front Yard and Street Yard Areas:

With the exception of fences, or as provided on lakeshore lots under section 98-409, no accessory structures shall be permitted within any portion of a front yard or street yard. (Ord. No. 04-04 1/26/04)

Section 98-406 Exceptions to Maximum Height Regulations**(1) Permitted Exceptions to Maximum Height Regulations**

- (a) The maximum height regulations listed for residential uses and residential accessory structures in Section 98-402, and for nonresidential uses and nonresidential accessory structures in Section 98-403, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.
- (b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.
- (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.

Section 98-407 Substandard Lot Regulations

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of Section 98-304 or the Minimum Lot Area requirements of Section 98-305 or which does not meet the lot dimension requirements of Sections 98-402 or 98-403.
- (2) A lot of record existing upon the effective date of this Chapter in a Residential District (see Section 98-102), which does not meet the Minimum Zoning District Area of Section 98-304 or the Minimum Lot Area (MLA) requirements of Section 98-305, or which does not meet the lot

Section 98-408 Nonconforming Structure and Building Regulations*through***Section 98-408 Nonconforming Structure and Building Regulations**

dimension requirements of Sections 98-402 or 98-403 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

- (3) Existing legal lots of record that are now substandard that are zoned ER-1 and contain less than one acre in size, shall be considered as legal substandard lots. For new dwellings or building additions on such lots, a Conditional Use Permit may be sought to enable the granting of permission to use the lot width, lot frontage, lot area and setback requirements of the SR-4 District. (Section 98-905 for Conditional Use procedures). For this particular type of Conditional Use Permit request, a fee of \$100.00 shall be imposed. (Ord. No. 98-1 2/9/98)

Section 98-408 Nonconforming Structure and Building Regulations

- (1) Any structure or building 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 hereafter specified.
- (2) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (3) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.
- (4) Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by Council).
- (5) Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.
- (6) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.
- (7) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
- (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
 - (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).

**Section 98-409 Lakeshore Lots (Ord. No. 04-04
1/26/04)****Section 98-409 Lakeshore Lots (Ord. No. 04-04
1/26/04)**
through

- (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
- (8) Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter for single- and two-family construction and within 365 calendar days of the effective date of this Chapter for all other development, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.
- (9) A variance for any and all requirements of this Article is hereby automatically granted to all legal nonconforming residential dwellings, and to all structures fronting onto either Broad Street or onto Williams Street between Geneva Street and George Street, in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. (Ord. No. 99-3 3/8/99)

Rationale: The "blanket variance" provision of (9), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Lake Geneva which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (9), above, ensure that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

Section 98-409 Lakeshore Lots (Ord. No. 04-04 1/26/04)

- (1) New development on lakeshore lots shall comply with the requirements of the Lakeshore Overlay Zoning District, Section 98-505
- (2) With the exception of fences, which are permitted per the requirements of Section 98-720, any new accessory structure proposed to be located, in whole or in part, closer to the lakeshore than the principal structure on the lot may only be approved through the Conditional Use process, Section 98-905.
- (3) With the exception of fences, which are permitted per the requirements of Section 98-720, no new accessory structure may be located, in whole or in part, within the required front yard or street yard setback for the principal structure on the lot, as required in Section 98-402 for residential uses, or Section 98-403 for non-residential uses, except as approved through the Conditional Use process, Section 98-905.
- (4) Accessory structures existing prior to the adoption date of this Section, may be maintain in their original location and configuration, as legal, nonconforming structures.

Section 98-501 Purpose*through***Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts****ARTICLE V: NATURAL RESOURCE PROTECTION REGULATIONS****Section 98-501 Purpose**

The purpose of this Article is to set forth the requirements for the mandatory protection of natural resources and permanently protected green space areas within the jurisdiction of this Chapter (see Section 98-009). The provisions of this Article interact closely with the provisions of Section 98-204 (Uses Permitted in Other Permanently Protected Green Space Areas), Subsection 98-206(10) (Natural Resource Disruption and Required Mitigation Standards), Section 98-303 (Required Natural Resources Site Evaluation), and Sections 98-304 and 98-305 which provide residential and nonresidential development standards. Section 98-306 provides a complete overview of the interrelationship between the above-listed Sections. In part, the provisions of this Article are designed to ensure the implementation of the City of Lake Geneva Comprehensive Master Plan, the environmental protection element of the Southeastern Wisconsin Regional Planning Commission's (SEWRPC's) Environmental Corridor Protection Program, and State of Wisconsin Statutes 62.231 and 87.30.

Section 98-502 How to Use this Article

This Article contains the standards which govern the protection, disturbance, and mitigation of disruption of all natural resource and other permanently protected green space areas. The provisions of this Article are intended to supplement those of the City of Lake Geneva, Walworth County, the State of Wisconsin, and the Federal Government of the United States which pertain to natural resource protection. Prior to using the provisions of this Article to determine the permitted disruption of such areas, the requirements provided below should be reviewed. This Article recognizes the important and diverse benefits which natural resource features provide in terms of protecting the health, safety, and general welfare of the community. Each of the following sections is oriented to each natural resource type, and is designed to accomplish several objectives:

- (1) First, a definition of the natural resource is provided.
- (2) Second, the specific purposes of the protective regulations governing each natural resource type are provided.
- (3) Third, the required method of identifying and determining the boundaries of the natural resource area is given.
- (4) Fourth, mandatory protection requirements are identified.

NOTE: Protection requirements for specific land uses and natural resource types designed to minimize disruption of natural resource functions are presented in Subsection 98-206(10).

**Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts***through***Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts****Section 98-503 Floodway, Floodfringe, and Floodplain Overlay Zoning Districts****(1) General Standards Applicable to all Floodplain Districts**

- (a) No development, except as provided in (b), below, shall be allowed in a floodplain areas which will:
 - 1. Cause an obstruction to flow, defined as any development which physically blocks conveyance of floodwaters by itself or in conjunction with future similar development causing an increase in regional flood height; or
 - 2. Cause an increase in regional flood height due to floodplain storage area lost which is equal or exceeding 0.01 foot.
- (b) Obstructions or increase equal or greater than 0.01 foot may only be permitted if amendments are made to this ordinance, the official floodplain zoning maps, including floodway lines and water surface profiles, in accordance with Section 98-903, and only if the total cumulative effect of the proposed development will not increase the height of the regional flood more than 1.0 foot for the affected hydraulic reach of the stream unless a waiver is secured from the Federal Emergency Management Agency (FEMA) for the 1.0 foot maximum increase.
- (c) The Zoning Administrator shall deny permits where it is determined the proposed development will cause an obstruction to flow increase in regional flood height of 0.01 foot or greater.

- (2) Floodway Overlay Zoning District (FW):** This District is intended to be used to protect people and property from flood damage by prohibiting the erection of structures that would impede the flow of water during periodic flooding. Permitting such use of the floodway would increase damages in the broader floodplain by increasing flood stages. In delineating the FW District, the effects of development within the associated flood fringe shall be computed. No increase in flood stages shall be permitted that is equal to or greater than 0.01 foot unless the City of Lake Geneva has made notification to all affected units of government and made appropriate legal arrangements with all property owners affected by the stage increase, and until all such affected units of government have amended their water surface profiles and floodland zoning maps to reflect the increased flood elevations. No floodway district changes shall be permitted where the cumulative effect of changes increase flood stages by more than 1.0 foot, unless a waiver is obtained from the Federal Emergency Management Agency. In addition to floodways delineated by detailed engineering studies, all "unnumbered A zones" shall be placed in the FW district.

(a) Permitted Uses in the FW District

- 1. Drainage and movement of water.
- 2. Navigation.
- 3. Stream Bank Protection.
- 4. Water Measurement and Control Facilities.
- 5. Any of the following uses are permitted provided that they are permitted uses in the underlying base use district, and further provided that such use shall not involve the erecting or placing of a structure.
 - a. Grazing.

**Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts**
through
**Section 98-503 Floodway, Floodfringe, and
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- b. Horticulture.
- c. Open Parking and Loading Areas provided that such uses shall not be subject to inundation depths greater than two (2) feet or flood velocities greater than two (2) feet per second.
- d. Open Markets.
- e. Open Recreational Uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.
- f. Outdoor Plant Nurseries.
- g. Pasturing.
- h. Sod Farms.
- i. Truck Farming.
- j. Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.
- k. Viticulture (grape growing).
- l. Wildlife Preserves.

(b) Conditional Uses in the FW District

1. Open space and related uses for the following uses provided that the applicant shows that such use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed to the flood protection elevation and constructed so as not to catch or collect debris nor be damaged by floodwaters. All structures shall not be for human habitation. All floodproofed structures shall be securely anchored to protect them from larger floods. All structures shall have a low flood damage potential. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood. All service facilities shall be elevated to the flood protection elevation. the only structures allowed are those associated with a permitted open space use, or are functionally de-pendent on a waterfront location, or are classified as historic structures.
 - a. Navigational structures.
 - b. Public water measuring and control facilities.
 - c. Bridges and approaches.
 - d. Marinas.
 - e. Filling as authorized by the Wisconsin DNR to permit establishment of approved bulkhead lines.
 - f. Other open space uses consistent with the purpose and intent of the district and compatible with uses in adjacent districts, not including structures.
2. Accessory structures provided that all structures, when permitted, are not designed for human occupation, have a low flood damage potential, are constricted and placed to

**Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts***through***Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts**

- cause an increase of less than 0.01 foot in height and provide minimum obstruction to flood flows (whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the regional flood. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood.
- (c) **Structures Designed for Human Habitation Prohibited.** Lands lying with the floodway overlay district shall not be used for structures designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses.
 - (d) **Dumping and Filling Prohibited.** Lands lying within the floodway overlay district shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.
 - (e) **Dangerous Materials Storage Prohibited.** Lands lying within the floodway overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human, animal, or plant, fish or other aquatic life.
 - (f) **Incompatible Use Prohibited.** Lands lying within the floodway overlay district shall not be used for any solid or hazardous waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodway district.
 - (g) **Maintenance of Drainageways.** No development in the floodway overlay district shall adversely effect the channels, floodways, or shorelands of Lake Geneva, White River, Lake Como, Como Creek, Nippersink Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodlands.
 - (h) **Mobile Homes Prohibited.** No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FW floodway overlay district.
 - (i) **Annexations Containing Floodlands.** These shall be governed by the provisions of the Walworth County Floodplain Zoning Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Lake Geneva Zoning Ordinance meet the requirements of Subchapter NR 116 of the Wisconsin Administrative Code.
 - (j) **Notice to DNR, when required.** The Plan Commission shall transmit a copy of each application for a conditional use permit in the FW, FP, and FF floodland districts, and the shoreland portion of the shoreland-wetland overlay district to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the floodland districts and the shoreland portion of the shoreland-wetland overlay district shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

**Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts***through***Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts**

- (k) **Floodland District Boundary.** See Section 98-107.
- (l) **Floodland District Boundary Changes Limited.** See Section 98-903(9).
- (m) **Notice of Variance Application to the DNR.** See Section 98-910(9).
- (n) **Mapping Disputes.** See Section 98-934(8).
- (3) **Floodplain Overlay Zoning District (FP):** This District is intended to preserve essentially open space and natural uses lands which are unsuitable for intensive urban development purposes due to poor natural soil conditions and periodic flood inundations. The proper regulation of these areas will serve to maintain and improve water quality, prevent flood damage, protect wildlife habitat, and prohibit the location of structures on soils which are generally not suitable for such use. In delineating the FP district, considerations shall be given to the maintenance of flood storage capacity and preventing significant increases in the flood discharges identified in the City's Flood Insurance Study.
 - (a) **Permitted Uses in the FP District**
 - 1. Drainage and movement of water
 - 2. Navigation
 - 3. Stream Bank Protection
 - 4. Water Measurement and Control Facilities
 - 5. Any of the following uses are permitted provided that they are permitted uses in the underlying base use district, and further provided that such use shall not involve the erecting or placing of a structure.
 - a. Grazing.
 - b. Horticulture.
 - c. Open Parking and Loading Areas provided that such uses shall not be subject to inundation depths greater than two (2) feet or flood greater than two (2) feet per second.
 - d. Open Markets.
 - e. Open recreational Uses, such as parks, sport fields, beaches, bathing, hunting, fishing, rinks, golf courses, and driving ranges.
 - f. Outdoor Plant Nurseries.
 - g. Pasturing.
 - h. Sod Farms.
 - i. Truck Farming.
 - j. Utility poles, towers, and underground conduit for transmitting electricity, telephone, cable television, natural gas, and similar products and services.
 - k. Viticulture (grape growing).
 - l. Wildlife Preserves.

**Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts***through***Section 98-503 Floodway, Floodfringe, and
Floodplain Overlay Zoning Districts****(b) Conditional Uses in the FP District**

1. Open space and related uses for the following uses provided that the applicant shows that such use or improvement will not impede drainage, will not cause ponding, will not obstruct the floodway, will not increase flood flow velocities, will not increase the flood stage, and will not retard the movement of floodwaters. When permitted, all structures shall be floodproofed to the flood protection elevation and constructed so as not to catch or collect debris nor be damaged by floodwaters. All structures shall not be for human habitation. All floodproofed structures shall be securely anchored to protect them from larger floods. All structures shall have a low flood damage potential. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood. All service facilities shall be elevated to the flood protection elevation. the only structures allowed are those associated with a permitted open space use, or are functionally de-pendent on a waterfront location, or are classified as historic structures.
 - a. Navigational structures.
 - b. Public water measuring and control facilities.
 - c. Bridges and approaches.
 - d. Marinas.
 - e. Filling as authorized by the Wisconsin Department of Natural Resources to permit the establishment of approved bulkhead lines.
 - f. Other open space uses consistent with the purpose and intent of the district and consistent with uses in adjacent districts, not including structures.
2. Accessory structures provided that all structures, when permitted, are not designed for human occupancy, have a low flood damage potential, are constructed and placed to cause an increase of less than 0.01 foot in height and provide minimum obstruction to flood flow (whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two (2) feet above the regional flood. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood.

(c) **Structures Designed for Human Habitation Prohibited.** Lands lying with the floodway overlay district shall not be used for structures designed for human habitation, associated with high flood damage potential, or not associated with permanent open-space uses.

(d) **Dumping and Filling Prohibited.** Lands lying within the floodway overlay district shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.

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Floodplain Overlay Zoning Districts***through***Section 98-503 Floodway, Floodfringe, and
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- (e) **Dangerous Materials Storage Prohibited.** Lands lying within the floodway overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human, animal, or plant, fish or other aquatic life.
- (f) **Incompatible Use Prohibited.** Lands lying within the floodway overlay district shall not be used for any solid or hazardous waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodway district.
- (g) **Maintenance of Drainageways.** No development in the floodway overlay district shall adversely effect the channels, floodways, or shorelands of Lake Geneva, White River, Lake Como, Como Creek, Nippersink Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodlands.
- (h) **Mobile Homes Prohibited.** No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FW floodway overlay district.
- (i) **Annexations Containing Floodlands.** These shall be governed by the provisions of the Walworth County Floodplain Zoning Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Lake Geneva Zoning Ordinance meet the requirements of Subchapter NR 116 of the Wisconsin Administrative Code.
- (j) **Notice to DNR, when required.** The Plan Commission shall transmit a copy of each application for a conditional use permit in the FW, FP, and FF floodland districts, and the shoreland portion of the shoreland-wetland overlay district to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the floodland districts and the shoreland portion of the shoreland-wetland overlay district shall be transmitted to the DNR within ten (10) days of the effective date of such decision.
- (k) **Floodland District Boundary.** See Section 98-107.
- (l) **Floodland District Boundary Changes Limited.** See Section 98-903(9).
- (m) **Notice of Variance Application to the DNR.** See Section 98-910(9).
- (n) **Mapping Disputes.** See Section 98-934(8).
- (4) **Floodfringe Overlay Zoning District (FF):** This District is intended to provide for and encourage the most appropriate use of land and water in areas subject to periodic flooding and to minimize flood damage to people and property.
 - (a) **Permitted Uses in the FF District**
 - 1. Any use of land, except development involving structures, that is permitted in the underlying base use district. Examples of such use would be croplands in an agricultural district; required yards in a residential district; or parking or loading areas in a commercial or industrial district, provided that inundation depths for parking and loading areas do not exceed two feet or that they are not subject to flood velocities greater than two feet per second upon the occurrence of a regional flood.
 - (b) **Conditional Uses in the FF District**

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1. Residential and commercial structures, provided that the structure is permitted in the underlying base use district, and provided that such floodplain fringe areas shall be filled to an elevation at least two feet above the elevation of the regional flood. Such fill shall extend for at least 15 feet beyond the limits of the structure placed thereon. The finished surface of the lowest floor (excluding basement or crawlway) shall be constructed or placed at an elevation that is at least two feet above the elevation of the regional flood. Basement or crawlway floors may be placed at the regional flood elevation provided that the basement or crawlway is floodproofed to the flood protection elevation. All structures shall be provided with dryland access to lands outside the floodplain. Where existing streets or sewer lines are at elevations which make dryland access impractical, the City may permit development where access roads are at or below the regional flood stage, provided that the City has written assurance from appropriate police and fire departments, and emergency service agencies, that rescue and relief service will be provided to properties in the area by wheeled vehicles during a flood event--or--the City has an adopted natural disaster plan concurred in by the Wisconsin Division of Emergency Government and approved by the Wisconsin DNR. Residential, or commercial structure placed on fill may be removed from the FF District provided that the fill is contiguous to lands lying outside of the floodlands, and further provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in this Code.
2. Industrial Structures provided that the structure is permitted in the underlying district and the fill requirements and dryland access requirements for residential structures in the FF District are complied with. However, when the intent and purpose of this Ordinance cannot be fulfilled by filling the floodplain fringe due to existing and committed development, and when the Common Council, upon recommendation of the City Plan Commission, has made a finding to this effect, all new structures and additions to existing structures in the FF District shall be floodproofed to a point two feet above the elevation of the regional flood. All floodproofed structures shall be securely anchored to protect them from larger floods. Certification of floodproofing shall be made to the Zoning Administrator and consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood level for the particular stream reach, structures placed on fill may be removed from the FF District provided that the fill is contiguous to lands lying outside of the floodlands, and provided that the property owner, or his agent, has complied with all the requirements for amending the zoning map as see forth in this Code.
3. Accessory structures provided that all structures, when permitted, are not designed for human occupancy, have a low flood damage potential, are constructed and placed to provide minimum obstruction to flood flows (whenever possible, accessory structures shall be placed with their longitudinal axis parallel to the flow of floodwaters), are firmly anchored to prevent them from floating away and restricting bridge openings, and have all service facilities (such as electrical and heating equipment) at an elevation at least two feet above the regional flood. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood.

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4. Municipal water supply and sanitary sewerage systems provided the system is floodproofed to an elevation of at least two feet above the regional flood elevation, and is designed to eliminate or minimize infiltration of floodwaters into the system. All floodproofed utilities shall be anchored to prevent flotation. Certification of floodproofing shall be made to the Zoning Administrator and shall consist of a plan or document certified by a registered professional engineer that floodproofing measures are consistent with the flood velocities, forces, depths, and other factors associated with the regional flood level for the particular stream reach.
 5. Filling to remove lands from the FF District provided that such fill shall be to an elevation at least two feet above the elevation of the regional flood and further provided that such lands are contiguous to lands lying outside of the floodlands. No such FF District shall be removed from the Supplementary Floodland Zoning Map until the filling is complete and until the property owner, or his agent, has complied with all the requirements for amending the zoning map as set forth in this Code.
- (c) **Dumping and Filling Prohibited.** Lands lying within the floodway overlay district shall not be used for dumping or be filled except as authorized to permit establishment of approved bulkhead lines or to accommodate bridge approaches. Normal earth grading activities to permit utilization of the lands for open space, outdoor recreation, yard, parking, and similar uses are permitted.
- (d) **Dangerous Materials Storage Prohibited.** Lands lying within the floodway overlay district shall not be used for the storage of materials that are buoyant, flammable, explosive, or injurious to property, water quality, human, animal, or plant, fish or other aquatic life.
- (e) **Incompatible Use Prohibited.** Lands lying within the floodway overlay district shall not be used for any solid or hazardous waste disposal site or onsite soil absorption sanitary sewerage system site, or the construction of any well which is used to obtain water for ultimate human consumption. Sewage treatment plants and treatment ponds shall not be constructed in the floodway district.
- (f) **Maintenance of Drainageways.** No development in the floodway overlay district shall adversely effect the channels, floodways, or shorelands of Lake Geneva, White River, Lake Como, Como Creek, Nippersink Creek, any tributary thereto, drainage ditches, or other lands lying outside the floodlands.
- (g) **Mobile Homes Prohibited.** No mobile home, mobile home park, or trailer camp shall be placed or moved onto lands lying in the FW floodway overlay district.
- (h) **Annexations Containing Floodlands.** These shall be governed by the provisions of the Walworth County Floodplain Zoning Ordinance until such time that the Wisconsin Department of Natural Resources (DNR) certifies that amendments to the City of Lake Geneva Zoning Ordinance meet the requirements of Subchapter NR 116 of the Wisconsin Administrative Code.
- (i) **Notice to DNR, when required.** The Plan Commission shall transmit a copy of each application for a conditional use permit in the FW, FP, and FF floodland districts, and the shoreland portion of the shoreland-wetland overlay district to the Wisconsin Department of Natural Resources (DNR) for review and comment at least ten (10) days prior to the public hearing. Final action on the application shall not be taken for thirty (30) days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions granting conditional uses in the floodland districts and the shoreland portion of the

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shoreland-wetland overlay district shall be transmitted to the DNR within ten (10) days of the effective date of such decision.

- (j) **Floodland District Boundary.** See Section 98-107.
- (k) **Floodland District Boundary Changes Limited.** See Section 98-903(9).
- (l) **Notice of Variance Application to the DNR.** See Section 98-910(9).
- (m) **Mapping Disputes.** See Section 98-934(8).

Section 98-504 Shoreland-Wetland Overlay Zoning District
(1) Statutory Authorization, Findings of Fact, and Statement of Purpose:

- (a) **Statutory Authorization:** This Section is adopted pursuant to the authorization in Sections 62.23, 62.231, 87.30 and 144.26, Wisconsin Statutes.
- (b) **Finding of Fact and Purpose:** Uncontrolled use of the shoreland-wetlands and pollution of the navigable waters of the City would adversely affect the public health, safety, convenience and general welfare and impair the tax base. The legislature of Wisconsin has delegated responsibility to all municipalities to:
 1. Promote the public health, safety, convenience and general welfare.
 2. Maintain the storm and floodwater storage capacity of wetlands.
 3. Prevent and control water pollution by preserving wetlands which filter or store sediments, nutrients, heavy metals or organic compounds that would otherwise drain into navigable waters.
 4. Protect fish, their spawning grounds, other aquatic life and wildlife by preserving wetlands and other aquatic habitat.
 5. Prohibit certain uses detrimental to the shoreland-wetland area.
 6. Preserve shore cover and natural beauty by restricting the removal of natural shoreland cover and controlling shoreland-wetland excavation, filling and other earth moving activities.

(2) General Provisions

- (a) **Compliance:** The use of wetlands and the alteration of wetlands within the shoreland area of the City shall be in full compliance with the terms of this Section and other applicable local, State or federal regulations. However, see Subsection (5) for standards applicable to nonconforming uses. All permitted development shall require the issuance of a zoning permit, unless otherwise expressly excluded by a provision of this Section.
- (b) **Municipalities and State Agencies Regulated:** Unless specifically exempted by law, all cities, villages, towns and counties are required to comply with this Section and obtain all necessary permits. State agencies are required to comply if Section 13.48(13), Wisconsin Statutes, applies. The construction, reconstruction, maintenance and repair of State highways and bridges by the Wisconsin Department of Transportation are exempt when Section 30.12(4)(a), Wisconsin Statutes, applies.
- (c) **Abrogation and Greater Restrictions:**
 1. This Section supersedes all the provisions of any City zoning ordinance enacted under Section 62.23 or Section 87.30, Wisconsin Statutes, which relate to floodplains and

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shoreland-wetlands, except that where another City zoning ordinance is more restrictive than this Section, that ordinance shall continue in full force and effect to the extent of the greater restrictions, but not otherwise.

2. This Section is not intended to repeal, abrogate or impair any existing deed restrictions, covenants or easements. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail.

(d) **Interpretation:** In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by the Wisconsin Statutes. Where a provision of this Section is required by a standard in Chapter NR 117, Wisconsin Administrative Code, and where the Section provision is unclear, the provision shall be interpreted in light of Chapter NR 117 standards in effect on the date of the adoption of this Section or in effect on the date of the most recent text amendment to this Section.

(e) **Severability:** Should any portion of this Section be declared invalid or unconstitutional by a court of competent jurisdiction, the remainder of this Section shall not be affected.

(f) **Annexed Areas:** The Walworth County shoreland zoning provisions in effect on the date of annexation remain in effect administered by the City after May 7, 1982. These annexed lands are described on the City's official zoning map. The Walworth County shoreland zoning provision are incorporated by reference for the purpose of administering this Section and are on file in the office of the City Zoning Administrator.

(3) **Definitions:**

(a) For the purpose of administering and enforcing this Section, the terms or words used herein shall be interpreted as follows: Words used in the present tense include the future; words in the singular number include the plural number; words in the plural number include the singular number. The word "shall" is mandatory, not permissive. All distances, unless otherwise specified, shall be measured horizontally.

(b) The following terms used in this Section have the meanings indicated:

1. Accessory Structure or Use. A detached subordinate structure or a use which is clearly incidental to and customarily found in connection with the principle structure or use to which it is related and which is located on the same lot as that of the principle structure or use.
2. Boathouse. (Am. MSC '90) As defined in Section 30.01(1d), Wisconsin Statutes, means a structure used for the storage of watercraft and associated materials which has one or more walls or sides.
3. Class 2 Public Notice. Publication of a public hearing notice under Chapter 985, Wisconsin Statutes, in a newspaper of circulation in the affected area. Publication is required on 2 consecutive weeks, the last at least 7 days prior to hearing.
4. Conditional Use. A use which is permitted by this Section, provided that certain conditions specified in this Section are met and that a permit is granted by the City Council.
5. Department. The Wisconsin Department of Natural Resources.

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6. Development. Any man-made change to improved or unimproved real estate including, but not limited to, the construction of buildings, structures or accessory structures; the construction of additions or substantial alterations to buildings, structures or accessory structures; the placement of buildings or structures; ditching, lagooning, dredging, filling, grading, paving, excavation or drilling operations; and the deposition or extraction of earthen materials.
7. Drainage System. One or more artificial ditches, tile drains or similar devices which collect surface runoff or groundwater and convey it to a point of discharge.
8. Environmental Control Facility. Any facility, temporary or permanent, which is reasonably expected to abate, reduce or aid in the prevention, measurement, control or monitoring of noise, air or water pollutants, solid waste and thermal pollution, radiation or other pollutants, including facilities installed principally to supplement or to replace existing property or equipment not meeting or allegedly not meeting acceptable pollution control standards or which are to be supplemented or replaced by other pollution control facilities.
9. Fixed Houseboat. (Am. MSC '91) As defined in Section 30.01(1r), Wisconsin Statutes, means a structure not actually used for navigation which extends beyond the ordinary high watermark of a navigable waterway and is retained in place, either by cables to the shoreline or by anchors or spudpoles attached to the bed of the waterway.
10. Navigable Waters.
 - a. Lake Superior, Lake Michigan, all natural inland lakes within Wisconsin and all streams, ponds, sloughs, flowages and other waters within the territorial limits of this State, including the Wisconsin portion of boundary waters, which are navigable under the laws of this State. Under Section 144.26(2)(d), Wisconsin Statutes, notwithstanding any other provision of law or administrative rule promulgated thereunder, shoreland ordinances required under Section 62.231, Wisconsin Statutes, and Chapter NR 117, Wisconsin Administrative Code, do not apply to lands adjacent to farm drainage ditches if:
 - i. Such lands are not adjacent to a natural navigable stream or river.
 - ii. Those parts of such drainage ditches adjacent to such lands were not navigable streams before ditching.
 - iii. Such lands are maintained in nonstructural agricultural use.
 - b. Wisconsin's Supreme Court has declared navigable bodies of water that have a bed differentiated from adjacent uplands and levels or flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis [Muench v. Public Service, 261 Wis. 492 (1952), and DeGaynor and Co., Inc., v. Department of Natural Resources, 70 Wis. 2d 936 (1975)]. For example, a stream which is navigable by skiff or canoe during normal spring high water is navigable, in fact, under the laws of this State though it may be dry during other seasons.
11. Ordinary High Watermark. The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark, such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristic.

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12. Planning Agency. The municipal plan commission created under Section 62.23(1), Wisconsin Statutes, a board of public land commissioners or a committee of the municipality's governing body which acts on matters pertaining to planning and zoning.
13. Shorelands. Lands within the following distances from the ordinary high watermark of navigable waters: 1,000' from a lake, pond or flowage and 300' from a river or stream or to the landward side of the floodplain, whichever distance is greater.
14. Shoreland-Wetland District. The zoning district created in the Section, comprised of shorelands that are designated as wetlands on the wetland inventory maps which have been adopted and made a part of this Section.
15. Unnecessary Hardship. That circumstance where special conditions, which were not self-created, affect a particular property and make strict conformity with restrictions governing area, setbacks, frontage height or density unnecessarily burdensome or unreasonable in light of the purposes of this Section.
16. Variance. An authorization granted by the Board of Appeals to construct or alter a building or structure in a manner that deviates from the dimensional standards of this Section.
17. Wetlands. Those areas where water is at, near or above the land surface long enough to support aquatic or hydrophytic vegetation and which have soils indicative of wet conditions.
18. Wetland Alteration. Any filling flooding, draining, dredging, ditching, tiling, excavating, temporary water level stabilization measures or dike and dam construction in a wetland area.

(4) Shoreland-Wetland Zoning District C-2:

- (a) **Shoreland-Wetland Zoning Maps:** The following maps are hereby adopted and made part of this Section and are on file in the office of the City Clerk:
 1. Wisconsin wetland inventory maps, stamped "final" on December 11, 1986 and "final revised" March 27, 1987.
 2. Floodplain zoning maps titled "Firm" (Flood Insurance Rate Map) and dated December 1, 1982.
 3. United States Geological Survey maps dated 1976.
 4. Zoning map titled "City of Lake Geneva Zoning Map" and dated August 22, 1983.

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Zoning District****(b) District Boundaries:**

1. The Shoreland-Wetland Zoning District includes all wetlands in the City shown on the final wetland inventory map that has been adopted and made part of this Section and which are:
 - a. Within 1,000' of the ordinary high watermark of navigable lakes, pond, flowages. Lakes, ponds or flowages in the City shall be presumed to be navigable if they are shown on the United States Geological Survey quadrangle maps or other zoning base maps which have been incorporated by reference and made a part of this Section.
 - b. Within 300' of the ordinary high watermark of navigable rivers or streams or to the landward side of the floodplain whichever distance is greater. Rivers and streams shall be presumed to be navigable if they are designated as either continuous or intermittent waterways on the United States Geological Survey quadrangle maps or other base maps which have been incorporated by reference and made a part of this Section. Floodplain zoning maps adopted in subsection (4)(a)2. shall be used to determine the extent of floodplain areas.
2. Determinations of navigability and ordinary high water location shall initially be made by the Zoning Administrator. When questions arise, the Zoning Administrator shall contact the appropriate district office of the Department for a final determination of navigability or ordinary high watermark.
3. When an apparent discrepancy exists between the Shoreland-Wetland District boundary shown on the official zoning maps and actual field conditions at the time the maps were adopted, the Zoning Administrator shall contact the appropriate district office of the Department to determine if the Shoreland-Wetland District boundary as mapped is in error. If Department staff concur with the Zoning Administrator that a particular area was incorrectly mapped as a wetland, the Zoning Administrator shall have the authority to immediately grant or deny a zoning permit in accordance with the regulations applicable to the correct zoning district. In order to correct wetland mapping errors or acknowledge exempted wetlands designated in subsections 4. and 5. below, the Zoning Administrator shall be responsible for initiating a map amendment within a reasonable period.
4. Wetlands which are filled prior to December 11, 1986, the date on which the City received final wetland inventory maps, in a manner which affects their wetland characteristics to the extent that the area can no longer be defined as wetland are not subject to this Section.
5. Wetlands located between the original ordinary high watermark and a bulkhead line established prior to May 7, 1982, under Section 30.11, Wisconsin Statutes, are not subject to this Section.

(c) Permitted Uses: The following uses are permitted, subject to the provisions of this Section and of other local, State and federal laws, if applicable:

1. Activities and uses which do not require the issuance of a zoning permit, provided that no wetland alteration occurs:
 - a. Hiking, fishing, trapping, hunting, swimming, snowmobiling and boating.

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- b. The harvesting of wild crops, such as marsh hay, ferns, moss, wild rice, berries, tree fruits and tree seeds, in a manner that is not injurious to the natural reproduction of such crops.
 - c. The practice of silviculture, including the planting, thinning and harvesting of timber.
 - d. The pasturing of livestock.
 - e. The construction and maintenance of duck blinds.
2. Uses which do not require the issuance of a zoning permit and which may involve wetland alterations only to the extent specifically provided below:
 - a. The practice of silviculture, including limited temporary water level stabilization measures which are necessary to alleviate abnormally wet or dry conditions which would have an adverse impact on the conduct of silvicultural activities if not corrected.
 - b. The cultivation of cranberries, including limited wetland alterations necessary for the purposes of growing and harvesting cranberries.
 - c. The maintenance and repair of existing drainage systems to restore preexisting levels of drainage, including the minimum amount of filling necessary to dispose of dredged spoil, provided that the filling is otherwise permissible and that dredged spoil is placed on existing spoil banks, where possible.
 - d. The construction and maintenance of fences for the pasturing of livestock, including limited excavating and filling necessary for such construction or maintenance.
 - e. The construction and maintenance of piers, docks, walkways, observation decks and trail bridges built in pilings, including limited excavating and filling necessary for such construction or maintenance.
 - f. The installation and maintenance of sealed tiles for the purpose of draining lands outside the Shoreland-Wetland Zoning District, provided that such installation or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the shoreland-wetland listed in Section (14).
 - g. The maintenance, repair, replacement and reconstruction of existing highways and bridges, including limited excavating and filling necessary for such maintenance, repair, replacement or reconstruction.
3. Uses which are allowed upon the issuance of a conditional use permit and which may include wetland alterations only to the extent specifically provided below:
 - a. The construction and maintenance of roads which are necessary for the continuity of the City street system, the provision of essential utility and emergency services or to provide access to uses permitted under this subsection, provided that:
 - i. The road cannot, as a practical matter, be located outside the wetland.
 - ii. The road is designed and constructed to minimize adverse impacts upon the natural functions of the wetland listed in Section (14).
 - iii. The road is designed and constructed with the minimum cross-sectional area practical to serve the intended use.
 - iv. Road construction activities are carried out in the immediate roadbed area only.

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- v. Any wetland alteration must be necessary for the construction or maintenance of the road.
 - b. The construction and maintenance of nonresidential buildings, provided that:
 - i. The building is used solely in conjunction with a use permitted in the Shoreland-Wetland District or for the raising of waterfowl, minnows, or other wetland or aquatic animals.
 - ii. The building cannot, as a practical matter, be located outside the wetland.
 - iii. The building does not exceed 500 square feet in floor area.
 - iv. Only limited filling and excavating necessary to provide structural support for the building is allowed.
 - c. The establishment and development of public and private parks and recreation areas, outdoor education areas, historic, natural and scientific areas, game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms, wildlife preserves and public boat launching ramps, provided that:
 - i. Any private development allowed under this subsection shall be used exclusively for the permitted purpose.
 - ii. Only limited filling and excavating necessary for the development of public boat launching ramps, swimming beaches or the construction of park shelters or similar structures is allowed.
 - iii. The construction and maintenance of roads necessary for the uses permitted under this subsection are allowed only where such construction and maintenance meets the criteria in (c)3.a..
 - iv. Wetland alterations in game refuges and closed areas, fish and wildlife habitat improvement projects, game bird and animal farms and wildlife preserves shall be for the purpose of improving wildlife habitat or to otherwise enhance wetland values.
 - d. The construction and maintenance of electric and telephone transmission lines, water and gas distribution lines and sewage collection lines and related facilities and the construction and maintenance of railroad lines, provided that:
 - i. The utility transmission and distribution facilities and railroad lines cannot, as a practical matter, be located outside the wetland.
 - ii. Only limited filling or excavating necessary for such construction or maintenance is allowed.
 - iii. Such construction or maintenance is done in a manner designed to minimize adverse impacts upon the natural functions of the wetland listed in Section (14).
- (d) **Prohibited Uses:**
- 1. Any use not listed in subsection (c), above, is prohibited, unless the wetland or a portion of the wetland has been rezoned by amendment of this Section in accordance with Section (14).

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2. The use of a boathouse for human habitation and the construction or placement of a boathouse or fixed houseboat below the ordinary high watermark of any navigable waters are prohibited.
- (5) **Nonconforming Structures and Uses:** The lawful use of a building, structure or property which existed at the time this Section or an applicable amendment to this Section took effect and which is not in conformity with the provisions of this Section, including the routine maintenance of such a building or structure may be continued, subject to the following conditions:
 - (a) The shoreland-wetland provisions of this Section authorized by Section 62.231, Wisconsin Statutes, shall not limit the repair, reconstruction, renovation, remodeling or expansion of a nonconforming structure in existence on the effective date of the shoreland-wetland provisions or of any environmental control facility in existence on May 7, 1982, related to such a structure. All other modifications to nonconforming structures are subject to Section 62.23(7)(h), Wisconsin Statutes, which limits total lifetime structural repairs and alterations to 50% of current fair market value.
 - (b) If a nonconforming use or the use of a nonconforming structure is discontinued for 12 consecutive months, any future use of the building, structure or property shall conform to this Section.
 - (c) Any legal nonconforming use of property which does not involve the use of a structure and which existed at the time of the adoption or subsequent amendment of this Section though such use does not conform with the provisions of this Section. However, such nonconforming use may not be extended.
 - (d) The maintenance and repair of nonconforming boathouses which are located below the ordinary high watermark of any navigable waters shall comply with the requirements of Section 30.121, Wisconsin Statutes.
 - (e) Uses which are nuisances under common law shall not be permitted to continue as nonconforming uses.
- (6) **Zoning Administrator:** The Zoning Administrator shall have the following duties and powers:
 - (a) Advise applicants as to the provisions of this Section and assist them in preparing permit applications and appeal forms.
 - (b) Issue permits and certificates of compliance and inspect properties for compliance with this Section.
 - (c) Keep records of all permits issued, inspections made, work approved and other official actions.
 - (d) Have access to any structure or premises between the hours of 8 a.m. and 6 p.m. for the purpose of performing these duties.
 - (e) Submit copies of decisions on variances, conditional use permits, appeals for a map or text interpretation and map or text amendments within 10 days after they are granted or denied to the appropriate district office of the Department.
 - (f) Investigate and report violations of this Section to the appropriate City planning agency and the District Attorney, Corporation Counsel or City Attorney.

**Section 98-504 Shoreland-Wetland Overlay
Zoning District***through***Section 98-504 Shoreland-Wetland Overlay
Zoning District****(7) Zoning Permits:**

- (a) **When Required:** No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, except minor structures, and without full compliance with the provisions of this chapter and all other applicable local, county, state and federal regulations. Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Subsection (3)(b), or any change in the use of an existing building or structure is initiated.
- (b) **Application:** An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the City and shall include for the purpose of proper enforcement of these regulations the following information:
1. General Information:
 - a. Name, address and telephone number of applicant, property owner, architect, engineer, and contractor, where applicable.
 - b. Description of the subject site by lot, block, and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 - c. Additional information as may be required by the Plan Commission or Zoning Administrator.
 - d. Fee receipt from the City Treasurer in an amount specified in sub. (2) of this section.
 2. Plat of Survey. Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off street parking, loading areas and driveways; existing highway access restrictions; high water, channel floodway and floodplain boundaries; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show type, slope and boundaries of soils shown on the operations soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
 3. Site Development Plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
 - a. Dimensions and area of the lot.
 - b. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
 - c. Description of any existing or proposed on-site sewage systems or private water supply systems.
 - d. Location of the ordinary high watermark of any abutting navigable waterways.
 - e. Boundaries of all wetlands.
 - f. Existing and proposed topographic and drainage features and vegetative cover.

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Zoning District***through***Section 98-504 Shoreland-Wetland Overlay
Zoning District**

- g. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.
 - h. Location of existing or future access roads.
 - i. Specifications and dimensions for areas of proposed wetland alteration.
4. Fees.
- a. All applicants shall pay a zoning permit fee as determined by the Common Council from time to time.
 - b. Zoning permit fees do not include and are in addition to building permit fees established in the Municipal Code.
 - c. A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the applicant from full compliance with this chapter nor from prosecution for violation of this chapter.
- (c) **Determination and Expiration:** A Zoning permit shall be granted or denied by the Zoning Administrator in writing within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 4 months unless work equal to 10% of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.

(8) Certificates of Compliance:

- (a) Except where no zoning permit or conditional use permit is required, no land shall be occupied or used and no building which is hereafter constructed, altered, added to, modified, rebuilt or replaced shall be occupied until a certificate of compliance is issued by the Zoning Administrator, subject to the following provisions:
 - 1. The certificate of compliance shall show that the building or premises or part thereof and the proposed use thereof conform to the provisions of this Section.
 - 2. Application for such certificate shall be concurrent with the application for a zoning or conditional use permit.
 - 3. The certificate of compliance shall be issued within 10 days after notification of the completion of the work specified in the zoning or conditional use permit, providing the building or premises and proposed use thereof conform with all the provision of this Section.
- (b) The Zoning Administrator may issue a temporary certificate of compliance for a building, premises or part thereof pursuant to rules and regulations established by the City Council.
- (c) Upon written request from the owner, the Zoning Administrator shall issue a certificate of compliance for any building or premises existing at the time of the adoption of this Section, certifying after inspection the extent and type of use made of the building or premises and whether or not such use conforms to the provisions of this Section.

**Section 98-504 Shoreland-Wetland Overlay
Zoning District***through***Section 98-504 Shoreland-Wetland Overlay
Zoning District****(9) Conditional Use Permits for Shoreland-Wetland Overlay Zoning Districts:****(a) Application:**

1. Any use listed as a conditional use in this Section shall be permitted only after an application has been submitted to the Zoning Administrator and a conditional use permit has been granted by the City Council following the procedures in Section 98-905 of this Ordinance.
2. A copy of the notice of public hearing shall be forwarded to the appropriate district office of the Department at least 10 days prior to such hearing date. Also, a copy of the written decision to grant or deny a conditional use permit shall be forwarded to the appropriate district office of the Department within 10 days after the decision is issued.

- (b) Conditions:** Upon consideration of the permit application and the standards applicable to the conditional uses designated in Section (4)(c)3. of this Section, the City Council shall attach such conditions to a conditional use permit, in addition to those required elsewhere in this Section, as are necessary to further the purposes of this Section as listed in Section (1). Such conditions may include specifications for, without limitation because of specific enumeration, type of shore cover; erosion controls; increased setbacks; specific sewage disposal and water supply facilities; landscaping and planting screens; period of operation; operational control; sureties; deed restrictions; location of piers, docks, parking areas and signs; and type of construction. To secure information upon which to base its determination, the City Council may require the applicant to furnish, in addition to the information required for a zoning permit, other pertinent information which is necessary to determine if the proposed use is consistent with the purpose of this Section.

(10) Fees: The City Council may, by resolution, adopt fees for the following:

- (a) Zoning permits.
- (b) Certificate of compliance.
- (c) Public hearings.
- (d) Legal notice publications.
- (e) Conditional use permits.
- (f) Rezoning petitions.

- (11) Recording:** Where a zoning permit or conditional use permit is approved, an appropriate record shall be made by the Zoning Administrator of the land use and structures permitted.

- (12) Revocation:** Where the conditions of a zoning permit or conditional use permit are violated, the permit shall be revoked by the City Council.

- (13) Board of Appeals for Shoreland-Wetland Overlay Zoning Districts:** The City Mayor shall appoint a Board of Appeals under Section 62.23(7)(e), Wisconsin Statutes, consisting of 5 members, subject to confirmation by the City Council. The Board of Appeals shall adopt rules for the conduct of its business as required by Section 62.23(7)(e)3., Wisconsin Statutes.

(a) Powers and Duties: The Board of Appeals:

1. Shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this Section.

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Zoning District****Section 98-504 Shoreland-Wetland Overlay
Zoning District***through*

2. May authorize upon appeal a variance from the dimensional standards of this Section where an applicant convincingly demonstrates that:
 - a. Literal enforcement of the terms of this Section will result in unnecessary hardship for the applicant.
 - b. The hardship is due to special conditions unique to the property and is not self-created or based solely on economic gain or loss.
 - c. Such variance is not contrary to the public interest as expressed by the purpose of this Section.
 - d. Such variance will not grant or increase any use of property which is prohibited in the zoning district.
- (b) **Appeals to the Board:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the community affected by any order, requirement, decision or determination of the Zoning Administrator or other administrative official. Such appeals shall be taken within a reasonable time, as provided by the rules of the Board, by filing with the official whose decision is in question and with the Board of Appeals a notice of appeal specifying reasons for the appeal. The Zoning Administrator or other official whose decision is in question shall transmit to the Board all the papers constituting the record on the matter appealed.
- (c) **Public Hearings:**
 1. Before making a decision on an appeal, the Board of Appeals shall, within a reasonable period of time, hold a public hearing. The Board shall give public notice of the hearing by publishing a Class 2 notice under Chapter 985, Wisconsin Statutes, specifying the date, time and place of the hearing and the matters to come before the Board. A copy of this notice shall be mailed to the parties in interest and the appropriate district office of the Department 10 days prior to the hearing. At the public hearing, any party may present testimony in person, by agent or by attorney.
 2. A copy of the decision shall be mailed to the parties in interest and the appropriate district office of the Department within 10 days after the decision is issued.
- (14) **Amending Shoreland-Wetland Zoning Regulations:** The City Council may alter, supplement or change the district boundaries and the regulations contained in this Section in accordance with the requirements of Section 62.23(7)(d)2., Wisconsin Statutes, Chapter NR 117, Wisconsin Administrative Code, and the following:
 - (a) A copy of each proposed text or map amendment shall be submitted to the appropriate district office of the Department within 5 days of submission of the proper amendment to the City planning agency.
 - (b) All proposed text and map amendments to this Section shall be referred to the City planning agency and a public hearing shall be held after a Class 2 notice as required by Section 62.23(7)(d)2., Wisconsin Statutes. The appropriate district office of the Department shall be provided with written notice of the public hearing at least 10 days prior to such hearing.
 - (c) In order to insure that this Section will remain consistent with the shoreland protection objectives of Section 144.26, Wisconsin Statutes, the City Council may not rezone a wetland in a Shoreland-Wetland Zoning District or any portion thereof where the proposed

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rezoning may result in a significant adverse impact upon any if the following wetland functions:

1. Storm and floodwater storage capacity.
2. Maintenance of dry season stream flow or the discharge of groundwater to a wetland, the recharge of groundwater from a wetland to another area or the flow of groundwater through a wetland.
3. Filtering or storage of sediments, nutrients, heavy metals, or organic compounds that would otherwise drain into navigable waters.
4. Shoreline protection against erosion.
5. Fish spawning, breeding, nursery or feeding grounds.
6. Wildlife habitat.
7. Areas of special recreational, scenic or scientific interest, including scarce wetland types and habitat of endangered species.

(d) Where the district office of the Department determines that a proposed rezoning may have a significant adverse impact upon any of the criteria listed in Subsection (c), the Department shall so notify the City of its determination, either prior to or during the public hearing held on the proposed amendment.

(e) The appropriate district office of the Department shall be provided with:

1. A copy of the recommendation and report, if any, of the City planning agency on a proposed text or map amendment within 10 days after the submission of those recommendations to the City Council.
2. Written notice of the action on the proposed text or map amendment with 10 days after the action is taken.

(f) If the Department notifies the City planning agency in writing that a proposed amendment may have a significant adverse impact upon any of the criteria listed in subsection (c), that proposed amendment, if approved by the City Council, shall not become effective until more than 30 days have elapsed since written notice of the City approval was mailed to the Department as required by subsection (e)2., above. If within the 30 day period the Department notifies the City that the Department intends to adopt a superseding shoreland-wetland zoning ordinance for the City as provided by Section 62.231(6), Wisconsin Statutes, the proposed amendment shall not become effective until the ordinance adoption procedure under Section 62.231(6), Wisconsin Statutes, is completed or otherwise terminated.

(15) **Enforcement and Penalties:** Any development, building or structure or accessory building or structure constructed, altered, added to, modified, rebuilt or replaced or any use or accessory use established after the effective date of this Section in violation of the provisions of this Section by any person, association, corporation, including building contractors or their agents, shall be deemed a violation. The Zoning Administrator shall refer violations to the City planning agency and the District Attorney, Corporation Counsel or City Attorney who shall prosecute such violations. Any person who violates or refuses to comply with any of the provisions of this Section shall be subject to a forfeiture of not less than \$5 nor more than \$500 per offense, together with the taxable costs of such action. Each day of continued violation shall constitute a separate offense. Every violation of this Section is a public nuisance and the creation thereof

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may be enjoined and the maintenance thereof may be abated by action at suit of the City, State or any citizen thereof pursuant to Section 87.30(2), Wisconsin Statutes.

Section 98-505 Lakeshore Overlay Zoning District

- (1) **Definition:** Lakeshores are the land margins of navigable waters which are identified as "lakes and other water bodies" as shown on Environmental Corridors Composite Maps for the City of Lake Geneva and its environs, prepared by the SEWRPC. Lakeshores are all areas within 100 feet of the ordinary high water mark of such features. Decorative water features shall not be considered "navigable waters" for the purposes of this Section. This meaning of "lakeshores" shall remain distinct from the meaning of the term as employed by the State of Wisconsin Statutes and the DNR.
- (2) **Purpose of Lakeshore Protection Requirements:** Lakeshores serve to protect land/water margins from erosion due to site disruption. Because of regular contact with wave action, currents, and runoff, such areas are highly susceptible to continuous, and in some cases, rapid erosion. Lakeshore protection also provides a natural vegetation buffer which serves to reduce water velocities and wave energy, and filters significant amounts of water-borne pollutants and sediments. Lakeshores also promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin.
- (3) **Determination of Lakeshore Boundaries:** General lakeshore boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a lakeshore depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 98-510. This analysis shall depict the location of all lakeshore areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Lakeshore Protection Requirements:** With the exception of the activities permitted below, lakeshores shall remain in an undisturbed state, except for the land uses permitted in Section 98-204 per the requirements of Subsection 98-206(10).
 - (a) **Tree Removal:**
 1. **Purpose:** The intent and purpose of this subsection is to preserve the City's character as a natural wooded community, maintain property values by improving and preserving the aesthetic appeal of the City through tree regulations, preserve the natural resources of the City and State, reduce the amount of erosion in the City due to tree removal, protect the quality of the waters of the State and the City, and protect and promote the health, safety and welfare of the people by minimizing the amount of sediment and other pollutants carried by runoff to surface waters due to the erosion of land not protected by a naturally wooded environment.
 2. **Scope:** The provisions of this subsection shall not apply to SR-3 and SR-4 Zoning Districts, except planned developments on those districts.
 3. **Clear-Cutting Prohibition:**
 - a. **Shoreland Areas:** In a strip of land 35' wide inland from the bulkhead line, no more than 30' in any 100' shall be clear-cut. Where the lot is less than 100', no more than 30% of this strip shall be clear-cut. Natural shrubbery shall be preserved as far as practicable and, where removed, it shall be replaced with other vegetation that is equally effective in retarding runoff, preventing erosion and preserving natural beauty.

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District***through***Section 98-505 Lakeshore Overlay Zoning
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- b. **Tree Preservation Area:** Except for circumstances identified under subsection 4.b., it is prohibited to remove any tree or cause any trees to be removed from the tree preservation area of each lot. During construction, no equipment movement, construction or placement of equipment or material storage shall be permitted in the tree preservation area.
4. **Cutting Exceptions:**
- a. Trees may be removed from the building activities area. This area shall be as small as possible, including the entire area affected by building, grading and temporary material storage areas. In no case shall the amount of trees with a 6" tree diameter removed within the building activities area exceed the following:
 - i. 80% of the total such trees on lots of 1/4 acre or less.
 - ii. 60% of the total such trees on lots of 1/4 acre to one acre, except in the CR-5ac and the ER-1 Districts.
 - iii. 40% of the total such trees on lots of one acre, except in the CR-5ac and ER-1 Districts.
 - iv. 20% of the total such trees on lots of 2.5 acres or more, except in the CR-5ac and ER-1 Districts.
 - v. 10% of the total such trees on all lots in the CR-5ac and ER-1 Districts.
 - b. Trees removed in excess of the above reasons will require a tree removal permit. Conditions under which a permit may be issued include, but will not be limited to, the following:
 - i. The tree is dead, dying or diseased.
 - ii. The tree is damaged or injured to the extent that it is likely to die or become diseased.
 - iii. The removal of the tree will enhance the tree preservation area and the health of the remaining trees.
 - iv. The removal of the tree will avoid or alleviate an economic hardship or hardship of another nature to the property or residences.
 - v. The removal of the tree is consistent with good arboriculture practices.
5. **Replacement Trees:** When in keeping with good arboriculture practices, replacement trees shall be planted for all removed trees. They may be planted in the tree preservation area or in the building activities area after the initial construction activities are completed. All replacement trees shall be planted within 30 days of final grading. The determination of good arboriculture shall be based on tree density and spacing of the table on the following page.

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Small Trees: Trees which have an ultimate height of 20' to 30' and 15' to 25' spread. They should be planted 15' to 20' on center or roughly at a density of 115 trees per acre.			
Apricot	Lilac, Japanese Tree	Redbud	Pear, Bradford
Crabapple, Flowering (sp)	Peach, Flowering	Golden Train Tree	Serviceberry
Hawthorne (sp)	Plum, Purpleleaf	Soapberry	
Medium Trees: Trees which have an ultimate height of 30' to 50' and 30' to 40' spread. They should be planted 25' to 30' on center or approximately 30 trees per acre.			
Ash, Green	Mulberry, Red	Pecan	Persimmon
Hackberry	(fruitless, male)	Birch	Poplar
Honeylocust (Thornless)	Oak, English	Osageorange	Sassafras
Linden or Basswood (sp)	Oak, Red	(Thornless)	
	Pagodatree, Japanese		
Large Trees: Trees which have an ultimate height greater than 50' and over 40' spread. They should be planted 35' to 40' on center or approximately 25 trees per acre.			
American Elm	Kentucky Coffeetree	Sugar Maple	Sycamore
Walnut	Silver Maple	Oaks	Cottonwood

6. **Penalties:** Any person violating any provision of this subsection shall be subject to a penalty per tree illegally cut or removed, which shall be determined by the assessed value of the trees removed. The assessed value shall be determined in accordance with the "Manual for Plant Appraisers," published by the County of Tree and Landscape Appraisers, most recent edition. In addition, a replacement tree shall be planted to replace all trees cut illegally.

Section 98-506 Drainageway Overlay Zoning District

- (1) **Definition:** Drainageways are non-navigable, above-ground watercourses, detention basins and/or their environs which are identified by the presence of one or more of the following:
- (a) All areas within 75 feet of the ordinary high water mark of a "perennial stream" as shown on Environmental Corridors Composite Maps for the City of Lake Geneva and its environs, prepared by the SEWRPC;
 - (b) All areas within 50 feet of the ordinary high water mark of an "intermittent stream" or "open channel drainageway" as shown on Environmental Corridors Composite Maps for the City of Lake Geneva and its environs, prepared by the SEWRPC.
- (2) **Purpose of Drainageway Protection Requirements:** Drainageways serve in the transporting of surface runoff to downstream areas. As such, drainageways serve to carry surface waters, supplement floodplain, wetland, and lakeshore water storage functions in heavy storm or melt events, filter water-borne pollutants and sediments, promote infiltration and groundwater recharging, and provide a unique habitat at the land/water margin. Drainageway protection requirements preserve each of these functions as well as greatly reducing the potential for soil erosion along drainageways by protecting vegetative

Section 98-507 Woodland Overlay Zoning District*through***Section 98-508 Steep Slope Overlay Zoning District**

groundcover in areas which are susceptible to variable runoff flows and moderate to rapid water movement.

- (3) **Determination of Drainageway Boundaries:** General drainageway boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a drainageway depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 98-510. This analysis shall depict the location of all drainageway areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Drainageway Protection Requirements:** Drainageways shall remain in an undisturbed state except for the land uses permitted in Section 98-204 per the requirements in Subsection 98-206(10). Vegetation clearing to maintain drainageway functions is permitted with the written approval of the Director of Public Works. All areas designated as drainageways shall be located within a public easement or dedication for maintenance purposes to preserve proper drainage flow.

Section 98-507 Woodland Overlay Zoning District

- (1) **Definition:** Woodlands are areas of trees whose combined canopies cover a minimum of 80% of an area of one acre or more, as shown on Environmental Corridors Composite Maps for the City of Lake Geneva and its environs, prepared by the SEWRPC.
- (2) **Purpose of Woodland Protection Requirements:** Woodlands provide a wide variety of environmental functions. These include atmospheric benefits such as removing air-borne pollutants, carbon dioxide uptake, oxygen production, and evapotranspiration returns. Water quality benefits include substantial nutrient uptake rates (particularly for nitrogen and phosphorus) and surface runoff reduction in terms of both volumes and velocities. Woodlands provide unique wildlife habitats and food sources. Woodlands are excellent soil stabilizers, greatly reducing runoff-related soil erosion. Woodlands also serve to reduce wind velocities which further reduces soil erosion. Finally, under proper management techniques, woodlands serve as regenerative fuel sources.
- (3) **Determination of Woodland Boundaries:** General woodland boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a woodland depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 98-908(3)(h). This analysis shall depict the location of all woodland areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Woodland Protection Requirements:** Woodlands shall remain in an undisturbed state except for the land uses permitted in Section 98-204 per the requirements of Subsection 98-206(10) and areas subject to the following mitigation requirements. Selective cutting operations are permitted by right in all woodland areas (per the requirements of Section 98-206(2)(f)). Clear cutting is permitted as a conditional use in all woodland areas (per the requirements of Section 98-206(2)(g)).

**Section 98-508 Steep Slope Overlay Zoning
District***through***Section 98-508 Steep Slope Overlay Zoning
District****Section 98-508 Steep Slope Overlay Zoning District**

- (1) **Definition:** Steep slopes are areas which contain a gradient of 12% or greater, (equivalent to a 10 foot elevation change in a distance of 83 feet or less), as shown on Environmental Corridors Composite Maps for Lake Geneva and its environs, prepared by the SEWRPC.
- (2) **Purpose of Steep Slope Protection Requirements:** Steep slopes are particularly susceptible to damage resulting from site disruption, primarily related to soil erosion. Such damage is likely to spread to areas which were not originally disturbed. Such erosion reduces the productivity of the soil, results in exacerbated erosion downhill, and results in increased sedimentation in drainageways, wetlands, streams, ponds and lakes. Beyond adversely affecting the environmental functions of these resources areas, such sedimentation also increases flood hazards by reducing the flood water storage capacity of hydrological system components, thus elevating the flood level of the drainage system in effected areas. Beyond these threats to the public safety, disruption of steep slopes also increases the likelihood of slippage and slumping--unstable soil movements which may threaten adjacent properties, buildings, and public facilities such as roads and utilities.
- (3) **Determination of Steep Slope Boundaries:** General steep slope boundaries are depicted on the Official Zoning Map. Upon the proposal of development activity on any property which contains a steep slope depicted on the Official Zoning Map, the petitioner shall prepare a detailed site analysis per the requirements of Section 98-510. This analysis shall depict the location of all steep slope areas on the subject property as related to the provisions of Subsection (1), above.
- (4) **Mandatory Steep Slope Protection Requirements:** Steep slopes shall remain in an undisturbed state except for the land uses permitted in Section 98-204 per the requirements of Subsection 98-206(10).

*Section 98.603 Landscaping Points, Landscaping
Measurements and Sample Landscaping
Layouts***Section 98-601: Purpose***through***ARTICLE VI: LANDSCAPING AND BUFFERYARD REGULATIONS****Section 98-601: Purpose**

The purpose of this Article is to indicate the minimum requirements for the landscaping of foundations, developed lots, street frontages, paved areas, permanently protected green space areas, reforestation areas, and bufferyards.

Section 98-602: How to Use this Article

- (1) This Article contains the standards which govern the amount, size, type, installation and maintenance of required landscaping. This Article recognizes the important and diverse benefits which landscaping provides in terms of protecting the health, safety, and general welfare of the community, and implementing the Comprehensive Master Plan.
- (2) Each section of this Article is oriented to a specific category of required landscaping. These include Landscaping Requirements for Foundations (Section 98.604); Landscaping Requirements for Developed Lots (Section 98.605); Landscaping Requirements for Street Frontages (Section 98.606); Landscaping Requirements for Paved Areas (Section 98.607); Landscaping Requirements for Permanently Protected Green Space Areas (Section 98.608); Landscaping Requirements for Reforestation (Section 98.609); and Landscaping Requirements for Bufferyards (Section 98.610).
- (3) In each instance, a "landscaping point" concept is used to provide a maximum amount of flexibility in terms of the selection of plant materials. Section 98.603 presents sample landscape point combination alternatives used by this chapter. At the end of this Article, Section 98.611 provides a listing of plant species fitting into the "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and "non-contributory plants" used by this chapter. Section 98.612 provides requirements for the installation and maintenance of required landscaping, and Section 98.613 describes the procedure for calculating landscaping requirements for this Section.

Section 98.603 Landscaping Points, Landscaping Measurements and Sample Landscaping Layouts

- (1) All landscaping requirements are stated in terms of the number of landscaping points required. The required number of landscaping points is dependent upon the type of land use, the zoning district, and the size of the development. A different number of points are awarded for each plant, depending upon its typical growth rate, its mature height, and whether it is a deciduous or evergreen species. A minimum installation size is required for each of these plant categories. These requirements are as follows:

**Section 98.603 Landscaping Points,
Landscaping Measurements and Sample**
**Section 98.603 Landscaping Points, Landscaping
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through
Table 98-603: Landscaping Points and Minimum Installation Sizes

Plant Category	Landscaping Points Per Plant	Minimum Permitted Installation Size
Climax Tree	75	2" Caliper
Tall Deciduous Tree	30	1 ½" Caliper
Medium Deciduous Tree	15	6' Tall
Low Deciduous Tree	10	4' Tall
Tall Evergreen Tree	40	5' Tall
Medium Evergreen Tree	20	4' Tall
Low Evergreen Tree	12	3' Tall
Tall Deciduous Shrub	5	36" Tall
Medium Deciduous Shrub	3	24" Tall
Low Deciduous Shrub	1	18" Tall
Medium Evergreen Shrub	5	18" Tall/Wide
Low Evergreen Shrub	3	12" Tall/Wide
Non-contributory Plants	0	N/A
<i>Source: A Guide to Selecting Landscape Plants for Wisconsin, E. R. Hasselkus, UW-Extension Publication: A2865</i>		

(2) Depiction of Sample Landscaping Schemes

Illustration 98.603, shown on the following three pages, depicts sample landscaping schemes that may be used for building foundations, developed lots, street frontages, paved areas, reforestation, and bufferyards. In general, landscaping schemes similar to Alternative A are best for building foundations, landscaping schemes similar to Alternative B are best for developed lots, landscaping schemes similar to Alternative C are best for street frontages, landscaping schemes similar to Alternative D are best for paved areas (including parking lots, walkways and plazas), landscaping schemes similar to Alternative E are best for reforestation, and landscaping schemes similar to Alternative F are best for bufferyards. A detailed listing of which plant species fit each plant type is provided in Section 98.611.

**Section 98.603 Landscaping Points,
Landscaping Measurements and Sample**

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Measurements and Sample Landscaping**

through

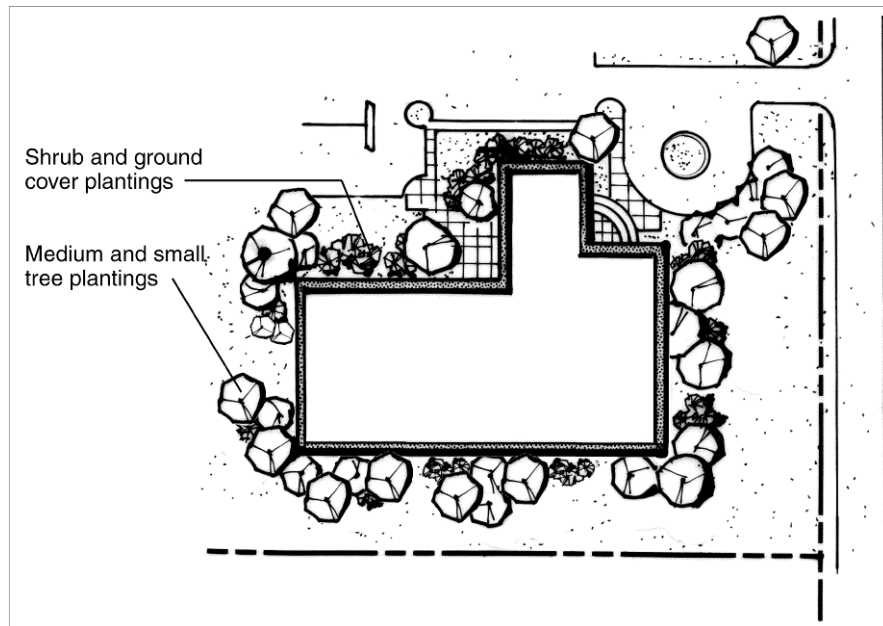
**Alternative A:
Best Suited for
Building
Foundations**

750 Landscaping Points:

20 medium trees

15 small shrubs

60 shrubs



**Alternative B:
Best Suited for
Developed Lots**

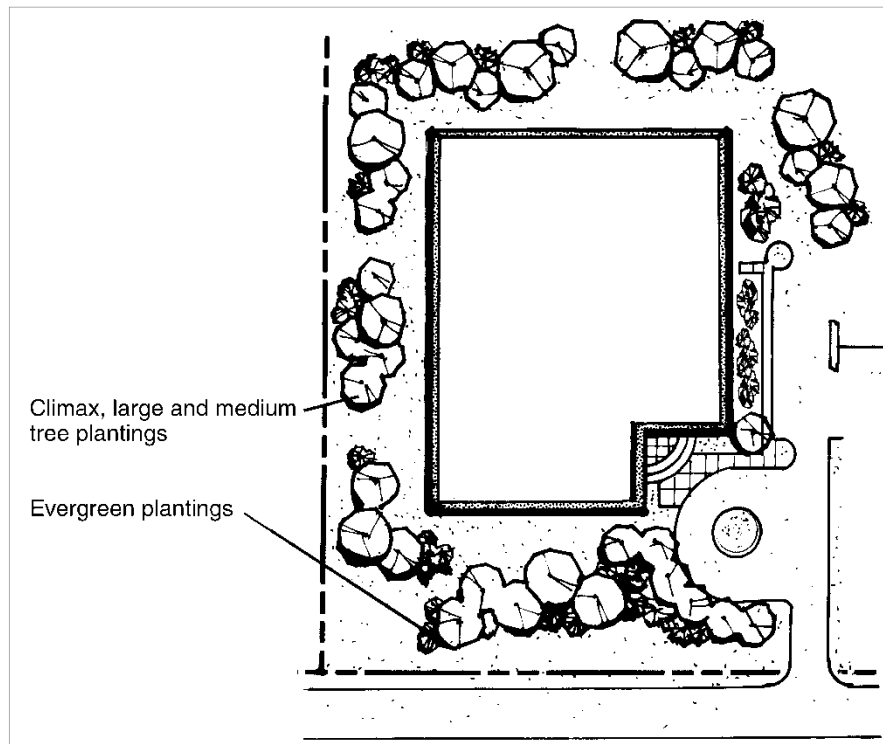
**1250 Landscaping
Points:**

6 climax trees

8 tall trees

20 medium trees

41 evergreen plantings



**Section 98.603 Landscaping Points,
Landscaping Measurements and Sample**

**Section 98.603 Landscaping Points, Landscaping
Measurements and Sample Landscaping**

through

**Alternative C:
Best Suited for
Street Frontages**

Option 1

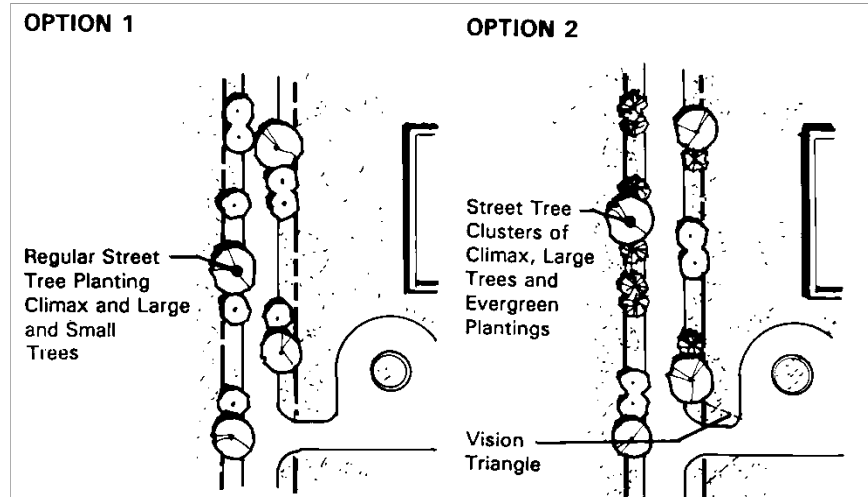
280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 8 small trees

Option 2

280 Landscaping Points:

- 2 climax trees
- 2 tall trees
- 4 small trees
- 8 evergreen shrubs



**Alternative D:
Best Suited for
Paved Areas**

Option 1

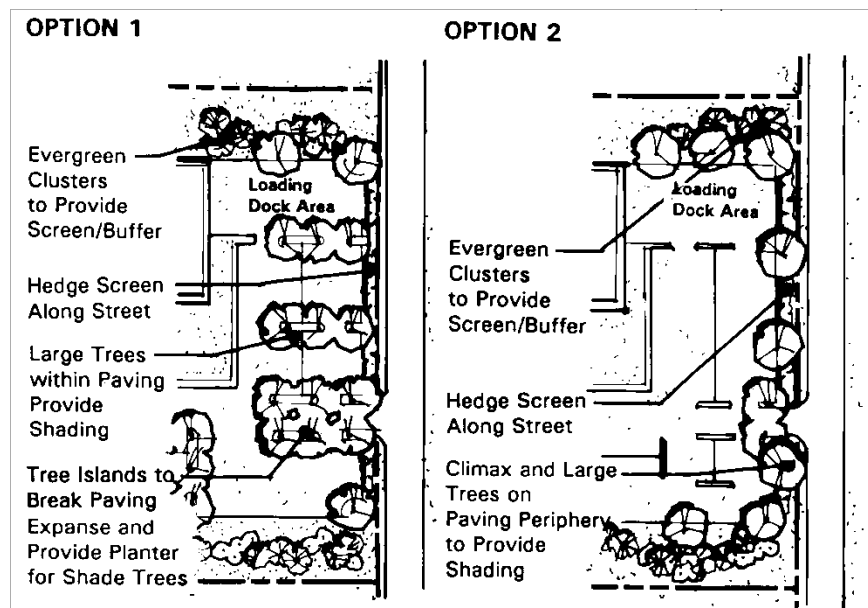
880 Landscaping Points:

- 2 climax trees
- 13 tall trees
- 68 evergreen shrubs

Option 2

880 Landscaping Points:

- 5 climax trees
- 6 tall trees
- 68 evergreen shrubs

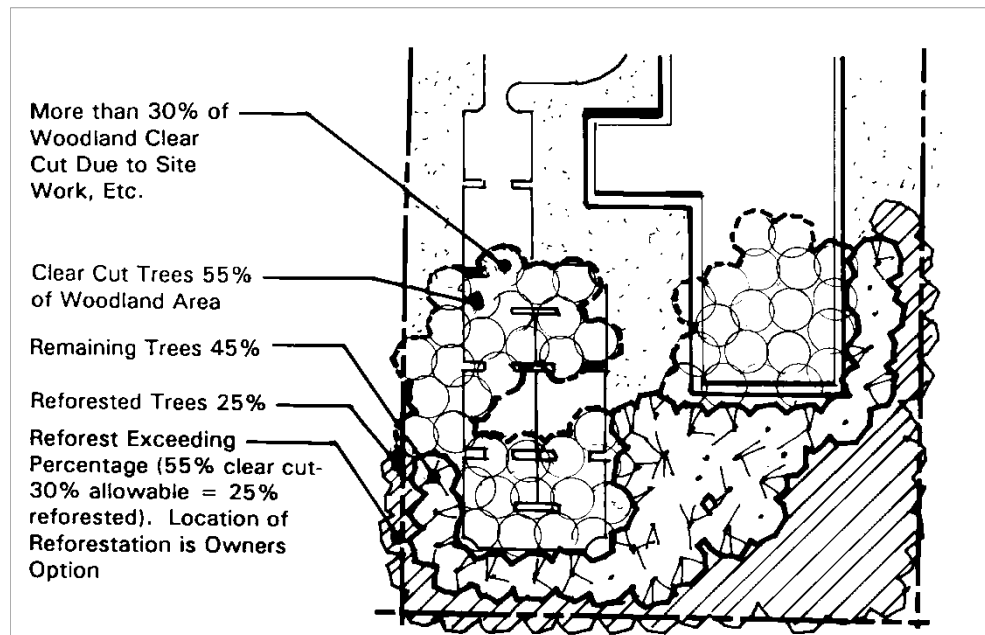


**Section 98.603 Landscaping Points,
Landscaping Measurements and Sample**

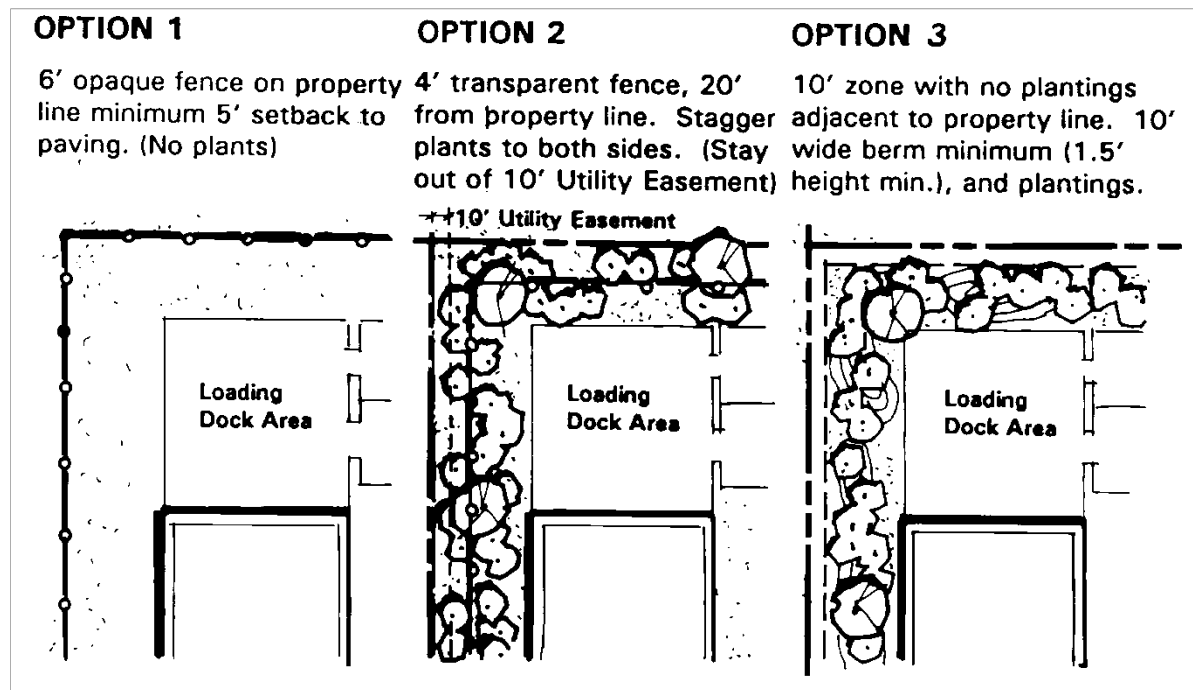
**Section 98.603 Landscaping Points, Landscaping
Measurements and Sample Landscaping**

through

**Alternative E:
Best Suited for
Reforestation**



**Alternative F:
Best Suited for
Bufferyards**



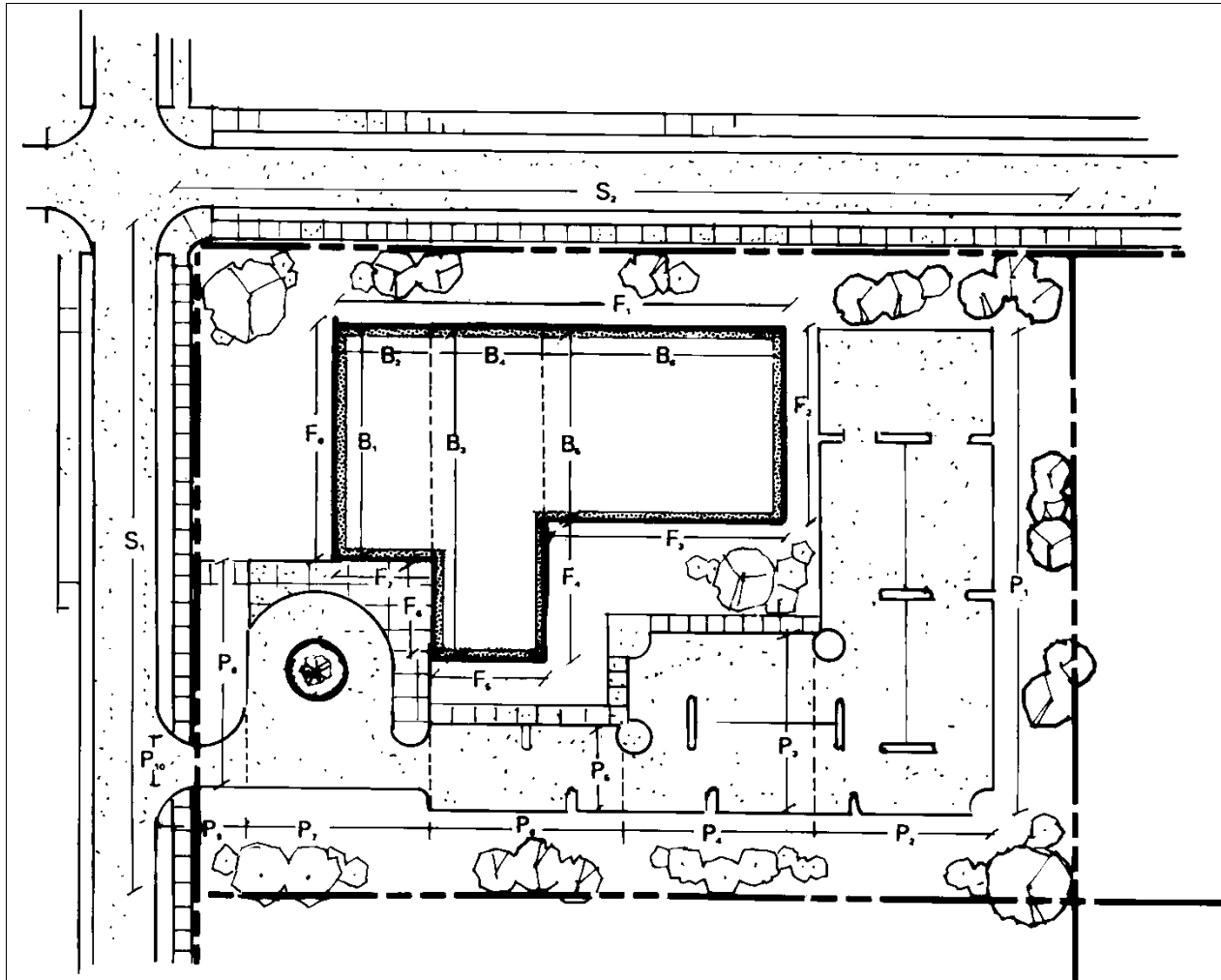
Section 98.603 Landscaping Points, Landscaping Measurements and Sample

Section 98.604: Landscaping Requirements for Building Foundations

through

(3) Measurement for Landscaping Requirements:

A minimum amount of landscaping points, based upon the zoning district, is required for the linear feet Building Foundations, the gross floor area of buildings on Developed Lots, the linear feet of Street Frontage, and the total combined area of Paved Areas. The following diagram illustrates the measurement techniques used to determine these requirements:



Landscape Measurements

Landscaping Calculation Equations for this Example:

$$\text{Paved Area} = (P_1 \times P_2) + (P_3 \times P_4) + (P_5 \times P_6) + (P_7 \times P_8) + (P_9 \times P_{10})$$

$$\text{Street Frontage} = S_1 + S_2$$

$$\text{Building Perimeter} = F_1 + F_2 + F_3 + F_4 + F_5 + F_6 + F_7 + F_8$$

$$\text{Building Floor Area} = (B_1 \times B_2) + (B_3 \times B_4) + (B_5 \times B_6)$$

**Section 98.604: Landscaping Requirements for
Building Foundations***through****Section 98.604: Landscaping Requirements for
Building Foundations*****Section 98.604: Landscaping Requirements for Building Foundations**

- (1) This Section requires that certain buildings constructed after the effective date of this chapter (See Section 98-011) be accented by a minimum amount of landscaping placed near the building foundation.
- (2) Landscaping required by this Section shall be placed so that at maturity, the plant's drip line is located within 10 feet of the building foundation. Such landscaping shall not be located in those areas required for landscaping as street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections 98.605 - 98.609, of this Article. See 98.603(2)(A) for a suggested scheme.
- (3) For each 100 feet of building foundation perimeter, the following number of landscaping points (per Section 98.603) shall be provided on a prorated basis, and installed and permanently maintained per the requirements of Section 98.612.
- (4) Climax trees and tall trees shall not be used to meet this requirement. The intent of this Section is to require a visual break in the mass of buildings and to require a visual screen of a minimum of 6 feet in height for all exterior perimeter appurtenances (such as HVAC/utility boxes, standpipes, stormwater discharge pipes and other pipes.)

**Section 98-605: Landscaping Requirements
for Developed Lots****Section 98-605: Landscaping Requirements for
Developed Lots***through*

Table 98-604: Building Foundation Landscaping Requirements
Minimum Required Landscaping Points Per 100 Linear Feet of Building Foundation

Zoning District ↓	Land Use (see Section 98-206)		
	All Other Land Uses	Single-family Residential (per Section 98-034)	Agricultural (per Section 98-206(2))
Rural Holding (RH)	20	0	0
Countryside Residential (CR-5ac)	50	0	0
Estate Residential (ER-1)	45	0	0
Single-family Residential-3 (SR-3)	40	0	0
Single-family Residential-4 (SR-4)	40	0	0
Two-family Residential-6 (TR-6)	45	0	0
Multi-family Residential-8 (MR-8)	50	0	0
Neighborhood Office (NO)	45	0	0
Planned Office(PO)	40	0	0
Neighborhood Business (NB)	40	0	0
Planned Business (PB)	40	0	0
General Business(GB)	20	0	0
Central Business (CB)	0	0	0
Planned Industrial (PI)	40	0	0
General Industrial (GI)	20	0	0
Heavy Industrial (HI)	20	0	0

Section 98-605: Landscaping Requirements for Developed Lots

- (1) This Section requires that certain lots developed after the effective date of this chapter (See Section 98-011) contain a minimum amount of landscaping.
- (2) Landscaping required by this Section is most effective if located away from those areas required for landscaping as building foundations, street frontages, paved areas, protected green space areas, reforestation areas, or bufferyards, under Sections 98.605 through 98.610, of this Section. See Section 98.603(2)(B) for a suggest landscaping scheme.
- (3) The following number of landscaping points (as described in Section 98.603) shall be provided on a prorated basis for every 1,000 square feet of gross floor area, and installed and maintained per the requirements of Section 98.612.

**Section 98-606: Landscaping Requirements
for Street Frontages****Section 98-606: Landscaping Requirements for
Street Frontages**

- (4) The intent of this Section is to provide yard shade and to require a visual screen of a minimum of 6 feet in height for all detached exterior appurtenances (such as HVAC, utility boxes, standpipes, stormwater discharge pipes and other pipes.)

Table 98-605: Developed Lot Landscaping Requirements
Minimum Required Landscaping Points Per 1000 Square Feet of Gross Floor Area

Zoning District ↓	Land Use (see Section 98-206)		
	All Other Land Uses	Single-family Residential (per Section 98-034)	Agricultural (per Section 98-206(2))
Rural Holding (RH)	10	0	0
Countryside Residential (CR-5ac)	30	0	0
Estate Residential (ER-1)	25	0	0
Single-family Residential-3 (SR-3)	20	0	0
Single-family Residential-4 (SR-4)	20	0	0
Two-family Residential-6 (TR-6)	20	0	0
Multi-family Residential-8 (MR-8)	20	0	0
Neighborhood Office (NO)	20	0	0
Planned Office (PO)	15	0	0
Neighborhood Business (NB)	15	0	0
Planned Business (PB)	10	0	0
General Business (GB)	5	0	0
Central Business (CB)	0	0	0
Planned Industrial (PI)	10	0	0
General Industrial (GI)	5	0	0
Heavy Industrial (HI)	5	0	0

Section 98-606: Landscaping Requirements for Street Frontages

- (1) This Section requires that street frontages on certain lots developed after the effective date of this chapter (see Section 98-011) contain a minimum amount of landscaping in those areas which abut the right-of-way of a public street.
- (2) All landscaping used to meet this requirement shall be located within 10 feet of the public right-of-way. In no instance shall such landscaping be located within a public right-of-way.

**Section 98-607: Landscaping Requirements for
Paved Areas**

through

See Section 98.603(2)(C) for a suggested landscaping scheme. Landscaping shall not impede vehicle or pedestrian visibility.

- (3) For every 100 linear feet of street frontage where a developed lot abuts a public street right-of-way, the following number of landscaping points (as described in Section 98.603) shall be provided on a prorated basis, and installed and maintained per the requirements of Section 98.612.
- (4) Shrubs shall not be used to meet this requirement. A minimum of 50% of all points shall be devoted to climax and/or tall trees and a minimum of 30% of all points shall be devoted to medium trees.

Table 98-606: Street Frontage Landscaping Requirements

Minimum Required Landscaping Points Per 100 Linear Feet of Street Frontage

Zoning District ↓	Land Use (see Section 98-206)		
	All Other Land Uses	Single-family Residential (per Section 98-034)	Agricultural (per Section 98-206(2))
Rural Holding (RH)	20	0	0
Countryside Residential (CR-5ac)	50	0	0
Estate Residential (ER-1)	45	0	0
Single-family Residential-3 (SR-3)	40	0	0
Single-family Residential-4 (SR-4)	40	0	0
Two-family Residential-6 (TR-6)	45	0	0
Multi-family Residential-8 (MR-8)	50	0	0
Neighborhood Office (NO)	45	0	0
Planned Office (PO)	40	0	0
Neighborhood Business (NB)	40	0	0
Planned Business (PB)	40	0	0
General Business (GB)	20	0	0
Central Business (CB)	0	0	0
Planned Industrial (PI)	40	0	0
General Industrial (GI)	20	0	0
Heavy Industrial (HI)	20	0	0

**Section 98-607: Landscaping Requirements for
Paved Areas***through***Section 98-607: Landscaping Requirements for
Paved Areas****Section 98-607: Landscaping Requirements for Paved Areas**

- (1) This Section requires that paved areas on certain lots developed after the effective date of this chapter contain a minimum amount of landscaping within, and within 10 feet of, the paved area. The intent is to require a continuous visual screen of parking areas from public rights-of-way at a minimum height of 40 inches. For every ten parking spaces, the equivalent area of an eleventh parking space shall be provided as a landscaped island or peninsula within the parking area.
- (2) A minimum of 360 square feet of landscaped area, which shall be located within 10 feet of the paved area, is required for the placement of every 100 landscaping points. Said area does not have to be provided in one contiguous area. Sample configurations are depicted in Section 98.603, above. Plants used to fulfill this requirement shall visually screen parking, loading and circulation areas from view from public streets.
- (3) All landscaping areas located adjacent to paved areas shall be separated from the paved area by a continuous minimum 4 inch tall curb which is constructed of concrete, asphalt, timber or like material approved by the Director of Public Works.
- (4) For every 20 off-street parking stalls or 10,000 square feet of pavement (whichever yields the greater landscaping requirement) located in a development, the following number of landscaping points (as described in Section 98.603) shall be provided on a prorated basis, and installed and maintained per the requirements of Section 98.612. A minimum of 30% of all points shall be devoted to climax and/or tall trees and a minimum of 40% of all points shall be devoted to shrubs.

Table 98-607: Paved Area Landscaping Requirements**Minimum Required Landscaping Points Per 10,000 Square Feet of Paved Area or 20 Parking Stalls**

Zoning District ↓	Land Use (see Section 98-206)		
	All Other Land Uses	Single-family Residential (per Section 98-034)	Agricultural (per Section 98-206(2))
Rural Holding (RH)	40	0	0
Countryside Residential (CR-5ac)	100	0	0
Estate Residential (ER-1)	90	0	0
Single-family Residential-3 (SR-3)	80	0	0
Single-family Residential-4 (SR-4)	80	0	0
Two-family Residential-6 (TR-6)	90	0	0
Multi-family Residential-8 (MR-8)	100	0	0
Neighborhood Office (NO)	95	0	0
Planned Office (PO)	80	0	0

**Section 98-608: Landscaping Requirements
for Other Permanently Protected Green Spaces****Section 98-610 Landscaping Requirements for
Bufferyards**

Neighborhood Business (NB)	80	0	0
Planned Business (PB)	80	0	0
General Business (GB)	40	0	0
Central Business (CB)	20	0	0
Planned Industrial (PI)	80	0	0
General Industrial (GI)	40	0	0
Heavy Industrial (HI)	40	0	0

Section 98-608: Landscaping Requirements for Other Permanently Protected Green Spaces

- (1) This Section requires that each acre of other permanently protected green space (Section 98-204) after the effective date of this chapter (See Section 98-011) be planted with a minimum amount of landscaping.
- (2) For every one acre of other permanently protected green space in a development, two hundred landscaping points (as described in Section 98.603) shall be provided. In addition, adequate ground cover shall be provided to stabilize the soil.

Section 98-609: Landscaping Requirements for Required Reforestation

- (1) This Section requires that each area required to be reforested, be reforested and maintained in a manner appropriate to site conditions.
- (2) A detailed reforestation plan shall be submitted by the property owner and approved by the City prior to clear cutting. This plan shall be reviewed by a reforestation consultant chosen by the City, with funding for consulting services provided by the Petitioner to the City.

Rationale: The provisions of this Section are designed to ensure that reforestation efforts required as part of woodland disruption mitigation standards result in the thorough and reasonably rapid replacement of the important and varied environmental functions which woodlands provide. See Section 98-507.

Section 98-610 Landscaping Requirements for Bufferyards**(1) Purpose:**

This Section provides the landscaping and width requirements for bufferyards on lots developed after the effective date of this chapter. (See Section 98-011). A bufferyard is a combination of distance and a visual buffer or barrier. It includes an area, together with the combination of plantings, berms and fencing, that are required to eliminate or reduce existing or potential nuisances. These nuisances can often occur between adjacent zoning districts. Such nuisances are dirt, litter, noise, glare of lights, signs, and incompatible land uses, buildings or parking areas.

Rationale: One of zoning's most important functions is the separation of land uses into districts which have similar character and contain compatible uses. The location of districts is supposed to provide protection, but in the City of Lake Geneva, this is not the case since zoning districts permitting uses as diverse as single-family residential and industrial uses

**Section 98-610 Landscaping Requirements for
Bufferyards***through****Section 98-610 Landscaping Requirements for
Bufferyards***

were located next to one another long before the effective date of this chapter. Bufferyards will operate to minimize the negative impact of any future use on neighboring uses.

(2) Required Locations for Bufferyards:

Bufferyards shall be located along (and within) the outer perimeter of a lot wherever two different zoning districts abut one another. Bufferyards may be located in required setback areas. In such instances, the one-half of the bufferyard requirements of this Section shall be used instead of the street frontage landscaping required in Section 98-606, if such requirements for this Section are greater. (In such instances, the width of the right-of-way may be counted as contributing to the width requirements for a bufferyard, however the minimum width required along the street frontage by Section 98-606 shall be provided in all cases.) Bufferyard plantings or structures shall not be located on any portion of any existing, dedicated, or officially mapped right-of-way.

(3) Determination of Required Bufferyard:

The determination of bufferyard requirements is a two-staged process. First, the required level of bufferyard opacity is determined using Table 98-610(4)(a). Opacity is a quantitatively-derived measure which indicates the degree to which a particular bufferyard screens the adjoining property. The required level of opacity indicated by this Table is directly related to the degree to which the potential character of development differs between different zoning districts. The provisions of this Subsection indicate the minimum requirements for bufferyards located along zoning district boundaries

(a) Identification of Required Level of Opacity:

Table 98-610(4)(a) shall be used to determine the minimum level of opacity for the required bufferyard. The required level of opacity is determined by the value given in the cell of the Table at which the column heading along the top row of the table (representing the subject property's zoning district) intersects with the row heading along the left hand side of the Table (representing the adjacent property's zoning district). The value listed is the required level of opacity for the bufferyard on the subject property.

(b) Identification of Detailed Bufferyard Requirements

1. If a proposed use adjoins a parcel for which a bufferyard is required by the presence of a zoning district boundary, that use shall provide a bufferyard with the level of the opacity indicated in Table 98-610(4)(a).
2. For each level of opacity listed in Table 98-610(4)(a), a wide variety of width, landscaping point, berm, and structure combinations are possible. These are listed in Table 98-610(4)(b). The requirements listed in Table 98-610(4)(b) pertain to the number of landscaping points, the minimum bufferyard width, and the type of berm or fencing required within every 100 feet of required bufferyard. A variety of landscaping point options are available and may be mixed within distinct portions of the same bufferyard. Section 98-603 describes the various available landscaping point alternatives. Section 98-611 provides a listing of tree and shrub species which correspond the landscaping point descriptions.

(4) Tables for Required Bufferyards:

See following pages for Tables 98-610(4)(a) and (b).

**Section 98-610 Landscaping Requirements for
Bufferyards**
through
**Section 98-610 Landscaping Requirements for
Bufferyards**
(a) Notes for Table 98-610(4)(a)

For properties zoned in the Rural Holding (RH), refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.

Table 98-610(4)(a): Required Bufferyard Opacity Values

↓ Adjacent Property's Zoning District ↓ ↓ ↓	Subject Property's Zoning District																↓
	R H	C R 5a c	E R 1	S R 3	S R 4	T R 6	M R 8	N O	P O	P B	N B	G B	C B	P I	G I	H I	
RH		*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
CR-5ac			0.1	0.1	0.1	0.2	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.5	0.6	1.0	
ER-1				0.1	0.1	0.2	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1.0	
SR-3						0.2	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1.0	
SR-4						0.2	0.3	0.3	0.4	0.4	0.4	0.5	0.6	0.4	0.5	1.0	
TR-6							0.2	0.2	0.3	0.3	0.3	0.4	0.5	0.3	0.4	1.0	
MR-8								0.1	0.2	0.2	0.2	0.3	0.4	0.2	0.3	1.0	
NO									0.1	0.2	0.2	0.3	0.4	0.2	0.3	0.6	
PO										0.1	0.1	0.2	0.3	0.1	0.2	0.6	
PB											0.1	0.2	0.3	0.1	0.2	0.6	
NB												0.1	0.2	0.1	0.1	0.6	
GB													0.1		0.1	0.6	
CB															0.1	0.6	
PI															0.2	0.6	
GI																0.5	
HI																	
* For properties zoned in the Rural Holding District (RH), refer to the Comprehensive Master Plan's Future Land Use Map to determine the proposed zoning district for said property. Bufferyard requirements shall be taken from this proposal.																	

**Section 98-610 Landscaping Requirements for
Bufferyards**
through
**Section 98-610 Landscaping Requirements for
Bufferyards**
Table 98-610(4)(b) Detailed Bufferyard Requirements

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.05	00	10'+	Minimum 44' picket fence*
	00	10'+	Minimum 4' wood rail fence*
	40	10'	-
	36	15'	-
	33	20'	-
	31	25'	-
	29	30'	-
0.10	00	10'+	Minimum 44" picket fence*
	38	10'+	Minimum 4' wood rail fence*
	91	10'	-
	80	15'	-
	73	20'	-
	68	25'	-
	65	30'	-
	62	35'+	-
	00	35'+	Minimum 4' berm
0.20	00	10'+	Minimum 6' solid fence*
	84	10'+	Minimum 44" picket fence*
	133	15'+	Minimum 4' wood rail fence*
	198	15'	-
	173	20'	-
	158	25'	-
	149	30'	-
	140	35'	-
	10	35'+	Minimum 4' berm
	135	40"+	-
	00	40'+	Minimum 5' berm

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Section 98-610 Landscaping Requirements for Bufferyards

through

Section 98-610 Landscaping Requirements for Bufferyards

Opacity	# Landscaping Points/100 feet	Width	Required Structure
Continued on next page			
0.30	00	10'+	Minimum 6' solid fence*
	198	15'+	Minimum 44" picket fence*
	320	20'	-
	240	20'+	Minimum 4' wood rail fence*
	276	25'	-
	252	30'	-
	235	35'	-
	104	35'+	Minimum 4' berm
	223	40'	-
	44	40'+	Minimum 5' berm
	215	45'	-
	209	50'+	-
	00	50'+	Minimum 6' berm
0.40	53	10'+	Minimum 6' solid fence*
	330	20'+	Minimum 44" picket fence*
	440	25'	-
	362	25'+	Minimum 4' wood rail fence*
	385	20'	-
	349	25'	-
	208	30'	-
	327	35'+	-
	148	35'+	-
	310		-
	299		-
	56		-

Continued on next page

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

**Section 98-610 Landscaping Requirements for
Bufferyards**
through
**Section 98-610 Landscaping Requirements for
Bufferyards**

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.50	135	15'+	Minimum 6' solid fence *
	564	30'	-
	405	30'+	Minimum 44" picket fence *
	492	30'+	Minimum 4' wood rail fence *
	499	35'	-
	319	35'+	Minimum 4' berm
	454	40'	-
	261	40'+	Minimum 5' berm
	422	45'	-
	405	50'	-
	160	50'+	Minimum 6' berm
	388	55'	-
	374	60'+	-
0.60	221	20'+	Minimum 6' solid fence *
	433	35'+	Minimum 4' berm
	541	35'+	Minimum 44" picket fence *
	630	35'+	Minimum 4' wood rail fence *
	626	40'	-
	379	40'+	Minimum 5' berm
	570	45'	-
	525	50'	-
	270	50'+	Minimum 6' berm
	500	55'	-
	480	60'+	-

Continued on next page

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Section 98-610 Landscaping Requirements for Bufferyards

through

Section 98-611: Classification of Plant Species

Opacity	# Landscaping Points/100 feet	Width	Required Structure
0.80	415	30'+	Minimum 6' solid fence*
	655	40'+	Minimum 4' berm
	627	45'+	Minimum 5' berm
	873	45'+	Minimum 44" picket fence*
	910	50'	-
	505	50'+	Minimum 6' berm
	809	50'+	Minimum 4' wood rail fence*
	804	55'	-
	744	60'	-
	710	65'	-
	677	70'+	-
1.00	636	40'+	Min. 6' solid fence*
	732	50'+	Min. 6' berm
	751	50'+	Min. 5' berm
	867	55'+	Min. 4' berm
	1091	60'+	Min. 44" picket fence*
	1136	60'+	Min. 4' wood rail fence*
	1083	65'	
	994	70'	
	934	75'	
	892	80'+	

* Fences contributing to landscaping requirements are not permitted along street frontages for nonresidential uses. Where used in combination with plant materials to meet bufferyard requirements, a minimum of 50% of all plant materials shall be located on the exterior side (the side away from the center of the subject property) of the fence.

NOTE: Opacity standards provided courtesy of Lane Kendig, Inc.

Section 98-611: Classification of Plant Species *through* Section 98-611: Classification of Plant Species

Section 98-611: Classification of Plant Species

For the purpose of this chapter, plant materials are classified into thirteen (13) groupings: "climax tree", "tall deciduous tree", "medium deciduous tree", "low deciduous tree", "tall evergreen tree", "medium evergreen tree", "low evergreen tree", "tall deciduous shrub", "medium deciduous shrub", "low deciduous shrub", "medium evergreen shrub", "low evergreen shrub", and non-contributory plants. Species suitable for landscaping use and compatible with Walworth County climate and soil factors are listed in Table 98-611, below. The Zoning Administrator (see Section 98-932) shall review proposals for, and the applicability of, species not contained in this list and is authorized to approve appropriate similar species.

See Appendix 1 for a very detailed listing of plant species and characteristics.

Table 98-611: Classification of Plants

**Climax Trees
(75 Landscaping Points)**

Botanical Name	Common Name
<i>Acer saccharum</i>	Sugar Maple
<i>Ginkgo biloba</i>	Ginko
<i>Quercus sp.</i>	Oak: Red, White, Pin

**Tall Deciduous Trees
(30 Landscaping Points)**

Botanical Name	Common Name
<i>Acer sp.</i>	Maple: Red, Silver, Norway
<i>Fraxinus sp.</i>	Ash: White, Green
<i>Gleditsia triacanthos</i>	Honeylocust
<i>Populus grandidentata</i>	Bigtooth Aspen
<i>Tilia sp.</i>	Linden: Basswood, Littleleaf, Redmond

**Medium Deciduous Trees
(15 Landscaping Points)**

Botanical Name	Common Name
<i>Betula sp.</i>	Birch: River, Paper
<i>Prunus sp.</i>	Cherry: Choke, Pin
<i>Salix sp.</i>	Willow

**Low Deciduous Trees
(10 Landscaping Points)**

Botanical Name	Common Name
<i>Amelanchier sp.</i>	Serviceberry
<i>Crataegus sp.</i>	Hawthorn: Cockspur, Downy, Washington
<i>Malus sp.</i>	Crabapple sp.

**Tall Evergreen Trees
(40 Landscaping Points)**

Botanical Name	Common Name
<i>Abies concolor</i>	White Fir
<i>Pinus sp.</i>	Pine: Red, White, Scots
<i>Tsuga Canadensis</i>	Canada Hemlock

**Medium Evergreen Trees
(20 Landscaping Points)**

Botanical Name	Common Name
<i>Thuja occidentalis</i>	American Arborvitae

**Low Evergreen Trees
(12 Landscaping Points)**

Botanical Name	Common Name
<i>Juniperus sp.</i>	Juniper: Mountbatten, Redcedar
<i>Thuja sp.</i>	Arborvitae: Pyramidal, Techny

Section 98-611: Classification of Plant Species *through* **Section 98-611: Classification of Plant Species**

**Tall Deciduous Shrubs
(5 Landscaping Points)****Botanical Name***Cornus sp.**Syringa sp.**Viburnum sp.***Common Name**Dogwood: Grey,
PagodaLilac: Chinese,
HyacinthViburnum: Arrowwood,
Wayfaringtree,
Nannyberry**Medium Deciduous Shrubs
(3 Landscaping Points)****Botanical Name***Corylus americana**Cotoneaster sp.**Forsythia sp.**Rosa sp.***Common Name**American Filbert,
Hazelnut

Cotoneaster

Forsythia: Border,
Early, Weeping

Rose: Virginia, Rugosa

**Low Deciduous Shrubs
(1 Landscaping Point)****Botanical Name***Berberis thunbergii**Spiraea sp.***Common Name**

Japanese Barberry

Spirea: Froebel,
Snowmound**Tall-Medium Evergreen Shrubs
(5 Landscaping Points)****Botanical Name***Juniperus chinensis**Taxus sp.***Common Name**

Juniper: Pfitzer

Yew: Japanese

**Low Evergreen Shrubs
(3 Landscaping Points)****Botanical Name***Juniperus sp.***Common Name**Juniper: Sargent,
Creeping, Andorra

Section 98-612: Requirements for Installation, Maintenance & Use of Landscaped and*through***Section 98-612: Requirements for Installation, Maintenance & Use of Landscaped and****Section 98-612: Requirements for Installation, Maintenance & Use of Landscaped and Bufferyard Areas****(1) Installation**

- (a) Any and all landscaping and bufferyard material required by the provisions of this chapter shall be installed on the subject property, in accordance with the approved site plan (see Section 98-908) within 730 days of the issuance of an occupancy permit for any building on the subject property.

(b) Surety

1. If the subject property is to be occupied prior to the installation of all required landscaping and bufferyard material, the property owner shall file, subject to approval by the Zoning Administrator, a bond, a certificate of deposit, and irrevocable letter of credit, or a certified check, in an amount equal to 110% of the estimate of landscaping materials and installation cost.
2. If a part of a plat of subdivision is approved per the requirements of this Chapter, said amount may be split into amounts which are applicable to phases of the plat approved per the requirements of the City of Lake Geneva Land Division Ordinance.
3. Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in its behalf, agreeing to comply with the provisions of this Article.
- (c) Existing plant material which meets the requirements of Section 98-603 and which will be preserved on the subject property following the completion of development, may be counted as contributing to the landscaping requirements.
- (d) All landscaping and bufferyard areas shall be seeded with lawn or native ground cover unless such vegetation is already fully established.
- (e) The exact placement of required plants and structures shall be depicted on the required detailed landscaping plan per Section 98-908(3)(c) shall be the decision of each property owner within the requirements of this Section, except that the following requirements shall be met:
 1. Evergreen shrubs shall be planted in clusters in order to maximize their chance for survival.
 2. Where a combination of plant materials, and/or berming and/or fencing is used in a bufferyard, the fence and/or berm shall be located toward the interior of the subject property and the plant material shall be located toward the exterior of the subject property.
 3. A property owner may establish through a written agreement, recorded with the Register of Deeds Office, that an adjacent property owner shall agree to provide a partial or full portion of the required bufferyard on an immediately adjacent portion of their land, thereby exempting the developer from providing all or a portion of the bufferyard on his property.
 4. In no manner shall landscaping or bufferyard materials be selected and/or located in a manner that results in the creation of a safety or visibility hazard. (See Section 98-703)
 5. The restrictions on types of plants listed in Sections 98-604 through 98-607 shall apply.

Section 98-613 Calculating Landscaping and Bufferyard Requirements*through****Section 98-614 Depiction on Required Site Plan*****(2) Maintenance**

The continued and continual maintenance of all required landscaping and bufferyard materials shall be a requirement of this chapter and shall be the responsibility of the owner of the property on which said materials are required. This requirement shall run with the property and is binding upon all future property owners. Development of any and all property following the effective date of this chapter shall constitute an agreement by the property owner to comply with the provisions of this Section. Upon failure to comply with these provisions, the City may enter upon the property for the purpose of evaluating and maintaining all required landscaping and bufferyard materials, and may specially assess the costs thereof against the property. Failure to comply with this requirement shall be considered a violation of this chapter, and shall be subject to any and all applicable enforcement procedures and penalties. (See Section 98-936)

(3) Use of Required Bufferyard and Landscaped Areas

Any and all required bufferyards or landscaped areas may be used for passive recreation activities. Said areas may contain pedestrian, bike or equestrian trails provided that: no required material is eliminated; the total width of the required bufferyard, or the total area of required landscaping, is maintained; and all other regulations of this chapter are met. In no event, however, shall swimming pools, tennis courts, sports fields, golf courses, or other such active recreation used be permitted in such areas. Furthermore, in no instance shall any parking be permitted in such areas, nor shall any outdoor display or storage of materials be permitted in such areas. Paving in such areas shall be limited to that required for necessary access to, through, or across the subject property.

(4) Utility Easements

Landscaping materials, fences and berms which are located within a duly recorded utility easement and/or a pedestrian easement shall not count toward meeting a landscaping requirement. However, the width of such areas may be counted as part of a landscaping requirement.

Section 98-613 Calculating Landscaping and Bufferyard Requirements

In calculating the number of required landscaping points under the provisions of this Article, all areas and distances on which required calculations are based shall be rounded up to the nearest whole number of square feet or linear feet. Any partial plant derived from the required calculations of this Article (for example 23.3 canopy trees) shall be rounded up to the nearest whole plant (24 canopy trees).

Section 98-614 Depiction on Required Site Plan

Any and all proposed landscaping on the subject property, required to meet the standards of this chapter, shall be clearly depicted and labeled as to its location and make-up on the site plan required for the development of the subject property. Refer to Section 98-908(3)(c).

Section 98-701 Purpose*through*Section 98-702 Access Standards

ARTICLE VII: PERFORMANCE STANDARDS**Section 98-701 Purpose**

The purpose of this Article is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Chapter (see Section 98-009).

Section 98-702 Access Standards

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (2) **Permit Required:** Each access point onto a public street or right-of-way shall have a permit issued by the Director of Public Works per Wisconsin Statutes 86.07(2).
- (3) **Number of Access Points:**
 - (a) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Zoning Administrator and the Director of Public Works.
 - (b) In no instance shall any lot be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
 - (c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
 - (d) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- (4) **Residential Uses:** Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (5) **Nonresidential Uses:** Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- (6) **Access Near Street Intersections:** At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
- (7) **Distance Between Access Drives:** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.

Section 98-703 Visibility Standards*through***Section 98-703 Visibility Standards**

- (8) **Angle of Intersection with Public Right-of-Way:** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (9) **Distance from Property Line:** The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
- (10) **Width of Driveways:** All access drives shall have a minimum width of 10 feet for one- and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet.
- (11) **Traffic Control:** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.
- (12) **Depiction on Required Site Plan:** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-909.)
- (13) **Paving of Access:** All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

Section 98-703 Visibility Standards

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **Requirement:** In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting said centerlines, as determined by the Director of Public Works. Generally, the following standards shall apply:

TABLE 98-703: VISION CLEARANCE TRIANGLE STANDARDS	
Right-of-Way Width	Distance from R-O-W Intersection
less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, nor other such obstructions between 30 inches and 8 feet

**Section 98-704 Off-Street Parking and Traffic
Circulation Standards***through***Section 98-704 Off-Street Parking and Traffic
Circulation Standards**

in height which exceeds an opacity of 0.2 (see Section 98-610(4)(b)) shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets.

- (3) **Depiction on Required Site Plan:** Except in the downtown where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.)

Section 98-704 Off-Street Parking and Traffic Circulation Standards

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. Please refer to Section 98-717: Drainage Standards.
- (2) **Depiction on Required Site Plan:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.) Each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
- (3) **Use of Off-Street Parking Areas:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.
- (4) **Traffic Circulation and Traffic Control:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **Maintenance of Off-Street Parking and Traffic Circulation Areas:** All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 98-706(3).
- (6) **Off-Street Parking and Traffic Circulation Design Standards**
- (a) **Surfacing and Marking:** All off-street parking and traffic circulation areas (including all residential driveways -- except those within the RH District) shall be paved with a hard, all-weather surface, to the satisfaction of the Director of Public Works. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
- (b) **Curbing:** All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter (see Sections 98-402 and 98-403.)

**Section 98-704 Off-Street Parking and Traffic
Circulation Standards***through***Section 98-704 Off-Street Parking and Traffic
Circulation Standards**

- (c) **Lighting:** All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended for said areas, and said illumination level shall not exceed the standards of Section 98-707.
- (d) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses. (See also Table 98-704(6)(j).) Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
- (e) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article VIII.
- (f) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
- (g) **Parking Space Design Standards:** Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 98-704(6)(j). The minimum required length of parking spaces shall be 17.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.
- (h) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.
- (i) **Parking Lot Design Standards:** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 98-704(6)(j), and shown on the following page.

Section 98-704 Off-Street Parking and Traffic Circulation Standards

through

Section 98-704 Off-Street Parking and Traffic Circulation Standards

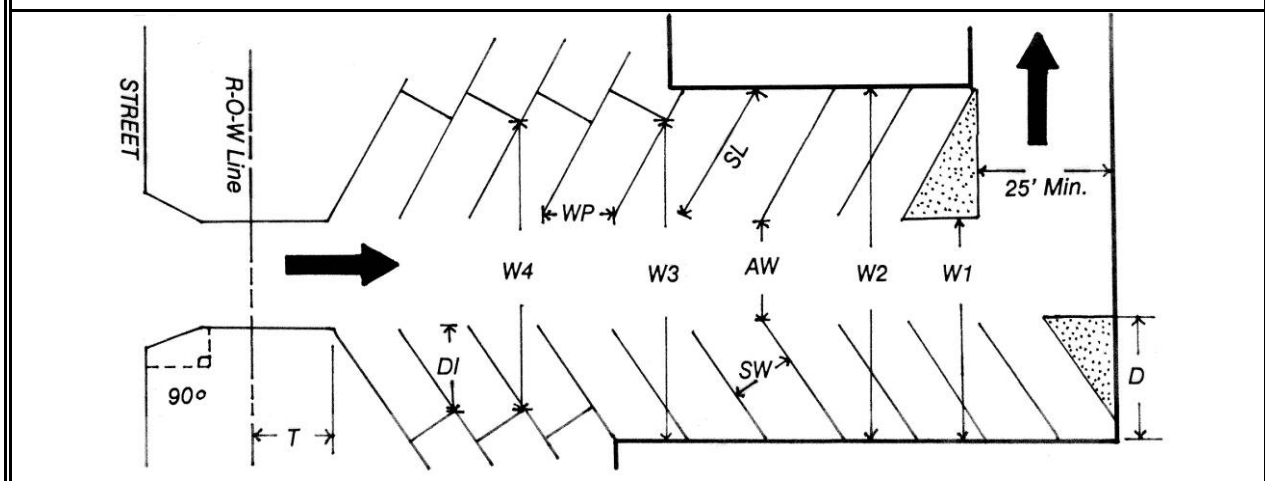
Table 98-704(6)(j): Parking Layout Dimensions

↓ Minimum Permitted Dimensions ↓	↓ Parking Angle in Degrees (°) ↓				
	0° (parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (<i>SW</i>)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (<i>WP</i>)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (<i>D</i>)	9.0' ¹	17.5' ¹	19.0'	19.5' ¹	18.5' ¹
Stall Depth to Interlock (<i>DI</i>)	--	15.3'	17.5'	18.8'	--
Stall Length (including 1.5' curb overhang) (<i>SL</i>)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle Width (<i>AW</i>)	12.0' ²	12.0' ²	16.0' ²	17.20' ²	26.0' ²
Throat Length (right-of-way to parking area) (<i>T</i>)	Refer to Requirements in Table 98-704(7)(f).				
Parking Module Width (<i>PMW</i>):					
Wall to Wall (Single-Loaded) (<i>W1</i>)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double Loaded) (<i>W2</i>)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double Loaded) (<i>W3</i>)	--	44.8'	52.5'	61.3'	--
Interlock to Interlock (Double Loaded) (<i>W4</i>)	--	42.6'	51.0'	60.6'	--

¹ Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.

² This dimension represents (*AW*) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum (*AW*) of 26.0 feet.

Diagram for Table 98-704(6)(j): Typical Parking Layout Dimensions



(7) Calculation of Minimum Required Parking Spaces

- (a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be

**Section 98-704 Off-Street Parking and Traffic
Circulation Standards***through***Section 98-704 Off-Street Parking and Traffic
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accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

(b) Joint and Off-Site Parking Facilities

1. Parking facilities which have been approved by the Director of Public Works to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 98-206(6)(a).
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the Director of Public Work's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
4. A legally binding instrument, approved by the City Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the City Clerk. A fee shall be required to file this instrument (see Section 98-935).

(c) Minimum Off-Street Parking Requirements for Land Uses:

1. The off-street parking requirements for each land use are listed within Section 98-206.
2. Potential Reduction in Parking. The Plan Commission may, through the conditional use process, decrease the required number of off street automobile parking spaces by up to 25 percent of the normal requirements based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter or that adequate public parking is available within the vicinity of the subject property. Ord. 12-07

(d) Provision of Fee-in-Lieu of Parking Spaces Development: Within the Central Business (CB) District, the parking requirements of this Chapter are hereby waived.**(e) Locational Prohibitions for Off-Street Parking Areas**

1. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see Section 98-908).

through **Section 98-705 Off-Street Loading Standards**

2. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.
- (f) **Minimum Permitted Throat Length:** The Table 98-704(7)(f) on the following page shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive:

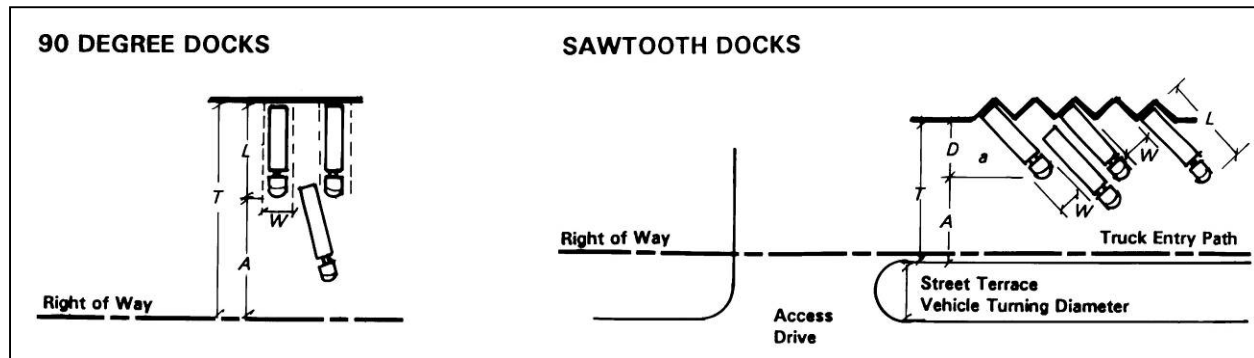
TABLE 98-704(7)(f): Minimum Permitted Throat Length				
LAND USE	TYPE	SCALE OF DEVELOPMENT	TYPE OF ACCESS STREET	
			COLLECTOR	ARTERIAL
RESIDENTIAL	Any Residential	0-100 dwelling units	25 feet	
		101-200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	125 feet
COMMERCIAL	Office	0-50,000 gross sq. ft.	25 feet	50 feet
		50,000-100,000 gross sq. ft.	25 feet	75 feet
		100,001-200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	In-Vehicle Sales	0-2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Indoor Entertainment	0- 15,000 gross sq. ft.	25 feet	50 feet
		15,001+ gross sq. ft.	25 feet	75 feet
	Commercial Lodging	0-150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other Commercial Uses	0- 25,000 gross sq. ft.	25 feet	50 feet
		25,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	75 feet	200 feet
INDUSTRIAL	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		501,001+ gross sq. ft.	50 feet	200 feet
ALL OTHER USES:	6+ parking spaces		25 feet	50 feet

Section 98-705 Off-Street Loading Standards *through* **Section 98-705 Off-Street Loading Standards**

Section 98-705 Off-Street Loading Standards

- (1) **Purpose:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **Applicability:** Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.
- (3) **Location:** All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 98-702. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **Size of Loading Area:** The first required loading berth shall be designed in accordance with Table 98-705(4). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

Table 98-705(4): Loading Standards						
Design Vehicle	Length in Feet (L)	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

through

- (5) **Access to Loading Area:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 98-704, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (6) **Surfacing and Marking:** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (7) **Use of Required Loading Areas:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) **Lighting:** All loading areas shall be lit so as to not exceed the standards of Section 98-707.
- (9) **Signage:** All signage located within, or related to, loading areas shall comply with the requirements of Article VIII.
- (10) **Depiction on Required Site Plan:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.)
- (11) **Calculation of Required Loading Spaces**
 - (a) **Indoor Institutional Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
 - (b) **Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
 - (c) **Office Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

**Section 98-706 Exterior Storage Standards for
Residential, Office and Commercial Districts****Section 98-707 Exterior Lighting Standards
(Ord. No. 00-10 8/14/00)****Section 98-706 Exterior Storage Standards for Residential, Office and Commercial Districts**

- (1) **Purpose:** The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Section 98-206.
- (2) **Requirements for Exterior Storage in Residential Zoning Districts:** No person shall park or store recreational vehicles on a lot in a residential district except within a fully enclosed structure or except as provided herein.
- (a) For the purposes of this Ordinance, a recreational vehicle or equipment shall include boats, boats with trailers, motor homes, motor coaches, pickup campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, canoes or kayaks and their trailers, tent campers, folding campers, utility trailers, carnival equipment and their trailers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.
- (b) Outside parking of recreational vehicles and equipment are subject to the following provisions:
1. No more than two (2) recreational vehicles may be parked or stored outside a fully enclosed structure in the rear yard.
 2. No recreational vehicle may be parked or stored in a front or side yard on a regular basis.
 3. A recreational vehicle shall be located not closer than three (3) feet to a side or rear lot line.
 4. The recreational vehicle shall be maintained and be in good condition and safe for effective performance for the function in which it was intended. The exterior of the vehicle shall be intact.
 5. Recreational vehicles shall be roadworthy. Vehicles that require a license shall be properly licensed.
 6. No recreational vehicles or equipment shall be parked or stored in any open space outside a building unless such equipment is wholly owned by the property owner who shall be in residence at the property in question. If the property is rented, such storage shall be permitted to the tenant only provided that such equipment is owned by the tenant.
 7. All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle must be kept weed free and free of accumulation of other storage material.
- (3) **Requirements for Exterior Storage in Office and Commercial Districts:** In all office and commercial zoning districts (See Section 98-102 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.
- (4) **Inoperative Motor Vehicles and Junk:** Refer to the City Code of Ordinances.

Section 98-707 Exterior Lighting Standards
(Ord. No. 00-10 8/14/00)*through***Section 98-707 Exterior Lighting Standards**
(Ord. No. 00-10 8/14/00)**Section 98-707 Exterior Lighting Standards** (Ord. No. 00-10 8/14/00)

- (1) **Purpose:** the purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and prevent the creation of nuisances. Further purpose of this Section is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.
- (2) **Applicability:** The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights of way and/or lighting located on public property. For the purpose of this Section, "Exterior lighting" means an outdoor artificial illuminating device, whether permanent or portable used for illumination or advertisement, including general lighting fixtures, searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, signage or other purposes. "Shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.
- (3) **Depiction on Required Site Plan:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908).
- (4) **Requirements:**
 - a. **Orientation of Fixture:** all exterior lighting shall be shielded, except for incandescent fixtures of 150 watts or less, and other lighting types of 70 watts or less. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district, except where a clear glass, decorative/ornamental fixture is used with incandescent lighting source. The use of shielded luminaries and careful fixture placement is required so as to facilitate compliance with this requirement. All floodlighting and spotlighting fixtures shall be shielded.
 - b. **Intensity of Illumination and Filtering:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night. In addition to this requirement, all exterior lighting fixtures shall not exceed the illumination levels recommended by the Illuminating Engineering Society of America (IES) as given in Appendix A. All metal halide fixtures shall be filtered by a smoke, tinted, or frosted glass or acrylic enclosure. Quartz glass shall not be considered as meeting this requirement.
 - c. **Location Light fixtures** shall not be located within required bufferyards.
 - d. **Flashing, Flickering and Other Distracting Lighting:** Flashing, flickering and/or other lighting which may distract motorists are prohibited. (Refer to Section 98-804(1)(c)).
 - e. **Minimum Lighting Standards:** All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity as recommended in the Lighting Tables of Appendix A.
 - f. **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming structures, (see Section 98-207).

Section 98-708 Vibration Standards*through***Section 98-708 Vibration Standards**

However, such non-conforming fixtures are encouraged to be extinguished by 11 P.M. All replacement fixtures shall fully comply with the requirements of this Section.

- g. **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. (Refer to Section 98-906).
- h. **Display Lot Lighting:** Display lot lighting shall be extinguished within 30 minutes after closing of the business. Under no circumstances shall the illumination of display lots be permitted between 11 P.M. and 7 A.M. All exterior lighting during such period shall be at LOW levels for security purposes only.
- i. **Architectural Lighting:** All architectural lighting shall be of 150 watts or less in incandescent, and shall be of 70 watts or less for other lighting types. All exterior lighting during such period shall have a minimum of 90 percent of their light fall onto the illuminated structure, rather than into sky or space beyond the structure. Under no circumstances shall the illumination of architecture be permitted between 11 P.M. and 7 A.M.
- k. **Use of Mercury Vapor Fixtures:** No new mercury vapor exterior lighting fixtures shall be installed following the effective date of this Ordinance amendment.

Section 98-708 Vibration Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.
- (3) **Depiction on Required Site Plan:** Any activity or equipment which create detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (See Section 98-908.)
- (4) **Requirements:** No activity or operation shall cause or create earthbone vibrations in excess of the displacement values given below.
- (5) **Method of Measurement:** Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The Maximum permitted displacements shall be determines in each zoning district by the following formula:

$D = K/f$ where D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

Section 98-708 Vibration Standards*through***Section 98-708 Vibration Standards**

- (6) **Standards in the General Industrial District:** In the General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond the any adjacent lot line</i>	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

- (7) **Standards in the Heavy Industrial District:** In the Heavy Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond the any adjacent lot line</i>	
Continuous	0.030
Impulsive	0.060
Less than 8 pulses per 24-hour period	0.150
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

*through***Section 98-709 Noise Standards**

- (8) **Standards in the Planned Industrial District:** In the Planned Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

Section 98-709 Noise Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.
- (3) **Requirements:** All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in Table 98-709(3)(a) (set out hereafter) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District. (See Section 98-102.)

Table 98-709(3)(a): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously*	
Zoning District	Increase in Noise Level over Ambient Level (dBA)
RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8	plus 3 dBA
NO, PO, PB, NB, GB, CB, PI	plus 5 dBA
GI, HI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during day time hours, one or more of the corrections, in Table 98-709(3)(b) on the following page, shall be added to or subtracted from each of the decibel levels given above in Table 98-709(3)(a).	

Section 98-712 Electromagnetic Radiation**Section 98-710 Air Pollution Standards***through***Standards**

- (4) Noises that were in effect as of the effective date of this Ordinance shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Ordinance shall be the responsibility of the noise producer.

Table 98-709(3)(b) Adjustment Factors for Maximum Noise Levels	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (Hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
Error! Bookmark not defined.* Apply one of these corrections only.	

Section 98-710 Air Pollution Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards:**
- (a) The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.
 - (b) Emission of smoke or particulate matter of density equal to, or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
 - (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
 - (d) All applicable state and federal standards.

Section 98-711 Odor Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- (3) **Standards:** Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as construction, lawn care, and the painting and roofing of structures), no odor shall be created

Section 98-712 Electromagnetic Radiation**Standards***through***Section 98-714 Fire and Explosion Standards**

for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District. (See Section 98-102.)

Section 98-712 Electromagnetic Radiation Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of electromagnetic radiation which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

Section 98-713 Glare and Heat Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of glare or heat which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards:** No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. (See also, Section 98-707.) Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar systems regulated by Wisconsin Statutes 66.03 shall be entitled to the protection of its provisions.

Section 98-714 Fire and Explosion Standards*through***Section 98-717 Drainage Standards**

Section 98-714 Fire and Explosion Standards

- (1) **Purpose:** The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely effect adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residential or office zoning district (see Section 98-102), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.

Section 98-715 Toxic or Noxious Material Standards

- (1) **Purpose:** The purpose of this Section is to regulate the handling of toxic or noxious material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:**
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

Section 98-716 Waste Material Standards

- (1) **Purpose:** The purpose of this Section is to regulate the handling of waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:**
 - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
 - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

Section 98-717 Drainage Standards*through***Section 98-719 Hazardous Materials Standards****Section 98-717 Drainage Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of drainage which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** No land shall be developed and no use shall be permitted that results in water runoff which causes property damage, a nuisance, and/or erosion on adjacent properties. Such runoff shall be properly conveyed to a public storm drain, drainageway or other such public drainage facility per the approval of the Director of Public Works. All parking lots four thousand (4,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.

Section 98-718 Exterior Construction Material Standards

- (1) **Purpose:** The purpose of this Section is to regulate the use of certain exterior construction materials creation so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards for all Residential, Office, Commercial, and the PI Zoning Districts:** Except for exposed foundations not to exceed three feet in height from the adjacent grade, all non-single family development located within the RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8, NO, PO, NB, PB, GB, CB, and PI districts shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:
 - (a) any portion of the building or structure visible from adjacent residentially zoned property;
 - (b) any portion of the building or structure located within 50 feet of a public right-of-way; or,
 - (c) any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

The following exterior construction materials shall not be considered "high quality, decorative:" non-decorative concrete block or cinder block, non-decorative concrete foundation walls or panels, corrugated or other metal with exposed fasteners, non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or non-decorative surfaces as determined by the Plan Commission.

- (4) Trademark architecture shall not be permitted.
- (5) Architectural design is subject to the Site Plan Review process, (see Section 98-908).
- (6) **Exceptions:** The Conditional Use Process (per Section 98-905) may be used to propose the use of a material otherwise prohibited by subsection (3) above.

Section 98-719 Hazardous Materials Standards *through***Section 98-720 Fencing Standards**

Section 98-719 Hazardous Materials Standards

- (1) **Purpose:** The purpose of this Section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
 - (a) **Micro-Organism Cultures** subject to Wisconsin Statutes 94.65;
 - (b) **Pesticides** subject to Wisconsin Statutes 94.67(25);
 - (c) **Biological Products** subject to Wisconsin Statutes 95.39;
 - (d) **Hazardous Substances** subject to Wisconsin Statutes 100.37(1)(c);
 - (e) **Toxic Substances** subject to Wisconsin Statutes 101.58(2)(j);
 - (f) **Infectious Agents** subject to Wisconsin Statutes 101.58(2)(f) or;
 - (g) Any material for which the State of Wisconsin requires notification of a local fire department
 - (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.
- (3) **Standards:** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. (See Section 98-908)

Section 98-720 Fencing Standards

- (1) **Purpose:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.
- (3) **Standards:**
 - (a) **Materials:**
 1. **Residential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, vinyl and wire mesh, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque, except with the granting of a conditional use permit per Section 98-905.
 2. **Nonresidential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque, except with the granting of a conditional use permit per Section 98-905.
 3. **Temporary Fencing:** Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1,

**Section 98-721 Signal Receiving Antennas
(Satellite Dishes) Standards***through***Section 98-721 Signal Receiving Antennas
(Satellite Dishes) Standards**

protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.

4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.
- (b) **Location:** On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
- (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
 1. Fences in excess of 36" tall shall not be permitted within a required yard setback, including street front yard, street side yard, and street rear yard, except with the granting of a conditional use permit per Section 98-905. (Ord. No. 98-11 11/9/98)
 2. 6 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
 3. 8 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.
- (d) **Orientation:** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (e) **Maintenance:** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (f) **Swimming Pools:** Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the City Public Works Department.

Section 98-721 Signal Receiving Antennas (Satellite Dishes) Standards

- (1) **Purpose:** This Section regulating the placement of signal receiving antennas (including roof-mounted antennas which are greater than 15 feet and satellite dishes which are greater than 18 inches) is adopted to:
 - (a) Provide uniform regulation of all signal receiving antenna devices;
 - (b) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
 - (c) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
 - (d) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (2) **Permit Required:** No owner shall, within the City of Lake Geneva, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.

**Section 98-721 Signal Receiving Antennas
(Satellite Dishes) Standards***through***Section 98-721 Signal Receiving Antennas
(Satellite Dishes) Standards****(3) Definitions:**

- (a) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
- (b) "Owner" means the holder of record of an estate in possession of fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

- (4) **Application:** Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee (see Section 98-935) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.

- (5) **Installation Standards:** Signal receiving antennas installed in any zoning district within the City shall comply with the following provisions:

- (a) **Setbacks:**

- 1. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.
- 2. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
- 3. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

- (b) **Mounting:** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.

- (c) **Diameter:** the diameter of the signal receiving antenna shall not exceed fifteen (15) feet in diameter for commercial uses or ten (10) feet in diameter for residential uses, except for systems used to provide community antenna television services.

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Standards***through***Section 98-722 Wind Energy Systems
Standards****(d) Height:**

1. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
2. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

(e) Wind Pressure: All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) MPH.**(f) Electrical Installations:** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.**(g) Temporary Placement:** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.**(h) Advertising:** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.**(i) Interference with Broadcasting:** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.**(j) Compliance with Federal Regulations:** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.**(k) Aesthetic Considerations:** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.**(6) Enforcement:**

- (a) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common

**Section 98-722 Wind Energy Systems
Standards***through***Section 98-722 Wind Energy Systems
Standards**

Council or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.

- (b) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 98-936.

Section 98-722 Wind Energy Systems Standards

- (1) **Construction of Wind Energy Systems:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (2) **Permits Required:**
- (a) A zoning permit shall be obtained to allow construction of a WECS.
 - (b) A WECS permit shall be obtained from the City Zoning Administrator for the construction of all WECS.
- (3) **Application Requirements:** An application for a permit to build a wind energy system shall include the following:
- (a) The property lines of the proposed site of construction.
 - (b) Proposed location of the WECS.
 - (c) Location and description of all structures located on the property where the WECS site is proposed.
 - (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
 - (e) Location of all underground utility lines on the property where a WECS site is proposed.
 - (f) Dimensional representation of the structural components of the tower construction including the base and footings.
 - (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
 - (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
 - (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (4) **Blade Clearance:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.
- (5) **Climbing Towers, Tower Access:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.

Section 98-723 Swimming Pools Standards *through* **Section 98-723 Swimming Pools Standards**

- (6) **Tower Construction:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.
- (7) **Utility Interconnection:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (8) **Setback Requirements:**
- (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
 - (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (9) **Noise:** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the City of Lake Geneva Code of Ordinances.
- (10) **Interference with Navigational Systems:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (11) **Electrical Distribution Lines:** All WECS electrical distribution lines shall be located underground.
- (12) **Required Safety Features:**
- (a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
 - (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
 - (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
 - (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Lake Geneva Code of Ordinances.
- (13) **Maintenance:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.

Section 98-723 Swimming Pools Standards*through***Section 98-723 Swimming Pools Standards**

- (14) **Inspections:** A yearly inspection at a fee to be determined from time to time by resolution of the Common Council shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

Section 98-723 Swimming Pools Standards

- (1) **Definition:** A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (2) **Exempt Pools:** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (3) **Permit Required:** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.
- (4) **Construction Requirements:** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in subsection (2), above, unless the following construction requirements are observed:
- (a) **Approved Materials:** All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.
- (b) **Plumbing:** All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.
- (c) **Electrical Installations:** All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.
- (5) **Setbacks and Other Requirements:**
- (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or

Section 98-723 Swimming Pools Standards	<i>through</i>	Section 98-724 Outdoor Storage of Firewood Standards
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constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.

- (b) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

(6) Enclosure:

- (a) **Fence; In-Ground Pools:** All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(b) **Above-Ground Pools; Pool Wall Barrier:**

1. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
2. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

- (7) **Compliance:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

- (8) **Draining and Approval Thereof:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

- (9) **Filter System Required:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

- (10) **Dirt Bottoms Prohibited:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

Section 98-724 Outdoor Storage of Firewood Standards*through***Section 98-725 Design Requirements for Large Developments (Ord. No. 99-2 2/22/99)****Section 98-724 Outdoor Storage of Firewood Standards**

- (1) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (2) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (3) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (4) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (5) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

Section 98-725 Design Requirements for Large Developments (Ord. No. 99-2 2/22/99)

The following conditional use standards shall apply to all new indoor sales and service-oriented buildings in the General Business (GB) and Planned Business (PB) zoning districts within the City of Lake Geneva in excess of 60,000 gross square feet. These conditions shall also be applied to all building additions to existing buildings, which brings the total building size to over 60,000 gross square feet. Such conditions shall apply to both new development and to portions of development prior to the adoption of this ordinance. This 60,000 square foot limit shall apply to individual free-standing buildings and to Group Developments in which the combined total of all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than 60,000 gross square feet.

- (1) Building exterior materials shall be of high aesthetic quality on all sides of the structure, such as, glass, brick, decorative concrete block, or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the City.
- (2) Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20 percent of the combined facades of the structure shall employ actual façade protrusions or recesses. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more as measured eave to eave or parapet to parapet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective.
- (3) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.
- (4) Standard Corporate Trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the City, only as subtly integrated into the more

Section 98-725 Design Requirements for Large Developments (Ord. No. 99-2 2/22/99)*through***Section 98-725 Design Requirements for Large Developments (Ord. No. 99-2 2/22/99)**

generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.

- (5) Public entryways shall be prominently indicated from the building's exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street or public parking area shall have, or appear to have, public entrances.
- (6) Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (7) Vehicle access from public streets shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets from inadequate parking lot design or capacity, inadequate access drive entry throat length, improper access drive width or design, or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off site public roads, intersections, interchanges during the peak hour of on-site traffic – as determined as coinciding with a full parking lot. Where the project shall adversely impact off-site traffic, the City may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.
- (8) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking isle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking isle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a minimum of 100 spaces in any one pod.
- (9) A minimum of one two hundred square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.
- (10) The applicant shall demonstrate full compliance with City standards for stormwater management, sanitary sewerage, public water, erosion control and public safety.
- (11) On site landscaping shall be provided per the landscaping requirements of the Lake Geneva zoning ordinance except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the Planned Business Zoning District.
- (12) A conceptual plan for exterior signage shall be provided at time of GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.
- (13) The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all existing or planned public sidewalks or pedestrian/bike facilities. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location.

**Section 98-730 Administration & Enforcement
of Performance Standards****Section 98-730 Administration & Enforcement
of Performance Standards***through*

- (14) Where such developments are proposed to provide a new location for a business already located within the community, a required condition of approval for the new development shall be a prohibition on conditions of sale, lease, or use of the previously occupied building or site which provide limits beyond the range of applicable local, state or federal regulations. If such limits are required, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for some future development.
- (15) The applicant shall provide adequate evidence that the proposed development and uses shall not hinder or undermine the City's community character objectives as stated and elaborated in the City's Comprehensive Master Plan.
- (16) The applicant shall provide adequate evidence that the proposed development shall not have the likely result of creating long-term vacancies for the tenants' current location. Or long-term vacancies in specialized buildings related to the potential closure of competing local businesses.
- (17) The applicant shall provide adequate evidence that the proposed development shall not have the likely result of hindering the preservation or attainment of the community's desired small city community character as exemplified by certain off-site impacts, including new lane additions, traffic signals, stormwater management problems, sudden declines in road levels of service or substantial impacts on city facilities or services.
- (18) The granting of a conditional use for such a project shall require a five vote majority of the City Council. (Ord. No. 00-1 1/24/00)

Section 98-730 Administration & Enforcement of Performance Standards

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- (b) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.
 2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set

**Section 98-730 Administration & Enforcement
of Performance Standards***through***Section 98-730 Administration & Enforcement
of Performance Standards**

constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.

- (2) Enforcement of the provisions of this Article shall be per Section 98-936.

Section 98-801 Purpose*through***Section 98-802 Sign Permits****ARTICLE VIII: SIGNAGE REGULATIONS****Section 98-801 Purpose**

The purpose of this Article is to establish standards for the fabrication, erection, and use of signs and signage for all properties within the City of Lake Geneva. This Article regulates the location, type, size, and height of signage in order to protect and promote the public welfare, health, and safety of persons within the community; to aid in the development and promotion of business and industry; and to ensure implementation of the Comprehensive Plan of the City of Lake Geneva within the City's zoning districts. The adoption of this Article reflects the formal finding of fact on the part of the City of Lake Geneva Plan Commission and the Lake Geneva Common Council that regulation of signage furthers four compelling governmental interests:

- (1) To promote the public welfare, health, and safety of all persons using the public thoroughfares and right-of-ways within the City of Lake Geneva as to the signage displayed thereon, or overhanging, or projecting into such public spaces;
- (2) To advance the aesthetic goals of the City throughout the community, and to ensure the effectiveness and flexibility in the design of, and the creativity of, the use of such devices without creating detriment to the general public;
- (3) To reduce the visual clutter caused by advertising signage which the City has determined is a significant cause of unsafe traffic and visibility conditions; and
- (4) To limit the spread of unattractive strip commercial development, of which signs are a primary contributor, so as to be respectful of the reasonable rights of other advertisers and business entities whose messages are also displayed in such areas.

Furthermore, the City of Lake Geneva advocates that this regulation leaves ample and adequate alternative channels of commercial speech communication for the messages portrayed on such advertising signage, namely, print media, broadcast media, and point-of-purchase display, and is narrowly defined so as to limit any prohibitions on commercial speech on exterior signage.

Section 98-802 Sign Permits

- (1) Except as otherwise provided in Subsection (2) below, it shall be unlawful for any person to erect, construct, enlarge, alter, move, or convert any sign in the City, or cause the same to be done, without first obtaining a sign permit for each sign from the City of Lake Geneva Zoning Administrator as required under this Article. This Section shall apply and be construed to require a permit for a change of copy on any sign or for any conversions or changes in the sign structure for which a permit has been previously issued. This Section shall not apply for a repainting with the same sign copy, cleaning, repair, or other normal maintenance of the sign or sign structure. No new permit is required for signs which have permits on the date in which this Chapter was adopted and which conform with the requirements of this Article on the date of its adoption unless and until the sign is altered or relocated in any way.
- (2) The following sign uses and purposes are permitted in all zoning districts without the need for a sign permit. Such signs shall not count as part of the maximum permitted sign area as regulated by Section 98-806.
 - (a) Address numerals and identification signs not exceeding four square feet in area.
 - (b) Legal notices and other signs established, or ordered, by any governmental agency.
 - (c) Memorial signs and tablets displayed in cemeteries.

Section 98-802 Sign Permits*through***Section 98-802 Sign Permits**

- (d) On-premise directional signs which bear no advertising if under four square feet, and if limited to business site or business name or logo.
 - (e) Temporary signs which conform to the requirements of Section 98-807.
 - (f) Political signs and flags of government, religious, fraternal, or civic organizations.
 - (g) Auxiliary signs per Subsection 98-803(1)(b), if under four square feet.
- (3) **Community information signs** shall be permitted only as a conditional use within all zoning districts and upon any property within the jurisdiction of the City of Lake Geneva Zoning Code. As such, the review of a request for the erection of a community information sign shall comply with the requirements of Section 98-905 of the City of Lake Geneva Zoning Code. The proposed size, configuration, and design of the sign shall be described as part of the conditional use requirements. As a conditional use, the City of Lake Geneva may revoke the designation of an approved community information sign if such sign fails to comply with the requirements of this Article. Such action shall proceed per the requirements of Subsection 98-802(8). Upon revocation, the owner of said sign shall have 30 days to remove the sign at the owner's expense.
- (a) Such sign shall only display information regarding events and information of general interest to the residents of Lake Geneva. Copy which may be considered as advertising a product, private or restricted participation event, or activity for private profit shall be prohibited.
 - (b) Such sign may be located on private or public property (except for residential properties within the ER-1, SR-3, and SR-4 zoning districts.)
 - (c) Such sign shall conform to the visibility requirements of Subsection 98-804(1)(i).
 - (d) Such sign shall not be counted as adding to the area of signage on the subject property for the purposes of regulating sign area per Subsection 98-806(6).
- (4) **Permit Requirements:**
- (a) The sign permit fee shall be required for all new signs and any modifications of any existing sign face or sign structure (See Section 98-935).
 - (b) Any sign permit fee granted hereunder may not be assigned or transferred to any other sign or modified sign face or sign structure.
 - (c) Only those permanent or temporary signs which have been granted a permit from the Zoning Administrator in accordance with the provisions of this Section may be erected, installed, constructed or maintained.
 - (d) For all other signs (excluding free-standing signs) the owner or tenant may include all such signs at one premise under one permit if provisions of Subsection 98-802(5) are complied with.
 - (e) All signs which are located over a public right-of-way shall require the property owner or tenant to procure public liability insurance in a company licensed to transact business in Wisconsin for the principal sum of not less than \$25,000 liability to any one person or \$50,000 liability on account of any one accident. Such policy shall further have an endorsement protecting the City of Lake Geneva or its interest as the result of any accident or injury for which the City might become liable.

Section 98-802 Sign Permits*through***Section 98-802 Sign Permits**

- (5) **Application Procedure:** Each initial application for a sign permit shall be filed with the Zoning Administrator on forms to be provided by that office, prior to installation of a new sign or modification of an existing sign face or sign structure. Application shall include:
- (a) The name and address of the permit applicant.
 - (b) A legible scaled drawing with description and dimensions of the sign(s) to be erected or maintained under that permit and the sign's proposed location on the building or site.
 - (c) Written proof of consent from the property owner upon which the sign(s) are to be erected and maintained.
 - (d) Proof of payment of the appropriate sign permit fee, when required.
 - (e) Evidence of liability, insurance policy, or bond as required herein for signs located over a public right-of-way per Subsection 98-802(4), above.
 - (f) Any other item of information that may be reasonably required by the Zoning Administrator or Plan Commission for the purpose of application evaluation.
- (6) **Granting and Issuance:**
- (a) All sign permit applications shall be reviewed by the City staff, who shall deny or grant such applications, within ten business days of receipt of the complete application and payment of fee per (1)-(5), above. Upon granting, the Zoning Administrator shall issue the sign permit.
 - (b) No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
- (7) **Basis for Granting:** In reviewing a sign permit application, the City staff may consider the following factors in deciding whether or not to grant the issuance of a sign permit.
- (a) Whether the sign is compatible with the surroundings, pursuant to the objectives of proper design and zoning criteria.
 - (b) Whether the sign is designed, installed, and maintained to meet the sign users needs while at the same time promoting the surrounding environment desired by the general public.
 - (c) Whether the sign is designed, constructed, installed, or maintained in such a manner that it does not endanger public safety or traffic safety.
 - (d) Whether the sign is legible, readable, and visible in the circumstances in which it is to be used.
 - (e) Whether the sign, including size, height, illumination and location, is respectful of reasonable rights of other advertisers whose messages are displayed in the area.
 - (f) Whether the sign is in compliance with the provisions of this Article.
 - (g) Whether the sign is in compliance with the provisions of the City of Lake Geneva General Ordinances relating to traffic safety, traffic visibility setbacks, and the Zoning Ordinance.
- (8) **Revocation:**
- (a) Upon Class I notice and after a public hearing conducted by the Plan Commission, any permit may be revoked by the Plan Commission in the event that the applicant has failed

**Section 98-803 Signage Definitions and
General Signage Standards***through***Section 98-803 Signage Definitions and
General Signage Standards**

to comply with the provisions of these regulations or any conditions that may have accompanied the permit at the time of granting.

- (b) Any sign permit issued by the Zoning Administrator shall be null and void and automatically revoked in the event that construction, installation, or manufacture of the sign has not been commenced within 180 days from the date of the issuance of such permit. If work authorized by such permit is suspended or abandoned for a period of 90 days any time after the work is commenced, the original permit shall become null and void. A new permit shall first be obtained to complete the work, and a new permit fee shall be required.
- (c) Upon any revocation the sign(s) subject to such revoked permits, whether free-standing, overhanging, or projecting shall be removed by the licensee within 45 days of such revocation.
- (d) Revocation shall not give cause to a right of total or partial reimbursement of license fees paid.
- (9) **Appeals:** Any permit application reviewed by the City staff and/or the Historic Preservation Commission, which is denied or any revocation, under (8) above, shall be subject to appeal to the Plan Commission per the requirements of the conditional use process. Charges for said appeal shall be returned if said appeal is successful.
- (10) **Signs in Historic and Special Districts:** In addition to these sign regulations, all signs within any historic or special district shall be subject to the provisions of Ordinance 96-2: City of Lake Geneva Historic Preservation Ordinance.
- (11) **Enforcement:** Any person, firm, or corporation violating any such provision of this article will be subject to issuance of a citation under this subsection without written notice or warning. (Ord. No. 01-20 4/9/01)
 - (a) **Penalty:** Any person, firm, or corporation violating any provision of this Article shall be subject to a penalty, upon conviction thereof, by forfeiture under Section 98-936, together with the costs of prosecution. Each separate offense and each day a violation continues or occurs, shall constitute a separate offense.
 - (b) **Other Remedies in Law or Equity:** Nothing under this Subsection shall prevent the City of Lake Geneva from exercising any other remedies, in law or equity, and the penalties outlined herein are cumulative and in addition to any other such remedies.
 - (c) **Removal of Defective or Dangerous Signs by the City:** The Zoning Administrator shall cause to be removed any sign that endangers the public safety or health and extends or projects into any public thoroughfare or right-of-way within the City such as abandoned, dangerous, or materially defective signs or signs for which no permit has been issued. (Ord. No. 01-20 4/9/01)
 - (d) **Revocation of General Business License:** In addition to all other penalties any person, firm, or corporation violating any provision of this article for a fifteen (15) day period shall have their General Business License revoked for non-compliance with this section. (Ord. No. 01-20 4/9/04)

Section 98-803 Signage Definitions and General Signage Standards

The following definitions shall be used by this Article to assist in the establishment of clear cut signage regulations. In general, Sign Purposes refers to where or how a sign is used. Sign Types

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refers to the style of the sign, and Sign Measurement explains how the dimensions of a sign are determined.

Sign: Any object, device, display, structure, or part thereof, situated outdoors and in view of the general public, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, or location by any means, including words, letters, figures, logos, symbols, fixtures, projected images, or in-window signs (described as signs located inside buildings and visible from and located within five (5) feet of a window). Signs do not include the flag or emblem of any nation, organization of nations, state, city, religious, fraternal, or civic organization; also merchandise and pictures or models of products or services incorporated in a window display, works of art which in no way identify a product, or scoreboards located on athletic fields. Building colors and outline lighting which do not convey a logo or message specific to the use (as determined by the Zoning Administrator) are not considered signs. Definitions of particular functional, locational, and structural types of signs are listed in this Section. (Traffic control and other public agency signs located within a right-of-way are not included within this definition and are not regulated by the provisions of this Article.) (Ord. No. 01-20 4/9/01)

(1) Sign Purposes:

- (a) **Advertising sign (Off-premise sign):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, or offered elsewhere than upon the premises where the sign is displayed. Advertising signs include billboards. (Refer to Subsection 98-804(1)(j).) No new off-premise advertising signs shall be permitted within the City.
- (b) **Auxiliary sign:** A sign which provides special information such as price, hours of operation, or warning and which does not include brand names, or information regarding product lines or services. It may contain a business logo if the logo is under one square foot in area. Examples of such signs include "no trespassing" signs and signs which list prices of gasoline, up to one price listing sign per type of fuel, which must be displayed on a single structure.
- (c) **Business sign (On-premise sign):** A sign which directs attention to a business, commodity, service, or entertainment conducted, sold, offered, or manufactured upon the premises where the sign is located. Refer to Section 98-806.
- (d) **Community information sign:** A permanent sign approved with a conditional use permit which may have changeable copy and which is limited to the display of information of interest to the general community regarding scheduled public events and public activities. Refer to Subsection 98-802(3).
- (e) **Directional sign, Off-premise:** A sign which indicates only the name, direction, and/or distance of a governmental facility. Refer to Subsection 98-804(1)(f). This definition does not pertain to off-premise advertising signs. Refer to Subsection 98-803(1)(a).
- (f) **Directional sign, On-premise:** A sign which indicates only the name, logo (if under one square foot), and or direction of a pedestrian or traffic facility, or a particular building within a complex of structures, on the property on which said facility or building is located.
- (g) **Group sign:** A sign displaying the collective name of a group of uses such as the title of a shopping center, office park, or industrial park and its tenants. No sales or price information shall be permitted. Portions of the sign containing names of individual tenants shall be considered as part of the area of a group sign. Group signs shall only be

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permitted within developments serving two or more non-residential tenants, and are permitted on any form of permitted business or identification signage.

- (h) **Identification sign:** A sign indicating the name and/or address of the project, property owner, tenant and/or manager of the property, address, and name and phone number of the property manager.
- (i) **Temporary sign:** A sign or advertising display (including festoons, pennants, banners, pinwheels and similar devices) intended to be displayed for a certain period of time (as permitted by Section 98-807). Included in the definition of "temporary signs" are retailers' signs temporarily displayed for the purpose of informing the public of a "sale" or special offer. If a sign display area is permanent but the message displayed is subject to periodic changes, that sign shall not be considered as temporary. A mobile or portable sign shall not be considered a temporary sign or used for such a purpose. Refer to Section 98-807.

(2) Sign Types:

- (a) **Awning sign:** A type of projecting, on-building sign (see (f), below) consisting of a fabric or fabric-like sheathing material.
- (b) **Freestanding sign:** A self-supporting sign resting on or supported by means of poles, standards, or any other type of base on the ground. This type of sign includes monument signs and pylon signs. (Refer to Subsections (e) and (g), below.) The base and support(s) of any and all freestanding signs shall be concealed and shall comply with the State Building Code. The height of a freestanding sign shall be measured per Subsection (3)(a). Refer to Subsection 98-804(3)(a).
- (c) **Marquee sign:** A type of projecting, on-building sign (see (f), below) sheltering the entrance and/or entrance approaches of a theater, auditorium, fairground, museum or other use, which advertises present and scheduled events.
- (d) **Mobile sign:** A sign mounted on a frame or chassis designed to be easily relocated, including vehicles and/or trailers whose principal commercial use is for signage. Refer to Subsection 98-804(3)(b).
- (e) **Monument sign:** A type of freestanding sign (See (2)(b), above) whose bottom edge is located within one foot of a ground-mounted pedestal and whose top edge is located no more than six feet high. Refer to Subsections 98-804(1)(i) and (2)(a).
- (f) **Projecting sign:** A type of on-building sign, other than a wall sign which is attached to and projects more than one foot, generally perpendicular from a structure or building face. Refer to Subsection 98-804(3)(b).
- (g) **Pylon sign:** A type of freestanding sign (See (2)(b), above) whose bottom edge is located more than one foot above a ground-mounted pedestal or whose top edge is located more than six feet high (see monument sign).
- (h) **Wall sign:** A type of on-building sign mounted parallel to a building facade or other vertical building surface. Refer to Subsection 98-804(3)(c).
- (i) **Personal greeting and congratulatory sign:** A temporary sign which is limited to thirty-two (32) square feet, and which is limited to a non-commercial, personal greeting or message used to announce, congratulate, or greet members of a family or work staff.
- (j) **In-Window Sign:** A sign located within a building that is located attached to the inside face of an exterior window and visible from the exterior of the building. (Ord. No. 01-20 4/9/04)

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(k) **Flags:** This section applies to Corporate Flags for Registered Corporation and decorative flags. (Ord. No. 03-04 3/24/03)

1. Flag poles shall not exceed 35' in height and shall be setback a minimum of 5 feet from any property line;
2. Any flag flown in conjunction with the United States flag shall follow Federal Flag Code established by Congress;
3. No more than one Corporate Flag or one decorative flag shall be flown on any one site;
4. A Corporate Flag shall only be permitted in the GB, PB, PBP, PI, GI, HI, and PD Zoning Districts. The maximum size of any Corporate Flag shall not exceed 60 square feet;
5. Corporate flag content is limited to the following:
 - A. Corporate logo.
 - B. Corporate colors.
 - C. Other solid color background.
 - D. Any combination of Corporate logo, Corporate colors or solid color background.
6. No corporate or decorative flag may contain a slogan, price information, product information or image, or any other message that would make the flag appear to be a banner.

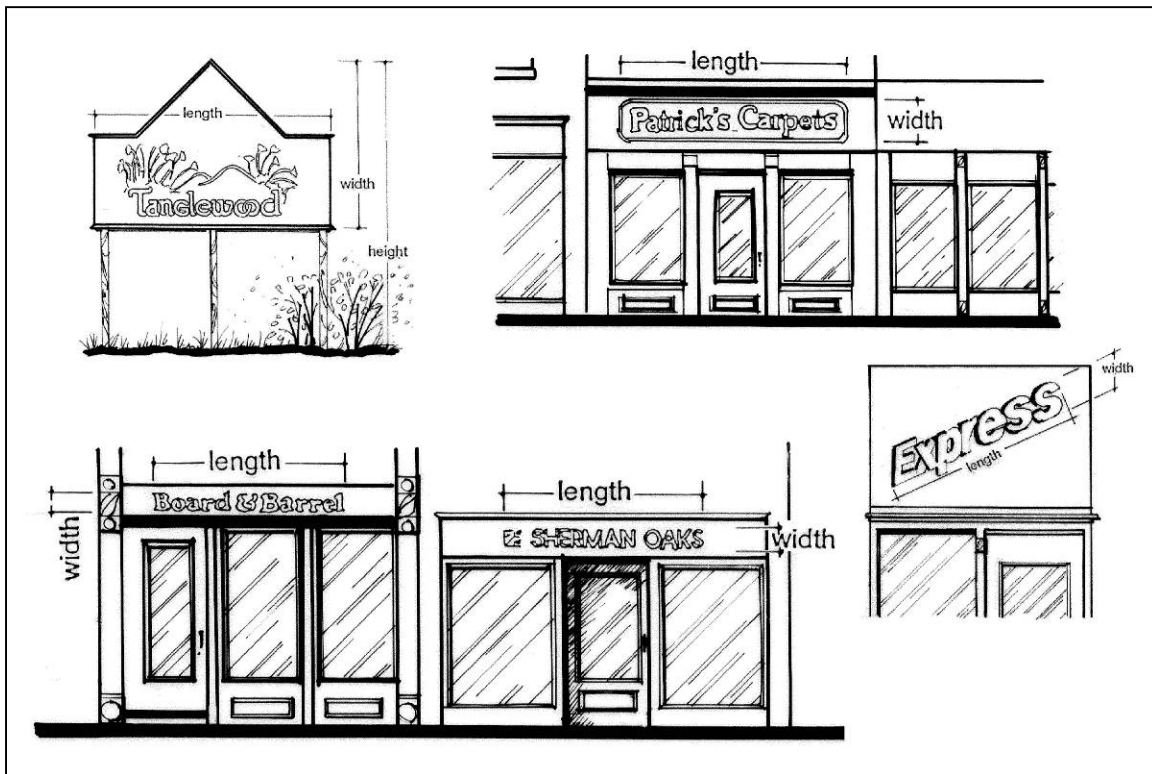
(3) **Sign Measurement:**

(a) **Ground level:** The average elevation of the ground upon which the sign supports are placed, except when the sign supports rest upon a berm or other area elevated above the surrounding ground. In such cases, the average elevation of the base of such berm or other area shall be considered as the ground level.

(b) **Sign area** shall be measured in the following manner:

1. In the case of a sign placed within a frame, a marquee sign, or other structure, sign area consists of the entire surface area of the sign on which copy could be placed. The supporting structure or bracing of a sign, including the supports of monument signs not used for copy, shall not be counted as a part of the sign face area unless such structure or bracing is made a part of the sign's message. Where a freestanding on-premise sign (monument or pylon) has two or more display faces, the total area of all of the display faces which can be viewed from any single location shall be considered the sign face area.
2. In the case of a sign whose message is fabricated together with the background which borders or frames that message, sign face area shall be the total area of the entire background.
3. In the case of a sign whose message is applied to a background which provides no border or frame (such as individual letters to a building face or awning), sign face area shall be the combined areas of the smallest rectangles which can encompass each word, letter, figure, emblem, and other element of the sign message per a scaled, fully dimensioned drawing approved by the Zoning Administrator. Where such drawing is not provided, said area shall be the smallest area enclosed in a single rectangle.

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4. Signs less than one square foot in area are not regulated by this Article.
5. The illustration on the following page demonstrates how sign face area is measured.

Section 98-804 General Signage Regulations

The regulations contained in this Section apply to signs in all districts.

(1) Sign Prohibitions and Limitations:

- (a) **No sign** shall use any word, phrase, symbol, shape, form, or character in such manner as to interfere with moving traffic, including signs which incorporate typical street-type and/or traffic control-type signage designs and colors.
- (b) Except for sequin-like eyecatcher devices, flags (as permitted by Subsection 98-803(2)(k)), and temporary signs (as permitted by Section 98-807), no fluttering, undulating, swinging, rotating, or otherwise moving signs or other decorations shall be permitted.
- (c) **No illuminated flashing signs** shall be permitted. Flashing signs are those which change their appearance more than once every 60 seconds. Electronic message center signs and time/temperature signs are permitted with a conditional use permit. Chasing lights shall not be allowed.
- (d) **No illuminated sign** shall be permitted unless the illumination of the sign is so designed that the lighting element (except neon signs) is not visible from any property within a residential zoning district. All illuminated signs shall comply with the State Electrical Code.
- (e) **No mobile signs** shall be permitted.
- (f) **Off-premise directional signs** shall be permitted only for governmental uses.
- (g) **No inflatable signs** shall be permitted, except as temporary signs.

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- (h) **No advertising vehicle signs** shall be permitted, except as temporary signs. Refer to Subsection 98-804(3)(d).
- (i) **No sign** shall be placed so as to obstruct or interfere with traffic visibility.
- (j) **No off-premise advertising signs** shall be permitted except for the small blue highway information signs as provided within the right-of-way of USH 12 and STHs 50 and 120 per applicable State of Wisconsin Statutes. Existing legal off-premise advertising signs made nonconforming by this Article shall be permitted to continue as legal, nonconforming structures. These signs may not be relocated, structurally modified, or replaced if damaged over 50%. These legal nonconforming signs include the following list:
1. Large single faced billboard with two off-premise businesses advertised and one on-premise business advertised located near the intersection of STH 50 and STH 12 on Tax Parcel ZYUP-168.
 2. Large two faced billboard sign adjacent to and above the building located at 721 Williams Street. Tax Parcel No. ZF-28B.
 3. Three large single face billboard signs located at the southwest corner of the intersection of Sage Street and Sheridan Springs Road. Tax Parcel No. ZGC-11.
 4. Two smaller two faced pole signs located near the west side of the intersection of Grant Street and Elkhorn Road. Tax Parcel No. ZYUP-44A.
 5. Small wall sign on south face of the building located at 264 Center Street. Tax Parcel No. ZOP-259.
 6. Large single faced billboard located on north side of STH 120 near the intersection of STH 12 on Tax Parcel No. ZYUP-1371. Currently unused for several years, in a dilapidated condition, and under orders to remove.
 7. Large single faced billboard at the south lot line near CTH H right-of-way. Tax Parcel No. ZOP-373.
 8. Large two faced billboard sign near the southwest corner of Edwards Boulevard and Townline Road. Tax Parcel No. ZA4362 00003.
- *This will include a sunset date of March 14, 2041 as depicted in the Pre-annexation agreement that was approved by the City upon the annexation of the property that occurred March 14, 2011. (Ord. No. 11-35)
- (k) **No pylon signs** shall be permitted.
- (l) **Obstructing windows** with paper covering is specifically prohibited under this section. This section applies to regulations under Section 98-806. (Ord. No. 01-20 4/9/01)
- (m) **In-Window Signs** shall be limited to a maximum area of written sign text message that does not exceed fifteen (15%) percent of the area of the window. The area of the text message shall be the smallest rectangular area that contains the entire text message. Text messages shall include letters, numerals, symbols, and product or company logos. Images, product displays, and wall boards that do not contain written text messages are not regulated by this rule. Area devoted to In-Window Signs shall not be counted as another type of sign area. There is no limit in the number of In-Window Signs and In-Window Signs shall not be subject to the design criteria of the Downtown Design District or other Overlay District regulations. All signage in the City shall come into compliance with this requirement as of May 1, 2001. (Ord. No. 01-20 4/9/01)

Section 98-804 General Signage Regulations *through* **Section 98-804 General Signage Regulations**

(2) Sign Location Requirements:

- (a) **No sign** shall be erected or maintained at any location where by reason of its position, wording, illumination, size, shape, or color it may obstruct, impair, obscure, interfere with the view of, or be confused with, any **authorized traffic control sign, signal or device**. Freestanding signs may not locate within vision triangles nor otherwise impede traffic or pedestrian visibility. Freestanding sign setbacks from right-of-way lines vary by zoning district -- refer to Sections 98-805 and 98-806.
- (b) **No sign** shall be located within a **required bufferyard** or within a permanently protected green space area. Refer to the City of Lake Geneva Zoning Code.
- (c) **No sign** shall be mounted or displayed on the **roof** of a structure.
- (d) **No sign**, temporary or otherwise, shall be displayed on private property without the owner's or renter's permission.
- (e) **Private signs** shall not be allowed within road **right-of-way** lines.
- (f) **Projecting signs** shall only be permitted as new signs per the rules of this Ordinance and may be maintained as legal nonconforming signs only if they exist as of the effective date of this Chapter, and are a minimum of seven feet over the elevation of a pedestrian way.
- (g) **Freestanding signs** shall be located a minimum of twelve feet from property lines or equivalent to their maximum height, whichever is lesser, except that on-premise directional signs less than 36 inches tall shall be located a minimum of one foot from a property line.
- (h) **Awnings** made of cloth are permitted. Such awnings shall be free of backlighting and only contain a lettering band with a single line of copy less than eight inches tall located on the vertical face of the awning and shall be located a minimum of seven and one-half feet for the fabric, and eight feet for the frame, over pedestrian ways.
- (i) No person shall erect, construct, or maintain any sign upon any property or building without the express consent of the owner or person entitled to possession of the property or building or their authorized representative.

(3) Sign Configuration Requirements:

- (a) **Freestanding sign configuration:** A freestanding sign shall not be erected so that it impedes visibility for safe pedestrian and/or vehicular circulation. The footing and related supporting structure of a freestanding sign including bolts, flanges, brackets, etc., shall be concealed by the sign exterior, masonry covering, earth and permanent groundcover, or through the use of evergreen shrubs. Refer to Subsection 98-803(2)(b).
- (b) **Projecting sign configuration:** The bottom edge of a projecting sign shall be located a minimum of seven (7) feet from the ground level directly under the sign. Such sign shall be mounted directly to a building. In no instance shall such sign be projecting more than four (4) feet into and over a public right-of-way or private street, drive, or parking area. (Ord. No. 01-24 8/13/01)
- (c) **Wall sign configuration:** A wall sign shall not extend beyond the edge of any wall or other surface to which it is mounted, nor shall it project more than twelve (12) inches from its surface. The height of a wall sign shall be measured from the base of the building below the sign to the top of the sign face. The top of the sign shall be no higher than the nearest portion of the building to which it is mounted without a conditional use permit. Signs

Section 98-805 Regulations for the CR-5ac, ER-1, SR-3, SR-4, TR-6, and MR-8 Districts*through***Section 98-805 Regulations for the CR-5ac, ER-1, SR-3, SR-4, TR-6, and MR-8 Districts**

painted directly on a wall or other portion of a building are not permitted. Refer to Subsection 98-803(2)(h).

- (d) **Advertising vehicle sign configuration:** No persons shall park any vehicle or trailer on a public right-of-way or on private properties so as to be seen from a public right-of-way, which has attached thereto or located thereon any sign or advertising device for the basic purpose of providing advertisement of products or directing people to a business activity located on the same or nearby property or any other premise. Licensed business vehicles containing typical business signage and which are actively used on a daily basis for business purposes, are exempt from this prohibition. Refer to Subsection 98-804(1)(h).

Section 98-805 Regulations for the CR-5ac, ER-1, SR-3, SR-4, TR-6, and MR-8 Districts**(1) Rules for all Signs:**

- (a) Signs shall comply with all provisions of this Article, including Section 98-803 and Section 98-804 for general signage definitions and regulations.
- (b) Signage on a lot shall be limited to the combined total of all signs listed under Subsection (2), below, or as otherwise modified by conditional use, planned development, deed restriction or other site specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if they saw fit to do so.

(2) Rules for Particular Sign Purposes:**(a) Identification Sign**

1. For one-family, two-family, three-family or four-family dwelling:
 - a. Permitted Sign Type: Wall Sign
 - b. Maximum Permitted Number per Lot: One
 - c. Maximum Permitted Area per Sign: Two square feet
2. For multi-family dwelling of five or more units, or institutional use:
 - a. Permitted Sign Type: Wall Sign, Canopy Sign or Monument Sign
 - b. Maximum Permitted Number per Lot: One monument, plus one wall or canopy
 - c. Maximum Permitted Area per Sign: Twenty-Four square feet
3. For group development or subdivision:
 - a. Permitted Sign Type: Wall Sign, Canopy Sign or Monument Sign
 - b. Maximum Permitted Number per Development: Per Plat or Conditional Use
 - c. Maximum Permitted Area per Sign: Thirty-Two square feet
 - d. Maximum Combined Permitted Area of All Signs: Per Plat or Conditional Use

(b) Auxiliary Sign (such as "Beware of Dog" or "No Trespassing" for all land uses):

1. Permitted Sign Type: Wall Sign
2. Maximum Permitted Number per Lot: Two

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3. Maximum Permitted Area per Sign: Two square feet

(c) **On-Premise Directional Sign** (for multi-family, group development or institutional use):

1. Permitted Sign Type: Wall Sign or Monument Sign
2. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list. Institutional uses may use any additional number of signs as needed.
3. Maximum Permitted Area per Sign: Nine square feet

(d) **Temporary Sign** (per Section 98-807)

(e) **On-Premise Business Sign** (for legal, non-conforming business only): Shall comply with provisions of Section 98-806.

(f) **Off-Premise Directional Sign** (for governmental facility only):

1. Permitted Sign Type: Wall Sign or Monument Sign
2. Maximum Permitted Number per Development: Per Conditional Use Permit
3. Maximum Permitted Area per Sign: Four square feet
4. Maximum Permitted Area of All Signs: Per Conditional Use Permit

(g) **Community Information Sign** (per Section 98-802(3))

Section 98-806 Regulations for the RH, NO, PO, NB, PB, GB, CB, PI, GI and UI Districts

(1) **Rules for all Signs:**

- (a) Signs shall comply with all provisions of this Article, including Section 98-803 and Section 98-804 for general signage definitions and regulations.
- (b) Signage on a lot shall be limited to the combined total of all signs listed under Subsection (3), below, or as otherwise modified by conditional use, planned development, deed restriction or other site specific regulation, restriction or requirement. The owner of a property containing more than one tenant shall allocate signs to the tenants, up to the allowed maximum for the entire property. This provision will allow the property owner to allocate all of the allowed signage to one tenant and none to another tenant if they saw fit to do so.

(2) **Rules for Particular Sign Purposes (All Residential and Institutional Land Uses):** Shall comply with provisions of Section 98-805.

(3) **Rules for Particular Sign Purposes (All Office, Commercial and Industrial Land Uses):** (Ord. No. 01-21 4/9/01)

(a) For RH, PO, NB, PB, and PI Zoning Districts

1. Permitted Sign Type: On-Building (Wall or Awning) Sign:
 - a. Maximum Permitted Number per Lot: Two On-Building Signs per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.

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- b. Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall for all combined signage on that wall regardless of the number of business. A maximum sign area of 200 square feet for all combined sign faces may be used for any single business on a wall.
2. Permitted Sign Type: Monument Sign or Projecting Sign:
- a. Maximum Permitted Number per Lot: One Monument Sign per lot, for any lot containing more than four public parking space or One Projecting Sign per each business entrance for each exposed side of the principal building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Monument Sign: One-Quarter square foot of signage for every foot of the adjacent public street frontage selected for the lot – up to a maximum sign area of 50 square feet for all combined sign faces seen at one time.
 - c. Maximum Permitted Monument Sign Height: 8 feet
 - d. Maximum Permitted Monument Sign Setback: equivalent or greater to sign height
 - e. Maximum Permitted Area per Projecting Sign: 3 square feet
- (b) For CB Zoning District
1. Permitted Sign Type: On-Building (Wall, Awning, or Marquee) Sign:
- a. Maximum Permitted Number per Lot: One On-Building Sign per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall for all combined signage on that wall regardless of the number of business. A maximum sign area of 25 feet may be used for any single business on a wall.
2. Permitted Sign Type: Monument Sign or Projecting Sign:
- a. Maximum Permitted Number per Lot: One Monument Sign per lot, One Projecting Sign per each business entrance for each exposed side of the principal use building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Monument Sign: One-Quarter square foot of signage for every foot of the adjacent public street frontage selected for the lot – up to a maximum sign area of 50 square feet for all combined sign faces seen at one time.
 - c. Maximum Permitted Monument Sign Height: 8 feet
 - d. Maximum Permitted Monument Sign Setback: equivalent of greater to sign height
 - e. Maximum Permitted Area per Projecting Sign: 3 square feet
- (c) For NO Zoning District:
1. Permitted Sign Type: On-Building (Wall, Awning, or Marquee) Sign:
- a. Maximum Permitted Number per Lot: One On-Building Sign per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.

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- b. Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall for all combined signage on that wall regardless of the number of business. A maximum sign area of 25 feet may be used for any single business on a wall.
 - 2. Permitted Sign Type: Monument Sign or Projecting Sign:
 - a. Maximum Permitted Number per Lot: One Monument Sign per lot, One Projecting Sign per each business entrance for each exposed side of the principal use building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Monument Sign: One-Quarter square foot of signage for every foot of the adjacent public street frontage selected for the lot – up to a maximum sign area of 50 square feet for all combined sign faces seen at one time.
 - c. Maximum Permitted Monument Sign Height: 8 feet
 - d. Maximum Permitted Monument Sign Setback: equivalent or greater to sign height
 - e. Maximum Permitted Area per Projecting Sign: 3 square feet
- (d) For GB, BI, and HI Zoning Districts:
- 1. Permitted Sign Type: On-Building (Wall or Awning) Sign:
 - a. Maximum Permitted Number per Lot: Two On-Building Signs per each business fronting on that wall, for each exposed side of the principal use building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Sign: One square foot of signage for every linear foot of exposed exterior wall length on that supporting wall for all combined signage on that wall regardless of the number of business. A maximum sign area of 250 feet may be used for any single business on a wall.
 - 2. Permitted Sign Type: Monument Sign or Projecting Sign:
 - a. Maximum Permitted Number per Lot: One Monument Sign per lot, One Projecting Sign per each business entrance for each exposed side of the principal use building not directly adjacent to a residentially zoned property.
 - b. Maximum Permitted Area per Monument Sign: One-Quarter square foot of signage for every foot of the adjacent public street frontage selected for the lot – up to a maximum sign area of 50 square feet for all combined sign faces seen at one time.
 - c. Maximum Permitted Monument Sign Height: 8 feet
 - d. Maximum Permitted Monument Sign Setback: equivalent or greater to sign height
 - e. Maximum Permitted Area per Projecting Sign: 3 square feet
- (e) **Auxiliary Sign** (such as required Gas Price Signs or "No Trespassing" sign):
- 1. Permitted Sign Type: Wall Sign or Freestanding sign
 - 2. Maximum Permitted Number per Lot: Per approved site plan.
 - 3. Maximum Permitted Area per Sign: Combined area of all auxiliary signs shall not exceed an area equivalent to 50% of the permitted freestanding or on-building sign area, whichever is greater.

Section 98-807 Temporary Signs*through***Section 98-808 Appearance, Construction, and Maintenance of Signage****(f) On-Premise Directional Sign:**

1. Permitted Sign Type: Wall Sign or Monument Sign
2. Maximum Permitted Number per Lot: One sign for each vehicular entrance, one sign for each vehicular exit, one sign for each parking area conditions list.
3. Maximum Permitted Area per Sign: Nine square feet

(g) Temporary Sign (per Section 98-807)**(h) Off-Premise Directional Sign** (for governmental facility only):

1. Permitted Sign Type: Wall Sign or Monument Sign
2. Maximum Permitted Number per Development: Per Conditional Use Permit
3. Maximum Permitted Area per Sign: Four square feet
4. Maximum Permitted Area of All Signs: Per Conditional Use Permit

(i) Community Information Sign (per Section 98-802(3))**Section 98-807 Temporary Signs**

For all temporary signs, the owner or tenant must contact the Zoning Administrator and provide the name and address of the applicant, and the description and location of the sign to be erected prior to actual installation. Only one temporary sign may be displayed on a property at any one time. Except as provided by (1) through (5) below, any one lot is permitted to display a temporary sign for a maximum of thirty (30) days within any twelve (12) month period. Furthermore, any one lot is limited to a maximum of two temporary signs in any twelve (12) month period (political signs are exempt from this restriction). A portable sign is not a temporary sign.

- (1) For each lot: one "For Sale," "For Rent," or "Garage Sale" sign, not more than six (6) square feet in area, up to thirty-two (32) square feet for vacant commercial and industrial properties.
- (2) For construction on or development of a lot, one sign not more than thirty-two (32) square feet in area, indicating the name of the contractors, engineers or architect, or products being used in the construction of a building but only during the time that construction or development is actively under way.
- (3) For a temporary event of public interest such as a neighborhood garage sale or church fair, one sign, not over thirty-two (32) square feet in area located upon the site of the event. Such sign shall not be erected more than 30 days before the event and shall be removed immediately after the event.
- (4) Temporary political signs are permitted without restriction so long as they locate per the requirements of 98-804 (2)(d) and (e), do not impair vision, or do not otherwise create a public nuisance. Such sign shall not be erected more than 30 days before the election and shall be removed within 48 hours after the election.
- (5) For each real estate subdivision that has been approved in accordance with the City of Lake Geneva Land Division Regulations, two temporary development project identification signs are permitted to be located on some portion of the subject subdivision. Each such sign shall be not more than thirty-two (32) square feet in area. These signs shall comply with the visibility standards of Subsection 98-804(1)(i). These signs shall be permitted to remain within the subject subdivision until a time at which building permits have been issued for 80 percent or more of the lots in the subdivision.

Section 98-808 Appearance, Construction, and Maintenance of Signage*through***Section 98-809 Nonconforming Signs**

- (6) One personal greeting/congratulatory sign per premises shall be permitted for up to seven days, which is limited to eight feet in height and thirty-two (32) square feet in dimension and which is not intended for commercial purposes.

Section 98-808 Appearance, Construction, and Maintenance of Signage

- (1) All signage within the jurisdiction of this Article shall remain in a state of proper maintenance. Refer to Subsection 98-808(2), below.
- (2) Proper maintenance shall be the absence of loose materials (including peeling paint, paper or other material), the lack of excessive rust, the lack of excessive vibration or shaking, and the presence of the original structural integrity of the sign, its frame and other supports, its mounting, and all components thereof.
- (3) The repainting, changing of parts, and preventive maintenance of signs which completely conform to the requirements of this Article, and result in absolutely no change in the appearance of the sign from that originally approved, shall not be deemed alterations requiring a sign permit.
- (4) The owner, lessee, or manager of a sign, and the owner of the land on which the same is located, shall keep grass or weeds and other growth cut and debris and rubbish cleaned up and removed from the lot on which the sign is located.
- (5) Any signs which may be, or may hereafter become rotted, unsafe, or in a state which is not properly maintained shall be repaired or removed by the licensee or owner of the sign, or owner of the property upon which the sign stands upon notice of the Zoning Administrator.
- (6) All signs shall be constructed and mounted so as to comply with State Building Codes.
- (7) All signs shall be constructed and maintained to conform with State Electrical Codes.
- (8) The base of signs shall be landscaped so as to conceal footings, mountings, brackets, and related structural elements.
- (9) All signs shall in no instance create a traffic visibility or other safety hazard.
- (10) Signage found to be in violation of the provisions of this Article shall be subject to the provisions of the City of Lake Geneva Building Code.

Section 98-809 Nonconforming Signs

- (1) Nonconforming Signs
- (a) Signs legally existing as of the effective date of this Chapter which do not conform to the provisions of this Article, shall be nonconforming signs and shall be subject to the provisions of Subsection 98-809(2). Nonconforming signs may be maintained. No nonconforming on-premise sign shall be altered or moved to a new location without being brought into compliance with the requirements of this Article. Refer to Subsection 98-809(2)(a), below.
- (b) Business signs on the premises of a nonconforming use or building may be continued per Subsection 98-809(2), but new signs for such uses shall not be allowed, nor shall expand in number, area, height, or illumination. New signs, not to exceed the maximum allowable aggregate sign area may be erected only upon the complete removal of all other signs existing at the time of adoption of this Article.

Section 98-809 Nonconforming Signs*through***Section 98-809 Nonconforming Signs**

- (c) Closing businesses must remove their signs within 60 days of closing. (Ord. No. 99-14 10/11/99)
- (d) Signage not in compliance with the provisions of this Section shall be subject to the provisions of Subsection 98-809(2).
- (e) Whenever there is a change in the sign user (excluding off-premise signs), owner, or owner of the property on which the sign is located, the new sign user, owner, or new property owner shall forthwith notify the Zoning Administrator of the change. No new sign permit is required unless there is modification of the sign face or sign structure.

(2) Removal of Nonconforming Signs**(a) Alteration of Signs**

1. For the purpose of this Article, alteration of a sign is considered to be any change to the exterior appearance of any part of the sign, its frame, its supporting structure, or its lighting including: changing the message (except for marquee or off-premise advertising signs), symbols, color, material, height, location, or any other alterations as determined by the Zoning Administrator. With the granting of a Conditional Use Permit, nonconforming signs may be altered in sign face appearance in any manner, and may be altered in sign frame, supporting structure and lighting in any manner that does not increase the degree for non-conformance. The consideration of said permit shall evaluate the quality and character of the proposed non-conforming sign with the character of nearby development and community objectives. This conditional use shall expire ten (10) years after date of issuance. (Ord. No. 99-14 10/11/99) The ten year expiration period shall not be extended by subsequent conditional use approvals for modification of the same non-conforming sign unless specifically stated in the subsequent conditional use approval. (Ord. No. 08-12 08/11/08)
2. Altering a sign does not include maintaining the existing appearance of the sign; replacing the sign face or the supporting structure with identical materials, colors, and messages; changing the message of a marquee sign; or changing the face of an off-premise advertising sign.
3. For a period extending ten years from the Effective Date of this Ordinance, a tenant sign which comprises part of a group Sign may be replaced to accommodate a new tenant sign without triggering the need to bring the entire Group Sign, or any of its parts, into compliance with the provisions of this Ordinance.

- (b) The penalties of the City of Lake Geneva Building Code shall be applicable to violations of the provisions of this Article.

(3) Exemptions for Historic Signs

- (a) The following historic signs shall be exempt from this Section and may be maintained with altered messages: the Pillsbury sign on the south wall of Dunn Lumber and True Value Hardware, 826 North Street.

Section 98-901 Purpose of Procedural Regulations*through***Section 98-902 Amendment of Zoning Regulations****ARTICLE IX: PROCEDURES AND ADMINISTRATION****Section 98-901 Purpose of Procedural Regulations**

The purpose of this portion of the Article is to establish the procedural requirements for zoning text amendments, zoning map amendments, conditional use review and approval, temporary use review and approval, sign permits, site plan review and approval, certificates of occupancy, variances, zoning provision interpretations by the Zoning Administrator, and appeals of zoning provision interpretations to the Zoning Board of Appeals.

Section 98-902 Amendment of Zoning Regulations

- (1) **Purpose:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of this Chapter. (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).
- (2) **Initiation of Request for Amendment to this Chapter:** Proceedings for amendment of this Chapter may be initiated by any one of the following three methods:
 - (a) an application by any member of the general public;
 - (b) a recommendation of the Plan Commission; or
 - (c) by action of the Common Council.
- (3) **Application Requirements:** All applications for proposed amendments to this Chapter, regardless of the party of their initiation per (2) above shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with 20 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A copy of the portion of the current provisions of this Chapter which are proposed to be amended, with said provisions clearly indicated in a manner which is clearly reproducible with a photocopier;
 - (b) A copy of the text which is proposed to replace the current text; and
 - (c) As an optional requirement, the applicant may wish to provide written justification for the proposed text amendment, consisting of the reasons why the Applicant believes the proposed text amendment is in harmony with the recommendation of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in subsection (4)(c)1.-5., below.
- (4) **Review by the Zoning Administrator:** The proposed text amendment shall be reviewed by the Zoning Administrator as follows:
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the

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application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.

- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed text amendment which may be provided in the application per Subsection (3)(a)-(c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the requested text amendment is in harmony with the recommendations of the City of Lake Geneva's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c)1.-5., below:
 - 1. The proposed text amendment furthers the purposes of this Chapter as outlined in Section 98-005.
 - 2. The proposed text amendment furthers the purposes of the general Article in which the amendment is proposed to be located.
 - 3. The proposed text amendment furthers the purposes of the specific Section in which the amendment is proposed to be located.
 - 4. The following factors have arisen that are not properly addressed in the current zoning text:
 - a. The provisions of this Chapter should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);
 - b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);
 - c. New methods of development or providing infrastructure make it necessary to alter this Chapter to meet these new factors;
 - d. Changing governmental finances require amending this Chapter in order to meet the needs of the government in terms of providing and affording public services.
 - 5. If the proposed text amendment is concerned with the provisions of Article II and/or III: The proposed amendment maintains the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts.
- (d) The Zoning Administrator shall forward the report per (4)(b), and if prepared the report per (4)(c), to the Plan Commission for the Commission's review and use in making its recommendation to Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) **Review, Public Hearing, and Recommendation by the Plan Commission:** Common Council shall not make an amendment to this Chapter without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
 - (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may

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appear in person, by agent, and/or by attorney. Notice of the proposed amendment and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed text change. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Common Council stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (4)(b)1. through 5., above.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of a Applicant-approved extension per (b), above), then the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per Subsection (5)(a), above, shall not invalidate the proceedings or actions of Common Council. If such a public hearing is necessary, Common Council shall provide notice per the requirements of Subsection (a), above. *State Law Reference: Section 62.23(7)(d).*
- (d) If the Plan Commission recommends approval (or denial) of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: that the potential public benefits of the proposed amendment outweigh (or do not outweigh) any and all potential adverse impacts of the proposed amendment, as identified in Subsections (4)(b)1.-5. above, after taking into consideration the proposal by the Applicant.
- (6) **Review and Action by Common Council:** Common Council shall consider the Plan Commission's recommendation regarding the proposed text amendment. The Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Council may take final action on the application at the time of its initial meeting, or may continue the proceedings at the Applicant's request. Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed amendment. If the Common Council wishes to make significant changes in the proposed text amendment, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Council action. Any action to amend the provisions of the proposed amendment, or to reverse the recommendation of the Plan Commission, requires five votes of the Council regardless of quorum size. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (7) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-903 Amendment of Official Zoning Map*through***Section 98-903 Amendment of Official Zoning Map****Section 98-903 Amendment of Official Zoning Map**

- (1) **Purpose:** The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed amendments to provisions of the Official Zoning Map (see Sections 98-103 and 98-107). (Refer to the requirements of Wisconsin Statutes 62.23(7)(d)).
- (2) **Initiation of Request for Amendment to Official Zoning Map:** Proceedings for amendment of the Official Zoning Map may be initiated by any one of the following three methods:
 - (a) an application of the owner(s) of the subject property;
 - (b) a recommendation of the Plan Commission; or
 - (c) by action of the Common Council.
- (3) **Application Requirements:** All applications for proposed amendments to the Official Zoning Map, regardless of the party of their initiation per (2) above, shall be filed in the office of the Zoning Administrator, and shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with 20 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A map of the subject property showing all lands for which the zoning is proposed to be amended, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current tax records of the City of Lake Geneva. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole; and
 - (c) As an optional requirement, the applicant may wish to provide written justification for the proposed amendment to the Official Zoning Map, consisting of the reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Subsection (4)(c)1.-3, below.
- (4) **Review by the Zoning Administrator:** The proposed amendment to the Official Zoning Map shall be reviewed by the Zoning Administrator as follows:
 - (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall

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return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify the Applicant.

- (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed map amendment which may be provided in the application per Subsection (3)(a)-(c), above.
- (c) The Zoning Administrator may also evaluate the application to determine whether the requested amendment to the Official Zoning Map is in harmony with the recommendations of the City of Lake Geneva's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c)1.-3., below:
 - 1. The proposed Official Zoning Map amendment furthers the purposes of this Chapter as outlined in Section 98-005 and the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
 - 2. The following factors have arisen that are not properly addressed on the current Official Zoning Map:
 - a. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan;
 - b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading;
 - c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;
 - d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.
 - 3. The proposed amendment to the Official Zoning Map maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
- (d) The Zoning Administrator shall forward the report per (4)(b), and if prepared the report per (4)(c), to the Plan Commission for the Commission's review and use in the making its recommendation to Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) **Review, Public Hearing, and Recommendation by the Plan Commission:** Common Council shall not make an amendment to the Official Zoning Map without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
 - (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days of the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed amendment and

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the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed change in zoning. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant; to all property owners within 200 feet of the boundaries of the subject property as identified in Subsection (3)(a), above; and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Common Council stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (4)(b)1. through 3., above.
- (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of an Applicant-approved extension per (b), above), then the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per Subsection (5)(a), above, shall not invalidate the proceedings or actions of Common Council. If such a public hearing is necessary, Common Council shall provide notice per the requirements of Subsection (a), above. *State Law Reference: Section 62.23(7)(d).*
- (d) If the Plan Commission recommends approval (or denial) of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of facts supporting its conclusion as to the following: (1) that the potential public benefits of the proposed amendment outweigh (or do not outweigh) any and all potential adverse impacts of the proposed amendment, as identified in Subsections (4)(b)1.-3. above, after taking into consideration the proposal by the Applicant.
- (6) **Review and Action by Common Council:** Common Council shall consider the Plan Commission's recommendation regarding the proposed amendment to the Official Zoning Map. The Council may request further information and/or additional reports from the Plan Commission, the Zoning Administrator, and/or the Applicant. The Council may take final action on the application to the Official Zoning Map at the time of its initial meeting, or may continue the proceedings at Applicant's request. Common Council may approve the amendment as originally proposed, may approve the proposed amendment with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members) or may deny approval of the proposed amendment. If the Common Council wishes to make significant changes in the proposed amendment to the Official Zoning Map, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Council action. Any action to amend the Official Zoning Map, or to reverse the recommendation of the Plan Commission, requires five votes of the Council regardless of quorum size. The Common Council's approval of the requested amendment shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed amendment.
- (7) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.

Section 98-905 Conditional Use Review and Approval*through***Section 98-905 Conditional Use Review and Approval**

- (8) **Fee:** A fee is required for this procedure. Refer to Section 98-935.
- (9) **Floodland District Boundary Changes Limited:** The Common Council shall not permit changes to the floodland district boundaries that are inconsistent with the purpose and intent of this Chapter or in conflict with the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA).
- (a) Changes in the Floodway Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the applicant has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. The only way the 1.0 foot limit may be exceeded is through obtaining a waiver from the Federal Emergency Management Agency for a specific project that necessarily exceeds the one foot increase in flood elevation. Applications for Floodway Overlay District changes shall show the affects of the change within the associated floodfringe, and shall provide adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- (b) Changes in the Floodplain Conservancy Overlay District boundaries shall not be permitted where the change will increase the flood stage elevation by 0.1 foot or more, unless the application has made appropriate legal arrangements with all affected units of government and all property owners affected by the stage increase. In no event shall a change be permitted that would increase the flood stage elevation by more than 1.0 foot. Applications for Floodplain Conservancy Overlay District changes shall show the affects of the change within the associated floodfringe, and shall provide adjusted water surface profiles and adjusted water surface profiles and adjusted floodland limits to reflect the increased flood elevations.
- (c) Removal of land from the floodland districts shall not be permitted unless the land has been filled to an elevation at least two feet above the elevation of the regional flood and provided that such land is contiguous to lands lying outside of the floodlands.
- (d) Amendment of floodlands which were delineated by approximate methods shall not be permitted unless the Applicant provides the City with engineering data showing the flood profile, necessary river cross-sections, flood elevations, and any effect the establishment of a floodway/floodfringe will have on flood stages. The effects shall be limited as set forth above for changes in subparagraphs (1) and (2) above. If the proposed development is less than five acres in area, and where the cost of the proposed development is estimated to be less than \$125,000.00, the Department of Natural Resources (DNR) will assist the Applicant in determining the required flood elevations.
- (e) No river or stream shall be altered or relocated until a floodland zoning change has been applied for and granted in accordance with the requirements of this Section, and until all adjacent communities have been requested to review and comment on the proposed alteration or relocation. The flood carrying capacity of the altered or relocated watercourse shall not be reduced to less than the flood carrying capacity before the water-course was altered or relocated. All necessary state and federal permits shall be obtained.
- (f) Notice to and approvals by DNR and FEMA. A copy of all notices for amendments or rezoning in the Floodland Districts shall be transmitted to the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA) at least 10 days prior to the public hearing. No amendments to the floodland district boundaries or regulations shall become effective until approved by the DNR and reviewed

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by the FEMA. In the case of floodland district boundary changes, an official letter of map amendment from the FEMA may also be required.

Section 98-905 Conditional Use Review and Approval**(1) Purpose**

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed conditional uses.
- (b) Certain uses in situations which are of such a special nature, or are so dependent upon actual contemporary circumstances, as to make impractical the predetermination of permissibility, or the detailing in this ordinance of specific standards, regulation, or conditions which would permit such determination in each individual situation, may be permitted as conditional uses.
- (c) Under this Chapter, a proposed conditional use shall be denied unless the Applicant can demonstrate, to the satisfaction of the City, that the proposed Conditional Use will not create undesirable impacts on nearby properties, the environment, nor the community as a whole.
- (d) **Limited Conditional Uses:** Limited conditional uses are the same as regular conditional uses excepting that further, in the considered findings of the Common Council and the granting thereof, because of any of the following: Their particularly specialized nature, their particular locations within a district, the peculiar unique relationships or needed compatibility of uses to involved individuals, or any other reason(s) the Common Council deems specially relevant and material to delimit the scope thereof.. should be of lesser permanence than regular conditional uses and the duration or term of existence may be established until time certain or be limited to a future happening or event at which time the same shall terminate.

- (2) **Initiation of Request for Approval of a Conditional Use:** Proceedings for approval of a conditional use may be initiated by an application of the owner(s) of the subject property.

- (3) **Application Requirements:** All applications for proposed conditional uses shall be approved as complete by the Zoning Administrator prior to the initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with 20 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:

- (a) A map of the subject property showing all lands for which the conditional use is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a

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photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;

- (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations;
 - (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 98-908(3). If the proposed conditional use is a cluster development (per Section 98-206(1)(b) through (f)) or a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908;
 - (e) As an optional requirement, the Applicant may wish to provide written justification for the proposed conditional use consisting of the reasons why the Applicant believes the proposed conditional use is appropriate, particularly as evidenced by compliance with the standards set forth in Subsection (4)(b)1.-6., below.
- (4) **Review by The Zoning Administrator:** The proposed conditional use shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) Upon notifying the Applicant that his application is complete the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed conditional use provided in the application per Subsection (3)(e), above. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the City's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(b)1.-6. below:
 - 1. The proposed conditional use (the use in general, independent of its location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 - 2. The proposed conditional use (in its specific location) is in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 - 3. The proposed conditional use, in its proposed location and as depicted on the required site plan (see (3)(d), above), does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of this Chapter, the Comprehensive Plan, or any other plan, program, map, or

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ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.

4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. The proposed conditional use is located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
 6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 1. through 5., above), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.
- (c) The Zoning Administrator shall forward the report per (4)(b) to the Plan Commission for the Commission's review and use in making its recommendation to Common Council. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.
- (5) Review, Public Hearing, and Recommendation by the Plan Commission:** Common Council shall not approve a conditional use without allowing for a recommendation from the Plan Commission per the provisions of this Subsection.
- (a) The Plan Commission shall schedule a reasonable time and place for a public hearing to consider the application within 45 days after the acceptance and determination of the complete application as determined by the Zoning Administrator. The Applicant may appear in person, by agent, and/or by attorney. Notice of the proposed conditional use and the public hearing shall conform to the requirements of Section 62.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the proposed conditional use. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant, and to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the public hearing (or within an extension of said period requested in writing by the Applicant and granted by the Plan Commission), the Plan Commission shall make a written report to the Common Council stating its findings regarding Subsection (4), above, and its recommendations regarding the application as a whole. Said report shall include a formal finding of facts developed and approved by the Plan Commission concerning the requirements of (4)(b)1. through 6., above.
 - (c) If the Plan Commission fails to make a report within 60 days after the filing of said complete application (and in the absence of a Applicant-approved extension per (b), above), then the Common Council may hold a public hearing within 30 days after the expiration of said 60 day period. Failure to receive said written report from the Plan Commission per Subsection (5)(a), above, shall not invalidate the proceedings or actions of Common Council. If such a public hearing is necessary, Common Council shall provide notice per the requirements of Subsection (a), above. *State Law Reference: Section 62.23(7)(d).*
 - (d) If the Plan Commission recommends approval (or denial) of an application, it shall state in the minutes or in a subsequently issued written decision, its conclusion and any finding of

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facts supporting its conclusion as to the following: (1) that the potential public benefits of the proposed conditional use outweigh (or do not outweigh) any and all potential adverse impacts of the proposed conditional use, as identified in Subsections (4)(b)1.-6. above, after taking into consideration the proposal by the Applicant.

- (6) **Review and Action by Common Council:** Common Council shall consider the Plan Commission's recommendation regarding the proposed conditional use. The Council may request further information and/or additional reports from the Plan Commission, Zoning Administrator, and/or the Applicant. The Council may take final action on the application at the time of its initial meeting, or may continue the proceedings at the Applicant's request. Common Council may approve the conditional use as originally proposed, may approve the proposed conditional use with modifications (per the recommendations of the Zoning Administrator, the Plan Commission, authorized outside experts, or its own members), or may deny approval of the proposed conditional use. If the Common Council wishes to make significant changes in the proposed conditional use, as recommended by the Plan Commission, then the procedure set forth in Section 62.23(7)(d) of the Wisconsin Statutes shall be followed prior to Council action. Any action to amend the provisions of the proposed conditional use, or reverse the recommendation of the Plan Commission, requires five votes of the Council regardless of quorum size. The Common Council's approval of the requested conditional use shall be considered the approval of a unique request, and shall not be construed as precedent for any other proposed conditional use.
- (7) **Effect of Denial:** No application which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence, or proof of change of factors, is found to be valid by the Zoning Administrator.
- (8) **Termination of an Approved Conditional Use:** Upon approval by Common Council, the Applicant must demonstrate that the proposed conditional use meets all general and specific conditional use requirements in the site plan required for initiation of development activity on the subject property per Section 98-908. Once a conditional use is granted, no Erosion Control Permit, Site Plan approval (per Section 98-908), Certificate of Occupancy (per Section 98-909), or Building Permit shall be issued for any development which does not comply with all requirements of this Chapter. Any conditional use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties. A conditional use may be revoked for such a violation by majority vote of the Common Council, following the procedures outlined in Subsections (2) through (7), above.
- (9) **Time Limits on the Development of Conditional Use:** The start of construction of any and all conditional uses shall be initiated within 365 days of their approval by Common Council and shall be operational within 730 days of said approval. Failure to initiate development within this period shall automatically constitute a revocation of the conditional use. For the purposes of this Section, "operational" shall be defined as the granting of a Certificate of Occupancy for the conditional use. Prior to such a revocation, the Applicant may request an extension of this period. Said request shall require formal approval by Common Council and shall be based upon a showing of acceptable justification (as determined by Common Council).
- (10) **Discontinuing an Approved Conditional Use:** Any and all conditional uses which have been discontinued for a period exceeding 365 days shall have their conditional use invalidated automatically. The burden of proof shall be on the property owner to conclusively demonstrate that the subject conditional use was operational during this period.

Section 98-906 Temporary Use Review and Approval*through***Section 98-906 Temporary Use Review and Approval**

- (11)**Change of Ownership:** All requirements of the approved conditional use shall be continued regardless of ownership of the subject property, except where limited explicitly by the Common Council. Modification, alteration, or expansion of any conditional use in violation as approved per (6), above, without approval by Common Council, shall be grounds for revocation of said conditional use approval per (8), above. For Bed and Breakfast land uses the granting of a Conditional Use Permit shall be valid while said property is owned by the owner at time of conditional use approval.
- (12)**Recording of Conditional Use Requirements:** Except for conditional use approvals for temporary uses, a certified copy of the authorizing resolution, containing identifiable description and any specific requirements of approval, shall be recorded by the City with the County Register of Deeds office.
- (13)**Notice to the DNR:** The Plan Commission shall transmit a copy of each application for a conditional use for conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain, or Floodfringe Overlay Zoning Districts to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to conditional uses for shoreland-wetland conservancy regulations or to floodland regulations shall be transmitted to the DNR within 10 days of the date of such decision.
- (14)**Uses Now Regulated as Conditional Uses which were Approved as Legal Land Uses -- Permitted by Right or as Conditional Uses -- Prior to the Effective Date of this Chapter:** A use now regulated as a conditional use which was approved as a legal land use -- either permitted by right or as a conditional use -- prior to the Effective Date of this Chapter shall be considered as a legal conforming land use so long as the previously approved conditions of use and site plan are followed. Any modification of the previously approved conditions of use or site plan shall require application and City consideration under this Section.
- (15)**Fee:** One or more fees are required for this procedure. Refer to Section 98-935(1)(d).

Section 98-906 Temporary Use Review and Approval**(1) Purpose**

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed temporary use.
- (b) Temporary uses are those uses which have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, temporary uses also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except on a case by case basis. In order to prevent this from occurring, all temporary uses are required to meet certain procedural requirements applicable only to temporary uses, in addition to the general requirements of this Chapter and the requirements of the zoning district in which the subject property is located. A public hearing process is not required to review a request for a temporary use.
- (c) Land uses proposed which fail to meet one of the requirements for temporary uses of Section 98-206, may be reviewed as a conditional use. (See Section 98-202(3)(b).)

- (2) **Regulations Applicable to All Temporary Uses:** No public hearing is required to develop a temporary use, however, a demonstration that the developer proposes to meet all temporary

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use requirements of this Article and Article IV must be made at time of site plan application (see Section 98-908). Furthermore, no Building Permit or Certificate of Occupancy shall be issued for any development which does not comply with all requirements of this Chapter (see Section 98-909). Any temporary use found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.

- (3) **Application Requirements:** All applications for proposed temporary uses, shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. Said complete application shall be comprised of all of the following:
- (a) A map of the subject property showing all lands for which the temporary use is proposed, and all other lands within 300 feet of the boundaries of the subject property. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed temporary use describing the type of activities, buildings, and structures proposed for the subject property and their general locations; and
 - (d) The Zoning Administrator may require a site plan of the subject property. Said site plan shall conform to any and all the requirements of Section 98-908(3).
- (4) **Approval by Zoning Administrator:** Approval of a temporary use shall be by the Zoning Administrator following review of said complete application per (3) above.
- (5) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-907 Sign Permit

- (1) **Purpose:** The purpose of this Section is to provide a procedure and requirement for obtaining a Sign Permit prior to the erection of certain signs.
- (2) **General Requirement:** Unless specifically exempted by Article VIII, no sign shall be erected, altered, or relocated after the effective date of this Chapter (see Section 98-011) until a Sign Permit has been secured from the Zoning Administrator.
- (3) **Application Requirements:** All applications for sign permits shall be made in writing on a form supplied by the City of Lake Geneva Zoning Administrator. Said application shall be submitted with all required information provided and shall contain or have attached thereto the following information:
- (a) The approved site plan for the subject property (per Section 98-908), (or if not previously required, a site plan for the subject property with requirements as determined by the Zoning Administrator), showing the location and dimensions of all buildings, structures, and signs on the subject property; said subject property boundaries; and the location of the proposed sign;
 - (b) The configuration of the proposed sign listing the height, width, total square footage, method of attachment, method of illumination, and sign materials;

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- (c) The subject property's zoning designation; and
- (d) The total area of all signs on the subject property both before and after the installation of the proposed sign.
- (4) **Procedure:** The Zoning Administrator shall review the submitted application for compliance with the requirements of Subsection (3), above and per Section 98-802. Upon the receipt of a complete application, the Zoning Administrator shall review said application for compliance with the requirements of this Chapter, and shall issue an approved or denied Sign Permit based on the submitted application within five working days of the acceptance of the complete application.
- (5) **Termination of a Sign Permit:** Any sign found not to be in compliance with the terms of this Chapter shall be considered in violation of this Chapter and shall be subject to all applicable procedures and penalties.
- (6) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

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- (1) **Purpose:** The purpose of this Section is to specify the requirements and procedures for the review and approval of site plan applications. The provisions of this Section are designed to ensure that all proposed land use and development activity complies with the requirements of this Chapter. Specifically, this Section requires that the initiation of all development activity (including building permits, zoning certificates, occupancy permits for a change of use of an existing lot or structure where there is contemplated a site plan revision, clear cutting, grading or filling) require the approval of site, building and operational plans by the City staff before the building, occupancy, and zoning permits can be issued -- except, however, that development activity associated with an approved final plat of subdivision or certified survey map for single-family and/or duplex dwelling units, and development activity associated with the full and complete implementation of a project approved within the PD phase of the Planned Development District [PD] is exempt from this requirement; however, a survey prepared and certified by a registered surveyor shall be prepared for any proposed development activity for such uses.
- (2) **Procedure**
 - (a) **Initiation of Request for Approval of a Site Plan:** Proceedings for approval of a site plan shall be initiated by the owner(s) of the subject property, or their legally authorized representative(s).
 - (b) **Pre-Application Meeting:** The petitioner shall first meet with the Zoning Administrator and other applicable City Staff to discuss preliminary concepts and plans for the development. Guidance will be provided to the Petitioner on technical requirements and procedures, and a timetable for project review may be discussed.
 - (c) **Application for Site Plan Review and Review by Zoning Administrator:** The petitioner shall apply to the Zoning Administrator for the scheduling of an appearance before the City staff. The Zoning Administrator shall notify the petitioner of the date and time of the applicable meeting. The meeting with the City staff shall not be scheduled unless the application is approved as complete by the Zoning Administrator per the requirements of Subsection (3), below. The review of the submitted application shall be completed within ten working days of application submittal. Once the application is approved as complete by the Zoning Administrator, the Zoning Administrator may schedule a meeting with City staff

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a minimum of two weeks from the date of complete application acceptance. At time of acceptance and meeting scheduling, the Zoning Administrator shall forward copies of the complete application (as provided by the Petitioner) to the all pertinent City staff.

- (3) **Application Requirements:** All applications for proposed site plans shall be approved as complete by the Zoning Administrator prior to the formal initiation of this procedure. The submittal of an application to the Zoning Administrator to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. Said complete application shall be comprised of all of the following:

- (a) Written Description of the intended use describing in reasonable detail the:

1. existing zoning district(s) (and proposed zoning district(s) if different);
2. land use plan map designation(s);
3. Natural Resources Site Evaluation Worksheet (Section 98-303);
4. current land uses present on the subject property;
5. proposed land uses for the subject property (per Section 98-206);
6. projected number of residents, employees, and daily customers;
7. proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;
8. operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;
9. operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including, street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials. If no such nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then the statement "The proposed development shall comply with all requirements of Article VII." shall be provided;
10. exterior building and fencing materials (Sections 98-718 and 98-720);
11. possible future expansion and related implications for 1-10, above, and;
12. any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

- (b) A Small Location Map at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

- (c) A Property Site Plan drawing (and reduction at 11" x 17") which includes:

1. A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;

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2. The date of the original plan and the latest date of revision to the plan;
 3. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 4. A legal description of the subject property;
 5. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 6. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 7. All required building setback lines;
 8. All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 9. The location and dimension (cross-section and entry throat) of all access points onto public streets;
 10. The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by this Chapter;
 11. The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
 12. The location of all outdoor storage areas and the design of all screening devices;
 13. The location, type, height, size and lighting of all signage on the subject property;
 14. The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;
 15. The location and type of any permanently protected green space areas;
 16. The location of existing and proposed drainage facilities; and
 17. In the legend, data for the subject property:
 - a. Lot Area;
 - b. Floor Area;
 - c. Floor Area Ratio (b/a);
 - d. Impervious Surface Area;
 - e. Impervious Surface Ratio (d/a); and
 - f. Building Height.
- (d) A Detailed Landscaping Plan of the subject property, at the same scale as the main plan (and reduction at 11" x 17"), showing the location of all required bufferyard and landscaping areas, and existing and proposed Landscape Point fencing and berm options for meeting said requirements. The Landscaping Plan shall demonstrate complete compliance with the requirements of Article VI. (NOTE: the individual plant locations and species, fencing types and heights, and berm heights need to be provided.)

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- (e) A Grading and Erosion Control Plan at the same scale as the main plan (and reduction at 11" x 17") showing existing and proposed grades, including retention walls and related devices, and erosion control measures per the following detailed requirements:
- (f) Elevation Drawings of proposed buildings or proposed remodeling of existing buildings showing finished exterior treatment shall also be submitted, with adequate labels provided to clearly depict exterior materials, texture, color and overall appearance. Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings. (Refer to Section 98-718.)
- (g) A Certified Survey may be required by the Zoning Administrator in instances where he determines compliance with setback requirements may be difficult. The survey shall be prepared by a registered land surveyor and shall depict property lines, and proposed buildings, structures, and paved areas.
- (h) A Detailed Site Analysis per the following submission and review process:
 - 1. **Purpose:** The detailed site analysis required by this Article is designed to provide the clear identification of permanently protected green space areas on a site which is proposed for development. The detailed survey work required to identify these areas accurately on a map is not required prior to the initiation of development concept plans for an area. A detailed site analysis shall be performed in conjunction with required land division documents or development site plans for any and all properties containing permanently protected natural resource areas.
 - 2. **Description:** The detailed site analysis shall be shown on a map of the subject property which depicts the location of all protected natural resource areas, as defined by the provisions of this Article, and as located by an on-site survey. The detailed site analysis shall meet the following requirements:
 - a. **Scale:** A minimum scale of one inch equals 200 feet shall be used.
 - b. **Topography:** Topographic information is not required for any property which does not contain steep slopes (as designated on the Official Zoning Map). For such properties, topographic information with a minimum contour interval of two feet is required.
 - c. **Specific Natural Resources Areas:** All natural resource areas which require protection under the provisions of this Chapter shall be accurately outlined and clearly labeled. Particular care as to clarity shall be taken in areas where different resource types overlap with one-another. The Staff of the Southeastern Wisconsin Regional Planning Commission, the Wisconsin Department of Natural Resources, or other expert recognized by one of these agencies, shall stake the edge of the resource in the field, and this staked line shall be transferred by a registered surveyor or engineer to the site plan base map. (Ord. No. 99-4 3/8/99)
 - d. **Development Pads:**
 - 1. All site disruption (including selective cutting) proposed to occur within permanently protected natural resource areas shall be limited to development pads. Development pads shall be depicted on the detailed site analysis map, site plans required for development permits, and the recorded Plat of Subdivision or Certified Survey Map.

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2. Beyond visible damage to natural resources, vegetation, soil, and drainage patterns, site disruption activities shall not compact soil covering tree roots, or otherwise damage trees beyond the area from which trees are to be removed. All trees with calipers exceeding 3 inches, whose canopies are located adjacent to disturbed areas, which die within a period of five years following site disruption shall be replaced by the property owner with a 3 inch caliper tree of the same type (canopy or understory). Therefore, care shall be taken to ensure that equipment and actions associated with permitted site disruption activities are limited to the area in which they are permitted. The use of snow fences and other barriers to outline development pads during disruption activity is strongly recommended to limit the extent of inadvertent compaction or other disturbance of earth, and collision damage to vegetation intended for protection. Such barriers should be placed no closer to protected trees than a point on the ground directly under their outer canopy edge.
 - e. **Mitigation Areas:** All mitigation areas related to the provisions of this Chapter shall be depicted on the detailed site analysis map with notations provided which describe the mitigation techniques employed.
3. **Required Procedure for Submission and Review**
 - a. **Required Timing of Submission:** The detailed site analysis map shall be submitted to the Zoning Administrator for initial review prior to, or concurrently with, the submission of the Preliminary Plat of Subdivision or the Certified Survey Map; or if the proposed development does not involve a land division, then submittal is required as an attachment to a required site plan. A concept plan of the proposed development may be submitted prior to the submission of the detailed site analysis map, however, in no way does the acceptance and/or general approval of the concept plan indicate the approval of natural resource feature locations. A detailed site analysis map prepared for the subject property which has been previously approved by City Staff, may be submitted for any subsequent development activity on the site. However, modifications to such a previously approved map will be required if the analysis is no longer accurate for the subject property.
 - b. **Review by City Staff:** City staff shall review the submitted detailed site analysis map for general compliance with the following data sources:
 1. The Official Zoning Map;
 2. Applicable USGS 7.5 minute topographic maps for the City of Lake Geneva and its environs;
 3. Air photos of the subject property;
 4. USGS Quads and other sources of topographic information;
 5. Applicable FEMA and related floodplain maps;
 6. Applicable Federal and State Wetland Inventory Maps;
 7. The City of Lake Geneva Comprehensive Master Plan; and
 8. Site visits. The Zoning Administrator shall provide the petitioner with a written evaluation of the submitted detailed site analysis map which shall indicate the acceptance by City Staff; or the need for further analysis work, discussion with the petitioner and/or Staff-recognized experts, or a joint site visit.

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- c. **Modification of Detailed Site Analysis Map:** If necessary, as determined by City Staff, revised detailed site analysis maps shall be prepared and submitted for review by City Staff, until a version is deemed acceptable. Staff review of the detailed site analysis map may be appealed to the Board of Zoning Appeals as a matter of Ordinance Interpretation. (See Section 98-934.).
- d. **Acceptance of Detailed Site Analysis Map:** Upon notification of acceptance by City Staff, (or in case of appeal, by determination of the Board of Zoning Appeals), the petitioner may proceed with the submittal of necessary development documents.
- 4. **Integration of Detailed Site Analysis Information with Required Development and/or Land Division Documents:** Information contained on the detailed site analysis map relating to the boundaries of permanently protected green space areas (including natural resource protection areas, other permanently protected green space areas, and required mitigation areas) shall be clearly depicted on any and all site plans required as a precondition for application for any development permit (such as a Building Permit) and on any proposed Plat of Subdivision or Certified Survey Map.

(4) Review by the Plan Commission

- (a) The Plan Commission, in its consideration of the submitted complete application, shall take into account the basic intent of the Zoning Ordinance to ensure attractive, efficient, and appropriate development of land in the community, and to ensure particularly that every reasonable step has been taken to avoid depreciating effects on surrounding property and the natural environment. Beyond protection of the public health, safety and welfare, this Section shall enable the Plan Commission to consider factors related to community aesthetics, urban design, and architectural consistency within the community. The Plan Commission, in reviewing the application may require such additional measures and/or modifications to any or all elements of the site plan as described in the application submittal required per Section (3)(a)-(h), as it deems necessary to accomplish this objective. If such additional measures and/or modifications are required, the Plan Commission may withhold approval of the Site Plan until a revisions depicting such additional measures and/or modifications are submitted to the satisfaction of the Plan Commission, or may approve the application subject to the provision of a revised application reflecting the direction of the Plan Commission to the satisfaction of the Zoning Administrator. Such amended plans and conditions applicable to the proposed use shall be made a part of the official record, and development activity on the subject property may not proceed until the revised application has been approved by one of the two above procedures as directed by the Plan Commission.
- (b) In reviewing said application the Plan Commission shall make findings on each of the following criteria to determine whether the submitted site plan shall be approved, approved with modification, or denied:
 - 1. All standards of the Zoning Ordinance and other applicable City, State and Federal regulations are met;
 - 2. The public health and safety is not endangered;
 - 3. Adequate public facilities and utilities are provided;

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4. Adequate control of stormwater and erosion are provided and the disruption of existing topography, drainage patterns, and vegetative cover is maintained insofar as is practical;
 5. Appropriate traffic control and parking are provided;
 6. Appropriate landscaping and open space areas are provided;
 7. The appearance of structures maintains a consistency of design, materials, colors, and arrangement with nearby properties of similar use, which comply with the general architectural guidelines provided in subsections i. through v., below:
 - a. Exterior construction materials shall be consistent with Section 98-718;
 - b. Exterior building design or appearance shall not be of such unorthodox or abnormal character in relation to its surroundings as to be unsightly or offensive to generally accepted taste and community standards;
 - c. Exterior building design or appearance shall not be so identical with nearby buildings so as to create excessive monotony or drabness. A minimum of five basic home styles shall be provided in each residential subdivision;
 - d. Exterior building design or appearance shall not be constructed or faced with an exterior material which is aesthetically incompatible with other nearby buildings or which presents an unattractive appearance to the public and from surrounding properties; and
 - e. Exterior building, sign, and lighting design or appearance shall not be sited on the property in a manner which would unnecessarily destroy or substantially damage the natural beauty of the area.
- (5) **Initiation of Land Use or Development Activity:** Except with the written permission of the Zoning Administrator, absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of this Chapter and shall be subject to all applicable enforcement mechanisms and penalties.
- (6) **Modification of an Approved Site Plan:** Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of this Chapter. An approved site plan shall be revised and approved via the procedures of Subsections (2) and (4), above, so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.
- (7) **Sunset Clause:** All buildings on an approved site plan not fully developed within two years of final Common Council approval shall expire, and all other portions of a project on an approved site plan not fully developed within a period of five years of final Common Council approval shall expire, and no additional site plan development shall be permitted on undeveloped portions of the subject property. The Common Council may extend this period, as requested per the Applicant, through the conditional use process following a public hearing.
- (8) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-909 Certificate of Occupancy *through* **Section 98-909 Certificate of Occupancy**

Section 98-909 Certificate of Occupancy

- (1) **Purpose:** The purpose of this Section is to provide regulations governing the review and approval of Certificates of Occupancy. This procedure is required to ensure completed development complies with the approved site plan (per the requirements of Section 98-908), and the requirements of this Chapter as a whole.
- (2) **Land Uses and Development Requiring a Certificate of Occupancy:** Certificates of Occupancy shall be required for any of the following:
 - (a) Occupancy and use of a building or structure hereafter erected or structurally altered.
 - (b) New occupancy and use of an existing building when the new use is of a different land use classification (a different line in Table 98-203).
 - (c) Occupancy and use of vacant land.
 - (d) New use of vacant land when the new use is of a different land use classification (a different line in Table 98-203).
 - (e) Any change in the use of a nonconforming use. No such occupancy, use of change of use shall take place until a Certificate of Occupancy therefore shall have been issued by the Building Inspection Superintendent.
- (3) **Issuance of Certificate of Occupancy**
 - (a) Every application for a Building Permit shall also be deemed to be an application for a Certificate of Occupancy for a new building or for an existing building which is to be substantially altered or enlarged as determined by the Zoning Administrator. Such Certificate shall be issued within ten working days after a written request for the same has been made to the Building Inspector after the erection or alteration of such building or part thereof has been completed in conformity with the provisions of this Chapter.
 - (b) Written application for a Certificate of Occupancy for the use of vacant land or for a change in the use of land or of a building, or for a change in a nonconforming use, as herein provided, shall be made to the Building Inspector; if the proposed use is in conformity with the provisions of this Chapter, the Certificate of Occupancy shall be issued within ten working days after the application therefore has been made.
 - (c) Every Certificate of Occupancy shall state that both the building, and the proposed use of a building or land, substantially complies with all provisions of this Chapter. A record of all Certificates of Occupancy shall be kept on file in the office of the Building Inspector and copies shall be furnished on request to any person having proprietary or tenancy interest in the building or land affected.
- (4) **Certificate of Occupancy for Legal Nonconforming Uses:** Upon application, a Certificate of Occupancy shall be issued for all lawful nonconforming uses of land or buildings created by adoption of this Chapter, or in existence at the effective date of this Chapter (see Section 98-011). Application for such Certificate of Occupancy for nonconforming use shall be filed with the Building Inspector by the owner or lessee of the building or land occupied by such nonconforming use within one year of the effective date of this Chapter. It shall be the duty of the Building Inspector to issue a Certificate of Occupancy for a legal nonconforming use.
- (5) **Termination of a Certificate of Occupancy:** It shall constitute a violation of this Chapter for any person, firm, corporation, or voluntary association, either owner or agent, to do any of the things mentioned in Subsection (2), above, without having first obtained a Certificate of

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Occupancy. Any Certificate issued upon a false statement of any fact which is material to the issuance thereof shall be void. Whenever the fact of such false statement shall be established to the satisfaction of the Building Inspector, he shall forthwith revoke the Certificate of Occupancy, by notice in writing to be delivered by him to the holder of the void Certificate upon the premises where the violation has occurred, or if such holder be not found there, by mailing the said notice of revocation by Certified Letter to his last known address. Any person who shall proceed thereafter with such work or use without having obtained a new Certificate of Occupancy shall be deemed guilty of violation of this Chapter.

- (6) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-910 Variances

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for permitted variation from the terms of this Chapter as will not be contrary to the public interest; where owing to special factors, a literal enforcement of the provisions of this Chapter would result in practical difficulty or unnecessary hardship, so that the spirit of this Chapter shall be observed, public safety and welfare secured, and substantial justice done; as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (2) **Initiation of Request for Approval of a Variance:** Proceedings for approval of a requested variance shall be initiated by:
 - (a) an application of the owner(s) of the subject property
- (3) **Application Requirements:** All applications for requested variances shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with 20 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) A map of the subject property showing all lands for which the variance is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the City of Lake Geneva). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 - (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 - (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;

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- (d) A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 98-908(3); and,
 - (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standard set out in Subsection (4)(c)1.-6., below.
- (4) **Review by The Zoning Administrator:** The requested variance shall be reviewed by the Zoning Administrator as follows:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) Upon notifying the Applicant that his application is complete, the Zoning Administrator shall review the application and evaluate and comment on the written justification for the proposed variance provided in the application per Subsection (3)(a)-(e), above.
 - (c) The Zoning Administrator may also evaluate the application to determine whether the requested variance is in harmony with the recommendations of the City of Lake Geneva's Comprehensive Master Plan, particularly as evidenced by compliance with the standards of Subsection (4)(c)1.-6., below:
 - 1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property? The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district. Specifically:
 - a. The hardship or difficulty shall be peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;
 - b. Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
 - c. Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
 - d. Violations by, or variances granted to, neighboring properties shall not justify a variance;
 - e. The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

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2. In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.
 3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.
 4. Would the granting of the proposed variance as depicted on the required site plan (see (3)(d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of this Chapter, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.
 5. Have the factors which present the reason for the proposed variance been created by the act of the Applicant or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of this Chapter (see Section 98-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of this Chapter and were not created by action of the Applicant, a previous property owner, or their agent.
 6. Does the proposed variance involve the regulations of Section 98-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.
- (d) The Zoning Administrator shall forward the report per (4)(b), and if prepared the report per (4)(c), to the Zoning Board of Appeals for the Board's review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Zoning Ordinance and Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

(5) Review and Determination by Zoning Board of Appeals

- (a) Within 30 days after filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall hold a public hearing. Notice of the requested variance and the public hearing shall conform to the requirements of Section 62.23(7)(d) of Wisconsin Statutes. Said notice shall contain a description of the subject property and the proposed variance per Subsections (3)(a) and (c), above. In addition, at least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant of the proposed variance; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the subject property; and to all property owners within 300 feet of the boundaries of the subject property as identified in Subsection (3)(a), above.

through

Section 98-911 Interpretations

Failure to mail said notice, to said clerk(s) of such neighboring municipalities, provided it is unintentional, shall not invalidate proceedings under this Section.

- (b) Within 30 days after the holding of the public hearing (per (5)(a), above, (or, within an extension of said period approved by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (4), above, and its determination regarding the application as a whole. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on said request for approval of the requested variance at time of its initial meeting, or said proceedings may be continued from time-to-time for further consideration. The Zoning Board of Appeals shall make a written report of its findings and determinations following its determination.
- (c) If the Zoning Board of Appeals fails to make a determination within 30 days after said public hearing, then the request for the variance shall be considered denied.
- (d) Said report shall include a formal findings of facts developed and approved by the Zoning Board of Appeals concerning the requirements of (4)(c)1.-6., above.
- (6) **Effect of Denial:** No application for a variance which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (7) **Limited Effect of a Variance:** Where the Zoning Board of Appeals has granted a variance, such approval shall neither change the use classification of the building or premises, nor give it any status as a nonconforming use other than that which it has as a result of the variance. Granting of a variance shall be considered as unique to the variance granted, and shall not be construed as precedent for any other proposed variance.
- (8) **Stay of Proceedings:** An application for a variance shall stay all legal proceedings furthering enforcement of any provisions of this Chapter from which the Applicant is requesting a variance, unless the Zoning Administrator certifies to the Zoning Board of Appeals after the request for the variance has been filed, that by reason of the facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the Zoning Board of Appeals, or by a Court of Record on application, on notice to the Zoning Administrator, and on due cause shown. *State Law Reference: Section 62.23(7)(e)5., Wisconsin Statutes.*
- (9) **Notice to the DNR:** The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in the Shoreland-Wetland, Floodway, Floodplain, or Floodfringe Overlay Zoning Districts, and a copy of all Shoreland floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. A copy of all decisions relating to variances to shoreland-wetland conservancy regulations or to floodland regulations, and a copy of all decisions to shoreland-wetland conservancy and floodland appeals, shall be transmitted to the DNR within 10 days of the date of such decision.
- (10) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-911 Interpretations*through***Section 98-911 Interpretations**

Section 98-911 Interpretations

- (1) **Purpose:** The purpose of this Section is to assign responsibility for the official interpretation of the provisions of this Chapter, and to describe the required procedure for securing such interpretation.
- (2) **Initiation of Request for an Interpretation:** Proceedings for an interpretation may be initiated by any of the following four methods:
 - (a) an application of the owner(s) of the subject property;
 - (b) a recommendation of the Plan Commission;
 - (c) by action of the Common Council, or;
 - (d) by a request by The Zoning Administrator.
- (3) **Application Requirements:** All applications for interpretations, regardless of the party of their initiation per (2) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The submittal of an application to the City Clerk to initiate this procedure shall not occur until the Zoning Administrator has certified acceptance of the complete application to the City Clerk. No placement of the application on any agenda, as an item to be acted upon, shall occur unless said certification has occurred. The item may be placed on any agenda as a discussion-only item, with the permission of the Zoning Administrator, without an application. Prior to the submittal of the Official Notice regarding the application to the newspaper by the City Clerk, the Applicant shall provide the City Clerk with 20 copies of the complete application as certified by the Zoning Administrator. Said complete application shall be comprised of all of the following:
 - (a) All requests for interpretations shall clearly indicate the part of the text of this Chapter for which the interpretation is requested and the specific questions the Applicant has regarding said text.
 - (b) If the requested interpretation relates to the application of this Chapter to a specific property, the additional following information shall be required:
 1. A map of the subject property showing all lands for which the interpretation is requested, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County as provided by the City of Lake Geneva. Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 2. A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;
 3. A written description of the reason for the requested interpretation and how the proposed interpretation relates to type of activities, buildings, and structures currently located on, and proposed for, the subject property; and,
 4. A site plan of the subject property as proposed for development. Said site plan shall conform to any and all the requirements of Section 98-908(3).

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- (c) If the requested interpretation relates to the classification or treatment of a particular land use under the provisions of this Chapter, a series of written responses to the following questions:
1. How is the subject land use (in general) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, this Chapter, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?
 2. How is the subject land use in harmony with the purposes, goals, objectives, policies and standards of the pertinent zoning district for which the interpretation is being sought?
 3. Do the potential public benefits of the proposed interpretation outweigh any and all potential adverse impacts of the proposed interpretation?

(4) Review by Zoning Administrator

- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
- (b) Upon notifying the Applicant that the application is complete, and within 30 days of such filing, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the proposed interpretation provided in the application per Subsection (3), above. This review shall also take into consideration the standards for review presented in Subsection (5), below. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the City of Lake Geneva's Comprehensive Master Plan.
- (c) The Zoning Administrator shall forward a report to the Applicant indicating the interpretation of the Zoning Administrator. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan, the Zoning Administrator shall note this determination in the report.

(5) Standards for Review of Requested Interpretations: This Chapter shall be interpreted in a manner which is consistent with the purposes intended by the City of Lake Geneva Common Council as noted in this Chapter and the Comprehensive Plan. The intent of the standards and supporting definitions of this Chapter is to protect both individual property owners and the general public from adverse impacts that may result from a proposed, modified, or existing land use. To this end, those called upon to interpret this Chapter shall proceed as follows:

- (a) Articulate certain public purpose(s) underlying the standard(s) for which an interpretation is required.

Rationale: Before any zoning interpretation is made, there must be an explicit discussion of certain purpose(s) for which the regulation was initially imposed. Each zoning regulation is intended to protect the interests of both present and future neighbors and the general public. Each standard is developed as a regulatory response to an identifiable potential negative impact. A sound interpretation of any standard cannot be ensured without careful analysis of the regulation and the end toward which it is directed. It is understood that there may be other public purposes underlying the interpretation which are not explicitly articulated.

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- (b) Articulate the actual impact of various proposed interpretations, permitting flexibility in design and prohibiting any interpretation that lowers the protection afforded to the public.

Rationale: There is a critical distinction between an interpretation which provides a greater degree of design freedom to achieve a permitted land use, and an interpretation which permits a new or not previously permitted use, or which allows a use to be enlarged, or have its intensity increased beyond the degree specified in the Chapter. Design freedom is to be encouraged while a lowering of the standards of this Chapter is to be prohibited.

- (c) Determine whether the proposed interpretation will ensure a just balance between the rights of the landowner and all others who will be affected by that person's land use proposal.

Rationale: If an interpretation would merely allow a design solution that is slightly different from the one expressly stated or permitted, and if it would result in a same or greater degree of protection to any affected party (either the adjoining landowners, the public at large, and/or a future property owner or renter), such an interpretation may be appropriately made. Any interpretation which would result in any identifiable loss of protection for one group to the benefit of others is contrary to the spirit of this Chapter. Similarly, any interpretation which would either increase the nuisance potential of any use or alter the purpose for which the regulation was adopted shall be considered counter to the legislative intent of this Chapter. Any interpretation which will result in any loss of protection or increase in intensity beyond that already permitted shall only be made if the party interpreting this Chapter has the power to impose additional restrictions or requirements and exercise this power in order to protect the public.

- (d) This Chapter has been carefully designed by the Common Council to combine maximum achievement of public goals, and the protection of adjoining property owners while providing flexibility for property owners to use their land for a variety of uses consistent with the goals and objectives of the Comprehensive Plan for the City of Lake Geneva. Great care has been taken to balance the rights of competing groups while achieving maximum protection with flexibility and a range of use options. Persons interpreting this Chapter should not substitute their own judgments for the legislative acts of the Common Council.

- (e) In addition to the Applicant's response to the questions required by Subsection (3) above, the following standards shall govern the decision on the requested interpretation on land use interpretation matters:

1. No interpretation shall allow the establishment of any land use which was previously considered and rejected by the Common Council on an application for an amendment to the Zoning Ordinance, the Official Zoning Map, or a previously applied for appeal from a requested interpretation.
2. No interpretation shall permit a land use listed as a use permitted by right or a conditional use in another zoning district if the use is not listed as permitted in the zoning district of the subject property (see Section 98-203).
3. No interpretation shall permit a land use in a zoning district unless evidence is presented which demonstrates that the land use will comply with any and all regulations applicable to development in the subject property's zoning district (see Sections 98-203 and 98-206).

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4. No interpretation shall permit a land use in a particular zoning district unless such use is substantially similar to other uses permitted in that same district and is more similar to such other uses than to uses either not permitted in said district, or permitted in a more intensive district in the same zoning district category (see Sections 98-102 and 98-203).
5. If the proposed land use is more similar to a land use permitted only as a conditional use in the subject property's district than to a use permitted by right, then an interpretation permitting such use shall be conditioned upon the approval of a conditional use pursuant to Section 98-905.
- (6) **Effect of a Favorable Land Use Interpretation:** No interpretation finding a particular land use to be permitted or conditionally permitted in a specific zoning district shall authorize either the establishment of such use or the development, construction, reconstruction, alteration or moving of any building or structure. A favorable interpretation merely authorizes the preparation, filing, and processing of applications for any permits and approvals which may be required by this Chapter. These permits and approvals include, but are not limited to required site plans, conditional uses, and certificates of occupancy.
- (7) **Limitations on Favorable Land Use Interpretation**
 - (a) No interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the interpretation, unless a Building Permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
 - (b) An interpretation finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the interpretation was issued. The interpretation shall not be deemed to authorize any allegedly similar use for which a separate interpretation has not been issued. A favorable interpretation shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- (8) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-912 Appeals of Zoning Interpretations

- (1) **Purpose:** The purpose of this Section is to provide regulations which enable the City to hear and decide requests for appeals from the interpretations of the Zoning Administrator per Section 98-911 as provided for by Wisconsin Statutes 62.23(7)(e)(7).
- (2) **Initiation of Request for Review of Zoning Interpretation:** Proceedings for the review of an appeal may be initiated by any person aggrieved, or by any officer, department, board, or bureau of the City affected by any decision of the Zoning Administrator.
- (3) **Time Limit for Filing An Appeal:** Any appeal of an interpretation under the provisions of this Section shall be made per the requirements of Subsection (4), below, within a period not exceeding 45 days from the date of issuance of the interpretation by the Zoning Administrator. Failure to initiate this appeal procedure within this 45 day period shall constitute a final and binding waiver of the right to appeal said interpretation.
- (4) **Application Requirements:** All applications for review of an interpretation, regardless of the party of their initiation per (2) above, shall be filed in the office of the Zoning Administrator, and

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shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the City Clerk, and to the Zoning Board of Appeals. Said complete application shall be accompanied by all of the following:

- (a) A copy of pertinent items in the file on the matter at hand maintained by the Zoning Administrator, as identified by the Zoning Administrator and/or the Applicant.
 - (b) A written statement from the Applicant indicating the reasons why an appeal is justified, based upon an analysis of the Zoning Administrator's interpretation. This statement shall be dated and signed by the Applicant.
- (5) **Review by the Zoning Administrator:** The submitted appeal shall be reviewed by The Zoning Administrator in the following steps:
- (a) The Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete or does not fulfill the requirements of this Chapter, he shall return the application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.
 - (b) Upon notifying Applicant that the application is complete, the Zoning Administrator shall review the application and shall evaluate and comment on the written justification for the appeal to the Zoning Board of Appeals as submitted by the Applicant. The Zoning Administrator shall also evaluate the application to determine whether the requested is in harmony with the recommendations of the City of Lake Geneva's Comprehensive Master Plan.
 - (c) The Zoning Administrator shall forward a report to the Zoning Board of Appeals for review and action. If the Zoning Administrator determines that the proposal may be in conflict with the provisions of the City's Comprehensive Master Plan or Zoning Ordinance, the Zoning Administrator shall note this determination in the report.
- (6) **Review and Action by the Zoning Board of Appeals**
- (a) Within 45 days after the filing of the complete application as determined by the Zoning Administrator, the Zoning Board of Appeals shall schedule a reasonable time and place for a public hearing to consider the application. Notice of the appeal and said public hearing shall conform to Section 63.23(7)(d) of the Wisconsin Statutes. Said notice shall contain a description of the issue per Subsection (4)(b), above. At least ten days before said public hearing, the City Clerk shall mail an identical notice to the Applicant; to the Clerk of any municipality whose boundaries are within 1,000 feet of any portion of the jurisdiction of this Chapter; and to any property owner within 300 feet of the subject property. Failure to mail said notice, provided it is unintentional, shall not invalidate proceedings under this Section.
 - (b) Within 60 days after the filing of the complete application as determined by the Zoning Administrator (or, within an extension of said period requested in writing by the Applicant and granted by the Zoning Board of Appeals), the Zoning Board of Appeals make its findings per Subsection (3) above. The Zoning Board of Appeals may request further information and/or additional reports from The Zoning Administrator and/or the Applicant. The Zoning Board of Appeals may take final action on the application for appeal at the time of its initial meeting, or may continue the proceedings at Applicant's request. Said final action shall be followed by a written report which shall include a formal finding of facts developed and approved by the Zoning Board of Appeals concerning the request.

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- (c) If the Zoning Board of Appeals fails to make a determination within 60 days after the filing of said complete application, then the request for the appeal shall be considered denied.
- (7) **Effect of Denial:** No application for an appeal which has been denied (either wholly or in part) shall be resubmitted for a period of 12 months from the date of said order of denial, except on grounds of new evidence or proof of change of factors found valid by the Zoning Administrator.
- (8) **Limited Effect of a Favorable Ruling on an Appeal**
- (a) No ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be valid for a period of more than 365 days from the date of issuance of the ruling on the appeal, unless a building permit is issued and development is actually begun within that period, and is thereafter diligently pursued to completion, or a Certificate of Occupancy is obtained and a use commenced within that period.
- (b) A ruling by the Zoning Board of Appeals on an appeal finding a particular land use to be permitted or conditionally permitted in a specified zoning district shall be deemed to authorize only that particular use at that particular location for which the ruling was issued. The ruling shall not be deemed to authorize any allegedly similar use for which a separate ruling has not been issued. A favorable ruling shall automatically expire and cease to be of any force or effect if the particular use for which it was issued shall, for any reason, be discontinued for a period of 365 consecutive days or more.
- (9) **Fee:** A fee is required for this procedure. Refer to Section 98-935.

Section 98-913 Downtown Design Overlay Zoning District

- (1) **Purpose and Scope:** This district is intended to implement the urban design recommendations of the comprehensive master plan by preserving and enhancing the historical quality of the downtown, and by attaining a consistent visually pleasing image for the downtown area. This district is designed to forward both aesthetic and economic objectives of the City by controlling the site design and appearance of development within the district in a manner which is consistent with sound land use, urban design, and economic revitalization principles. The application of these standards will ensure the long-term progress and broad participation toward these principles.
- (2) **Definitions**
- (a) Design Review Commission: The Design Review Commission is comprised of members of the Plan Commission.
- (b) cornice: The topmost projecting portion of the entablature, or top portion of a building. This term also refers to any "crowning" projection of a building.
- (c) header: A brick laid so that the end only appears on the face of the wall, as opposed to a stretcher, which is a brick laid so that the side only appears.
- (d) kickplate: A horizontal area on the façade of a building located between the sidewalk/entrance pavement and the lowest storefront windows.
- (e) sign band: A horizontal area on the façade of a building located between the transom and the cornice, which is typically opaque and provides a location for signage indicating the name of the establishment.
- (f) sill: A horizontal, lower member or bottom of a door or window casing.

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(g) transom: A horizontal bar of stone, wood or glass across the opening of a door or window.

- (3) **Designation of Downtown Design Overlay Zoning District Boundaries:** All properties having frontage on either side of the following described route, and all other properties located within the boundaries of described route: BEGINNING at the intersection of Main Street and Cook Street; thence south along Cook Street to Wrigley Street; thence southeast along Wrigley Street to Baker Street; thence east along Baker Street to Lakeshore Drive; thence north along Lakeshore Drive to Main Street; thence along Main Street to the former Railroad; thence northwest along the former Railroad to Geneva Street; thence westerly along Geneva Street to Broad Street; thence northerly along Broad Street to abandoned railroad right-of-way; thence southerly along Broad Street to Geneva Street; thence west along Geneva Street to Cook Street; thence south along Cook Street to the point and place of BEGINNING. (Ord. No. 02-35 1/28/02)
- (4) **Powers and Duties of the Zoning Administrator, Design Review Commission, and Plan Commission for All Development:** Proposed changes to the exterior appearance of properties used exclusively for residential purposes and which do not have frontage on Main Street are hereby excluded from the provisions of this Section. All other applications within the Downtown Design Overlay Zoning District are subject to one of the following three processes, as determined by the Zoning Administrator:
- (a) Applications which involve *only a renovation of the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the City and listed in the attached Appendix), or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of Subsection (6) below (as determined by the Zoning Administrator), are subject to **Downtown Renovation Review** by the Zoning Administrator. The Zoning Administrator shall determine whether the petition requires only certification of thorough compliance with the technical requirements set out in Subsection (5)(a) below. In part, this effort shall be guided by the City of Lake Geneva Comprehensive Master Plan;
- (b) Applications which involve *only a change in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Downtown Design Review** by the Zoning Administrator and the Design Review Commission. The Zoning Administrator shall serve as the liaison between the applicant and the Design Review Commission, in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Design Review Commission shall serve as the final review and determining body in these matters, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection (5)(b), below. In part, this effort shall be guided by the comprehensive master plan;
- (c) Applications which involve *modification to the physical configuration of a property* (such as grading, the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Downtown Project Review** by the Zoning Administrator, the Plan Commission, and the Design Review Commission. The Zoning Administrator shall serve as the liaison between the applicant, the Plan Commission and the Design Review Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the initial and final discretionary review body on site design, and shall focus its review on the

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application's compliance with sound land use, site design and economic revitalization practices. In part, this effort shall be guided by the comprehensive master plan. The Design Review Commission shall serve as the initial and final review and determining body on aesthetics, and shall focus its review on whether the application complies with sound aesthetic, urban design, historic and architectural practices pursuant to the procedures outlined in Subsection (5)(c), below. In part, this effort shall be guided by the comprehensive master plan.

(5) Procedures for Downtown Project Review and Approval

(a) **Downtown Renovation Review:** Applications which involve *only a renovation of the exterior appearance of a property* (such as repainting, re-roofing, residing or replacing with identical colors and materials approved by the City and listed in the attached Appendix), or a change in the exterior appearance of a property in absolute clear and complete compliance with the provisions of Subsection (6) below (as determined by the Zoning Administrator), are subject to **Downtown Renovation Review** by the Zoning Administrator. The Zoning Administrator shall serve to determine whether the applications simply requires certification of thorough compliance with the technical requirements below. In part, this effort shall be guided by the attached appendix, which provides a list of sample projects which are eligible for this form of review. (Refer to the procedure summary chart at the end of this Section.)

1. **Application Requirements:** All applications for Downtown Renovation Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:
 - a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Zoning Administrator;
 - b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for renovation or replacement may be required by the Zoning Administrator;
 - c. A written description of the proposed renovation, including a complete listing of proposed components, materials, and colors.
 - d. Written justification for the proposed renovation consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in Subsection 2.b., below.
2. **Review by the Zoning Administrator:** The application for Downtown Renovation Review shall be reviewed by the Zoning Administrator as follows:
 - a. Within 20 days after the filing of the application, the Zoning Administrator shall determine whether the application is complete and fulfills the requirements of this Chapter. If the Zoning Administrator determines that the application is not complete and does not fulfill the requirements of this ordinance, he shall return the

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application to the Applicant. If the Zoning Administrator determines that the application is complete, he shall so notify Applicant.

- b. Within 20 days after the filing and notification of a complete application, the Zoning Administrator shall review the application which: 1) shall evaluate its status as merely requiring Downtown Renovation Review; and, 2) shall evaluate and comment on the written justification for the proposed alteration provided in the application per Subsection (5)(a)1.d., above. The Zoning Administrator shall also evaluate the application based on the following question: How is the proposed alteration in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards of Subsection (6), below?

3. Action by the Zoning Administrator

- a. The Zoning Administrator may request further information and/or additional reports from the Applicant.
- b. The Zoning Administrator may approve the application as originally proposed, may approve the application with modifications, may deny the application, or (where the proposal requires discretionary aesthetic judgment) shall forward the application to Design Review Commission as an application for Downtown Design Review.
- c. The Zoning Administrator shall not approve any application unless he makes written findings of facts regarding the application.
- d. The approval of the proposed renovation shall be considered as the approval of a unique request, and shall not be construed as precedent for any other proposed alteration.

(b) **Downtown Design Review:** Applications which involve *only a change in the appearance of a property* (such as painting, roofing, siding, architectural component substitution, fencing, paving, or signage), are subject to **Design Review** by the Zoning Administrator and the Design Review Commission. The Zoning Administrator shall serve as the liaison between the Applicant and the Design Review Commission in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Design Review Commission shall serve as the final review and determining body in these matters, and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the comprehensive master plan. (Refer to the procedure summary chart at the end of this Section.)

1. **Procedure:** Downtown Design Review proposals shall follow the procedures for Site Plan Review and Approval, see Section 98-908.
2. **Application Requirements:** In addition to the application requirements for Site Plan Review and Approval, all applications for Downtown Design Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:
 - a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for

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alteration or replacement may be required by the Zoning Administrator or by the City;

- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the City;
 - c. A written description of the proposed modification, including a complete listing of proposed components, materials, and colors.
 - d. Written justification for the proposed alteration consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in Subsection 2.b., below., using the following question to develop said written justification. How is the proposed alteration in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with Subsection (6), below?
- (c) **Downtown Project Review:** Applications which involve *modification to the physical configuration of a property* (such as the erection of a new building, the demolition of an existing building, or the addition or removal of bulk to an existing building) are subject to **Downtown Project Review** by the Zoning Administrator, the Plan Commission, and the Design Review Commission. Specifically, the powers of the Zoning Administrator, Plan Commission, and the Design Review Commission within the Urban Design Overlay Zoning District shall be as described in the following sections. The Zoning Administrator shall serve as the liaison between the Applicant, the Plan Commission, and the Design Review Commission, in facilitating the thorough and expedient review of an application, and shall ensure that the technical and procedural requirements of the Zoning Ordinance are met. The Plan Commission shall serve as the initial and final discretionary review body on site design, and shall focus its review on the application's compliance with sound land use, site design and economic revitalization practices. In part, this effort shall be guided by the comprehensive master plan. The Design Review Commission shall serve as the final review and determining body on aesthetics, and shall focus its review on the application's compliance with sound aesthetic, urban design, historic and architectural practices per the procedures outlined below. In part, this effort shall be guided by the comprehensive master plan. (Refer to the procedure summary chart at the end of this Section.)
1. **Procedure:** Downtown Project Review proposals shall follow procedures for Conditional Use Permits, refer to Section 98-905.
 2. **Application Requirements:** In addition to the application requirements for Conditional Use Permits, Section 98-905, all applications for Downtown Project Review shall be made to the Zoning Administrator and shall be accompanied by the Building Permit application, and, in addition, shall be accompanied by all of the following:
 - a. A clear depiction of the *existing appearance* of the property. Clear color photographs are recommended for this purpose. Scaled and dimensioned drawings of existing components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for

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alteration or replacement may be required by the Zoning Administrator or by the Plan Commission.

- b. A clear depiction of the *proposed appearance* of the property. Paint charts, promotional brochures, and/or clear color photographs of replacement architectural components are recommended for this purpose. Scaled and dimensioned drawings of proposed components such as windows, doors, railings, fencing or other site components, and/or detailed building elevations which are proposed for alteration or replacement may be required by the Zoning Administrator or by the Plan Commission.
- c. For all projects involving a new building, or an addition exceeding 100 square feet of gross floor area, a detailed site plan which provides the following information:
 - i. A title block which indicates the name and address of the current property owner, developer and project consultants;
 - ii. The date of the original plan and the latest date of revision to the plan;
 - iii. A north arrow and a graphic scale. Said scale shall not be smaller than one inch equals 100 feet;
 - iv. All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
 - v. All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
 - vi. All existing and proposed buildings, structures, and paved areas, including walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
 - vii. All required building setback lines;
 - viii. A legal description of the subject property;
 - ix. The location, type and size of all signage on the site;
 - x. The location, type and orientation of all exterior lighting on the subject property;
 - xi. The location of all access points, parking and loading areas on the subject property, including a summary of the number of parking stalls and labels indicating the dimension of such areas;
 - xii. The location of all outdoor storage areas;
 - xiii. The location and type of any permanently protected green space areas;
 - xiv. The location of existing & proposed drainage facilities;
 - xv. In the legend, the following data for the subject property:
 - Lot Area;
 - Floor Area;
 - Floor Area Ratio;
 - Impervious Surface Area;
 - Impervious Surface Ratio; and
 - Building Height

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- d. A detailed landscaping plan of the subject property, at the same scale as the main plan, showing the location, species and size of all proposed plant materials.
- e. A written description of the proposed project, including a complete listing of proposed components, materials, and colors.
- f. Written justification for the proposed project consisting of the reasons why the Applicant believes the requested alteration is in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards set out in Subsection 2.b., below., using the following question to develop said written justification: How is the proposed project in harmony with the recommendations of the comprehensive master plan, particularly as evidenced by compliance with the standards of Subsection (9), below?

(6) Additional Recommendations Permitted Under the Design Review Process

- (a) The Zoning Administrator is hereby authorized to make recommendations for, or require modifications to, a proposed application for Downtown Renovation Review; and to make recommendations for the modification of a proposed application for Downtown Design Review or Downtown Project Review.
 - (b) The Design Review Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for aesthetic aspects for Downtown Design Review and Downtown Project Review.
 - (c) The Plan Commission is hereby authorized to make recommendations for, or require modifications to, a proposed application for site design aspects for Downtown Project Review.
- (7) **Appeals:** Appeals from the decisions of the Zoning Administrator and Plan Commission may be made per the provisions of the Municipal Code and State Statutes.
- (8) **Penalty:** Penalty for violation of the provisions of this Chapter shall be per the provisions of Section 98-936.

(9) Downtown Design Standards

- (a) **Overall Design Theme:** The design theme for the Downtown area is based on historic commercial and residential architectural styles which dominated the economic growth period from 1890 through the 1920s.
 - 1. **Nonresidential Development:** The design theme varies by location.
 - a. **Main Street Frontage:** Along Main Street frontage from Cook Street to Center Street, the nonresidential design theme is characterized by a variety of architectural styles popular at the time, including Italianate, Romanesque and Neoclassical, in a two story format with office, storage or residential located over commercial. The façades of these buildings have a traditional main street storefront appearance, are relatively small in scale, have street-yard and side-yard setbacks of zero feet, have prominent horizontal and vertical patterns formed by regularly-spaced window and door openings, detailed cornice designs, rich detailing in masonry coursing, window detailing and ornamentation, and are predominantly of brick, stone or wood. Exterior building materials are of high-quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple and muted. Exterior signage blends, rather than contrasts with buildings in

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terms of coloring (complementary to building), location (on-building), size (small) and number (few).

- b. **Remainder of Downtown Design Overlay Zoning District:** In this area, the nonresidential design theme is characterized by a variety of architectural styles popular throughout the entire 20th Century. Building styles, heights, setbacks and details vary significantly. In the desired theme, exterior building materials are of high-quality. Exterior appurtenances are minimal. Exterior colors are harmonious, simple and muted. Exterior signage blends, rather than contrasts with buildings in terms of coloring (complementary to building), location (on-building), size (small) and number (few).
2. **Residential Development:** This theme is characterized by a variety of architectural styles popular at the time, including Queen Anne, Gothic, High Victorian, Georgian, and Prairie. These homes have generous street-yard, side-yard and rear-yard setbacks, and are well-landscaped with a mixture of canopy and understory yard trees, and foundation shrubs and/or flower beds. For illustrative purposes, examples of architectural styles which tend to have elements *incompatible* with Downtown historic styles include (with no attempt to be inclusive) Spanish Mission, Scandinavian Modern, Bavarian, and California Contemporary.

(b) Non-Residential Construction

1. **General:** Nonresidential construction, including new structures, building additions, building alterations, and restoration or rehabilitation shall correspond to the downtown design guidelines as determined by the Design Review Commission and as evidenced by certain existing structures within the Downtown and by the following requirements for building setback; height; building mass; horizontal rhythms (created by the placement and design of façade openings and related elements such as piers, columns); vertical rhythms (created by the placement and design of façade details such as sills, transoms, cornices and sign bands); roof forms; exterior materials; exterior surface features and appurtenances; exterior colors; exterior signage; on-site landscaping; exterior lighting; parking and loading area design; and the use of screening.
2. **Building Setback:** Throughout the district, the setback of buildings from street-yard and side-yard property lines shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above.
3. **Building Height:** Throughout the district, the height of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. In no instance shall buildings

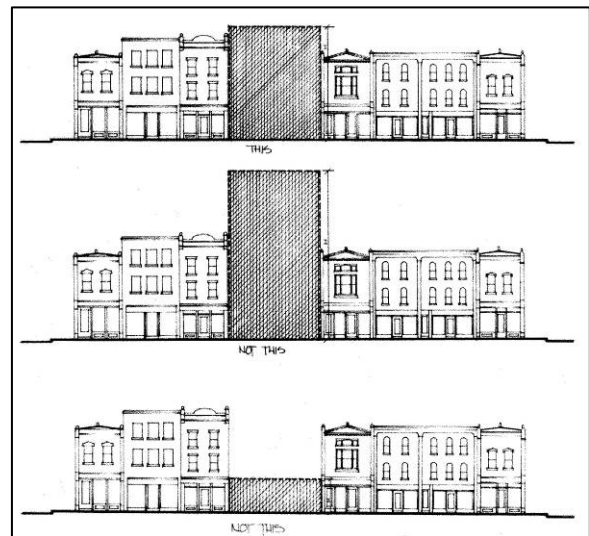


Figure 1

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- be more than one story taller or shorter than the height of a building of similar use on one of the immediately adjoining properties, which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above.
4. **Building Mass:** Throughout the district, the mass of buildings shall be compatible with existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. The characteristic proportion (relationship between façade height and width) of the general design theme shall be maintained. Building mass for large structures (with a façade area exceeding 5,000 square feet) shall be disguised through the use of façade articulations, or through the use of exterior treatments which give the impression of directly adjoining individual buildings. (See Figures 2 and 3.)
 5. **Horizontal Rhythms:** Along Main Street between Cook Street and Center Street, the horizontal pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as piers and columns shall be spaced at regular intervals across all visible façades of the building, and shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. (See Figures 2 and 3.)
 6. **Vertical Rhythms:** Along Main Street between Cook Street and Center Street, the floor heights on main façades shall appear visually in proportion to those of adjoining buildings. The rhythm of the ground floor shall harmonize with the rhythm of upper floors. The vertical pattern of exterior building elements formed by patterns of building openings for windows and doors, and related elements such as sills, headers, transoms, cornices and sign bands shall be compatible in design and elevation with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above.

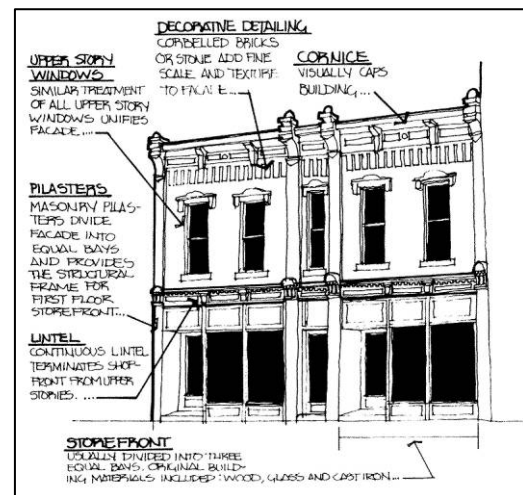


Figure 2

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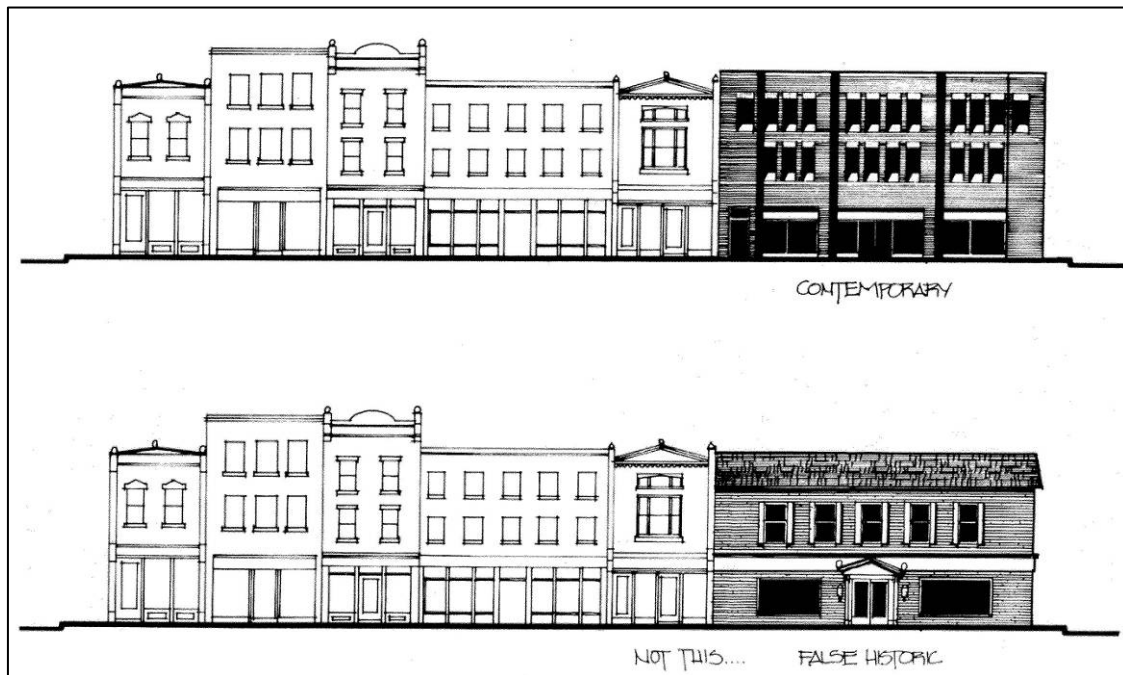


Figure 3

7. **Roof Forms:** Along Main Street between Cook Street and Center Street, flat or gently sloping roofs which are not visible from the street shall be used. Mansards or other exotic roof shapes not characteristic of the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, as determined by the Design Review Commission shall not be used. Throughout the district, roof shapes not characteristic of the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, shall not be used.
8. **Exterior Materials:** Selected building materials shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. In addition:
 - a. **Masonry:** Along Main Street between Cook Street and Center Street, stone or brick facing should be of even coloration and consistent size. Cinder block, concrete block, concrete slab, or concrete panel shall not be permitted.
 - b. **Siding:** Along Main Street between Cook Street and Center Street, wood or thin board textured vinyl or textured metal clapboard siding may be appropriate -- particularly if the proposed non-masonry exterior was used on a building which conforms to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. In certain instances clapboard, board and batten may be in keeping with the general design theme. Asphalt shingles shall not be permitted.
 - c. **Glazing:** Along Main Street between Cook Street and Center Street, clear, or slightly tinted glass or related glazing material shall be used. Mirrored glass, smoked glass, or heavily tinted glass shall not be permitted.
9. **Exterior Surface Appurtenances:** Exterior surface appurtenances shall be compatible with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. In addition:

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- a. Along Main Street between Cook Street and Center Street, the traditional storefront design theme (characterized by strong horizontal and vertical rhythms formed by building openings, storefront columns, storefront cornices, upper cornices, kickplates, signbands, large display windows, and transom windows) shall be employed for all new nonresidential buildings -- including retail, office, professional service, personal service, maintenance, lodging, entertainment, and storage uses.
 - b. Throughout the district, avoid cluttering building façades with brackets, wiring, meter boxes, antennae, gutters, downspouts and other appurtenances. Unnecessary signs shall also be avoided. Where necessary, such features shall be colored so as to blend in, rather than contrast, with the immediately adjacent building exterior. Extraneous ornamentation which is inconsistent with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above, is also prohibited.
 - c. **Awnings:** Throughout the district, awning size, color and placement should complement the architectural character of the building. Soft, weather-treated canvas or vinyl materials which allow for flexible or fixed installation shall be used. Aluminum or suspended metal canopies shall be prohibited. Signage applied to awnings shall be simple and durable. Backlit awnings are prohibited.
10. **Exterior Colors:** Selected exterior colors for structures and appurtenances including fixtures, but not including exterior signage which is regulated per (9)(b)11., below, shall be compatible and harmonious with those of existing buildings in the immediate area which conform to the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. Specifically, throughout the district:
- a. Primary (red, blue, green, and yellow) colors, black, and fluorescent, "day glow", and/or "neon" colors shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used.
 - b. High gloss paints, lacquers, varnishes or other "shiny" non-glazing surfaces shall not be used.
 - c. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.)
 - d. Color schemes shall be used consistently throughout the property, including on both the upper and lower portions of buildings, and on all façades of a building or structure.
11. **Exterior Signage:** All signage which is visible from any point outside of the building or structure shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. Signage regulations are provided in Article VII. In addition:
- a. **Number of Signs:** No more than three exterior signs for the same business shall be visible from any single vantage point on or off the subject property.
 - b. **Area of Signage:** Signage area shall comply with the requirements for the Commercial Business (CB) district in Section 98-806(6).

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- c. **Types of Signage:** Wall signs, projecting signs (smaller than five square foot) and awning signs (see Subsection 9. d. above, for additional restrictions for awning signs) may be used for individual businesses. Roof signs, mobile signs and portable signs are not permitted in any instance. Holiday and special event signs shall be regulated per Section 98-807 of this Chapter.
- d. **Group Development Signs:** Group Development signs may be wall, projecting, awning or freestanding signs. Such freestanding signs shall be limited to one per lot, shall not exceed the height of the principle building on the subject property, shall be limited in area to a maximum of one square foot of sign area for every two feet of frontage along the public street located closest to the freestanding sign, and shall in no instance exceed the area allocated in Table 98-806(6). The base of freestanding signs shall be fully landscaped per the requirements of Subsection 12. d. below. The supports of freestanding signs shall be constructed of materials and in a style which is consistent with the materials and style of the principle structure on the site, and with the design guidelines as determined by the Design Review Commission.
- e. **Sign Colors:** Fluorescent shall not be permitted. Where such colors constitute a component of a standardized corporate theme or identity, muted versions of such colors shall be used. Color combination schemes shall be limited to no more than three different colors for all the structures and appurtenances on a property. (Varying shades, tints or intensities of a color shall count as a different color for this purpose.) Color schemes and lettering styles shall be used consistently on all signage used throughout the property.
- f. **Sign Materials:** Permitted sign materials include glass, plastic, wood, brass, metal leaf, metal plates, canvass or related fabric, or etched glass, stone or concrete.
- g. **Sign Illumination:** Illumination of exterior signage shall be limited to shielded spotlight. The lighting element of such fixtures shall not be visible from public rights-of-way or adjoining properties. Flashing signs (including illuminated awnings with or without messages) are not permitted, including neon and related illumination systems.
- h. **Sign Location:** Wall signs, canopy signs and projecting signs shall not be located on any portion of upper stories. The location of signs shall fit the building. (See Figure 4, below.)



Figure 4

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- j. **Removal of Signs:** Illegal nonconforming signs, poorly maintained signs, and obsolete signs pertaining to a closed business, shall be removed. The property owner shall be responsible for the removal of such signs.
- 12. **On-Site Landscaping and Screening:** On-site landscaping is not required within portions of the Downtown Design Overlay Zoning District located along Main Street between Cook Street and Center Street, except to provide vegetated ground cover for pervious (non-paved/roofed) surfaces, and to provide screening and shading of on-site paved areas.
 - a. **Groundcover:** All areas which are not covered by impervious paving or structures shall be covered with vegetative groundcover. Appropriate groundcover includes grasses, forbs, and shrubs.
 - b. **On-Site Paved Areas:** On-site landscaping shall also be provided for on-site paved areas used for outdoor seating, vehicular parking, or loading, except for pedestrian and vehicle walks and drives which connect such areas to public rights-of-way (such as driveways and walks to building entrances).
 - i. **Required Screening:** On-site paved areas, including parking lots, loading areas, circulation drives, and patios shall be partially screened from the view of public rights-of-way and adjoining properties by, at minimum, a continuous vegetated hedge with a minimum width of five feet, and a height of between 40 and 60 inches. This hedge may be supplemented by trees and/or compatible iron, masonry, or wood fencing, and/or berming.
 - ii. **Required Shading:** In addition, one canopy tree (with a minimum installed breast height caliper of 2½ inches) shall be provided within, or within five feet of the edge of, on-site paved areas for every 2,000 square feet (or fraction thereof) of paved area.
 - c. **Exterior Storage and Utility Areas:** Trash storage areas, air conditioning units, and related storage and utility areas and components shall be fully screened from the view of adjoining properties, public rights-of-way, and customer areas.
 - d. **Freestanding Signs:** The base of freestanding signs shall be fully concealed by plants to a minimum height of twenty-four inches.
 - e. Additional landscaping standards are found in Article VI.
- 13. **Exterior Lighting:** Throughout the district, on-site exterior lighting shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. Specifically:
 - a. **Pedestrian Lighting:** The design, color, height, location and light quality of on-site pedestrian lighting shall be consistent with the pedestrian lighting fixtures which compliment the district's character.
 - b. **Vehicular Circulation Lighting:** The design, color, height, location and light quality of on-site vehicular circulation lighting shall be consistent with the lighting fixtures which compliment the district's character.
 - c. Additional lighting standards are found in Section 98-707.
- 14. **Rehabilitation and Restoration:** New projects, building additions, and new appurtenances and features shall comply with the provisions of 1-13, above. The

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following standards shall apply where existing construction is proposed for rehabilitation and/or restoration:

- a. **In General:** Buildings shall be restored relying on physical evidence (such as photographs, original drawings, and existing architectural details) as much as possible, in keeping with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above. Specifically, throughout the Downtown Design Overlay Zoning District:
 - i. **Exterior Materials and Surface Features:** Materials and features identical to the original shall be used. Where such knowledge is lacking, materials and features in common use at the time of building erection shall be used. Significant architectural features, including cornices, moldings and coursings shall be preserved or replaced with identical features and materials where possible.
 - ii. **Windows and Doors:** The size, proportion and rhythm of original windows and doors shall not be altered. Original window and door openings shall not be blocked, except with a dark opaque panel placed behind the window or door to preserve the appearance of the opening. Where now blocked in another manner, blocked window and doors shall be restored using said method. Window and door features, including lintels, sills, architraves, shutters, pediments, hoods and hardware, shall be preserved where possible, or replaced with identical features and materials. Dark frames (i.e. anodized bronze) shall be used to replace storefront and upper story windows. Clear aluminum finishes and mill finish aluminum storm windows are prohibited. Real shutters and awnings shall be used if there is evidence that they were a component of the original building design. Vinyl and plastic shutters and awnings shall be prohibited.
 - iii. **Shop Fronts:** Shop fronts should fit inside the original shop front in terms of all three dimensions (vertical, horizontal and front to back articulation);
 - iv. **Display Windows:** Display windows should be restored to their original appearance.
 - v. **Entrances and Porches:** Original porches and steps shall be retained, except as required to meet accessibility standards. Porches, steps and related enclosures which do not comply with the architectural design theme shall be removed.
 - vi. **Roofs:** The original roof shape and character of visible materials shall be retained. Original architectural features which give the roof its essential character, including dormer windows, cupolas, cornices, brackets, chimneys and weathervanes, shall be preserved if in keeping with the architectural design theme.
 - vii. **Painting and Color:** See Subsection (b) 10., above.
 - viii. **Signage:** Any and all signage, existing upon the adoption date of this Chapter, which does not comply with the standards of Subsection (b) 11., above may be continued so long as well maintained. However, the maintenance of such legal nonconforming signs shall be limited to repair of the sign structural or lighting elements, and to the repainting or replacement of the sign face with identical

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new material, message, and original appearance. Should a change in material, message, or original appearance be desired, the legal nonconforming sign shall be removed.

- ix. **Cleaning:** Structural components and exterior materials shall be cleaned when necessary, and with only the gentlest possible methods. Low pressure water and soft natural bristle brushes are acceptable. Sandblasting is never acceptable. Other methods shall be pre-approved by the Plan Commission.
- (c) **Residential Construction:** Proposed residential construction, located on properties having frontage on Main Street between Cook Street and Center Street, including new structures, building additions, building alterations, and restoration or rehabilitation shall be reviewed per Section (5) above and shall correspond to the design guidelines as determined by the Design Review Commission. The building setback, height, mass, roof form, exterior materials, exterior surface appurtenances, exterior colors, landscaping and lighting shall be compatible and harmonious with the general design theme noted in Subsection (9)(a)1.a., 1.b., and 2., above.
- (d) **Designated Historic Structures:** Landmark Center, 772 Main Street; Riviera Building, 810 Wrigley Drive; Stone Manor, 880 S. Lakeshore Drive; T.C. Smith House, 865 Main Street; Youngland Coach House, 701 S. Lakeshore Drive; St. Moritz, 327 Wrigley Drive.

(10)-(19)**Reserved.**

(20) **Community Entry Corridor Urban Design Overlay Zoning District:**

- (a) **Requirement of Compatibility:** Proposed site design and construction within this District, including new structures and building additions shall be reviewed, per Section (5) above, by the Plan Commission. The building setback, height, mass, roof form, exterior materials, exterior surface appurtenances, exterior colors, landscaping and lighting shall be compatible with the following General Design Theme, as determined by the Plan Commission.
- (b) **Design Standards for Residential Development:** The General Design Theme for residential development within the Community Entry Corridor Urban Design Overlay Zoning District shall be designed to accommodate typical impacts of transportation and nearby non-residential development -- particularly through the use of building orientation, door and window location and design, and on-site landscaping and related buffering structures or berms. Above and beyond such concerns, particular attention shall be devoted to ensuring that selected residential design components complement nearby residential styles with high-quality building materials, in an attractive manner as becoming an entry corridor, and as determined by the Plan Commission. Where a detailed Neighborhood Plan has been adopted, it should be used to provide additional guidance in the design review process.
- (c) **Design Standards for Non-Residential Development:** The general design theme for non-residential development within the Community Entry Corridor Urban Design Overlay Zoning District is characterized by high-quality building materials, architectural design, site design, and on-site landscaping. Prominent urban design elements and architectural details, which are decorative and functional, shall be considered as a required component of each site within the District. Above and beyond such concerns, particular attention shall be devoted to ensuring that selected non-residential design components complement nearby non-residential styles and to reflect positively on the character of the community, as becoming an entry corridor, and as determined by the Plan Commission. Where a detailed

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Neighborhood Plan has been adopted, it should be used to provide additional guidance in the design review process.

- (d) These requirements shall become effective upon the date of adoption of detailed neighborhood plans and upon the date of depicting these overlay zoning districts on the Official Zoning Map.

(21)-(29)**Reserved.**

(30)Community Gateway Urban Design Overlay Zoning District:

- (a) **Requirement of Compatibility:** Proposed site design and construction within this District, including new structures and building additions shall be reviewed, per Section (5) above, by the Plan Commission. The building setback, height, mass, roof form, exterior materials, exterior surface appurtenances, exterior colors, landscaping and lighting shall be compatible with the following General Design Theme, as determined by the Plan Commission.
- (b) **Design Standards for Residential Development:** The General Design Theme for residential development within the Community Gateway Urban Design Overlay Zoning District shall be designed to accommodate typical impacts of transportation and nearby non-residential development, and to assist in creating a sense of welcome to the City of Lake Geneva -- particularly through the use of building orientation, door and window location and design, and on-site landscaping and related buffering structures or berms. Above and beyond such concerns, particular attention shall be devoted to ensuring that selected residential design components complement nearby residential styles with high-quality building materials, in an attractive manner as becoming a gateway entry to the community, as determined by the Plan Commission. Where a detailed Neighborhood Plan has been adopted, its should be used to provide additional guidance in the design review process.
- (c) **Design Standards for Non-Residential Development:** The general design theme for non-residential development within the Community Entry Corridor Urban Design Overlay Zoning District is characterized by high-quality building materials, architectural design, site design, and on-site landscaping. Prominent urban design elements and architectural details, which are decorative and functional, shall be considered as a required component of each site within the District. Above and beyond such concerns, particular attention shall be devoted to ensuring that selected non-residential design components complement nearby non-residential styles and to reflect positively on the character of the community, and to assist in creating a sense of welcome to the City of Lake Geneva, as becoming a gateway entry area to the community, and as determined by the Plan Commission. Where a detailed Neighborhood Plan has been adopted, its should be used to provide additional guidance in the design review process.
- (d) These requirements shall become effective upon the date of adoption of detailed neighborhood plans and upon the date of depicting these overlay zoning districts on the Official Zoning Map.

(31)-(39)**Reserved.**

Section 98-914 Planned Development Procedures

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Process for Residential and Nonresidential Proposal Review			
↓ Procedure ↓	↓ Type of Proposal ↓		
	Renovation ¹	Design ²	Project ³
1. Optional meeting with Plan Commission to discuss proposal	No	optional	recommended
2. Submit Zoning Permit Application to the Zoning Administrator, including:	Yes	Yes	Yes
a. Color photos/drawings of existing property, with close-ups of details	Yes	Yes	Yes
b. Drawings/depictions of proposed changes to the site & bldg. exterior	Yes	Yes	Yes
c. For new projects or additions ≥ 100 sf, provide Site Plan including: i. Chapter block with name of current property owner and Applicant; ii. Date of original plan graphic and date of most recent revision; iii. North arrow and graphic scale; iv. Property lines and right-of-way lines (with distances & bearings); v. Easements; vi. Existing and proposed buildings, structures and paved areas; vii. Required building setback lines; viii. Legal description of the property; ix. Location, size, type and orientation of all exterior signage; x. Location, type and orientation of all exterior lighting; xi. Location of all vehicle access drives, circulation areas, loading areas and parking stalls; xii. Location of all outdoor storage and display areas (including trash facilities); xiii. Location and purpose of all drainage facilities; xiv. Location of all permanent green space areas; and, xv. Site Summary Data: Lot Area, Floor Area, Floor Area Ratio, Impervious Surface Area, Impervious Surface Ratio	No	No	Yes
d. Landscaping Plan showing the location, size and type of plants	No	No	Yes
e. Written description of proposal, including exterior materials & colors	Yes	Yes	Yes
f. Written justification of proposal answering: How does the proposal comply with the design standards?	Yes	Yes	Yes
3. Review and action by the Zoning Administrator/City Staff	Yes	Yes	Yes
4. Review and action by the Design Review Commission on aesthetics	No	Yes	Yes
5. Review and action by the Plan Commission on site design	No	No	Yes
6. If proposal is approved: a. Record documents with Register of Deeds; b. Work must start within 365 days and be complete within 730 days; c. Conditions of approval run with the property. If the proposal is denied: It may not be resubmitted for 12 months	Yes	Yes	Yes
KEY: Yes: Step is required. No: Step is not required. ¹ Only a renovation of the exterior appearance of a property. ² Only a change in the appearance of a property. ³ Modification to the physical configuration of a property.			

**Section 98-914 Planned Development
Procedures***through***Section 98-914 Planned Development
Procedures****Section 98-914 Planned Development Procedures****(1) Purpose**

- (a) The purpose of this Section is to provide regulations which govern the procedure and requirements for the review and approval, or denial, of proposed Planned Developments, and to provide for the possible relaxation of certain development standards pertaining to other standard zoning districts.
- (b) Planned Developments are intended to provide more incentives for infill development and redevelopment in areas of the community which are experiencing a lack of significant reinvestment. They are also intended to provide for flexible development standards to accommodate unique sites, mixtures of land uses, or development configurations. Furthermore, Planned Developments are designed to forward both the aesthetic and economic development objectives of the City by controlling the site design and the appearance, density or intensity of development in terms of more flexible requirements for land uses, density, intensity, bulk, landscaping, and parking requirements. In exchange for such flexibility, the Planned Development shall provide a much higher level of site design, architectural control and other aspects of aesthetic and functional excellence than normally required for other developments.
- (c) Planned Developments have the potential to create undesirable impacts on nearby properties if allowed to develop simply under the general requirements of this Chapter. In addition to such potential, Planned Developments also have the potential to create undesirable impacts on nearby properties which potentially cannot be determined except with a binding site plan, landscape plan and architectural plan, and on a case by case basis. In order to prevent this from occurring, all Planned Developments are required to meet certain procedural requirements applicable only to Planned Developments, in addition to the general requirements of this Chapter. A public hearing process is required to review a request for a Planned Development. This process shall essentially combine the process for a zoning map amendment with that required for a conditional use, with several additional requirements.

(2) Provision of Flexible Development Standards for Planned Developments

- (a) **Permitted Location:** Planned Developments shall be permitted with the approval of a Planned Development Zoning District, specific to the approved Planned Development, within any one or more Standard Zoning Districts identified in Section 98-102.
- (b) **Flexible Development Standards:** The following exemptions to the development standards of the underlying zoning district may be provided with the approval of a Planned Development:
 - 1. **Land Use Requirements:** All land uses listed as "Residential", "Institutional", or "Commercial" in Section 98-203, and permitted in the base zoning district, may be permitted within a Planned Development.
 - 2. **Density and Intensity Requirements:** All requirements listed in Sections 98-304 and 98-305 for residential density and nonresidential intensity may be waived within a Planned Development.
 - 3. **Bulk Requirements:** All requirements listed in Sections 98-402, 98-403, 98-404, 98-405, 98-406 and 98-407 may be waived within a Planned Development. (Ord. No. 99-11 7/26/99)

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4. **Landscaping Requirements:** All requirements listed in Sections 98-604, 98-605, 98-606, 98-607, 98-608, 98-609 and 98-610 may be waived within a Planned Development.
5. **Parking and Loading Requirements:** All requirements listed in Sections 98-704 and 98-705 may be waived within a Planned Development.
- (c) **Requirements to Depict All Aspects of Development:** Only development which is explicitly depicted on the required site plan approved by the Common Council as part of the approved Planned Development, shall be permitted, even if such development (including all aspects of land use, density and intensity, bulk, landscaping, and parking and loading), is otherwise listed as permitted in Section 98-403-98-407. Requested exemptions from these standards shall be made explicit by the Applicant in the application, and shall be recommended by the Plan Commission and approved explicitly by the Common Council. If not so requested and approved, such exemptions shall not be permitted.
- (3) **Initiation of Request for Approval of a Planned Development:** Proceedings for approval of a Planned Development shall be initiated by:
 - (a) an application of the owner(s) of the subject property;
 - (b) a recommendation of the Plan Commission; or
 - (c) by action of the Common Council.
- (4) **Application Requirements:** All applications for proposed Planned Developments, regardless of the party of their initiation per (3) above, shall be approved as complete by the Zoning Administrator a minimum of two weeks prior to the initiation of this procedure. The Zoning Administrator shall forward copies of said complete application to the office of the City Clerk. Said application shall apply to each of the process steps in (5) through (8) below.
- (5) **PD Process Step 1: Pre-Application Conference**
 - (a) The Applicant shall contact the Zoning Administrator to place an informal discussion item for the PD on the Plan Commission agenda.
 - (b) No details beyond the name of the Applicant and the identification of the discussion item as a PD is required to be given in the agenda.
 - (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the potential PD. Appropriate topics for discussion may include the location of the PD, general project themes and images, the general mix of dwelling unit types and/or land uses being considered, approximate residential densities and non-residential intensities, the general treatment of natural features, the general relationship to nearby properties and public streets, and relationship to the Master Plan.
 - (d) Points of discussion and conclusions reached in this stage of the process shall be in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.
- (6) **PD Process Step 2: Concept Plan**
 - (a) The Applicant shall provide the Zoning Administrator with a draft PD Concept Plan Submittal Packet for a determination of completeness prior to placing the proposed PD on the Plan Commission agenda for Concept Plan review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for Concept Plan review:

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1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;
 2. A general written description of proposed PD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. the general treatment of natural features;
 - e. the general relationship to nearby properties and public streets;
 - f. the general relationship of the project to the Master Plan;
 - g. an initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,
 3. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - a. Land Use Exemptions;
 - b. Density and Intensity Exemptions;
 - c. Bulk Exemptions;
 - d. Landscaping Exceptions;
 - e. Parking and Loading Requirements Exceptions;
 4. A conceptual plan drawing (at 11" x 17") of general land use layout and general location of major public streets and/or private drives. Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.
- (b) Within ten working days of receiving the draft PD Concept Plan Submittal Packet, the Zoning Administrator shall determine whether the submittal is complete. Once the Zoning Administrator has received a complete packet, the proposed PD Concept Plan shall be placed on the Plan Commission agenda.
- (c) At the Plan Commission meeting, the Applicant shall engage in an informal discussion with the Plan Commission regarding the conceptual PD. Appropriate topics for discussion may include any of the information provided in the PD Concept Plan Submittal Packet, or other items as determined by the Plan Commission.
- (d) Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon Applicant or the City, but should be considered as informal, non-binding basis for proceeding to the next step. The preferred procedure is for one or more iterations of Plan Commission review of the Concept Plan to occur prior to introduction of the formal rezoning petition which accompanies GDP application.

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Procedures****(7) PD Process Step 3: General Development Plan (GDP)**

- (a) The Applicant shall provide the Zoning Administrator with a draft GDP Plan Submittal Packet for a determination of completeness prior to placing the proposed GDP on the Plan Commission agenda for GDP review. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for GDP review:
1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;
 2. A map of the subject property showing all lands for which the Planned Development is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible with a photocopier, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 3. A general written description of proposed PD including:
 - a. general project themes and images;
 - b. the general mix of dwelling unit types and/or land uses;
 - c. approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. the general treatment of natural features;
 - e. the general relationship to nearby properties and public streets;
 - f. the general relationship of the project to the Master Plan,
 - g. a Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
 - h. a complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
 - i. A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 1. Land Use Exemptions;
 2. Density and Intensity Exemptions;
 3. Bulk Exemptions;

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4. Landscaping Exceptions;
5. Parking and Loading Requirements Exceptions.
4. A General Development Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - a. A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction;
 - b. location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
 - d. notations relating the written information provided in (7)(a)3.a.-f., above to specific areas on the GDP Drawing.
5. A general conceptual landscaping plan for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Chapter (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards.
6. A general signage plan for the project, including all project identification signs and concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices.
7. Written justification for the proposed Planned Development. (The Applicant is advised to use the requirements of the conditional use procedure to develop said written justification.)
8. The process for review and approval of the GDP shall be identical to that for an amendment to the official zoning map per Section 98-903 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. The approval of a GDP shall establish a PD/GDP overlay that is depicted as such on the official zoning map. The underlying use zoning, however, shall control development within the area of the GDP until all or portions of the GDP are approved as a PIP.
9. a. Any approved PD/GDP for which the owner has not initiated construction activity within two years of final Common Council approval shall expire and the property subject to the PD zoning shall automatically revert to the previous zoning district. Prior to such an expiration and reversion, the applicant may request an extension of this period. Said request shall require formal approval by the Common Council and shall be based on a showing of acceptable justification (as determined by Common Council). (Ord. No. 08-11 08/11/08)

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- b. All portions of an approved PD/GDP not fully developed within five years of final Common Council approval shall expire, and no additional PD-based development shall be permitted under the GDP. No later than 60 days prior to the expiration of the five year period, the Zoning Administrator shall make a recommendation to the Plan Commission regarding successor zoning for the portions of the GDP area which remain undeveloped and partially developed. This recommendation may be for time period extensions of the GDP (for up to a total of ten more years), a new standard zoning district or a combination of standard zoning districts. Recommendations for standard zoning districts shall be based on the standard zoning district(s) most comparable in land use and intensity to the approved GDP, and/or the Comprehensive Plan. The recommendation of the Zoning Administrator shall be considered by the Plan Commission following a public hearing for a Zoning Map Amendment. The Plan Commission shall then make a recommendation to the Common Council for its decision. (Ord. No. 08-11 08/11/08)

(8) PD Process Step 4: Precise Implementation Plan (PIP)

- (a) After the effective date of the rezoning to PD/GDP, the Applicant may file an application for a proposed Precise Implementation Plan (PIP) with the Plan Commission. This submittal packet shall contain all of the following items, prior to its acceptance by the Zoning Administrator and placement of the item on a Plan Commission agenda for PD review:
 1. A location map of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;
 2. A map of the subject property showing all lands for which the Planned Development is proposed, and all other lands within 300 feet of the boundaries of the subject property, together with the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva). Said map shall clearly indicate the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control. Said map and all its parts and attachments shall be submitted in a form which is clearly reproducible, and shall be at a scale which is not less than one inch equals 800 feet. All lot dimensions of the subject property, a graphic scale, and a north arrow shall be provided;
 3. A general written description of proposed PIP including:
 - a. specific project themes and images;
 - b. the specific mix of dwelling unit types and/or land uses;
 - c. specific residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - d. the specific treatment of natural features;
 - e. the specific relationship to nearby properties and public streets;
 - f. a Statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.
 - g. a complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which

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will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.

4. A Precise Implementation Plan Drawing at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - a. A PIP site plan conforming to any and all the requirements of Section 98-908(3). If the proposed Planned Development is a cluster development (per Section 98-206(1) (b) through (f)) or a group development (per Section 98-208) a proposed preliminary plat or conceptual plat shall be provided in addition to the required site plan.
 - b. location of recreational/open space areas and facilities, specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - c. statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or Common Council; and
 - d. notations relating the written information provided in (8)(a)3.a.-f., above to specific areas on the GDP Drawing.
5. A landscaping plan for subject property, specifying the location, species, and installed size of all trees and shrubs. This plan shall also include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
6. A series of building elevations for the entire exterior of all buildings in the Planned Development, including detailed notes as to the materials and colors proposed.
7. A general signage plan for the project, including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
8. A general outline of the intended organizational structure for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
9. A written description which demonstrates the full consistency of the proposed PIP with the approved GDP.
10. Any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,
11. The Applicant shall submit proof of financing capability pertaining to construction and maintenance and operation of public works elements of the proposed development.

Section 98-915 Zoning Permit*through***Section 98-915 Zoning Permit**

12. The area included in a Precise Implementation Plan may be only a portion of the area included in a previously approved General Implementation Plan.
13. The Precise Implementation Plan (PIP) submission may include site plan and design information, allowing the Plan Commission to combine design review and review of the PIP. Design review may, at the choice of the Applicant, be deferred until a later time when specific site and building developments will be brought forth.
14. The Plan Commission or Common Council may specify other plans, documents or schedules that must be submitted prior to consideration or approval of the PIP, as such may be relevant to review.
15. The process for review and approval of the PD shall be identical to that for conditional use permits per Section 98-905 of this ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. The approval of a PD/PIP shall formally establish the PD/PIP overlay zoning district and any such land uses and site plans included in the approved PIP's.
16. All portions of an approved PD/PIP not fully developed within five years of final Common Council approval shall expire, and no additional development shall be permitted under the PIP. No later than 60 days prior to the expiration of the five year period, the Zoning Administrator shall make a recommendation to the Plan Commission regarding successor zoning for the portions of the PIP area which remain undeveloped and partially developed. This recommendation may be for time period extensions of the PIP (for up to a total of ten more years), a new standard zoning district or a combination of standard zoning districts. Recommendations for standard zoning districts shall be based on the standard zoning district(s) most comparable in land use and intensity to the approved PIP, and/or the Comprehensive Plan. The recommendation of the Zoning Administrator shall be considered by the Plan Commission following a public hearing for a Zoning Map Amendment. The Plan Commission shall then make a recommendation to the Common Council for its decision. (Ord. No. 08-11 08-11-08)
17. The City may require the Applicant to provide surety, with the approval of the City Attorney, to ensure the development of public and private improvements.

Section 98-915 Zoning Permit

- (1) **When Required:** No structure, land, water, or air shall hereafter be used and no structure or part thereof shall hereafter be located, erected, moved, reconstructed, extended, enlarged, converted, or structurally altered without a zoning permit, and without full compliance with the provisions of this chapter and all other applicable local, county, state and federal regulations. Unless another Section of this Chapter specifically exempts certain types of development from this requirement, a zoning permit shall be obtained from the Zoning Administrator before any new development, as defined in Subsection (3)(b), or any change in the use of an existing building or structure is initiated.
- (2) **Application:** An application for a zoning permit shall be made to the Zoning Administrator upon forms furnished by the City and shall include for the purpose of proper enforcement of these regulations the following information:
 - a. General Information:

Section 98-915 Zoning Permit*through***Section 98-915 Zoning Permit**

1. Name, address and telephone number of applicant, property owner, architect, engineer, and contractor, where applicable.
 2. Description of the subject site by lot, block and recorded subdivision or by metes and bounds; address of the subject site; type of structure; existing and proposed operation or use of the structure or site; number of employees; and the zoning district within which the subject site lies.
 3. Additional information as may be required by the Plan Commission or Zoning Administrator.
 4. Fee receipt from the City Treasurer in an amount specified in sub. (2) of this section.
- b. Plat of Survey. Plat of survey prepared by a land surveyor registered in Wisconsin showing the location, boundaries, dimensions, uses and size of the following: subject site; existing and proposed structures; existing and proposed easements, streets and other public ways; off street parking, loading areas and driveways; existing highway access restrictions; high water, channel floodway and floodplain boundaries; and existing and proposed street, side and rear yards. In addition, the plat of survey shall show type, slope and boundaries of soils shown on the operations soil survey maps prepared by the USDA Soil Conservation Service for the Southeastern Wisconsin Regional Planning Commission.
- c. Site Development Plan. The site development plan shall be submitted as a part of the permit application and shall contain the following information drawn to scale:
1. Dimensions and area of the lot.
 2. Location of any structures with distances measured from the lot lines and centerline of all abutting streets or highways.
 3. Description of any existing or proposed on-site sewage systems or private water supply systems.
 4. Location of the ordinary high watermark of any abutting navigable waterways.
 5. Boundaries of all wetlands.
 6. Existing and proposed topographic and drainage features and vegetative cover.
 7. Location of floodplain and floodway limits on the property as determined from floodplain zoning maps.
 8. Location of existing or future access roads.
 9. Specifications and dimensions for areas of proposed wetland alteration.
- d. Fees.
- a. All applicants shall pay a zoning permit fee as determined by the Common Council from time to time.
 - b. Zoning permit fees do not include and are in addition to building permit fees established in the Municipal Code.
 - c. A double fee may be charged by the Zoning Administrator if work is started before a permit is applied for and issued. Such double fee shall not release the

Section 98-931 Purpose of Administrative Regulations*through***Section 98-932 Zoning Administrator**

applicant from full compliance with this chapter nor from prosecution for violation of this chapter.

- (3) **Determination and Expiration:** A zoning permit shall be granted or denied by the Zoning Administrator in writing within 30 days of application and the applicant shall post such permit in a conspicuous place at the site. The permit shall expire within 4 months unless work equal to 10% of the dollar amount of the permits has been completed or within 18 months after the issuance of the permit if the structure for which a permit issued is not 75% completed as measured by the dollar amount of the permit. The applicant shall reapply for a zoning permit before recommencing work on the structure. Any permit issued in conflict with the provisions of this chapter shall be null and void.

Section 98-931 Purpose of Administrative Regulations

The purpose of this portion of the Article is to establish the administrative and enforcement framework for the application of this Chapter.

Section 98-932 Zoning Administrator

- (1) **Designation:** The Building Inspector or a designee of the Building Inspector is hereby designated as the administrative and enforcement officer for the provisions of this Code and is also herein referred to as the Zoning Administrator. The duty of the Zoning Administrator is to interpret and administer this Code and to issue, after on-site inspection, all permits required by this Code.
- (2) **Duties:** The provisions of this Chapter shall be administered and enforced by the Zoning Administrator or a designee, who in addition thereto and in furtherance of said authority shall:
- (a) Determine that all Detailed Site Analyses, Building Permits, Certificates of Occupancy, Sign Permits, Site Plans, (and their constituent plans) comply with all provisions of this Chapter.
 - (b) Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (c) Be permitted access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to ensure compliance with this Chapter. If, however he is refused entry after presentations of his identification, he may procure a special inspection warrant in accordance with Section 66.122 of the Wisconsin statutes. Conduct inspections of buildings, structures, waters and land to determine compliance with all provisions of this Chapter.
 - (d) Maintain permanent and current records of this Chapter, including but not limited to all maps, amendments, conditional uses, temporary uses, sign permits, site plans, occupancy permits, variances, appeals, interpretations, and applications therefore.
 - (e) Record the first floor and lowest floor (basement or crawlway) elevations of all structures erected, moved, altered, or improved in the floodland districts.
 - (f) Receive, file and forward all applications for any and all procedures governed by this Chapter to the designated official bodies.
 - (g) Investigate all complaints made relating to the location of structures and the use of structures, lands, and waters, give notice of all violations of this Code to the owner,

Section 98-933 Plan Commission*through***Section 98-934 Zoning Board of Appeals**

resident, agent, or occupant of the premises, and report uncorrected violations to the City Attorney in a manner specified by him.

- (h) Institute, in the name of the City of Lake Geneva, any appropriate actions or proceedings against a violator of this Chapter, as provided by law.
- (i) Prohibit the use or erection of any structure, land or water until he has inspected and approved such use or erection.
- (j) Where useful, the Zoning Administrator, or his agent, may set marks on bridges or buildings or other markers which show the depth of the regional flood; or may set marks delineating the boundaries of wetlands.
- (k) Request assistance and cooperation from the City Police Department and City Attorney as deemed necessary.
- (l) Make available to the public, to the fullest extent possible, all reports and documents concerning the City's comprehensive plan and ordinances. In addition, information in the form of reports, bulletins, maps, and engineering data shall be readily available and widely distributed. The Common Council may set fees necessary to recover the cost of providing information to the public.
- (m) The Zoning Administrator or other City staff may designate Deputy Zoning Administrators.
- (n) Make interpretations regarding the provisions of this Chapter per Section 98-911.
- (o) Grant minor variations from the dimensional (setback, height, and area requirements of this Chapter; up to a maximum variation of 10% for setbacks and height limitations; and up to a maximum variation of 10% or 1,000 square feet for area requirements (whichever is less); so long as the spirit and intent of the performance standards are preserved.

Section 98-933 Plan Commission

The Plan Commission, together with its other statutory duties, shall make reports and recommendations relating to the plan and development of the City to the Common Council, other public officials and other interested organizations and citizens. The Commission, its members and employees, in the performance of its functions, may enter upon any land and make examinations and surveys.

In general, the Plan Commission shall have such powers as may be necessary to enable it to perform its functions and promote municipal planning. Under this Code, its functions are primarily recommendatory to the Common Council pursuant to guidelines set forth in this Code as to various matters, and, always, being mindful of the intent and purposes of this Code. Recommendations shall be in writing. A recording thereof in the Commission's minutes shall constitute the required written recommendation. The Commission may, in arriving at its recommendation, on occasion and of its own volition, conduct its own public hearing.

Section 98-934 Zoning Board of Appeals

The Zoning Board of Appeals shall have the power and duty to review and determine all matters relating to requested variances from the provisions of this Chapter (see Section 98-910); or appeals regarding an interpretation of the Zoning Administrator of the provisions of this Chapter (see Section 98-911 and 98-912).

- (1) **Establishment and Membership:** A Zoning Board of Appeals is hereby established. The Zoning Board of Appeals shall consists of five (5) members appointed by the Mayor, subject to

Section 98-934 Zoning Board of Appeals*through***Section 98-934 Zoning Board of Appeals**

confirmation by the Common Council, for three (3) years, except that of those first appointed, one shall serve for one year; two for two years. The members shall serve without compensation and shall be removable by the Mayor for cause upon written charges and after public hearing. The Mayor shall designate one of the members chairman. The Mayor shall appoint subject to confirmation of the Council for staggered terms of three (3) years, two alternate members of such board, in addition to the five members above provided for. Annually, the Mayor shall designate one of the alternate members as first alternate and the other as second alternate. The first alternate shall act, with full power, only when a member of the board refuses or declines to vote, is disqualified because of interest, or when a member is absent. The second alternate shall so act when the first alternate so refuses or declines to vote, is disqualified because of interest or is absent or when more than one member so refuses or declines, is disqualified, or is absent. Other provisions herein appearing, with regard to removal and filling of vacancies, shall apply to such alternates. Vacancies shall be filled for the unexpired terms of members whose terms become vacant. Appointments shall be made at the organizational meeting the Third Tuesday in April. Terms of office shall commence the first day of May. The City Clerk shall serve as Secretary of the Board. The Board of Appeals may employ other employees.

- (2) **Organization:** The Board of Appeals shall adopt rules for its government and procedure. Meetings of the Board of Appeals shall be held at the call of the Chairman, and at such other times as the Board of Appeals may determine. The Chairman, or in his absence an elected Acting Chairman, may administer oaths and compel the attendance of witnesses. All meeting shall be open to the public.

The Board of Appeals shall keep minutes of its proceedings, showing the vote of each member upon each questions, or if absent or failing to vote, indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be immediately filed in the office of the Board of Appeals, which is the City Clerk's office, and shall be a public record.

(3) **Powers**

(a) The Board of Appeals shall have the following powers:

1. To hear and decide appeals when it is alleged there is error in any order, requirement, decision or determination made by the Zoning Administrator.
2. To hear and decide special exceptions to the terms of this Code upon which the Board of Appeals is required to pass.
3. To authorize, upon appeal in specific cases, such variance from the terms of this Code as will not be contrary to the public interest, when, owing to special conditions, a literal enforcement will result in practical difficulty or unnecessary hardship, so that the spirit of the ordinance shall be observed, public safety and welfare secured, and substantial justice done.
4. Permit in appropriate cases, and subject to appropriate conditions and safeguards in harmony with the general purpose and intent of this Code, a building or premises to be erected or used for such public utility purposes in any location which is reasonably necessary for the public convenience and welfare.

(b) In exercising the above listed powers, the Board of Appeals may reverse or affirm wholly or in part or may modify any order, requirement, decision or determination appealed from and shall make such order, requirement, decision, or determination as in its opinion ought

Section 98-934 Zoning Board of Appeals*through***Section 98-934 Zoning Board of Appeals**

to be made in the premises and to that end shall have all the powers of the Zoning Administrator or other administrative officer from whom the appeal is taken. The concurring vote of four (4) members of the Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination appealed from or to decide in favor of the applicant on any matter on which it is required to pass or to effect any variation in the requirements of this Code.

(c) In addition to the foregoing powers, the Board of Appeals shall have the following specific powers:

1. To interpret the provisions of this Code in such a way as to carry out the intent and purpose of the plan, as shown on the Zoning Map accompanying and made a part of this Code, where the street layout actually on the ground varies from the street layout on the aforesaid map.
2. The Board of Appeals shall have the power to call on any other city department for assistance in the performance of its duties and it shall be the duty of such other departments to render such assistance as may be reasonably required.

(d) Except as specifically provided, no action of the Board of Appeals shall have the effect of permitting in any district uses prohibited in such districts.

(4) **Appeals:** Appeals to the Board of Appeals may be taken by any person aggrieved or by any officer, department, board or bureau of the City of Lake Geneva affected by any decision of the administrative officers. Such appeal shall be taken within thirty days, as provided by the rules of the Board of Appeals, by filing with the officer(s) from whom the appeal is taken and with the Board of Appeals a notice of appeal specifying the grounds thereof, together with payment of a filing fee as may be established by the Common Council. The officer(s) from whom the appeal is taken shall forthwith transmit to the Board of Appeals all papers constituting the record of appeals upon which the action appealed from was taken. The Board of Appeals shall fix a reasonable time for the hearing of appeals and give public notice thereof as well as due notice to the parties in interest, and shall decide to same within a reasonable time. (Ord. No. 00-15 12/11/00)

(5) **Notice of Hearing:** The Board of Appeals shall fix a reasonable time and place for the hearing, within forty-five days of filing, cause notice thereof to be published in the official newspaper not less than seven (7) days prior thereto, cause notice to be given to the appellant or applicant and the administrative officer(s) appealed from by regular mail or by personal service not less than five (5) days prior to the date of hearing. In every case involving a variance, notice shall also be mailed not less than five (5) five days prior to the hearing to the fee owners of record of all land within 300 feet of any part of the subject building or premises involved in the appeal. (Ord. No. 00-15 12/11/00)

(6) **Hearings:** Hearings on appeals shall be public and shall be conducted according to the rules of procedure adopted by the Board. At the hearing, the appellant or applicant may appear in person, by agent or by attorney. Decisions of the Board following public hearing may be made either in public or closed session as the Board shall determine.

(7) **Findings**

(a) Findings of fact and reasons for all actions taken shall be reduced by the Board to writing in the minutes of the proceedings.

(b) The Board is authorized to grant a variance from the Zoning Ordinance which is not contrary to the public interest and if the following findings are found to be in the affirmative:

Section 98-934 Zoning Board of Appeals*through***Section 98-934 Zoning Board of Appeals**

1. There exists a unique hardship, which is caused by special condition of the property and is not self created by the Applicant.
 2. A literal enforcement of the provisions of the Ordinance will result in practical difficulty or undue hardship.
 3. Granting of the variance is within the spirit of the Zoning Code.
 4. The Public's health, safety and welfare are secured.
 5. Granting of the variance will result in justice being served. (Ord. No. 04-33 8/23/04)
- (c) Further to be considered by the Board in case of appeal based on variance, in arriving at its reasons and grounds for the above required findings, are the following:
1. **Preservation of Intent:** No variance shall be granted that is not consistent with the purpose and intent of the regulations for the district in which the development is located. No variance shall have the effect of permitting a use in any district that is not a stated permitted use, accessory use, or conditional use in that particular district.
 2. **Exceptional Circumstances:** There may be exceptional, extraordinary, or unusual circumstances or conditions applying to the lot or parcel, structure, use or intended use that do not apply generally to other properties or uses in the same district and the granting of the variance would not be of so general recurrent nature as to suggest that the Zoning Code should be changed.
 3. **Economic Hardship and Self-Imposed Hardship Not Grounds for Variance:** No variance shall be granted solely on the basis of economic gain or loss. Self-imposed hardships shall not be considered as grounds for the granting of a variance.
 4. **Preservation of Property Rights:** Such variance may be necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district and same vicinity.
 5. **Absence of Detriment:** Such variance should not create substantial detriment to adjacent property and shall not materially impair or be contrary to the purpose and spirit of this Code or the public interest.
- (d) Additional Requirements in Floodland Districts. No variance shall be granted when it is found:
1. Filling and development contrary to the purpose and intent of the Floodway District (FW) and the Floodplain District (FP) would result.
 2. A change in the boundaries of the Floodway District (FW), Floodplain District (FP), or the Floodfringe District (FF) would result.
 3. A lower degree of flood protection than a point two (2) feet above the 100-year recurrence interval flood for the particular area would result.
 4. Any action contrary to the provisions of Subchapter NR-116 of the Wisconsin Administrative Code would result.
- (8) **Wetland and Floodland Mapping Disputes**
- (a) **Wetland Disputes:** See Section 98-504(13).
 - (b) **Floodland Disputes:** Whenever the Board of Appeals is asked to interpret a floodland boundary where an apparent discrepancy exists between the federal Flood Insurance

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Study and the actual field conditions, the following procedure shall be used. The floodland boundary shall be determined by use of the flood profiles contained in an engineering study, or where such information is not available to the Board of Appeals, the person contesting the location of the district boundary shall be given the opportunity to present his own technical evidence. Where it is determined that the floodplain is incorrectly mapped, the Board of Appeals shall advise the City Plan Commission of its findings and the Plan Commission shall proceed to petition the Common Council for a map amendment.

- (9) **Decision:** The Zoning Board of Appeals shall decide all appeals and applications within 30 days after the public hearing and shall transmit by regular mail to the address on the application a signed copy of the Board's decision to the appellant or applicant, Zoning Administrator, and City Plan Commission.
- (a) Conditions may be placed upon any Zoning Permit ordered or authorized by this Board.
- (b) Variances, substitutions, or use permits granted by the Board shall expire within six (6) months unless substantial work has commenced pursuant to such grant.
- (c) Applicants receiving variances in floodlands shall be notified, in writing, by the Board of Appeals that increased flood insurance premiums and risk to life or property may result from the granting of the variance. The Board shall keep a record of the notification in its files.
- (10) **Notice to the DNR:** The Zoning Board of Appeals shall transmit a copy of each application for a variance to conservancy regulations in the lakeshore portion of the shoreland-wetland overlay district or to the floodland regulations in a FW, FP, or FF floodland district, and a copy of all shoreland-wetland and floodland appeals, to the Wisconsin Department of Natural Resources (DNR) for review and comment at least 10 days prior to any public hearings. Final action on the application shall not be taken for 30 days or until the DNR has made its recommendation, whichever comes first. A copy of all decisions relating to variances to shoreland-wetland regulations or to floodland regulations, and a copy of all decisions to shoreland-wetland and floodland appeals, shall be transmitted to the DNR within 10 days of the date of such decision.
- (11) **Review by Court of Record:** Any persons aggrieved by any decision of the Board of Appeals may present to a court of record a petition, duly verified, setting forth that such decision is illegal and specifying the grounds of the illegality. Such petition shall be presented to the court within 30 days after the filing of the decision in the offices of the Board.

Section 98-935 Fees

- (1) **Fees for Procedures or Permits Requested by a Private Party:** The fees for the procedures and permits established by this Chapter shall be established by resolution of the Common Council of the City of Lake Geneva
- (2) **Fees for Procedures Requested by the City of Lake Geneva:** There shall be no fee in the case of applications filed in the public interest by the Common Council or the Plan Commission, other agency, or official of the City of Lake Geneva.
- (3) **Payment of Fees:** Fees shall be payable at the time applications are filed with the appropriate officer of the City (per the requirements of this Chapter), and are not refundable.
- (4) **Professional Consultant Review Services:** The City may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the City's review of a proposal coming

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before the Plan Commission. The City may apply the charges for these services to the Petitioner. The City will require the Petitioner to sign a professional consultant review services form. The City may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Petitioner. The submittal of a development proposal application or petition by a Petitioner shall be construed as an agreement to pay for such professional review services applicable to the proposal. Review fees which are applied to a Petitioner, but which are not paid, may be assigned by the City as a special assessment to the subject property.

Section 98-936 Violations and Penalties

- (1) **Violation of this Chapter:** It shall be unlawful to construct or use any land, engage in any development activity (including disruption of protected vegetation), or construct or use any structure, land or water in violation of any of the provisions of this Chapter, or otherwise neglect, refuse or fail to comply with this Chapter's requirements. Any person who violates or fails to comply with any of the provisions of this Chapter shall, upon conviction thereof, be subject to the penalties set forth in Subsection (2), below, and in addition, shall pay all costs and expenses, including actual reasonable attorney and other fees involved in the case. Each day a violation exists or continues shall constitute a separate offense.
- (2) **Penalties:** Any person, firm, or corporation who fails to comply with the provisions of this Code or any order of the Zoning Administrator shall be subject to the penalty provisions of the City of Lake Geneva Municipal Code of Ordinances.
- (3) **City Promulgated Correction of Violation:** In addition to any other penalty imposed by this Article for a violation of the provisions of this Chapter, the City reserves and maintains the continued right to abate violations of this Chapter.
 - (a) **Hazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
 - (b) **Non-Hazardous Condition Caused by Violation of this Chapter:** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by Registered Mail on the current owner of the property (as indicated by current City of Lake Geneva tax records) on which said violation is occurring to remove said violation within ten working days. If such violation is not removed within such ten working days, the Zoning Administrator shall cause the violation to be abated per Subsection (a), above. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred per Subsection (c), below.
 - (c) **Cost of Abatement:** In addition to any other penalty imposed by this Article for a violation of the provisions of this Chapter, the cost of abating a violation of this Chapter per Subsections (a) and/or (b), above, shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the City to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to

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the last known address of said property owner by Registered Mail, and shall be payable within 30 calendar days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the City Clerk shall enter such charges onto the tax roll as a special tax as provided by State Statute 66.615(5).

[illegible]

Appendix A – Recommended Illumination Levels of the Illuminating Engineering Society of North America

PARKING LOTS:

Level of Activity	Examples	General Parking & Pedestrian			Vehicle Use Only		
		Average	Minimum	Uniformity (Ave./Min.)	Average	Minimum	Uniformity (Ave./Min.)
HIGH	Major League Athletic Events	3.6 fc	0.9 fc	4:1	1.8 fc	0.6 fc	3:1
	Major Cultural or Civic Events	60,000 lu ¹	15,000 lu ¹		30,000 lu ¹	10,000 lu ¹	
	Regional Shopping Centers	750 W MH	185 W MH		375 W MH	125 W MH	
		750 W HPS	185 W HPS		375 W HPS	125 W HPS	
		375 W LPS	90 W LPS		375 W LPS	65 W LPS	
MEDIUM	Community Shopping Centers	2.4 fc	0.6 fc	4:1	0.9 fc	0.3 fc	3:1
	Cultural, Civic, or Recreational Events	40,000 lu ¹	10,000 lu ¹		15,000 lu ¹	5,000 lu ¹	
		500 W MH	125 W MH		185 W MH	60 W MH	
	Office or Hospital Parking	500 W HPS	125 W HPS		185 W HPS	60 W HPS	
	Transportation Parking (Airports, Commuter Lots, Etc.)	250 W LPS	65 W LPS		90 W LPS	30 W LPS	
	Fast Food Facilities						
	Residential Complex Parking						
LOW	Neighborhood Shopping	0.9 fc	0.18 fc	4:1	0.45 fc	0.12 fc	3:1
	Industrial Employee Parking	15,000 lu ¹	3,000 lu ¹		7,500 lu ¹	2,000 lu ¹	
	Educational Facility Parking	185 W MH	35 W MH		90 W MH	25 W MH	
	Church Parking	185 W HPS	35 W HPS		90 W HPS	25 W HPS	
		90 W LPS	18 W LPS		45 W LPS	15 W LPS	

Level of Activity Guidelines:

	Level of Activity
Regional shopping centers containing retail space of 200,000 SF or greater	HIGH
Sports Arenas	HIGH
Community shopping centers containing retail space of 4,000 SF to 199,000 SF	MEDIUM
Neighborhood shopping containing retail space of less than 4,000 SF	LOW
Fast Food Facilities	MEDIUM
Automotive Dealerships	MEDIUM
Entertainment Theaters	MEDIUM
Restaurants	MEDIUM
Hotels/Motels	MEDIUM
Security Lighting	LOW

Other Recommendations:

Automotive Dealership Display Lots:	35 fc (600,000 lumens for a single light) ¹	7,500 W MH
Service Stations:	Pump Island 20 fc (200,000 lumens for a single light) ²	2,500 W MH
	Service Area 3 fc (50,000 lumens for a single light) ²	625 W MH
Entrance Doorways:	Active 5 fc (11,000 lumens) ³	135 W MH, 135 W HPS, 75 W LPS
	Inactive 1 fc (2,000 lumens) ³	25 W MH, 25 W HPS, 15 W LPS

¹ Assumes light is at a height of 20 feet. If light is at 30 feet the lumens needs to be doubled to achieve the same fc at the ground.

² Assumes a canopy height of 15 feet.

³ Assumes light at a height of 10 feet.

DETAILED CLASSIFICATION OF PLANT SPECIES

DETAILED CLASSIFICATION OF PLANT SPECIES -- Climax Trees (75 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Acer saccharum</i> ^{RF}	Sugar Maple	S	Round	Rich soil; salt sensitive; oval when young; yellow, orange, or scarlet fall color.
'Green Mountain'			Round	Scorch resistant; leathery leaves.
* <i>Carya ovata</i> ^{RF}	Shagbark Hickory			Native and very adaptable, salt sensitive, fruit-nut, lawn tree.
<i>Ginkgo biloba</i>	Ginkgo	S	Pyramidal	Very urban; dioecious, females produce smelly fruits; golden yellow fall color.
'Fastigiata'	Sentry Ginkgo		Columnar	Seedless.
<i>Juglans nigra</i> ^{RF}	Walnut Eastern Walnut Black Walnut	F		Best in public open spaces or lawns; not to be used as a street tree; poisonous to other plants within the drip zone; susceptible to caterpillars and leaf spot disease.
* <i>Quercus alba</i> ^{RF}	White Oak	S	Round	Extremely sensitive to soil compaction; tolerant of urban conditions; dry soil; subject to iron chlorosis; red fall color; very difficult to transplant; excellent lawn or shade tree.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Climax Trees (Cont.) (75 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Quercus bicolor</i> ^{RF}	Swamp White Oak	S	Round	Very tolerant of urban conditions; moist to wet, intolerant of alkaline soil; tolerates poor drainage; difficult to transplant; yellow fall color.
* <i>Quercus macrocarpa</i> ^{RF}	Bur Oak Mossycup Oak	S	Round	Sensitive to soil compaction; tolerant of urban conditions; dry to wet soil; no fall color; very difficult to transplant.
* <i>Quercus palustris</i>	Pin Oak	M	Pyramidal	Sensitive to soil compaction; tolerant of urban conditions; moist, acid soil; pendulous lower branches; red fall color; iron chlorosis on alkaline soil; lawn tree; cultivar 'Sovereign' best for streets.
* <i>Quercus rubra</i> ^{RF} (also known as <i>Quercus Borealis</i>)	Northern Red Oak Red Oak	M	Round	Sensitive to soil compaction; tolerant of urban conditions; pyramidal when young; red fall color; well-drained soil; fast growing for oaks, excellent lawn, shade, and street tree.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Trees (30 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer nigrum</i>	Black Maple	M	Oval	Does well in poor, dry soils; red to bright gold fall color; excellent for lawn, shade, or street.
<i>Acer platanoides</i>	Norway Maple	M	Round	Shallow root system, not to be used along streets.
'Cleveland'		F	Oval-upright	Uniform, dense foliage.
'Columnare'			Columnar	Indistinct central leader.
'Crimson King'				Keeps deep purple leaf color through out summer; susceptible to sun scald, bark splitting, and transplant shock.
'Drummondii'	Harlequin N.M.	S	Round	Variegated, cream-edged leaves.
'Emerald Queen'		F	Oval	Vigorous; crisp foliage.
'Globosum'	Globe N.M.	S	Globe	Useful on a standard under utility wires, 20' height.
'Greenlace'			Round	Deeply divided, fine textured leaves.
'Royal Red'		S	Round	Best for purple summer foliage.
'Schwedleri'			Round	New foliage reddish; bronze by summer.
'Summershade'		F		Rapidly growing cultivar; deep green, large, leathery leaves.
* <i>Acer rubrum</i> ^{RF}	Red Maple Scarlet Maple Swamp Maple	F	Round	Moist, acid soil; tolerates poor drainage; smooth gray bark; yellow, orange, or red fall color; salt sensitive.
'Armstrong'			Fastigiate	No fall color, light gray bark.
'Autumn Flame'				Early scarlet fall color.
'Bowhall'			Oval	Orange fall color.
'Red Sunset'				Late, scarlet fall color.
'Schlesingeri'				Red-orange fall color.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Trees (Cont.) (30 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Acer saccharinum</i> ^{RF}	Silver Maple Soft Maple White Maple River Maple	F	Vase	Hearty and fast growing; moist soil; tolerates poor drainage; fine-textured; weak-wooded (develops heart rots after 50 years, limbs may fall); yellowish or no fall color.
'Blair'		VF		Strong branch structure; storm resistant.
'Pyramidale'	Upright S.M.		Pyramidal	Improved branch structure.
'Silver Queen'	Seedless S.M.		Round	Seedless.
'Wieri'	Cutleaf S.M.			Shredded leaves, pendulous branches.
<i>Aesculus hippocastanum</i>	Horsechestnut	M	Round	Urban; coarse; showy, white, May flowers; litter problem; no fall color; difficult to transplant; pest or disease problems may limit use.
<i>Alnus glutinosa</i>	European Alder Black Alder	F	Oval	Rich or wet soils; produces catkins; possible winterkill.
<i>Betula lutea</i> ^{RF}	Yellow Birch	M	Round	Drooping branches; moist well drained soils; yellow-orange bark; rusty yellow fall color.
<i>Catalpa speciosa</i>	Northern Catalpa	F	Oval	Poor, dry soil; showy, white, June flowers; coarse; litter problem; no fall color.
* <i>Celtis occidentalis</i> ^{RF}	Common Hackberry	M	Vase	Tolerates alkaline soils; "pebbled" bark; yellowish fall color; pest or disease problem may limit use.
* <i>Fagus grandifolia</i> ^{RF}	American Beech	S	Oval	Moist, rich soil; smooth, gray bark; yellow-bronze fall color; difficult to transplant; salt sensitive; sensitive to soil compaction.
<i>Fagus sylvatica</i>	European Beech	S	Round	Moist, rich soil; less difficult to transplant than above; several cultivars available; excellent lawn tree.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Trees (Cont.) (30 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Fraxinus americana</i> ^{RF}	White Ash	M	Round	Moist soil; tolerates poor drainage; dioecious; orange to purple fall color; tolerates urban conditions.
'Autumn Purple'			Round	Seedless, superior fall color.
'Rosehill'			Oval	Seedless, superior fall color.
<i>Fraxinus excelsior</i>	European Ash	F	Round	Jet black buds; no fall color.
'Aurea'	Golden E.A.	M	Round	Golden, young foliage, twigs and fall color; green summer foliage.
'Hessei'	Hesse E.A.		Round	Simple leaves.
<i>Fraxinus nigra</i> ^{RF}	Black Ash	M	Irregular	Deep, rich, moist soils; tolerates wet soils; yellow fall color, scaly bark.
<i>Fraxinus pennsylvanica</i> ^{RF}	Green Ash Red Ash	F	Oval; irregular	Dry to wet soils; tolerates poor drainage; salt tolerant; twiggy and weak-wooded; yellow fall color; pest or disease problem may limit use; tolerates urban conditions.
'Marshall's Seedless'			Oval	Seedless; glossy, dark green foliage; improved habit of growth.
'Summit'			Upright	Finer textured foliage.
* <i>Gleditsia triacanthos inermis</i>	Thornless honeylocust	F	Vase	Tolerates poor drainage; thornless, as are all the following; pest or disease problem may limit use; salt tolerant; yellow fall color.
'Imperial'			Round	Podless; low-growing; flat-topped; pest or disease problem may limit use.
'Shademaster'			Irregular	Podless; vase shape in age; pest or disease problem may limit use.
'Skyline'			Upright	Podless; tends to form central leader; good golden fall color; pest or disease problem may limit use.
'Sunburst'			Irregular	Podless; yellow new foliage; poor branch structure; pest or disease problem may limit use.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Trees (Cont.) (30 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Gymnocladus dioica</i>	Kentucky Coffeetree	M	Upright	Moist, rich soil; coarse and rugged; dioecious; yellowish fall color.
<i>Juglans cinerea</i> ^{RF}	Butternut	S		Needs good soil and consistent moisture; fairly good shade tree; susceptible to butternut decline.
<i>Larix decidua</i>	European Larch	F	Pyramidal	Full sun; graceful, fine-textured; transplant in spring before buds open; yellow fall color.
'Pendula'		F		Interesting weeping branches.
<i>Larix kaempferi</i>	Japanese Larch	F	Wide-Pyramidal	Similar to above, more picturesque.
<i>Larix laricina</i> _{RF}	American Larch Tamarack	M	Narrow-Pyramidal	Hardy; drought tolerant; used in shelterbelts.
<i>Liriodendron tulipifera</i>	Tuliptree	F	Upright	Rich, moist soil; unique leaves and interesting June flowers; yellow fall color; purchase from northern source.
* <i>Platanus occidentalis</i>	Sycamore American Planetree	F	Pyramidal	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus alba</i> 'Pyramidalis'	White Poplar	F	Fastigate	Moist soil; tolerates poor drainage; mottled bark; coarse, maple-like leaves; no fall color; pest or disease problem may limit use.
<i>Populus deltoides</i> ^{RF}	Eastern Poplar	VF	Fastigate	Hardy, fast growing; golden yellow fall color; tolerates drought; brittle; may produce "cotton"; too large for homes.
'Robusta'		VF	Upright	Seedless.
'Siouxland'		VF		Larger greener leaves; seedless; uniform in shape; hardy.
'Cottonless'		VF		Seedless; many similar species available.
<i>Populus grandidentata</i> ^{RF}	Bigtooth Aspen	F	Narrow	Moist, sandy, gravelly soils; not shade tolerant; yellow fall color.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Trees (Cont.) (30 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Prunus serotina</i> ^{RF}	Black Cherry	M	Oval	Dry soil; white flowers and black fruits in drooping racemes; orange fall color; pest or disease problem may limit use.
<i>Taxodium distichum</i>	Baldcypress	F	Pyramidal	Moist, intolerant of alkaline soil; tolerates poor drainage; sun; bronze fall color; fine texture; purchase from northern source.
* <i>Tilia americana</i> ^{RF}	American Linden Basswood Linden Tree Linn Tree	M	Round	Sensitive to soil compaction; salt-sensitive; coarse; rich soils.
<i>Tilia cordata</i>	Littleleaf Linden	S	Pyramidal	Urban; moist soil; fragrant flowers; poor branch structure, needs training while young; yellow fall color.
'Chancellor'				Uniform, upright habit.
'Greenspire'				Improved branching habit.
<i>Tilia x euchlora</i> 'Redmond'	Redmond Linden	M	Pyramidal	Urban; dark green foliage.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Medium Deciduous Trees (15 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Aesculus x carnea</i> 'Briotii'	Ruby Horsechestnut	S	Round	Rich, moist soil; red flowers.
<i>Aesculus glabra</i>	Ohio Buckeye	S	Round	Rich, moist soil; yellow-green flowers; orange fall color.
<i>Alnus glutinosa</i>	European Alder	F	Oval	Wet; tolerates poor drainage; catkins; cone fruits; no fall color.
* <i>Betula nigra</i> ^{RF}	River Birch	M	Vase	Wet to dry, intolerant of alkaline soils; tolerates poor drainage; pinkish, peeling bark.
* <i>Betula papyifera</i> ^{RF}	Paper Birch	M	Oval	Cool, moist soil; white, peeling bark; golden yellow fall color; pest or disease problem.
<i>Betula pendula</i> 'Gracilis'	Cutleaf European Birch	M	Weeping	Cool, moist soil; dissected leaves; yellow fall color; pests & disease.
<i>Betula platyphylla japonica</i>	Japanese White Birch	M	Pyramidal	White bark; some resistance to bronze birch borer.
<i>Cercidiphyllum japonicum</i>	Katsuratree	M	Columnar	Moist soil; dioecious; form controlled by pruning, wide spreading if multi-trunked; yellow to red fall color.
<i>Cladrastis lutea</i>	American Yellowwood	S	Round	Moist, rich soil; smooth, light gray bark; fragrant, white June flowers in large clusters; yellow fall color.
<i>Magnolia acuminata</i>	Cucumbertree	F	Pyramidal	Inconspicuous, greenish flowers; pink to red fruits; coarse foliage; no fall color.
* <i>Nyssa sylvatica</i>	Black Gum	S	Pyramidal	Moist soil; tolerates poor drainage; dense habit; dioecious; orange to scarlet fall color; difficult to transplant.
<i>Phellodendron amurense</i>	Amur Corktree	M	Round	Urban; dry soil; dioecious; compound leaves; corky bark; yellow fall color.
<i>Prunus maackii</i>	Amur Chokecherry	M	Round	Amber exfoliating bark; does well in containers.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Medium Deciduous Trees (Cont.) (15 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Prunus padus commutata</i>	Harbinger European Bird Cherry	S	Round	Sun; early to leaf out in spring; pest or disease problem.
* <i>Prunus pennsylvanica</i> ^{RF}	Pin Cherry	M	Upright	Poor, dry soil; sun; graceful; shortlived; suckering; red fruits; orange to red fall color.
<i>Prunus sargentii</i>	Sargent Cherry	M	Upright	Sun, well-drained soil; early, pink flowers; red fall color.
<i>Salix alba tristis</i>	Golden Weeping Willow	F	Weeping	Wet soil; tolerates poor drainage; bright yellow twigs; fine-textured; litter problem.
<i>Ulmus parvifolia</i>	Chinese Elm	M	Vase	Disease resistant; exfoliating bark.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Trees (10 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Acer ginnala</i>	Amur Maple	M	Round	Sun, shade; red fruit; red fall color.
* <i>Alnus rugosa</i>	Speckled Alder	F	Round	Wet soil; tolerates poor soil; lenticled bark.
* <i>Amelanchier arborea</i> ^{RF}	Downy Serviceberry	S	Upright	Dry soil; shade; gray bark; white flowers; yellow to red fall color; edible fruits.
<i>Amelanchier x grandiflora</i>	Apple Serviceberry	S	Spreading	Semi-shade; large, white flowers, edible fruits.
* <i>Amelanchier laevis</i>	Allegany Serviceberry	S	Upright	Moist soil; shade; white flowers; orange to red fall color, edible fruits.
* <i>Carpinus caroliniana</i> ^{RF}	American Hornbeam	S	Spreading	Moist soil; shade; smooth, gray muscle-like trunks; orange fall color.
<i>Cercis canadensis</i>	Eastern Redbud	M	Spreading	Sun or shade; purplish-pink flowers; yellow fall color; purchase form northern source.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	M	Spreading	Cool, moist soil; shade; blue-black berries on red stalks; early, maroon fall color.
* <i>Crataegus crus-galli</i> 'Inermis'	Thornless Cockspur Hawthorn		Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; no thorns.
<i>Crataegus laevigata</i> 'Paulii'	Paul's Scarlet Hawthorn	S	Upright	Heavy soil; sun; double, scarlet flowers in late May; no fall color; pest or disease problem.
'Superba'	Crimson Cloud Hawthorn			Single, scarlet flowers; resistant to leaf spot.
<i>Crataegus x lavalleyi</i>	Lavalle Hawthorn	S	Upright	Urban; sun; glossy foliage; bronzy-red fall color.
* <i>Crataegus mollis</i>	Downy Hawthorn	S	Upright	Sun; large, red, early-ripening fruit; yellow fall color; pest or disease problem.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Trees (Cont.) (10 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>Crataegus phaenopyrum</i>	Washington Hawthorn	M	Upright	Urban; sun; latest blooming; small, persistent, orange-red fruits in clusters; orange fall color.
* <i>Crataegus punctata</i>	Dotted Hawthorn	S	Spreading	Moist, heavy soil; sun; picturesque; pest or disease problem may limit use.
<i>Crataegus</i> x 'Toba'	Toba Hawthorn	S		Sun; double, pink, fragrant flowers; glossy leaves; red fruits; dwarf-15.
<i>Elaeagnus angustifolia</i>	Russianolive	F	Round	Dry, alkaline soil; sun; fragrant, inconspicuous flowers; silver-gray foliage; no fall color; pest or disease problem may limit use.
<i>Magnolia</i> x <i>loebneri</i> 'Merrill'	Dr. Merrill Magnolia	M	Pyramidal	Rich soil; sun; white, many-petaled flowers; difficult to transplant.
<i>Magnolia</i> x <i>soulangiana</i>	Saucer Magnolia	S	Round	Rich soil; sun; large pink flowers; difficult to transplant.
<i>Malus</i> species & cultivars	Flowering Crabapples			All require sun and well drained soil. They all possess a high degree of resistance to the apple scab disease.
<i>M.</i> 'Adams'	Adams F.C.	M	Spreading	Slightly susceptible to fire blight; rose-red flowers; 5/8" diam., persistent, deep red fruits.
<i>M. baccata jackii</i>	Jack F.C.	M	Upright spreading	Slightly susceptible to fire blight; white flowers; tiny 1/3-1/2"diam., dark red fruits.
<i>M.</i> 'Bob White'	Bob White F.C.	M	Rounded	Moderately susceptible to fire blight; white flowers; 5/8" diam., persistent, yellow fruits.
<i>M.</i> 'Candied Apple'	Weeping Candied Apple F.C.		Weeping	Slightly susceptible to scab; pink flowers; 5/8" diam., persistent cherry-red fruits; foliage tinged with red.
<i>M.</i> 'Centurian'	Centurian F.C.		Narrow-Upright	Disease resistant; rose-red flowers; 5/8" diam., persistent, cherry-red fruits.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Trees (Cont.) (10 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
<i>M. 'David'</i>	David Flowering Crabapple	M	Rounded	Slightly susceptible to fire blight and scab; white glowers; 1/4-1 1/2" diam., reddish fruits for in alternate years.
<i>M. 'Dolgo'</i>	Dolgo F.C.	M	Upright-Spreading	Slightly susceptible to fire blight and scab; white flowers; 1 1/4-1 1/2" diam., persistent red fruits.
<i>M. 'Donald Wyman'</i>	Donald Wyman F.C.	M	Rounded	Disease resistant; white flowers; 3/8" diam., persistent red fruits.
<i>M. 'Dorothea'</i>	Dorothea F.C.	S	Horizontal	Moderately susceptible to scab; clear pink semi-double flowers; 1/2" diam., yellow fruits.
<i>M. 'Gibb's Golden Gage'</i>	Gibb's Golden Gage F.C.		Rounded	Disease resistant; white flowers; 1" diam., persistent, yellow fruits.
<i>M. 'Indian Summer'</i>	Indian Summer F.C.		Rounded	Disease resistant; rose-red flowers; 5/8-3/4" diam., red fruits.
<i>M. 'Mary Potter'</i>	Mary Potter F.C.	S	Horizontal	Moderately susceptible to fire blight and scab; white flowers; 1/2" diam., red fruits; 10' height.
<i>M. 'Ormiston Roy'</i>	Ormiston Roy F.C.	M	Rounded	Slightly susceptible to fire blight; white flowers, 3/8" diam., persistent, yellow fruits.
<i>M. 'Profusion'</i>	Profusion F.C.	M	Rounded-Spreading	Slightly susceptible to fire blight; rose-red flowers; 1/2" diam., deep red fruits; bronze-green foliage.
<i>M. 'Red Jewel'</i>	Red Jewel F.C.		Horizontal	Moderately susceptible to scab; white flowers; 1/2" diam., persistent, bright red fruits.
<i>M. 'Robinson'</i>	Robinson F.C.		Upright-Spreading	Disease resistant; rose-red flowers; 3/8" diam, persistent, bright red fruits, bronze-green foliage.
<i>M. 'Sentinel'</i>	Sentinel F.C.		Narrow-upright	Slightly susceptible to fire blight and scab; pale pink flowers; 1/2" diam., persistent, bright red fruits.
<i>M. 'White Cascade'</i>	White Cascade F.C.	S	Weeping	Disease resistant; white flowers, 1/2" diam., yellowish fruits.
Continued on the next page.				
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Trees (Cont.) (10 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Ostrya virginiana</i> ^{RF}	Hophornbeam	S	Pyramidal	Dry soil; shade; catkins; elm-like leaves; yellow fall color.
* <i>Prunus americana</i> ^{RF}	American Plum	F	Horizontal	Dry soil; sun; suckering habit; white flowers; yellow to orange fall color.
<i>Prunus cerasifera</i> 'Newportii'	Newport Plum	M	Round	Sun; reddish-purple summer foliage.
* <i>Prunus virginiana</i> ^{RF}	Chokecherry	M	Upright	Dry, infertile soil; suckering habit; white flowers; yellow to orange fall color.
'Canada Red' or 'Shubert'	Shubert Chokecherry			Sun; foliage changes from green to purple in early summer.
<i>Pyrus calleryana</i> and <i>cultivars</i>	Callery Pear	M	Oval	Sun; early, white flowers; late red fall color.
<i>Salix matsudana</i> 'Tortuosa'	Corkscrew or Contorted Willow	F	Upright	Wet soil; tolerates poor drainage; sun; twisted branches; pest or disease problem may limit use.
<i>Salix pentandra</i>	Laurel Willow	M	Round	Wet soil; sun; foliage glossy, dark green; dense habit.
<i>Sorbus alnifolia</i>	Korean Mountainash	S	Oval	Cool soil; simple leaves; small flowers and fruits; orange to red fall color; pest or disease problem.
<i>Sorbus aucuparia</i> and <i>cultivars</i>	European Mountainash	M	Oval	Cool soil; orange fruits; pest or disease problem
* <i>Sorbus decora</i>	Showy Mountainash	S	Upright	Cool Soil; large, reddish fruits; pest or disease problem.
<i>Syringa reticulata</i>	Japanese Tree Lilac	S	Horizontal	Sun; large, pyramidal, cream-white flower clusters in June; tan fruits.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Evergreen Trees (40 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Abies concolor</i>	White Fir	M	70'	Dry soil; heat; gray-green foliage.
<i>Picea abies</i>	Norway Spruce	F	75'	Deep soil; dark green foliage; long cones; pendulous branchlets
* <i>Picea glauca</i> ^{RF}	White Spruce	M	50'	Moist soil; sun; light green needles.
<i>Picea omorika</i>	Serbian Spruce	S	50'	Sun; narrow habit; pendulous branchlets.
<i>Picea pungens</i> glauca	Blue Colorado Spruce	S	60'	Sun; urban; blue needles; stiff, formal habit.
<i>Pinus cembra</i>	Swiss Stone Pine	S	50'	Sun; narrow habit.
<i>Pinus nigra</i>	Austrian pine	M	50'	Sun; urban; stout, dark green needles, pest or disease problem.
* <i>Pinus resinosa</i> ^{RF}	Red Pine	F	50'	Dry soil; sun; reddish bark; yellow-green winter color.
* <i>Pinus strobus</i> ^{RF}	Eastern White Pine	M	75'	Moist soil; sun; picturesque; soft, green foliage, pest or disease problem.
<i>Pinus sylvestris</i>	Scots Pine	F	50'	Dry soil; sun; orange bark; bluish needles.
<i>Pseudotsuga menziesii</i>	Douglasfir	M	70'	Half-shade; flat, dark green needles.
* <i>Tsuga Canadensis</i> ^{RF}	Canada Hemlock	M	75'	Moist soil; soft, feathery foliage.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Medium Evergreen Trees (20 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
* <i>Thuja occidentalis</i> ^{RF}	American Arborvitae	M	40'	Wet soil; half-shade; light green, soft, scale-like foliage.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Evergreen Trees (12 Landscaping Points)				
Botanical Name	Common Name	Growth Rate	Height	Adaptation and Remarks
<i>Juniperus chinnensis</i> 'Keteleeri'	Keteleer Juniper	S	20'	Dry soil; sun; green foliage; large fruits.
'Mountbatten'	Mountbatten Juniper	S	20'	Dry soil; sun; narrow, columnar form; large fruits.
* <i>Juniperus virginiana</i> ^{RF} 'Burkii'	Eastern Redcedar Burke E.R.	S	20'	Dry soil; sun; brownish winter color. Fine-textured, gray-green foliage.
'Canaertii'	Canaert E.R.			Dark green, tufted foliage.
'Glauca'	Silver E.R.			Silver-gray foliage; informal habit.
'Hillii'	Hill Dundee E.R.			Gray-green foliage turns purple in winter, no fruits.
* <i>Picea glauca</i> ^{RF} Densata	Black Hills Spruce	S	20'	Dry soil; sun; narrow, dense habit.
<i>Taxus cuspidata</i>	Japanese Yew	S	20'	Shade; urban, deep green needles; often sold as <i>T. cuspidata</i> 'Capitata'
* <i>Thuja occidentalis</i> ^{RF} 'Fastigiata'	Pyramidal Arborvitae	M	25'	Narrow columnar form.
'Techny'	Techny Arborvitae	S	20'	Deep green foliage, year round.
KEY: * Wisconsin native; S = Slow; M = Medium; F = Fast				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Shrubs (5 Landscaping Points)			
Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Amelanchier</i> sp. (see low trees)	Serviceberry	Upright	Shade; alkaline soil; white flowers; edible purple fruits; smooth, gray bark; yellow to orange fall color; fireblight a problem.
<i>Caragana arborescens</i>	Siberian Peashrub	Erect, Oval	Dry, alkaline soils; yellow flowers; green twig.
<i>Chionanthus virginicus</i>	Fringetree	Spreading	Moist soil; shade; white flowers; blue fruits; coarse.
* <i>Cornus alternifolia</i>	Pagoda Dogwood	Spreading	Moist soil; shade; white flowers; blue fruits; horizontal branches; early, maroon fall color.
<i>Cornus mas</i>	Corneliancherry Dogwood	Oval	Shade; urban; yellow flowers in April; flower buds may be injured or killed during some winters; edible red fruits.
* <i>Cornus racemosa</i>	Gray Dogwood	Erect	Dry or wet soils; shade; white flowers; white fruits; purple fall color.
* <i>Cornus sericea</i>	Redosier Dogwood	Spreading	Wet, moist soils; tolerates poor drainage; white flowers; white fruits; red twigs; often sold a <i>C. stolonifera</i> .
<i>baileyi</i>	Bailey R.D.	Erect	
<i>Cotoneaster multiflora</i>	Manyflowered Cotoneaster	Mounded	Sun; well-drained soil; white flowers; red fruits; very wide-spreading; pests/diseases.
<i>Elaeagnus umbellata</i>	Autumnolive	Spreading	Poor, dry soil; sun; fragrant flowers; edible, red fruits; twiggy.
<i>Euonymus alata</i>	Winged Euonymus	Spreading	Sun or shade; well-drained soil; corky, winged twigs; pink to rose fall color.
* <i>Euonymus atropurpurea</i>	Eastern Wahoo	Tree-like	Moist soil; shade; tiny, purplish flowers; orange to purple fall color.
<i>Euonymus europaea</i>	Spindletree of European Euonymus	Tree-like	Dry-soil; urban; striped bark; persistent pink fruit; orange to purple fall color.
'Aldenhamensis'	Aldenham E.E.		Bright pink fruit; shrubby form.
'Redcap'	Redcap E.E.		Bright red fruit.
<i>Exochorda racemosa</i>	Pearlbush	Leggy	Sun; pearl-like flower buds; tan fruit capsules.
* <i>Hamamelis virginiana</i>	Common Witchhazel	Spreading	Shade; yellow October flowers.
Continued on next page.			
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Shrubs (Cont.)
(5 Landscaping Points)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Hydrangea paniculata</i> 'Grandiflora'	Peegee Hydrangea	Upright	Moist soil; white to pink flowers in August; persistent, tan flower clusters.
<i>Kolkwitzia amabilis</i>	Beautybush	Upright	Alkaline soil; sun; pink flowers in June; shredded bark; leggy.
<i>Ligustrum amurense</i>	Amur Privet	Erect	Dry soil; white flowers; black fruits; hedge plant.
<i>Ligustrum vulgare</i> 'Cheyenne'	Cheyenne Privet	Erect	Dry soil; urban; white flowers; black fruits; hedge plant.
<i>Lonicera x bella</i> 'Candida'	White Belle Honeysuckle	Upright-mounded	Dry soil; white flowers; red fruits; may become weedy, pest problem.
<i>Lonicera tatarica zabelii</i>	Zabel Honeysuckle	Rounded	Dry soil; urban; red flowers; dense, red fruits; may become weedy, pest or disease problem, may be sold as <i>L. korolkowii zabelii</i> .
<i>Magnolia stellata</i>	Star Magnolia	Rounded	Rich soil; white flowers; orange fruits; finest textured magnolia.
* <i>Physocarpus opulifolius</i>	Eastern Ninebark	Vase	Dry soil; semi-shade; white flowers; red, capsular fruit; shredded bark; course.
<i>Prunus tomentosa</i>	Manchu Cherry	Rounded	Dry soil; sun; white flowers; edible, red fruits.
<i>Prunus triloba</i>	Double Flowering Plum	Rounded	Sun; double, pink flowers; no fruit.
<i>Rhamnus frangula</i> 'Columnaris'	Tallhedge Glossy Buckthorn	Columnar	Moist soil; shade; red to black fruits; holds leaves late.
* <i>Rhus glabra</i>	Smooth Sumac	Suckering	Dry soil; sun; persistent red fruits; smooth stems; scarlet fall color.
<i>Rhus typhina</i>	Staghorn Sumac	Suckering	Dry soil; sun; persistent red fruits; felty stems; orange to red fall color.
'Dissecta'	Shredleaf S.S.	Picturesque	Dry soil; sun; red fruits; dissected leaves, orange to red in fall.
<i>Salix caprea</i>	Goat Willow or French Pussy Willow	Oval	Wet or dry soil; sun; large silver catkins in early spring.
<i>Shepherdia argentea</i>	Buffaloberry	Irregular	Dry soil; sun; yellowish flowers; dioecious; edible red fruits; silvery foliage.
Continued on the next page.			
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall Deciduous Shrubs (Cont.)

(5 Landscaping Points)

Botanical Name	Common Name	Form	Adaptation and Remarks
* <i>Staphylea trifolia</i>	American Bladdernut	Upright	Moist soil; shade; whitish flowers; green to brown, bladder-like fruits; white-striped bark.
<i>Syringa x chinensis</i>	Chinese Lilac	Vase	Dry, alkaline soil; purple-lilac flowers; fine texture.
<i>Syringa x hyacinthiflora</i> cvs.	Hyacinth Lilacs	Upright	Sun; white, pink, lilac, purple flowers; early blooming.
<i>Syringa x prestoniae</i> cvs.	Preston Lilacs	Rounded	Sun; pink to purple flowers; late-blooming; coarse textured.
<i>Syringa reticulata</i>	Japanese Tree Lilac	Tree-like	Sun; white flowers in June; tan fruits; cherry-like bark; often sold as <i>S. amurensis japonica</i> .
<i>Syringa vulgaris</i> cvs.	Common Lilac	Upright	Well-drained soil; sun; white, pink, lilac, purple, fragrant flowers; pest or disease problem may limit use.
<i>Tamarix ramosissima</i>	Tamarisk	Irregular	Dry soil; sun; tiny, pink flowers; very fine texture; often sold as <i>T. pentandra</i> .
<i>Viburnum dentatum</i>	Arrowwood Viburnum	Vase	Moist soil; shade; white flowers in June; blue fruits; maroon fall color.
<i>Viburnum lantana</i>	Wayfaringtree V.	Upright	Dry soil; shade; white flowers; red to black fruits; late maroon fall color.
* <i>Viburnum lentago</i>	Nannyberry V.	Upright	Moist or dry soil; sun or shade; white flowers; black fruits; leggy; maroon fall color; pest or disease problem.
* <i>Viburnum prunifolium</i>	Blackhaw Viburnum	Spreading	Dry soil; shade; white flowers; black fruits; single or multi-trunked; maroon fall color.
<i>Viburnum sieboldii</i>	Siebold Viburnum	Tree-like	Rich soil; white flowers; red to black fruits; large, coarse leaves.
* <i>Viburnum trilobum</i>	American Cranberrybush Viburnum	Upright	Moist soil; shade; lacy, white flowers; persistent, edible fruits.
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Medium Deciduous Shrubs (3 Landscaping Points)			
Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Aronia arbutifolia</i>	Red Chokeberry	Erect	Wet soil; shade; tolerates poor drainage; white flowers; red fruits; red fall color.
<i>Cornus alba</i> 'Argenteomarginata'	Creamedge Dogwood	Mounded	Moist soil; white flowers; white fruit; variegated foliage.
* <i>Corylus americana</i>	American Filbert or Hazelnut	Rounded	Dry soil; shade; catkins in March; orange fall color.
<i>Cotoneaster divaricatus</i>	Spreading Cotoneaster	Mounded	Dry alkaline soil; red fruits; fine texture; late maroon fall color; not fully hardy in zone indicated -- needs a special site or ideal conditions.
<i>Cotoneaster lucidus</i>	Hedge Cotoneaster	Upright	Dry soil; shade; black fruits; orange to maroon fall color; good hedge plant; <i>C. acutifolius</i> is similar.
<i>Euonymus alatus</i> 'Compacta'	Dwarf Winged Euonymus	Spreading	Sun or shade; pink and orange fruits; red fall color.
<i>Forsythia x intermedia</i> cvs.	Border Forsythia	Vase	Sun; urban; large, pale to yellow flowers; flower buds may be injured or killed at temperatures lower than -14°F
<i>Forsythia ovata</i>	Early Forsythia	Mounded	Sun; urban; smaller, earlier, yellow flowers; flower buds may be injured or killed at temperatures lower than -25°F.
<i>Forsythia suspensa</i>	Weeping Forsythia	Mounded	Sun; urban; yellow flowers; slender, drooping twigs; flower buds may be injured or killed at temperatures lower than -15°F.
* <i>Ilex verticillata</i>	Winterberry	Upright	Wet, acid soil; tolerates poor drainage; dioecious; red fruits.
<i>Ligustrum obtusifolium</i> <i>regelianum</i>	Regel's Border Privet	Spreading	Dry soil; shade; white flowers; blue-black fruits; late, purple fall color.
<i>Malus sargentii</i> 'Tina'	Sargent Crabapple	Spreading	Disease resistant; 5' mature height.
<i>Myrica pensylvanica</i>	Bayberry	Upright	Dry soil; sun; gray, fragrant fruits; dioecious; semi-evergreen; suckering.
<i>Philadelphus x</i> <i>virginialis</i> 'Glacier'	Glacier Mockorange	Rounded	Sun; double, white, fragrant flowers.
Continued on the next page.			
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Medium Deciduous Shrubs (3 Landscaping Points)			
Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Prunus x cistena</i>	Purple-leaved Sand Cherry	Rounded	Dry soil; sun; white flowers; purple foliage all season.
<i>Rhodotypos scandens</i>	Jetbead	Spreading	Dry soil; shade; white flowers; sparse red fruits; fine texture.
<i>Rosa hugonis</i>	Father Hugo Rose	Vase	Poor soil; sun; yellow flowers; sparse red fruits; fine texture.
<i>Rosa rugosa cvs.</i>	Rugosa Rose	Rounded	Dry soil; sun; white, yellow, pink, or red flowers; large edible red fruits; fall color; wrinkled leaves; tolerant of salt.
* <i>Rosa setigera</i>	Prairie Rose	Sprawling-mounded	Sun; pink flowers in July; red fruits; orange fall color; can be used as a climber.
<i>Spiraea prunifolia</i>	Bridalwreath Spirea	Upright	Sun; double, white flowers; orange to red fall color.
<i>Spiraea thunbergii</i>	Thunberg Spirea	Vase	Sun; white flowers; yellow to orange fall color; fine-textured.
<i>Spiraea x vanhouttei</i>	Vanhoutte Spirea	Vase	Sun; white flowers; arching branches.
<i>Syringa meyeri</i> 'Palibin'	Palibin Lilac	Rounded	Sun; purple flowers; dense; fine-textured; good informal hedge plant often sold as <i>S. palibiniana</i> .
<i>Viburnum carlesii</i>	Koreanspice Viburnum	Rounded	Shade; urban; pink to white, fragrant flowers; blue-black fruits; red fall color.
* <i>Viburnum cassinoides</i>	Witherod Viburnum	Rounded	Wet, acid soil; tolerates poor drainage; white flowers; pink to red to blue fruits; red fall color.
<i>Weigela florida</i>	Old-fashioned Weigela	Spreading	Well-drained soil; pink, funnel-shaped flowers.
<i>Weigela x</i> 'Vanicekii'	Vanicek Weigela	Spreading	Well-drained soil; red flowers.
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Shrubs (1 Landscaping Point)			
Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Acanthopanax sieboldianus</i>	Fiveleaf Aralia	Upright	Dry soil; shade; urban; leaves palmately compound; thorny.
* <i>Amelanchier stolonifera</i>	Running Serviceberry	Suckering	Dry soil; shade; white flowers; edible fruits; orange fall color.
* <i>Aronia melanocarpa</i>	Black Chokeberry	Suckering	Wet soil; shade; white flowers; black fruits; red fall color.
<i>Berberis thunbergii</i>	Japanese Barberry	Mounded	Dry soil; shade; red fruits; orange fall color; thorns; good hedge plant.
'Atropurpurea'	Redleaf J.B.		Sun; red summer foliage.
'Crimson Pygmy'	Crimson Pygmy J.B.	Low-mound	Sun; red summer foliage; 2' tall.
<i>Buxus microphylla koreana</i>	Korean Littleleaf Box	Rounded	Shade; broadleaf evergreen; good hedge plant.
<i>Chaenomeles japonica alpina</i>	Dwarf Japanese Floweringquince	Spreading	Dry soil; urban; orange flowers; yellow, edible fruits; dense; 1' tall; flower buds may be injured or killed during some winters.
<i>Cotoneaster apiculatus</i>	Cranberry Cotoneaster	Mounded	Dry soil; red fruits; red fall color.
<i>Deutzia x lemoinei</i> 'Compacta'	Compact Lemoine Deutzia	Rounded	Well-drained soil; white flowers.
* <i>Diervilla lonicera</i>	Dwarf Bushhoneysuckle	Mounded	Dry soil; shade; yellow flowers; good bank cover.
<i>Forsythia viridissima</i> 'Bronxensis'	Bronx Forsythia	Low-mound	Sun; small yellow flowers; fine texture; purple fall color.
<i>Hydrangea arborescens</i> 'Annabelle'	Annabelle Hydrangea	Mounded	Moist soil; shade; white, clustered flowers; dense; blooms on new wood.
'Grandiflora'	Snowhill Hydrangea	Mounded	Smaller flower clusters and less dense than above.
* <i>Hypericum kalmianum</i>	Kalm's St. Johnswort	Rounded	Dry soil; sun; yellow flowers; shiny brown twigs.
Continued on next page.			
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Shrubs (Cont.) (1 Landscaping Point)			
Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Lonicera x xylosteoides</i> 'Clavey's Dwarf'	Clavey's Dwarf Honeysuckle	Rounded	Dense growth; good hedge or screening plant.
<i>Lonicera xylosteum</i> 'Nanum'	Emerald Mound Honeysuckle	Mounded	Lower growing than preceding; 2'-3'.
<i>Mahonia aquifolium</i> 'Mayhan'	Mayhan Oregongrape	Suckering	Shade; urban; yellow flowers; blue fruits; holly-like evergreen foliage; not fully hardy in zone - need special site or ideal conditions.
<i>Philadelphus coronarius</i> 'Aureus'	Golden Mockorange	Rounded	Sun; white flowers; yellow summer foliage.
<i>Philadelphus x lemoinei</i> 'Mont Blanc'	Mont Blanc Mockorange	Mounded	Sun; single; white, fragrant flowers; dense.
<i>Physocarpus opulifolius</i> 'Nanus'	Dwarf Common Ninebark	Rounded	Dry soil; shade; creamy-white flowers; red capsular fruits; shredded bark.
* <i>Potentilla fruticosa</i> cvs.	Bush Cinquefoil	Mounded	Dry soil; sun; yellow and white flowers; blooms all summer.
<i>Prunus glandulosa</i> 'Sinensis'	Pink Dwarf Floweringalmond	Rounded	Sun; light soil; double, pink flowers; no fruits; narrow leaves.
<i>Rhododendron x kosteranum</i>	Mollis Hybrid Azaleas	Spreading	Moist, acid soil; pink flowers; red fall color.
<i>Rhododendron x</i> 'PJM Hybrid'	PJM Hybrid Rhododendron	Rounded	Moist, acid soil; shade; lavender flowers; evergreen leaves turn purple in autumn.
* <i>Rhus aromatica</i>	Fragrant Sumac	Mounded	Dry soil; sun; red fruits; fragrant foliage; turns orange-maroon in fall.
'Gro-Low'	Gro-low Fragrant Sumac		Uniform 2 1/2' height; glossy leaves.
<i>Ribes alpinum</i>	Alpine Currant	Rounded	Shade; urban; good hedge plant.
<i>Rosa virginiana</i>	Virginia Rose	Suckering	Dry soil; pink flowers; red fruits; red stems; good bank cover.
<i>Salix repens argentea</i>	Silver Creeping Willow	Spreading	Moist soil; sun; silvery foliage.
<i>Spiraea x arguta</i> 'Compacta'	Compact Garland Spirea	Mounded	Sun; white flowers; fine texture.
Continued on next page.			
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Deciduous Shrubs (Cont.)

(1 Landscaping Point)

Botanical Name	Common Name	Form	Adaptation and Remarks
<i>Spiraea x billiardii</i>	Billiard Spirea	Upright	Sun; pink flowers, in July and August.
<i>Spiraea x bumalda</i> 'Anthony Waterer'	Anthony Waterer Spirea	Rounded	Dry soil; sun; raspberry red flowers; unattractive fruits.
'Froebelii'	Froebel Spirea	Rounded	Dry soil; sun; raspberry red flowers; orange to maroon fall color.
<i>Spiraea japonica alpina</i>	Daphne Spirea	Low-mound	Sun; pale pink flowers in July; 10" height.
<i>Spiraea nipponica</i> 'Snowmound'	Snowmound Spirea	Mounded	Sun; white flowers; blue-green foliage; possible disease problem.
<i>Symphoricarpos</i> <i>rivularis</i>	Snowberry	Vase	Dry soil; shade; tiny pink flowers; showy white fruits; often sold as <i>S. albus laevigatus</i> .
<i>Symphoricarpos</i> <i>orbiculatus</i>	Indiancurrant Coralberry	Suckering	Dry soil; shade; pink fruits; good bank cover.
<i>Viburnum opulus</i> 'Compactum'	Compact European Cranberrybush V.	Rounded	Shade; white flowers; persistent, red fruit; dense habit.
<i>Viburnum opulus</i> 'Nanum'	Dwarf European Cranberrybush V.	Globe	Shade; no flowers or fruits; twiggy.
* Wisconsin native			

DETAILED CLASSIFICATION OF PLANT SPECIES -- Tall to Medium Evergreen Shrubs (5 Landscaping Points)				
Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis</i> 'Ames'	Ames Juniper	9'	Broad pyramid	Sun; bluish green foliage.
'Blaauw'	Blaauw Juniper	4'	Upright-vase	Sun; grayish blue foliage.
'Herzii'	Herz Blue Juniper	15'	Ascending-Spreading	Sun; silvery blue foliage.
'Maney'	Maney Juniper	6'	Upright, bushy	Sun; bluish green foliage.
'Old Gold'	Old Gold Juniper	4'	Spreading	Sun; green with gold tips.
'Pfitzerana'	Pfitzer Juniper	6'	Wide-spreading	Sun; green foliage; no fruits.
'Pfitzerana Glauca'	Blue Pfitzer J.	5'	Spreading	Sun; blue-gray foliage.
* <i>Juniperus communis depressa</i>	Oldfield Common Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus sabina</i> 'Von Ehren'	Von Ehren Savin Juniper	4'	Spreading	Dry soil; sun; light green; brownish in winter.
<i>Juniperus squamata</i> 'Meyeri'	Meyer Singleseed Juniper	5'	Picturesque	Sun; blue foliage.
<i>Picea glauca</i> ^{RF} 'Conica'	Dwarf Alberta Spruce	7'	Pyramidal	Shelter from winter sun; light green foliage.
<i>Pinus mugo</i>	Mugo Pine	4'	Mounded	Dry soil; sun; green foliage.
<i>Taxus cuspidata</i> 'Expansa'	Spreading Japanese Yew	6'	Spreading	Shade; urban; dark green foliage; needs ideal conditions.
'Nana'	Dwarf Japanese Yew	4'	Mounded	Shade; urban very dark green foliage; needs ideal conditions.
<i>Taxus x hunnewelliana</i>	Hunnewell Yew	6'	Spreading	Shade; green.
<i>Taxus x media cvs.</i>	Anglojapanese Yew	1-10'	Round or upright	Shade; very dark green; needs ideal conditions.
<i>Thuja occidentalis</i> ^{RF} 'Robusta'	Ware American Arborvitae	8'	Broad Pyramid	Wet soil; half-shade; dark green foliage. Often sold as <i>T.o.</i> 'Wareana'.
'Woodwardii'	Woodward Globe American Arborvitae	6'	Globe	Wet soil; half-shade; bright green.
* Wisconsin native				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Low Evergreen Shrubs (3 Landscaping Points)				
Botanical Name	Common Name	Height	Form	Adaptation and Remarks
<i>Juniperus chinensis procumbens</i>	Japanese Garden Juniper	2'	Creeping	Sun; blue-green, year-round foliage.
<i>Juniperus chinensis sargentii</i>	Sargent Juniper	1'	Creeping	Sun; green; or blue-green in cv. 'Glauca'
* <i>Juniperus horizontalis</i>	Creeping Juniper	1'	Creeping	Dry soil; sun; variable color-brown in winter.
'Bar Harbor'	Bar Harbor Juniper	8"	Creeping	Dry soil; sun; bluish green foliage; slaty in winter.
'Douglasii'	Waukegan Juniper	18"	Creeping	Dry soil; sun; steel blue; purplish in winter.
'Plumosa'	Andorra Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
'Prince of Wales'	Prince of Wales Juniper	4-6"	Prostrate	Dry soil; sun; bright green; bronzed in winter.
'Wiltonii'	Blue Rug Juniper	4-6"	Flat-trailing	Dry soil; sun; silvery blue.
'Youngstown'	Youngstown Juniper	18"	Radial-creeping	Dry soil; sun; gray-green; purplish in winter.
<i>Juniperus sabina</i> 'Arcadia'	Arcadia Savin Juniper	18"	Low-spreading	Sun; green.
'Broadmoor'	Broadmoor Savin Juniper	2'	Mounded	Sun; soft grayish green; fine textured.
'Skandia'	Skandia Savin Juniper	12"	Low-spreading	Sun; grayish blue.
'Tamariscifolia'	Tamarix Savin Juniper	2'	Dense, spreading	Sun; bluish green; pest or disease problem.
* Wisconsin native				

DETAILED CLASSIFICATION OF PLANT SPECIES -- Non-Contributing Species (0 Points)				
Botanical Name	Common Name	Height	Height	Adaptation and Remarks
<i>Acer negundo</i>	Boxelder			Weed tree.
	Buckthorn			Invasive
	Crown Vetch			Invasive ground cover; aggressive.
* <i>Crataegus crus-galli</i>	Cockspur Hawthorn	S	Spreading	Urban; sun; persistent, brick red fruits; orange to red fall color; evil thorns.
* <i>Gleditsia triacanthos</i> ^{RF}	Common Honeylocust	F	Vase	Urban; tolerates poor drainage; salt tolerant; dioecious, females produce pods; fine-textured foliage; wicked thorns; yellow fall color; pest or disease problems may limit use.
<i>Lonicera x bella</i>	Belle Honeysuckle			Dry soil, white flowers; red fruits; <u>may become weedy</u> , pest problem.
<i>Lonicera tatarica</i>	Tatarian Honeysuckle			Dry soil; urban, pink to white flowers; dense, red fruits; <u>may become weedy</u> , pest or disease problem.
<i>Lonicera morrowi</i>	Morrow Honeysuckle			Urban, dense, white flowers, pest and disease problem, <u>weedy</u> .
	Purple Loosestrife			Perennial, common marsh plant, may choke out native plants.
<i>Rhamnus cathartica</i>	Common Buckthorn			Becomes weak.
<i>Rhamnus frangula</i>	Glossy Buckthorn			Becomes weak.
* Wisconsin native				

^{RF} refers to reforestation. Marked species are native to Wisconsin, and recommended for reforestation efforts by the Wisconsin DNR. (See Section 17.609.)

The following sources were used in compiling the preceding lists of plant species:

Department of Natural Resources. Forest Trees of Wisconsin: How to Know Them. Madison, Wisconsin: Department of Natural Resources, 1987.

Hasselkus, E.R. A Guide to Selecting Landscape Plants for Wisconsin. Madison, Wisconsin: College of Agricultural and Life Sciences University of Wisconsin - Extension, Cooperative Extension Programs, 1982.

Hightshoe, Gary L. Native Trees, Shrubs, and Vines for Urban and Rural America: A Planting Design Manual for Environmental Designers. New York: Van Nostrand Reinhold, 1988.

Iowa State University. Landscape Plants for Iowa. Ames, Iowa: Iowa State University Cooperative Extension Service, May 1984.

**CITY OF LAKE GENEVA REQUIREMENTS CHECKLIST FOR:
LANDSCAPING FOR BUILDING FOUNDATIONS (Requirements per Section 98-604)**

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

PLANT TYPES (See Table 98-611 and Plant Classification Appendix)	LANDSCAPE POINT CALCULATIONS PER THE BUILDING FOUNDATIONS REQUIREMENTS				
	<i>Example: Bldg Side = 150 ft (PB dist.)</i>	Building Side #1: = ____ feet	Building Side #2: = ____ feet	Building Side #3: = ____ feet	Building Side #4: = ____ feet
Calculation of Landscape Points Required per Side in Specific Zoning District	Calculation Formula: (____ feet of building side ÷ 100 linear feet building foundation) x ____ points per 100 linear feet building foundation in the ____ zoning district = ____ Total Points per Side (See Table 98-604 for required number of points per zoning district)				
Total Points Required for Each Building Side	<i>40 pts per 100 ft in PB = 60 pts</i>	_____ points	_____ points	_____ points	_____ points
1: Plant Type	<i>Pfitzer Juniper</i>				
# of Plants @ Points per Plant	<i>2 plants @ 5 pts</i>				
Total Points	<i>10 points</i>				
2: Plant Type	<i>Crabapple</i>				
# of Plants @ Points per Plant	<i>3 trees @ 10 pts</i>				
Total Points	<i>+ 30 points</i>				
3: Plant Type	<i>Chinese Lilac</i>				
# of Plants @ Points per Plant	<i>4 shrubs @ 5 pts</i>				
Total Points	<i>+ 20 points</i>				
4: Plant Type					
# of Plants @ Points per Plant					
Total Points					
5: Plant Type					
# of Plants @ Points per Plant					
Total Points					
6: Plant Type					
# of Plants @ Points per Plant					
Total Points					
7: Plant Type					
# of Plants @ Points per Plant					
Total Points					
8: Plant Type					
# of Plants @ Points per Plant					
Total Points					
TOTAL POINTS PROVIDED	<i>= 60 points</i>				
TOTAL POINTS REQUIRED	<i>60 points</i>				

CITY OF LAKE GENEVA REQUIREMENTS CHECKLIST FOR: LANDSCAPING FOR DEVELOPED LOTS (Requirements per Section 98-605)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

PLANT TYPES (See Table 98-611 and Plant Classification Appendix)	LANDSCAPE POINT CALCULATIONS PER THE DEVELOPED LOTS REQUIREMENTS				
	<i>Example: Floor Area = 5,000 sf (PB dist)</i>	Floor Area = ____ square feet	Floor Area = ____ square feet	Floor Area = ____ square feet	Floor Area = ____ square feet
Calculation of Landscape Points Required per Lot Area in Specific Zoning District	Calculation Formula: (____ square feet of lot area ÷ 1,000 square feet of floor area) x ____ points per 1,000 square feet of floor area in the ____ zoning district = ____ Total Points per Lot (See Table 98-605 for required number of points per zoning district)				
Total Points Required for Each Lot Area	<i>10 pts per 1,000 sf in PB = 50 pts</i>	_____ points	_____ points	_____ points	_____ points
1: Plant Type	<i>Pfitzer Juniper</i>				
# of Plants @ Points per Plant	<i>3 plants @ 5 pts</i>				
Total Points	<i>15 points</i>				
2: Plant Type	<i>River Birch</i>				
# of Plants @ Points per Plant	<i>1 tree @ 15 pts</i>				
Total Points	<i>+ 15 points</i>				
3: Plant Type	<i>Chinese Lilac</i>				
# of Plants @ Points per Plant	<i>4 shrubs @ 5 pts</i>				
Total Points	<i>+ 20 points</i>				
4: Plant Type					
# of Plants @ Points per Plant					
Total Points					
5: Plant Type					
# of Plants @ Points per Plant					
Total Points					
6: Plant Type					
# of Plants @ Points per Plant					
Total Points					
7: Plant Type					
# of Plants @ Points per Plant					
Total Points					
8: Plant Type					
# of Plants @ Points per Plant					
Total Points					
TOTAL POINTS PROVIDED	<i>= 50 points</i>				
TOTAL POINTS REQUIRED	<i>50 points</i>				

CITY OF LAKE GENEVA REQUIREMENTS CHECKLIST FOR: LANDSCAPING FOR STREET FRONTAGES (Requirements per Section 98-606)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

PLANT TYPES (See Table 98-611 and Plant Classification Appendix)	LANDSCAPE POINT CALCULATIONS PER THE STREET FRONTAGES REQUIREMENTS				
	<i>Example: Frontage = 150 ft (PB dist.)</i>	Frontage #1: = _____ feet	Frontage #2: = _____ feet	Frontage #3: = _____ feet	Frontage #4: = _____ feet
Calculation of Landscape Points Required per Frontage in Specific Zoning District	Calculation Formula: (_____ feet of street frontage + 100 linear feet street frontage) x _____ points per 100 linear feet street frontage in the _____ zoning district = _____ Total Points per Frontage (See Table 98-606 for required number of points per zoning district)				
Total Points Required for Each Street Frontage	<i>40 pts per 100 ft in PB = 60 pts</i>	_____ points	_____ points	_____ points	_____ points
1: Plant Type	<i>Black Maple</i>				
# of Plants @ Points per Plant	<i>1 tree @ 30 pts</i>				
Total Points	<i>30 points</i>				
2: Plant Type	<i>Amur Maple</i>				
# of Plants @ Points per Plant	<i>1 tree @ 20 pts</i>				
Total Points	<i>+ 20 points</i>				
3: Plant Type	<i>Chinese Lilac</i>				
# of Plants @ Points per Plant	<i>2 shrubs @ 5 pts</i>				
Total Points	<i>+ 10 points</i>				
4: Plant Type					
# of Plants @ Points per Plant					
Total Points					
5: Plant Type					
# of Plants @ Points per Plant					
Total Points					
6: Plant Type					
# of Plants @ Points per Plant					
Total Points					
7: Plant Type					
# of Plants @ Points per Plant					
Total Points					
8: Plant Type					
# of Plants @ Points per Plant					
Total Points					
TOTAL POINTS PROVIDED	<i>= 60 points</i>				
TOTAL POINTS REQUIRED	<i>60 points</i>				

CITY OF LAKE GENEVA REQUIREMENTS CHECKLIST FOR: LANDSCAPING FOR PAVED AREAS (Requirements per Section 98-607)

This form should be used by the Applicant as a guide to calculate the minimum required landscaping.

PLANT TYPES (See Table 98-611 and Plant Classification Appendix)	LANDSCAPE POINT CALCULATIONS PER THE PAVED AREAS REQUIREMENTS				
	Example: Paved Area = 15,000 sf (PB dist)	Paved Area = ____ square feet	Paved Area = ____ square feet	Paved Area = ____ square feet	Paved Area = ____ square feet
Calculation of Landscape Points Required Paved Area in Specific Zoning District	Calculation Formula: (____ square feet of paved area + 10,000 square feet of paved area) x ____ points per 1,000 square feet of paved area in the ____ zoning district = ____ Total Points per Paved Area (See Table 98-607 for required number of points per zoning district)				
Total Points Required for Each Paved Area	<u>80 pts per 10,000 sf in PB</u> = <u>120 pts</u>	_____ points	_____ points	_____ points	_____ points
1: Plant Type	<i>Pfitzer Juniper</i>				
# of Plants @ Points per Plant	<i>5 plants @ 5 pts</i>				
Total Points	<i>25 points</i>				
2: Plant Type	<i>Japanese Yew</i>				
# of Plants @ Points per Plant	<i>2 shrubs @ 5 pts</i>				
Total Points	<i>+ 10 points</i>				
3: Plant Type	<i>Chinese Lilac</i>				
# of Plants @ Points per Plant	<i>5 shrubs @ 5 pts</i>				
Total Points	<i>+ 25 points</i>				
4: Plant Type	<i>Red Maple</i>				
# of Plants @ Points per Plant	<i>2 trees @ 30 pts</i>				
Total Points	<i>+ 60 points</i>				
5: Plant Type					
# of Plants @ Points per Plant					
Total Points					
6: Plant Type					
# of Plants @ Points per Plant					
Total Points					
7: Plant Type					
# of Plants @ Points per Plant					
Total Points					
8: Plant Type					
# of Plants @ Points per Plant					
Total Points					
TOTAL POINTS PROVIDED	<i>= 120 points</i>				
TOTAL POINTS REQUIRED	<i>120 points</i>				

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
AMENDMENT OF ZONING REGULATIONS (Requirements per Section 98-902)**

This form should be used by the Applicant as a guide to submitting a complete application to amend the Zoning Ordinance text and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

_____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Application fee of \$ _____ received by Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ *by:* _____

↓ *Draft Final Packet (1 Copy to Zoning Administrator)*

Date: _____ *by:* _____

↓

_____ (a) **A copy of the provisions of the current Zoning Ordinance which are to be amended:**

_____ With said provisions clearly indicated in a manner which is clearly reproducible with a photocopier.

_____ (b) **A copy of the text which is proposed to replace the current text.**

_____ (c) **Written justification for the proposed text amendment:**

_____ Indicating reasons why the Applicant believes the proposed text amendment is in harmony with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-902(4)(c)1.-5. *(See following page.)*

III.JUSTIFICATION OF THE PROPOSED ZONING ORDINANCE AMENDMENT

1. How does the proposed Official Zoning Ordinance amendment further the purposes of the Zoning Ordinance as outlined in Section 98-005?

2. How does the proposed text amendment further the purposes of the general Article in which the amendment is proposed to be located?

3. How does the proposed text amendment further the purposes of the specific Section in which the amendment is proposed to be located?

4. Which of the following has arisen that are not properly addressed in the current zoning text?

a. The provisions of the Zoning Ordinance should be brought into conformity with the Comprehensive Plan. (If a factor related to the proposed amendment, note pertinent portions of the Comprehensive Plan.);

b. A change has occurred in the land market, or other factors have arisen which require a new form of development, a new type of land use, or a new procedure to meet said change(s);

c. New methods of development or providing infrastructure make it necessary to alter the Zoning Ordinance to meet these new factors;

d. Changing governmental finances require amending the Zoning Ordinance in order to meet the needs of the government in terms of providing and affording public services.

5. If the proposed text amendment is concerned with the provisions of Articles II and/or III: how does the proposed amendment maintain the desired overall consistency of land uses, land use intensities, and land use impacts within the pertinent zoning districts?

IV.FINAL APPLICATION PACKET INFORMATION

Receipt of Final Application Packet by Zoning Administrator:

Date: _____ by: _____

Receipt of 25 Copies of Final Application by Zoning Administrator:

Date: _____ by: _____

Certification of complete Final Application Packet and required copies to Zoning Administrator by City Clerk:

Date: _____ by: _____

Class 2 Legal Notice sent to official newspaper by City Clerk:

Date: _____ by: _____

Class 2 Legal Notice published on _____ and _____

by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
AMENDMENT OF OFFICIAL ZONING MAP (Requirements per Section 98-903)**

This form should be used by the Applicant as a guide to submitting a complete application to amend the Official Zoning Map and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

_____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Application fee of \$ _____ received by Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ *by:* _____

↓
Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ *by:* _____

↓

_____ (a) **A copy of the Current Zoning Map of the subject property and vicinity:**

- _____ Showing all lands for which the zoning is proposed to be amended;
- _____ Showing all other lands within 300 feet of the subject property;
- _____ Referenced to a list of the names and addresses of the owners of said lands;
- _____ Map and all its parts are clearly reproducible with a photocopier;
- _____ Map size of 11" by 17" and map scale not less than one inch equals 800 ft;
- _____ All lot dimensions of the subject property provided;
- _____ Graphic scale and north arrow provided.

_____ (b) **A copy of the Land Use Plan Map of the subject property and vicinity:**

_____ (c) **Written justification for the proposed map amendment:**

- _____ Indicating reasons why the Applicant believes the proposed map amendment is in harmony with the recommendations of the City of Lake Geneva Master Comprehensive Plan, particularly as evidenced by compliance with the standards set out in Section 98-903(4)(c)1.-3. (See following page.)

III.JUSTIFICATION OF THE PROPOSED ZONING MAP AMENDMENT

1. How does the proposed Official Zoning Map amendment further the purposes of the Zoning Ordinance as outlined in Section 98-005 (and, for floodplains or wetlands, the applicable rules and regulations of the Wisconsin Department of Natural Resources (DNR) and the Federal Emergency Management Agency (FEMA))?

2. Which of the following factors has arisen that are not properly addressed on the current Official Zoning Map? (Please provide explanation in space below.)

- a. The designations of the Official Zoning Map should be brought into conformity with the Comprehensive Plan;
- b. A mistake was made in mapping on the Official Zoning Map. (That is, an area is developing in a manner and purpose different from that for which it is mapped.) NOTE: If this reason is cited, it must be demonstrated that the discussed inconsistency between actual land use and designated zoning is not intended, as the City may intend to stop an undesirable land use pattern from spreading;
- c. Factors have changed, (such as the availability of new data, the presence of new roads or other infrastructure, additional development, annexation, or other zoning changes), making the subject property more appropriate for a different zoning district;
- d. Growth patterns or rates have changed, thereby creating the need for an Amendment to the Official Zoning Map.

3. How does the proposed amendment to the Official Zoning Map maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

IV.FINAL APPLICATION PACKET INFORMATION

_____	Receipt of 5 full scale copies in blue/line or black/line of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice sent to official newspaper by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice published on _____ and _____	by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
CONDITIONAL USE REVIEW AND APPROVAL (Requirements per Section 98-905)**

This form should be used by the Applicant as a guide to submitting a complete application for a conditional use and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

____ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Application form filed with Zoning Administrator: Date: _____ by: _____

____ Application fee of \$ ____ received by Zoning Administrator: Date: _____ by: _____

____ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ by: _____

↓
Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____

↓

- ____ (a) **A map of the proposed conditional use:**
- ____ Showing all lands for which the conditional use is proposed;
 - ____ Showing all other lands within 300 feet of the boundaries of the subject property;
 - ____ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
 - ____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
 - ____ Map and all its parts are clearly reproducible with a photocopier;
 - ____ Map size of 11" by 17" and map scale not less than one inch equals 800 ft;
 - ____ All lot dimensions of the subject property provided;
 - ____ Graphic scale and north arrow provided.
- ____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:**
- ____ (c) **A written description of the proposed conditional use describing the type of activities, buildings, and structures proposed for the subject property and their general locations (see Site Plan**

Review checklist);

_____ (d) A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.

_____ (e) **Written justification for the proposed conditional use:**

_____ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. (*See below*)

III.JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

2. How is the proposed conditional use, in its specific location, in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

IV.FINAL APPLICATION PACKET INFORMATION

_____	Receipt of 5 full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice sent to official newspaper by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice published on _____ and _____	by: _____
_____	Conditional Use recorded with the County Register of Deeds Office:	Date: _____ by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
TEMPORARY USE REVIEW AND APPROVAL (Requirements per Section 98-906)**

This form should be used by the Applicant as a guide to submitting a complete application for a temporary use and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

____ Pre-submittal staff meeting scheduled, as needed:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meeting scheduled, as needed:

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Application form filed with Zoning Administrator: Date: _____ by: _____

____ Application fee of \$ ____ received by Zoning Administrator: Date: _____ by: _____

____ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

The Applicant shall submit an application packet for staff review which includes the following information:

Application Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____



____ (a) **A map of the subject property:**

- ____ Showing all lands for which the temporary use is proposed;
- ____ Showing all other lands within 300 feet of the boundaries of the subject property;
- ____ Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control;
- ____ Map and all its parts are clearly reproducible with a photocopier;
- ____ Map scale not less than one inch equals 800 feet;
- ____ All lot dimensions of the subject property provided;
- ____ Graphic scale and north arrow provided.

____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;**

____ (c) **A written description of the proposed temporary use:**

- ____ Describing the type of activities, buildings and structures proposed for the subject property and their general locations;

____ (d) **A site plan of the subject property as proposed for development conforming to all requirements of Section 98-908(3). (See "Site Plan Approval" checklist)**

III.FINAL APPLICATION PACKET INFORMATION

____ Certification of complete Application by Zoning Administrator: Date: _____ by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
SITE PLAN REVIEW AND APPROVAL (Requirements per Section 98-908)**

This form should be used by the Applicant as a guide to submitting a complete application for a site plan review and by the City to process said application. Part II should be used by the Applicant to submit a complete application; Parts I - III should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

_____ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

_____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

_____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

_____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

_____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

_____ Application form filed with Zoning Administrator: Date: _____ by: _____

_____ Application fee of \$ _____ received by Zoning Administrator: Date: _____ by: _____

_____ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ by: _____

↓
Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____

↓

_____ (a) **A written description of the intended use describing in reasonable detail the:**

_____ Existing zoning district(s) (and proposed zoning district(s) if different);

_____ Land use plan map designation(s);

_____ Current land uses present on the subject property;

_____ Proposed land uses for the subject property (per Section 98-206);

_____ Projected number of residents, employees, and daily customers;

_____ Proposed amount of dwelling units, floor area, impervious surface area, and landscape surface area, and resulting site density, floor area ratio, impervious surface area ratio, and landscape surface area ratio;

_____ Operational considerations relating to hours of operation, projected normal and peak water usage, sanitary sewer or septic loadings, and traffic generation;

- ___ Operational considerations relating to potential nuisance creation pertaining to noncompliance with the performance standards addressed in Article VII (Sections 98-701-98-721) including: street access, traffic visibility, parking, loading, exterior storage, exterior lighting, vibration, noise, air pollution, odor, electromagnetic radiation, glare and heat, fire and explosion, toxic or noxious materials, waste materials, drainage, and hazardous materials;
- ___ If no nuisances will be created (as indicated by complete and continuous compliance with the provisions of Article VII), then include the statement "The proposed development shall comply with all requirements of Article VII.";
- ___ Exterior building and fencing materials (Sections 98-718 and 98-720);
- ___ Possible future expansion and related implications for points above;
- ___ Any other information pertinent to adequate understanding by the Plan Commission of the intended use and its relation to nearby properties.

___ (b) **A Small Location Map** at 11" x 17" showing the subject property, all properties within 300 feet, and illustrating its relationship to the nearest street intersection. (A photocopy of the pertinent section of the City's Official Zoning Map with the subject property clearly indicated shall suffice to meet this requirement.)

___ (c) **A Property Site Plan drawing which includes:**

- ___ A title block which indicates the name, address and phone/fax number(s) of the current property owner and/or agent(s) (developer, architect, engineer, planner) for project;
- ___ The date of the original plan and the latest date of revision to the plan;
- ___ A north arrow and a graphic scale (not smaller than one inch equals 100 feet);
- ___ A reduction of the drawing at 11" x 17";
- ___ A legal description of the subject property;
- ___ All property lines and existing and proposed right-of-way lines with bearings and dimensions clearly labeled;
- ___ All existing and proposed easement lines and dimensions with a key provided and explained on the margins of the plan as to ownership and purpose;
- ___ All required building setback lines;
- ___ All existing and proposed buildings, structures, and paved areas, including building entrances, walks, drives, decks, patios, fences, utility poles, drainage facilities, and walls;
- ___ The location and dimension (cross-section and entry throat) of all access points onto public streets;
- ___ The location and dimension of all on-site parking (and off-site parking provisions if they are to be employed), including a summary of the number of parking stalls provided versus required by the Ordinance;
- ___ The location and dimension of all loading and service areas on the subject property and labels indicating the dimension of such areas;
- ___ The location of all outdoor storage areas and the design of all screening devices;
- ___ The location, type, height, size and lighting of all signage on the subject property;
- ___ The location, height, design/type, illumination power and orientation of all exterior lighting on the subject property -- including the clear demonstration of compliance with Section 98-707;
- ___ The location and type of any permanently protected green space areas;
- ___ The location of existing and proposed drainage facilities;
- ___ In the legend, data for the subject property on:
 - ___ Lot Area;
 - ___ Floor Area;
 - ___ Floor Area Ratio (b/a);
 - ___ Impervious Surface Area;
 - ___ Impervious Surface Ratio (d/a);
 - ___ Building Height.

- _____ (d) **A Detailed Landscaping Plan of the subject property:**
 _____ Scale same as main plan (> or equal to 1" equals 100')
 _____ Map reduction at 11" x 17"
 _____ Showing the location of all required bufferyard and landscaping areas
 _____ Showing existing and proposed Landscape Point fencing
 _____ Showing berm options for meeting said requirements
 _____ Demonstrating complete compliance with the requirements of Article VI
 _____ Providing individual plant locations and species, fencing types and heights, and berm heights;
- _____ (e) **A Grading and Erosion Control Plan:**
 _____ Same scale as the main plan (> or equal to 1" equals 100')
 _____ Map reduction at 11" x 17")
 _____ Showing existing and proposed grades including retention walls and related devices, and erosion control measures.
- _____ (f) **Elevation Drawings of proposed buildings or remodeling of existing buildings:**
 _____ Showing finished exterior treatment;
 _____ With adequate labels provided to clearly depict exterior materials, texture, color and overall appearance;
 _____ Perspective renderings of the proposed project and/or photos of similar structures may be submitted, but not in lieu of adequate drawings showing the actual intended appearance of the buildings.

NOTE: Initiation of Land Use or Development Activity: Absolutely no land use or development activity, including site clearing, grubbing, or grading shall occur on the subject property prior to the approval of the required site plan. Any such activity prior to such approval shall be a violation of law and shall be subject to all applicable enforcement mechanisms and penalties.

NOTE: Modification of an Approved Site Plan: Any and all variation between development and/or land use activity on the subject property and the approved site plan is a violation of law. An approved site plan shall be revised and approved via the procedures of Subsections 98-908(2) and (4) so as to clearly and completely depict any and all proposed modifications to the previously approved site plan, prior to the initiation of said modifications.

III.FINAL APPLICATION PACKET INFORMATION

- _____ Receipt of 5 full scale copies in blue/line or black/line
 of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- _____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics)
 copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
VARIANCE REVIEW AND APPROVAL (Requirements per Section 98-910)**

This form should be used by the Applicant as a guide to submitting a complete application for a variance and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I.RECORDATION OF ADMINISTRATIVE PROCEDURES

_____ **Pre-submittal staff meeting scheduled:**

Date of Meeting: _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

Follow-up pre-submittal staff meetings scheduled for:

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Date of Meeting:** _____ **Time of Meeting:** _____ **Date:** _____ **by:** _____

_____ **Application form filed with Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Application fee of \$ _____ received by Zoning Administrator:** **Date:** _____ **by:** _____

_____ **Reimbursement of professional consultant costs agreement executed:** **Date:** _____ **by:** _____

II.APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ *by:* _____

↓
_____ *Draft Final Packet (1 Copy to Zoning Administrator)*

Date: _____ *by:* _____

↓

_____ (a) **A map of the subject property:**

_____ Showing all lands for which the variance is proposed;

_____ Showing all other lands within 300 feet of the subject property;

_____ Referencing a list of names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as determined by the City of Lake Geneva).

_____ Indicating current zoning of the subject property and environs, and the jurisdiction(s) which maintains that control;

_____ Map and all its parts are clearly reproducible with a photocopier;

_____ Map scale not less than one inch equals 800 feet;

_____ All lot dimensions of the subject property provided;

_____ Graphic scale and north arrow provided.

_____ (b) **A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole;**

- _____ (c) A written description of the proposed variance describing the type of specific requirements of the variance proposed for the subject property;
- _____ (d) A site plan of the subject property as proposed for development conforming to all requirements of Section 98-908(3). *(See "Site Plan Approval checklist")*
- _____ (e) Written justification for the requested variance consisting of the reasons why the Applicant believes the proposed variance is appropriate, particularly as evidenced by compliance with the standards set out Section 98-910(4)(c)1.-6. *(See below)*

III.JUSTIFICATION OF THE PROPOSED VARIANCE

1. What exceptional or extraordinary circumstances or special factors are present which apply only to the subject property?
The response to this question shall clearly indicate how the subject property contains factors which are not present on other properties in the same zoning district.

- a. .Describe the hardship or difficulty that is peculiar to the subject property and different from that of other properties, and not one which affects all properties similarly. Such a hardship or difficulty shall have arisen because of the unusual shape of the original acreage parcel; unusual topography or elevation; or because the property was created before the passage of the current, applicable zoning regulations, and is not economically suitable for a permitted use or will not accommodate a structure of reasonable design for a permitted use if all area, yard, green space, and setback requirements are observed;

NOTE:

- *Loss of profit or pecuniary hardship shall not, in and of itself, be grounds for a variance;
- *Self-imposed hardship shall not be grounds for a variance. Reductions resulting from the sale of portions of a property reducing the remainder of said property below buildable size or cutting-off existing access to a public right-of-way or deed restrictions imposed by the owner's predecessor in title are considered to be such self-imposed hardships;
- *Violations by, or variances granted to, neighboring properties shall not justify a variance;
- *The alleged hardship shall not be one that would have existed in the absence of a zoning ordinance. (For example, if a lot were unbuildable because of topography in the absence of any or all setback requirements.)

2. In what manner do the factors identified in 1., above, prohibit the development of the subject property in a manner similar to that of other properties under the same zoning district? The response to this question shall clearly indicate how the requested variance is essential to make the subject property developable so that property rights enjoyed by the owners of similar properties can be enjoyed by the owners of the subject property.

3. Would the granting of the proposed variance be of substantial detriment to adjacent properties? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on adjacent properties.

4. Would the granting of the proposed variance as depicted on the required site plan (see (d), above), result in a substantial or undue adverse impact on the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the intent, provisions, and policies of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide growth and development? The response to this question shall clearly indicate how the proposed variance will have no substantial impact on such long-range planning matters.

5. Have the factors which present the reason for the proposed variance been created by the act of the Application or previous property owner or their agent (for example: previous development decisions such as building placement, floor plan, or orientation, lotting pattern, or grading) after the effective date of the Zoning Ordinance (see Section 98-011.) The response to this question shall clearly indicate that such factors existed prior to the effective date of the Ordinance and were not created by action of the Applicant, a previous property owner, or their agent.

6. Does the proposed variance involve the regulations of Section 98-203 (Table of Land Uses)? The response to this question shall clearly indicate that the requested variance does not involve the provisions of this Section.

IV.FINAL APPLICATION PACKET INFORMATION

_____ Receipt of Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____ Receipt of 25 Copies of Final Applications by Zoning Administrator:	Date: _____ by: _____
_____ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:	Date: _____ by: _____
_____ Class 2 Legal Notice sent to official newspaper by City Clerk:	Date: _____ by: _____
_____ Class 2 Legal Notice published on _____ and _____	by: _____

**CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR:
PLANNED DEVELOPMENT REVIEW AND APPROVAL (Per Section 98-914)**

This form should be used by the Applicant as a guide to submitting a complete application for a planned development and by the City to process said application. Parts II, III, V, and VII should be used by the Applicant to submit a complete application; Parts I - VIII should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

____ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Application form filed with Zoning Administrator: Date: _____ by: _____

____ Application fee of \$ ____ received by Zoning Administrator: Date: _____ by: _____

____ Reimbursement of professional consultant costs agreement executed: Date: _____ by: _____

**II. APPLICATION SUBMITTAL PACKET REQUIREMENTS
PD PROCESS STEP 1: PRE-APPLICATION**

Step 1 does not require the submittal of an application packet; however, Steps 2-4 do require submittal of all draft and final application packets to the Zoning Administrator prior to Plan Commission review.

____ A. **Contact the Zoning Administrator** to place an informal discussion item for the PD on the Plan Commission agenda. No details beyond the name of the Applicant and the identification of the discussion item as a PD is required to be given in the agenda.

____ B. **Engage in an informal discussion with the Plan Commission** regarding the potential PD. Appropriate topics may include: location, project themes and images, general mix of dwelling unit types and/or land uses being considered, approximate residential densities, and non-residential intensities, general treatment of natural features, general relationship to nearby properties and public streets, and relationship to the Comprehensive Plan.

NOTE: Points of discussion and conclusions reached in this stage of the process shall in no way be binding upon the Applicant or the City, but should be considered as the informal, non-binding basis for proceeding to the next step.

III.APPLICATION SUBMITTAL PACKET REQUIREMENTS

PD PROCESS STEP 2: CONCEPT PLAN

Prior to submitting the 25 complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator)

Date: _____ by: _____

↓

Draft Final Packet (1 Copy to Zoning Administrator)

Date: _____ by: _____

↓

_____ A. Provide Zoning Administrator with draft PD Concept Plan Submittal Packet for determination of completeness prior to placing the proposed PD on the Plan Commission agenda for Concept Plan review. The submittal packet shall contain all of the following items:

_____ (1) **A location map of the subject property** and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;

_____ (2) **A general written description of proposed PD** including:

- _____ General project themes and images;
- _____ The general mix of dwelling unit types and/or land uses;
- _____ Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
- _____ The general treatment of natural features;
- _____ The general relationship to nearby properties and public streets;
- _____ The general relationship of the project to the Master Plan;
- _____ An initial draft list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and, a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility; and,

_____ (3) **A written description of potentially requested exemption** from the requirements of the underlying zoning district, in the following order:

1. Land Use Exemptions;
2. Density and Intensity Exemptions;
3. Bulk Exemptions;
4. Landscaping Exceptions;
5. Parking and Loading Requirements Exceptions;

_____ (4) **A conceptual plan drawing** (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction.

IV.FINAL APPLICATION PACKET INFORMATION

PD PROCESS STEP 2: CONCEPT PLAN

- ____ Receipt of 5 full scale copies in blue/line or black/line
of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- ____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics)
copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- ____ Certification of complete Final Application Packet and
required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____

V.APPLICATION SUBMITTAL REQUIREMENTS

PD STEP 3: GENERAL DEVELOPMENT PLAN (GDP)

Prior to submitting the 25 complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator) Date: _____ by: _____
↓ *Draft Final Packet (1 Copy to Zoning Administrator)* Date: _____ by: _____
↓

- ____ A. Provide Zoning Administrator with a draft GDP Submittal Packet for determination of completeness prior to placing the proposed PD on the Plan Commission agenda for GDP review. The submittal packet shall contain all of the following items:
- ____ (1) **A location map of the subject property** and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;
- ____ (2) **A map of the subject property** for which the PD is proposed:
- ____ Showing all lands within 300 feet of the boundaries of the subject property;
 - ____ Referenced to a list of the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
 - ____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
 - ____ Map and all its parts clearly reproducible with a photocopier;
 - ____ Map size of 11" x 17" and map scale not less than one inch equals 800 feet;
 - ____ All lot dimensions of the subject property provided;
 - ____ Graphic scale and north arrow provided.
- ____ (3) **A general written description** of proposed PD including:
- ____ General project themes and images;
 - ____ The general mix of dwelling unit types and/or land uses;
 - ____ Approximate residential densities and non-residential intensities as described by dwelling units per acre, floor area ratio and impervious surface area ratio;
 - ____ The general treatment of natural features;
 - ____ The general relationship to nearby properties and public streets;
 - ____ The general relationship of the project to the Master Plan,
 - ____ A statement of Rationale as to why PD zoning is proposed. This shall identify barriers that the Applicant perceives in the form of requirements of standard zoning districts and opportunities for community betterment the Applicant suggests are available through the proposed PD zoning.

- _____ A complete list of zoning standards which will not be met by the proposed PD and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PD and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- _____ A written description of potentially requested exemption from the requirements of the underlying zoning district, in the following order:
 - 1. Land Use Exemptions;
 - 2. Density and Intensity Exemptions;
 - 3. Bulk Exemptions;
 - 4. Landscaping Exceptions;
 - 5. Parking and Loading Requirements Exceptions.
- _____ (4) **A General Development Plan Drawing** at a minimum scale of 1"=100' (11" x 17" reduction shall also be provided by Applicant) of the proposed project showing at least the following information in sufficient detail to make an evaluation against criteria for approval:
 - _____ A conceptual plan drawing (at 11" x 17") of the general land use layout and the general location of major public streets and/or private drives. The Applicant may submit copies of a larger version of the plan in addition to the 11" x 17" reduction;
 - _____ Location of recreational and open space areas and facilities and specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - _____ Statistical data on minimum lot sizes in the development, the approximate areas of large development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
 - _____ Notations relating the written information provided in (3), above to specific areas on the GDP Drawing.
- _____ (5) **General conceptual landscaping plan** for subject property, noting approximate locations of foundation, street, yard and paving, landscaping, and the compliance of development with all landscaping requirements of this Ordinance (except as noted in the listing of exceptions) and the use of extra landscaping and bufferyards;
- _____ (6) **A general signage plan** for the project, including all:
 - _____ Project identification signs;
 - _____ Concepts for public fixtures and signs (street light fixtures and/or poles or street sign faces and/or poles) which are proposed to vary from City standards or common practices;
- _____ (7) **Written justification** for the proposed Planned Development. *(See Section 98-905 for requirements of the conditional use procedure.)*

VI.FINAL APPLICATION PACKET INFORMATION

PD STEP 3: GENERAL DEVELOPMENT PLAN (GDP)

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 98-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/GDP not fully developed within five years of final City Council approval shall expire, and no additional PD-based development shall be permitted. The City Council may extend this five years period by up to five additional years via a majority vote following a public hearing.

- ____ **Receipt of 5 full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____
- ____ **Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:** **Date:** _____ **by:** _____
- ____ **Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:** **Date:** _____ **by:** _____
- ____ **Class 2 Legal Notice sent to official newspaper by City Clerk:** **Date:** _____ **by:** _____
- ____ **Class 2 Legal Notice published on _____ and _____ by: _____**

VII.APPLICATION SUBMITTAL REQUIREMENTS

PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)

Prior to submitting the 25 complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet based upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator) **Date:** _____ **by:** _____
↓
Draft Final Packet (1 Copy to Zoning Administrator) **Date:** _____ **by:** _____
↓

- ____ A. After the effective date of the rezoning to PD/GDP, the Applicant may file an application for the proposed PIP with the Plan Commission. This submittal packet shall contain the following items, prior to its acceptance by the Zoning Administrator and placing the item on the Plan Commission agenda for PIP review.
- ____ (1) **A location map** of the subject property and its vicinity at 11" x 17", as depicted on a copy of the City of Lake Geneva Land Use Plan Map;
- ____ (2) **A map of the subject property** for which the PD is proposed:
____ Showing all lands within 300 feet of the boundaries of the subject property;
____ Referenced to a list of the names and addresses of the owners of all lands on said map as the same appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
____ Clearly indicating the current zoning of the subject property and its environs, and the jurisdiction(s) which maintains that control;
____ Map and all its parts clearly reproducible with a photocopier;
____ Map size of 11" by 17" and map scale not less than one inch equals 800 feet;
____ All lot dimensions of the subject property provided;
____ Graphic scale and north arrow provided.
- ____ (3) **A general written description** of proposed PIP including:
____ Specific project themes and images;
____ The specific mix of dwelling unit types and/or land uses;
____ Specific residential densities and non-residential intensities as described by dwelling

- _____ units per acre, floor area ratio and impervious surface area ratio;
 - _____ The specific treatment of natural features;
 - _____ The specific relationship to nearby properties and public streets.
 - _____ A Statement of Rationale as to why PD zoning is proposed identifying perceived barriers in the form of requirements of standard zoning districts and opportunities for community betterment through the proposed PD zoning.
 - _____ A complete list of zoning standards which will not be met by the proposed PIP and the location(s) in which they apply and a complete list of zoning standards which will be more than met by the proposed PIP and the location(s) in which they apply shall be identified. Essentially, the purpose of this listing shall be to provide the Plan Commission with information necessary to determine the relative merits of the project in regard to private benefit versus public benefit, and in regard to the mitigation of potential adverse impacts created by design flexibility.
- _____ (4) **A Precise Implementation Plan Drawing** at a minimum scale of 1"=100' (and reduced to 11" x 17") of the proposed project showing at least the following information in sufficient detail: *(See following page)*
- _____ A PIP site plan conforming to all requirements of Section 98-908(3). If the proposed PD is a group development (per Section 98-208) also provide a proposed preliminary plat or conceptual plat;
 - _____ Location of recreational and open space areas and facilities specifically describing those that are to be reserved or dedicated for public acquisition and use;
 - _____ Statistical data on minimum lot sizes in the development, the precise areas of all development lots and pads, density/intensity of various parts of the development, floor area ratio, impervious surface area ratio and landscape surface area ratio of various land uses, expected staging, and any other plans required by the Plan Commission or City Council; and
 - _____ Notations relating the written information (3), above to specific areas on the GDP Drawing.
- _____ (5) **A landscaping plan for subject property**, specifying the location, species, and installed size of all trees and shrubs. Include a chart which provides a cumulative total for each species, type and required location (foundation, yard, street, paved area or bufferyard) of all trees and shrubs.
- _____ (6) **A series of building elevations** for the entire exterior of all buildings in the PD, including detailed notes as to the materials and colors proposed.
- _____ (7) **A general signage plan** including all project identification signs, concepts for public fixtures and signs (such as street light fixtures and/or poles or street sign faces and/or poles), and group development signage themes which are proposed to vary from City standards or common practices.
- _____ (8) **A general outline of the intended organizational structure** for a property owners association, if any; deed restrictions and provisions for private provision of common services, if any.
- _____ (9) **A written description** which demonstrates the full consistency of the proposed PIP with the approved GDP.
- _____ (10) **A written description** of any and all variations between the requirements of the applicable PD/GDP zoning district and the proposed PIP development; and,
- _____ (11) **Proof of financing capability** pertaining to construction and maintenance and operation of public works elements of the proposed development.

VIII.FINAL APPLICATION PACKET INFORMATION
PD STEP 4: PRECISE IMPLEMENTATION PLAN (PIP)

The process for review and approval of the PD shall be identical to that for conditional use permits per Section 98-905 of the Zoning Ordinance and (if land is to be divided) to that for preliminary and final plats of subdivision per the Municipal Code. All portions of an approved PD/PIP not fully developed within five years of final City Council approval shall expire, and no additional PD-based development shall be permitted. The City Council may extend this five years period by up to five additional years via a majority vote following a public hearing.

_____	Receipt of 5 full scale copies in blueline or blackline of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator:	Date: _____ by: _____
_____	Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice sent to official newspaper by City Clerk:	Date: _____ by: _____
_____	Class 2 Legal Notice published on _____ and _____	by: _____

CITY OF LAKE GENEVA PROCEDURAL CHECKLIST FOR: PRECISE IMPLEMENTATION PLAN REVIEW AND APPROVAL - Requirements per Section 98-914(8)

This form should be used by the Applicant as a guide to submitting a complete application for precise implementation plan and by the City to process said application. Parts II and III should be used by the Applicant to submit a complete application; Parts I - IV should be used by the City as a guide when processing said application.

I. RECORDATION OF ADMINISTRATIVE PROCEDURES

____ Pre-submittal staff meeting scheduled:

Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

Follow-up pre-submittal staff meetings scheduled for:

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Date of Meeting: _____ Time of Meeting: _____ Date: _____ by: _____

____ Application form filed with Zoning Administrator: _____ Date: _____ by: _____

____ Application fee of \$_____ received by Zoning Administrator _____ Date: _____ by: _____

____ Reimburse professional consultant costs agreement executed: _____ Date: _____ by: _____

II. APPLICATION SUBMITTAL PACKET REQUIREMENTS

Prior to submitting the 25 final complete applications as certified by the Zoning Administrator, the Applicant shall submit 5 initial draft application packets for staff review, followed by one revised draft final application packet upon staff review and comments.

Initial Packet (5 Copies to Zoning Administrator) _____ Date: _____ by: _____

↓ *Draft Final Packet (1 Copy to Zoning Administrator)* _____ Date: _____ by: _____

↓

A map of the proposed precise implementation plan:

- ____ Showing all lands for which the precise implementation plan is proposed;
- ____ Showing all other lands within 300 feet of the boundaries of the subject property;
- ____ Referenced to a list of the names and addresses of the owners of said lands as they appear on the current records of the Register of Deeds of Walworth County (as provided by the City of Lake Geneva);
- ____ Clearly indicating the current zoning of the subject property and its environs, and The jurisdiction(s) which maintains that control;
- ____ Map and all its parts are clearly reproducible with a photocopier;
- ____ All lot dimensions of the subject property provided;
- ____ Graphic scale and north arrow provided.

- _____ (b) A map, such as the Land Use Plan Map, of the generalized location of the subject property in relation to the City as a whole:
- _____ (c) A written description of the proposed precise implementation plan describing the type of activities, building, and structures proposed for the subject property and their general locations;
- _____ (d) A site plan (conforming to the requirements of Section 98-908(3) of the subject property as proposed for development OR if the proposed precise implementation plan is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan, provided said plat contains all information required on said site plan per Section 98-908.
- _____ (e) Written justification for the proposed precise implementation plan:
_____ Indicating reasons why the Applicant believes the proposed precise implementation plan is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b) 1.-6. (See *below*)

III. JUSTIFICATION OF THE PROPOSED PRECISE IMPLEMENTATION PLAN

1. How is the proposed precise implementation plan (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

2. How is the proposed precise implementation plan, in its specific location, in harmony with the proposed goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

3. Does the proposed precise implementation plan, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

4. How does the proposed precise implementation plan maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

5. Is the proposed precise implementation plan located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

6. Do the potential public benefits of the proposed precise implementation plan outweigh all potential adverse impacts of the proposed precise implementation (as identified in Subsections 98-905(4)(b) 1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

IV. FINAL APPLICATION PACKET INFORMATION

____ Receipt of 5 full-scale copies in blue line or black line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Receipt of 25 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____

____ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____

____ Class 2 Legal Notice published on _____ and _____ by: _____

____ Conditional Use recorded with County Register of Deeds Office: Date: _____ by: _____