

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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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:

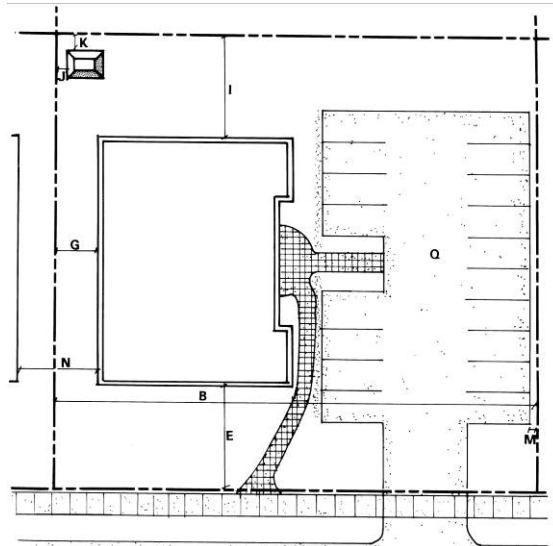
ANIMAL UNIT TABLE					
Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit	Type of Livestock	# Animals/ Animal Unit
Horse (> 2 yrs)	1.0	Calves (< 1 yr)	4.0	Lambs	14.0
Colt (< 2 yrs)	2.0	Brood Sow or Boar	2.5	Chickens	200.0
Cattle (> 2 yrs)	1.0	Hogs (up to 220 lbs)	5.0	Other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

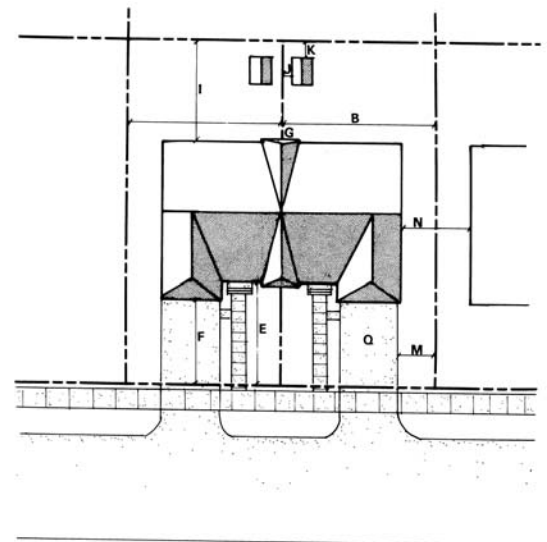
Drainage structure (land use): See Section 98-206(8)(r).

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.

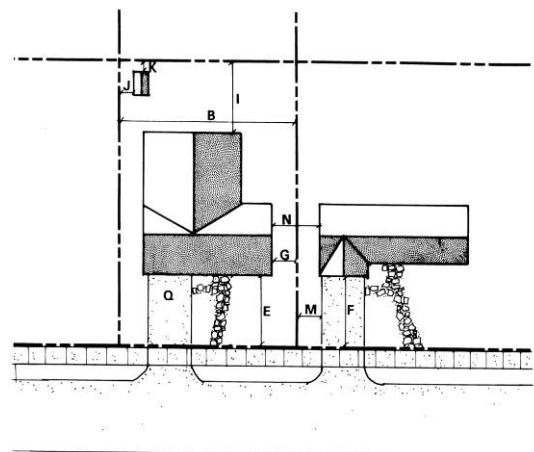
Minimum lot width: The smallest permissible lot width for the applicable dwelling unit type or nonresidential development option.

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).

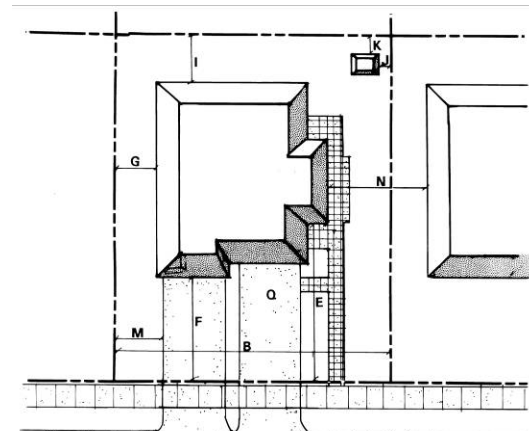
Mobile Home Residential Development: See Section 98-206(1)(d).

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.

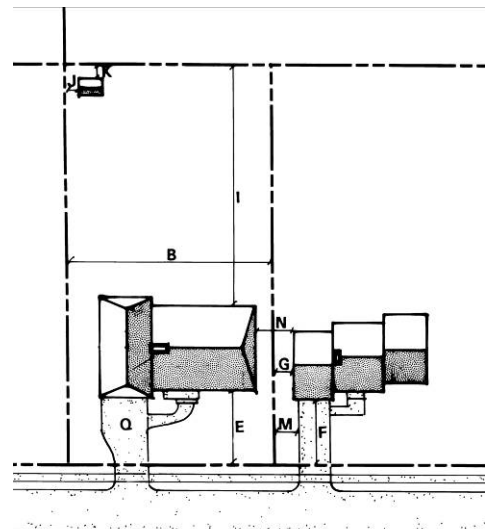
Shoreland and related topics: See Section 98-504.

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.

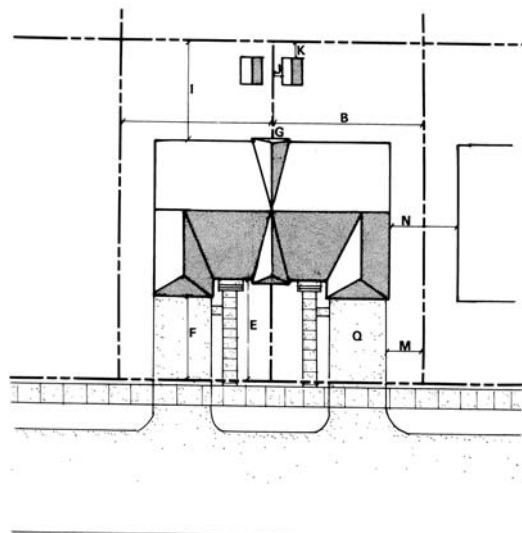
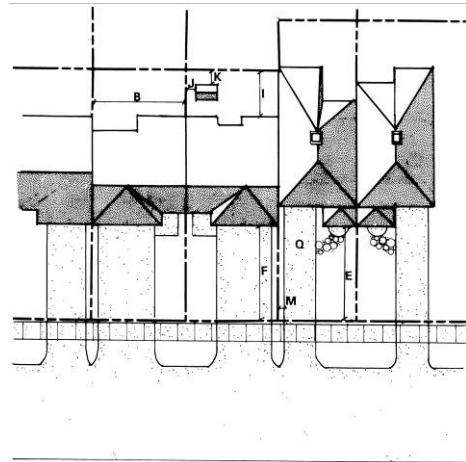
Use: The purpose or activity for which land or any building thereon is designed, arranged, or intended, or for which it is occupied or maintained.

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).



Section 98-034: Definitions*through*Section 98-034: Definitions

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.