

**CITY OF LAKE GENEVA  
PLAN COMMISSION MEETING  
MONDAY, OCTOBER 17, 2016 - 6:30 PM  
COUNCIL CHAMBERS, CITY HALL**

**Agenda**

1. Meeting called to order by Mayor Kupsik.
2. Roll Call.
3. Approve Minutes of September 19, 2016 Plan Commission meeting as distributed.
4. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes.
5. Acknowledgment of Correspondence. - None
6. Downtown Design Review.
  - A. Application by Germaine Laing for Germaine's, 818 Kendall Lane, Lake Geneva, WI 53147 for an exterior awning with sign and door sign on the storefront at 706 W Main Street, Tax Key No. ZOP 00307.
7. Public Hearing and Recommendation on a Conditional Use Application filed by Robert & Christine Jankowski, 1004 Tolman Street, Lake Geneva, WI 53147 to construct a fence in the street yard setback in excess of three feet (six) at 1004 Tolman Street, Lake Geneva, WI 53147, Tax Key No. ZWB 00020.
8. Public Hearing and recommendation on a Conditional Use Application filed by FYF, LLC, 43 South Water Street East, Fort Atkinson, WI 53538 to operate a Commercial Indoor Lodging facility at an existing Commercial Building in the Central Business (CB) zoning district, including a fence in the Street Yard Setback and Downtown Design Review, located at 640 W Main Street, Tax Key No. ZOP 00306.
9. Public Hearing and recommendation on Zoning Text Amendment, to Section 98-206 Commercial Land Uses, pertaining to Tattooing, filed by the City of Lake Geneva, 626 Geneva Street, Lake Geneva, WI 53147.
10. Adjournment

**QUORUM OF CITY COUNCIL MEMBERS MAY BE PRESENT**

*Requests from persons with disabilities, who need assistance in order to participate in this meeting, should be made to the City Clerk's office, in order for appropriate accommodations.*

*Posted 10/14/16*

**STAFF REPORT**  
To Lake Geneva Plan Commission

Meeting Date: October 17, 2016

Agenda Item #6

Applicant:

Germaine Laing  
818 Kendall Lane  
Lake Geneva, WI 53147

Request:

Exterior Signage at 706 W Main Street for new  
business Tax Key No. ZOP 00307

Description:

The applicant proposes a awning with signage and a door sign at the business. The designs of the new signs meet the Downtown Design Overlay District requirements.

Staff Recommendation:

The new Awning and Signs meet all specifications for the Downtown district and Sign Ordinance. Staff's recommendation is that the signs be approved as presented with any Commission amendments.

Agenda Item #7

Applicant:

Robert & Christine Jankowski  
1004 Tolman Street  
Lake Geneva, WI 53147

Request:

Conditional Use approval to construct a fence in the Street  
Yard setback in excess of the three foot zoning requirement  
for the property located at 1004 Tolman Street, Tax Key  
No. ZWB 00020.

Description: The applicant would like to construct a six foot high fence in the rear yard of their property to provide security for their dogs and privacy for their family.

Staff Recommendation: Staff has no objection to the proposed construction of a six foot privacy fence as this is a rear yard and it will provide some privacy along Highway H.

Action by the Plan Commission:

As part of the consideration of a requested Conditional Use Permit, the Plan Commission needs to make findings per the requirements of the Zoning Ordinance, and then make a recommendation to the city Council.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
  2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, 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 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 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 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 after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:
1. In general, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
  2. Specific to this site, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, 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 does 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 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 does not maintain 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 improvements, facilities, utilities or services provided by public agencies serving the subject property.
  6. The potential public benefits of the proposed conditional use do not outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Agenda Item #8

Applicant:

FYF, LLC

1004 Tolman Street

Lake Geneva, WI 53147

Request:

Conditional Use approval to construct a fence in the Street Yard setback , Commercial Indoor Lodging, and Downtown Design approval for the property located at 640 W Main Street, Tax Key No. ZOP 00306.

Description: The applicant would like to remodel the existing building into a Commercial Indoor Lodging facility that will only be rented to one family at a time. The remodeling will include a fence in the front Street Yard setback and a exterior remodel requiring downtown design approval.

Staff Recommendation: Staff has no objection to the proposed construction as it will enhance the entrance to the Downtown area. The Commercial Indoor Lodging is also appropriate for the area and the two additional parking spaces required, but not provided onsite, will be at another property that the applicant owns.

Action by the Plan Commission:

As part of the consideration of a requested Conditional Use Permit, the Plan Commission needs to make findings per the requirements of the Zoning Ordinance, and then make a recommendation to the city Council.

- A. If, after the public hearing, the Commission wishes to recommend approval, then the appropriate fact finding would be:
1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
  2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, 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 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 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 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 after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.
- B. If, after the public hearing, the Commission wishes to recommend denial, then the appropriate fact finding would be:

1. In general, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
2. Specific to this site, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, 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 does 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 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 does not maintain 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 improvements, facilities, utilities or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use do not outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

*Staff may provide additional comment on the above items and will comment on remaining agenda items at the meeting.*

Kenneth Robers  
Zoning Administrator

CITY OF LAKE GENEVA  
PLAN COMMISSION MEETING  
MONDAY, SEPTEMBER 19, 2016 - 6:30 PM  
COUNCIL CHAMBERS, CITY HALL  
MINUTES

1. Meeting called to order by Mayor Kupsik at 6:30 pm.

2. Roll Call

Present: John Gibbs, Sarah Hill, Ann Esarco, Tom Hartz and Tyler Frederick

Not Present: Planner Slavney, Doug Skates

Also Present: Atty. Dan Draper, Mayor Kupsik, Administrator Oborn, Inspector Robers and Assistant Gregoles

3. Approve Minutes of August 15, 2016 Plan Commission meeting as distributed.

MOTION #1

Hartz/Frederick moved to approve the minutes of August 15, 2016 Plan Commission meeting as distributed with two corrections. Agenda item #9, motion #8 should have the word engineer spelled out in full. Adjournment was moved by Skates/Frederick. The motion carried unanimously. *(These changes have been made and revised minutes have been reposted.)*

4. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to five (5) minutes.

Speaker #1 - Terry O'Neil – 954 George St, LG

O'Neil's comments were regarding agenda item #9 regarding the new parking lot.

He had concerns that the lot does not include lights and the application does not include detailed dimensions etc.

He would like to see the City bring it back to another meeting with more details.

In addition he voiced his approval of the angled parking plan.

5. Acknowledgment of Correspondence. None

6. Downtown Design Review. None

7. Review and Recommendation on an Application for Land Division Review for a CSM, to divide a lot into two lots, submitted by W David Denton, N3161 Center Street, Lake Geneva, WI 53147, for land located in the Town of Geneva Extra-territorial Jurisdiction Boundary, at N3161Center Street, Lake Geneva, WI 53147, Tax Key Nos. JA192600002.

DISCUSSION

Inspector Robers & applicant gave an overview of the application details and there was a brief discussion with the Commission.

MOTION #2

Hill/Gibbs moved to approve the recommendation on an Application for Land Division Review for a CSM, to divide a lot into two lots, submitted by W David Denton, N3161 Center Street, Lake Geneva, WI 53147, for land located in the Town of Geneva Extra-territorial Jurisdiction Boundary, at N3161Center Street, Lake Geneva, WI 53147, Tax Key Nos. JA192600002.

The motion carried unanimously.

8. Public Hearing and Recommendation on a Conditional Use Application filed by David & Julie Merhar, 1591 Orchard Lane, Lake Geneva, WI 53147 to construct a fence in the street yard setback in excess of three feet (five) at 1591 Orchard Lane, Lake Geneva, WI 53147, Tax Key No. ZA455800001.

DISCUSSION – David Merhar, 1591 Orchard Lane, Lake Geneva, WI 53147

Applicant & Inspector Robers gave an overview of the application details and there was a brief discussion with the Commission.

PUBLIC SPEAKER #1 – Hugh Connelly, 1589 Orchard Lane, LG

Connelly stated that he is a neighbor to the Merhar's and voiced his support of the fence.

**PUBLIC SPEAKER #2 – Carol Zimmerman, 61 Lakeview, LG**

Zimmerman stated that she is a neighbor to the Merhar's and voiced her and her husband's full support of the fence.

**MOTION #3**

Hill/Hartz moved to close the public hearing. The motion carried unanimously.

**MOTION #4**

Hill/Frederick moved to approve the recommendation on a Conditional Use Application filed by David & Julie Merhar, 1591 Orchard Lane, Lake Geneva, WI 53147 to construct a fence in the street yard setback in excess of three feet (five) at 1591 Orchard Lane, Lake Geneva, WI 53147, Tax Key No. ZA455800001. The motion was carried unanimously.

**9. Review and Recommendation on an Application for Site Plan Review for a parking lot filed by the City of Lake Geneva, 626 Geneva Street, Lake Geneva, WI 53147 for property at 227 S Lake Shore Drive, Tax Key No. ZOP00380.**

**DISCUSSION**

City Administrator Oborn & Greg Govenatori with Kapur & Associates gave an overview of the application details and there was a brief discussion with the Commission. There was excessive discussion about the placement and need of a sidewalk.

**MOTION #5**

Hartz/Hill moved to approve the Recommendation on an Application for Site Plan Review for a parking lot filed by the City of Lake Geneva, 626 Geneva Street, Lake Geneva, WI 53147 for property at 227 S Lake Shore Drive, Tax Key No. ZOP00380, including a 5 foot wide sidewalk on the North side and 30 feet of sidewalk on the South side for handicap and kiosk access and drainage on the northwest corner. The motion carried 4/1 with Gibbs voting no.

**10. Adjournment**

**MOTION #6**

Hill/Hartz moved to adjourn the meeting at 7:07 pm. The motion carried unanimously.

*/s/Jackie Gregoles, B&Z Administrative Assistant*

**THESE MINUTES ARE NOT OFFICIAL UNTIL APPROVED BY THE PLAN COMMISSION**



City of Lake Geneva  
 Building and Zoning  
 626 Geneva Street  
 Lake Geneva, WI 53147

APPLICATION FOR DOWNTOWN DESIGN REVIEW

Site Address & Parcel No.:

706 main, lake Geneva WI 53147

Name & Address of Current Building Owner:

ANCIETE PETROS, TTEE

PO BOX 505

lake Geneva WI 53147

Telephone Number of Current Building Owner:

manager - Brian Shanahan

262-203-2224 cell

262-248-6100 WK

Name & Address of Applicant:

Germaine Lancy

818 Kendall LN

Lake Geneva WI 53147

Telephone Number of Applicant:

262-748-3095-

Proposed Design Change:

add awning as previously used when rented  
 10 years ago with name

Zoning District:

Names & Address of Architect, Engineer, and/or Contractor of Project:

Contractor - Randi Liveris + Don Lancy

818 Kendall LN

Lake Geneva WI

Description of Project:

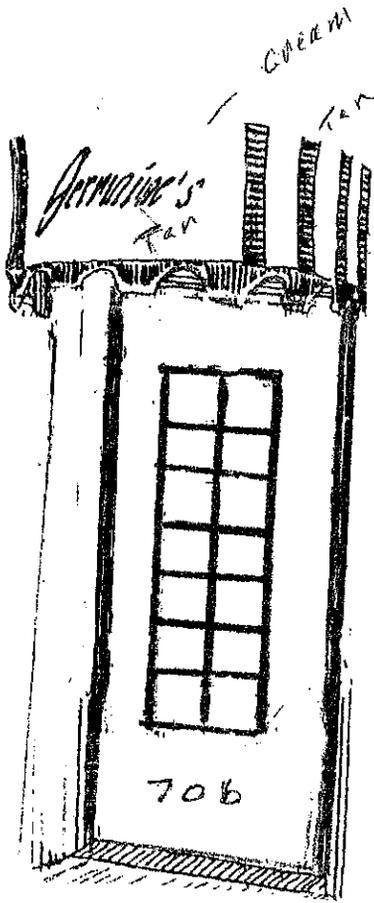
add name - an awning

Date:

8-30-11

Signature of Applicant:

*Germaine Lancy*



Door same color as building cream.

Awning color as building with accents

Tan as building. Germaine's is on the curved

Hang down from awning. I would like in the

future to put it in the blank space on awning.

Lettering for store only molding entrance on side of door.

8 Lettering 65 10

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**APPLICATION FOR CONDITIONAL USE**

*City of Lake Geneva*

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

1004 Tolman Street

Lake Geneva, WI 53147

NAME AND ADDRESS OF CURRENT OWNER:

Robert + Christine Jankowski

1004 Tolman Street Lake Geneva, WI 53147

TELEPHONE NUMBER OF CURRENT OWNER:

262-325-6699

NAME AND ADDRESS OF APPLICANT:

Robert + Christine Jankowski

1004 Tolman Street Lake Geneva, WI 53147

TELEPHONE NUMBER OF APPLICANT:

262-325-6699

PROPOSED CONDITIONAL USE:

We would like to replace an existing section of chain link fence with a 5' privacy fence in the same location to provide both privacy and noise abatement.

ZONING DISTRICT IN WHICH LAND IS LOCATED:

Lake Geneva

NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Replace existing section of chain link fence with a 5' tall privacy fence in the same location

CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

9/25/16

DATE



SIGNATURE OF APPLICANT

**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: \_\_\_\_\_

- 15 \_\_\_ (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.
- 13 \_\_\_ (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:
- 23 \_\_\_ (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);
- 23 \_\_\_ (d) A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as



- \_\_\_ 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.

R3

- \_\_\_ (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.)

R3

- \_\_\_ (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"



Fence to be replaced

# 1004 Tolman

WALWORTH COUNTY, WISCONSIN

Author:  
Map Produced on: 9/15/2016

Wisconsin State Plane Coordinate System, South Zone  
Horizontal Datum: NAD83

Walworth County Information Technology Department  
Land Information Division  
300 County Center  
Darien, Wisconsin 53121-1801



WALWORTH COUNTY, COPYRIGHT 2016, WALWORTH COUNTY, WISCONSIN

## Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before a City Plan Commission Meeting on Monday, October 17, 2016, at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, for approval of a Conditional Use Permit to construct a fence in the street yard setback in excess of three feet (six) for Robert & Christine Jankowski, 1004 Tolman Street, Lake Geneva, WI 53147 at the following location:

Tax Key Nos. ZWB 00020 – 1004 Tolman Street

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, October 17, 2016, at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 30<sup>th</sup> day of September, 2016.

Mayor Al Kupsik  
City Plan Commission  
City of Lake Geneva, WI

**A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE**

**Please Publish as small Legal on October 6<sup>th</sup> & 13<sup>th</sup>.**

**APPLICATION FOR CONDITIONAL USE**

*City of Lake Geneva*

SITE ADDRESS/PARCEL NO. AND FULL LEGAL DESCRIPTION REQUIRED (ATTACH SEPARATE SHEET IF NECESSARY):

See Site Plan.

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NAME AND ADDRESS OF CURRENT OWNER:

Kocourek Property Holdings, LLC

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880 South Lake Shore Drive, Lake Geneva, WI 53147

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TELEPHONE NUMBER OF CURRENT OWNER: (847)525-9060

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NAME AND ADDRESS OF APPLICANT:

FYF, LLC, 43 South Water Street East, Fort Atkinson, WI 53538

---

TELEPHONE NUMBER OF APPLICANT: (920)568-9870

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PROPOSED CONDITIONAL USE:

To convert from an **"Indoor Sales or Service"** Land Use to a **'Commercial Indoor**

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**Lodging.** The specific project will be a 8 bedroom vacation rental.

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ZONING DISTRICT IN WHICH LAND IS LOCATED: Central Business (CB) District:

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NAMES AND ADDRESSES OF ARCHITECT, PROFESSIONAL ENGINEER AND CONTRACTOR OF PROJECT:

Architect: OpeningDesign; 312 W. Lakeside St; Madison WI - Attn: Ryan Schultz

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Contractor: TBD

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SHORT STATEMENT DESCRIBING ACTIVITIES TO BE CARRIED ON AT SITE:

Property will be rented for vacation rental use to a single user. It is planned that reservations will be for a minimum stay of three nights. There will be no employees.

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CONDITIONAL USE FEE PAYABLE UPON FILING APPLICATION: \$400.00 [\$100 FOR APPLICATIONS UNDER SEC. 98-407(3)]

---

DATE

SIGNATURE OF APPLICANT

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**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;
- \_\_\_\_\_ (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?  
Along with supporting tourism in the area, the vacation rental will add to the diversification of housing options in/around the Central Business District.
  
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?  
The proposed exterior decks and garden terrace will provide an engaging backdrop to the adjacent White River park. This infill project also looks to thoroughly renovate a currently rundown building.
  
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?  
No undue adverse impacts are anticipated on the neighboring parcels. Specifically, the existing shoreline will remain untouched.
  
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?  
The proposed project is inline with the levels of infill development, redevelopment, and the continued economic viability of existing development that is sought after in the Central Business District.

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?

The project does not anticipate any undue burdens on any of the improvements, facilities, utilities or services provided by public agencies.

\_\_\_\_\_

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?  
Yes.

\_\_\_\_\_

\_\_\_\_\_

**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:  
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 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: \_\_\_\_\_

## Notice

NOTICE IS HEREBY GIVEN that a Public Hearing will be held before the City Plan Commission on Monday, October 17, 2016 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Conditional Use Application filed by FYF, LLC, 43 South Water Street East, Fort Atkinson, WI 53538, to operate a Commercial Indoor Lodging facility, including fence in street yard setback and Downtown Design Review, in a Central Business (CB) Zoning District at the following location:

TAX KEY No. ZOP 00306 – 640 W Main Street

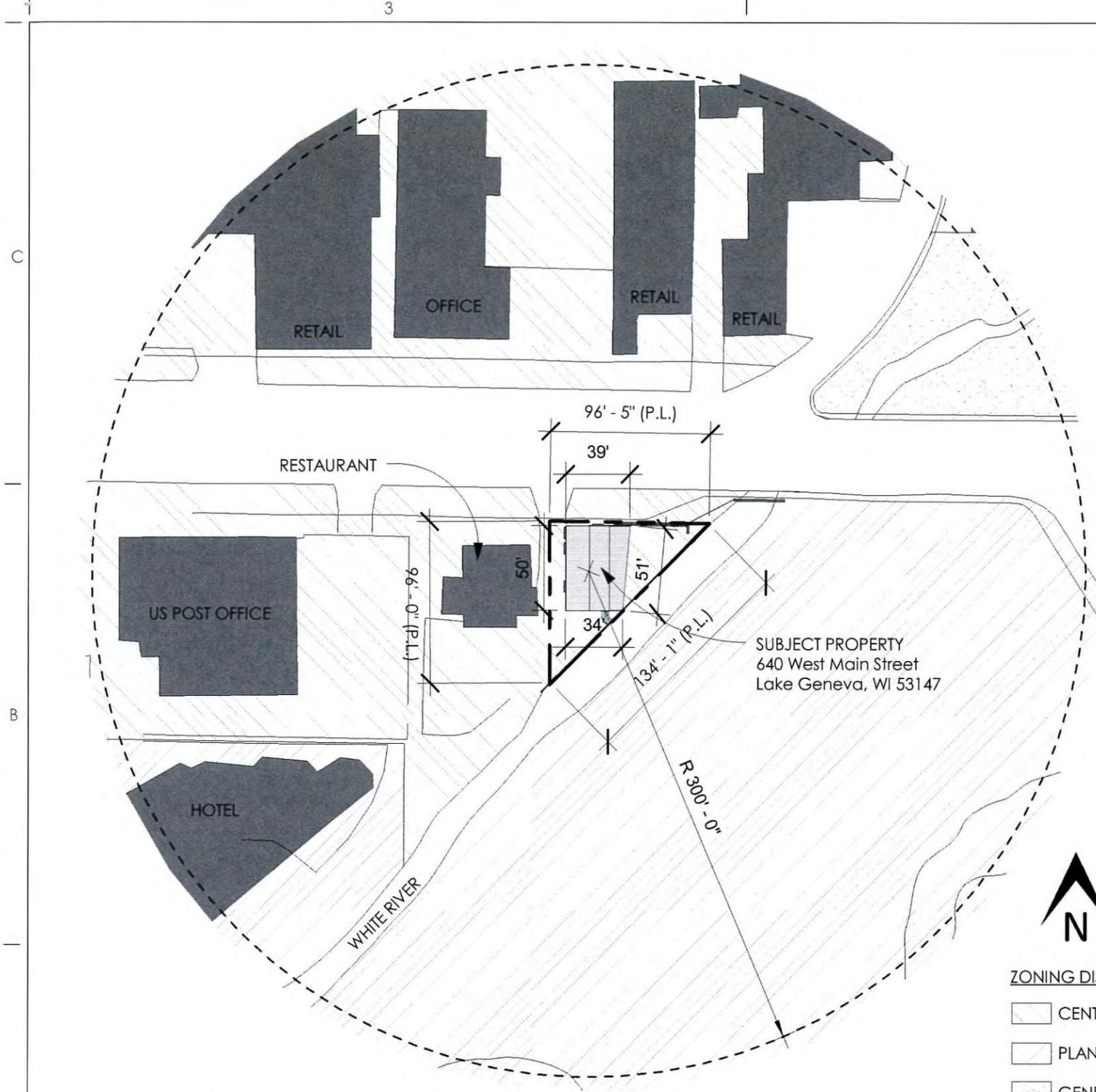
All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, October 17, 2016 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 30<sup>th</sup> day of September 2016.

Mayor Al Kupsik  
City Plan Commission  
City of Lake Geneva, WI

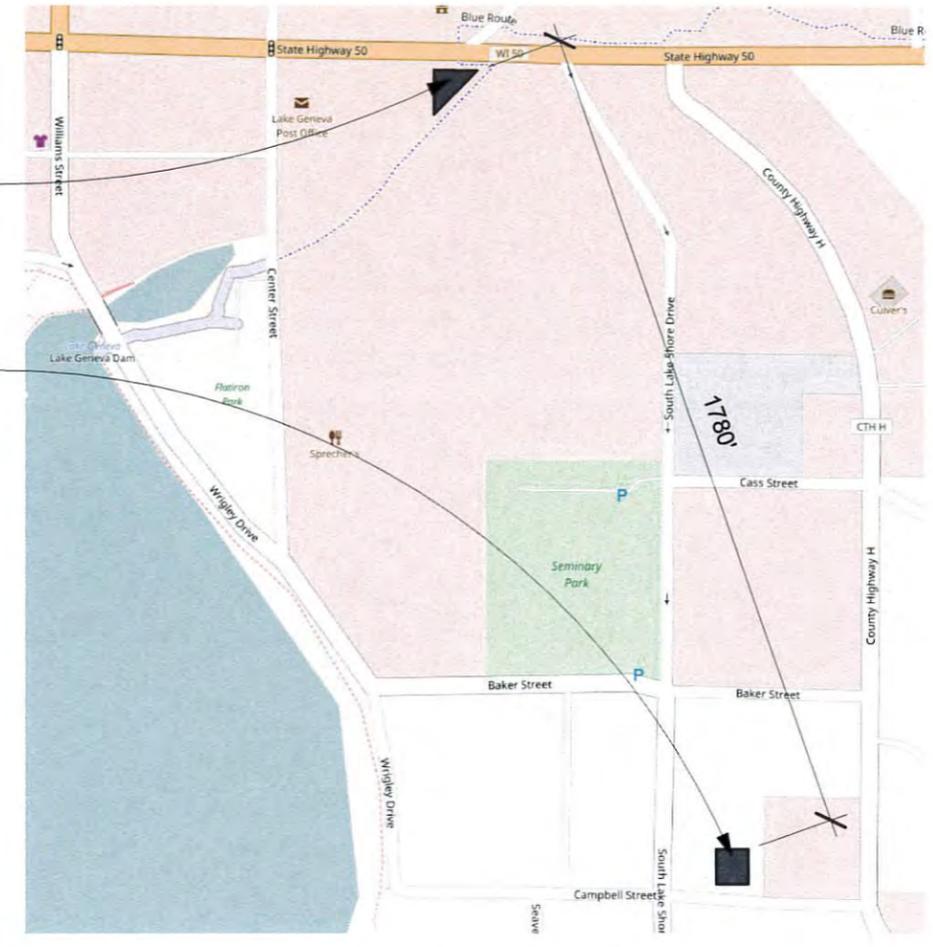
**A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE**

**Please Publish as small Legal on October 6<sup>th</sup> & 13<sup>th</sup>.**



(5) ON-SITE PARKING STALLS  
640 WEST MAIN STREET  
LAKE GENEVA, WI 53147

(3) OFF-SITE PARKING STALLS  
429 S LAKE SHORE DR, LAKE  
GENEVA, WI 53147



(2B) Additional Parking Location  
1" = 400'-0"

(3A) Location Map (300 ft Radius)  
1" = 80'-0"

- ZONING DISTRICTS**
- CENTRAL BUSINESS
  - PLANNED DEVELOPMENT
  - GENERAL BUSINESS



FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St E Fort Atkinson, WI 53538 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
640 West Main Street, Lake Geneva, WI 53147  
Map of the Proposed Conditional Use  
A.000

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE As indicated

MAIN STREET



EXISTING APPROACH & DRIVEWAY

A.201  
1  
EXISTING STREET LIGHT  
EXISTING TREES

N 90° 00'00" W (96.39')

EXISTING FENCE

FRONT YARD SETBACK (0 FT)

NEW DECORATIVE WOOD FENCE ALONG EXT. RETAINING WALL

EXISTING CONCRETE RETAINING WALL ALONG MILL RACE WATERWAY

NEW WIRE RAILING ALONG EXISTING RETAINING WALL

SEATING AREA W/ GAS FIRE PIT

COMPACTED CRUSHED GRANITE

LOCATION OF REAR (10ft) AND SIDE YARD (0ft) TRANSITION

NEW CONCRETE STAIRS

TRASH RECEPTACLE (S)

- LEGAL DESCRIPTION: BEGINNING AT THE WEST BANK OF MILL RACE AT THE SOUTHERLY LINE OF MAIN STREET; THENCE WEST ALONG SOUTHERLY LINE 90.33 FEET; THENCE SOUTH TO THE NORTHWESTERLY LINE OF MILL RACE; THENCE NORTHEASTERLY ALONG THE WESTERLY LINE OF MILL RACE TO THE POINT OF BEGINNING. CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN
- ZONING DISTRICT: CENTRAL BUSINESS (CB) DISTRICT: SECTION 98-105(3)(F)
- EXISTING LAND USE: INDOOR SALES OR SERVICE
- PROPOSED LAND USE: COMMERCIAL INDOOR LODGING
- NO. OF DWELLING UNITS: (8)
- RESIDENTS = (0)
- EMPLOYEES = (INTERMITTENT)
- DAILY CUSTOMERS = (18 MAX)
- LOT AREA: 4,670 SF
- FLOOR AREA: 1,850 SF (INCLUDING DECKS)
- FLOOR AREA RATIO (B/A): 39.6% (FLOOR AREA/LOT AREA)
- IMPERVIOUS SURFACE AREA: 3,440 SF
- IMPERVIOUS SURFACE RATIO (D/A): 73.7% (IMPERVIOUS /LOT AREA)
- LANDSCAPE SURFACE AREA: 1,230 SF
- BUILDING HEIGHT: 25'-6" FROM MAIN STREET
- OPERATIONAL CONSIDERATIONS: THE PROPOSED DEVELOPMENT SHALL COMPLY WITH ALL REQUIREMENTS OF ARTICLE VII.
- (8) PARKING STALLS REQUIRED. 1 PER EACH BEDROOM. (5) PARKING STALLS PROVIDED ON SITE. (3) OTHER STALLS PROVIDED (3) BLOCKS AWAY AT 429 S LAKE SHORE DR, LAKE GENEVA, WI 53147
- LIGHTING: PER SECTION 98-707, ALL EXTERIOR LIGHTING SHALL BE SHIELDED, EXCEPT FOR INCANDESCENT FIXTURES OF 150 WATTS OR LESS, AND OTHER LIGHTING TYPES OF 70 WATTS OR LESS. LIGHTING LEVELS WILL NOT EXCEED .50 FOOTCANDLES BEYOND PROPERTY LINE.
- NO EXCESSIVE USE OF WATER AND SANITARY IS EXPECTED.

A.204  
1

EXISTING BUILDING (RESTAURANT)

S 00°49'55" E (96.91')

EXISTING BUILDING FOOTPRINT

NEW (2) STORY EXTERIOR DECK

A.202  
1

WHITE RIVER PARK

9'x18' STALL  
9'x18' STALL  
9'x18' STALL  
9'x18' STALL  
9'x18' STALL  
9'x18' STALL

9'x18' STALL

18'-0"

9'-0"

56' (WOOD FENCE ALONG EXISTING RETAINING WALL)

WHITE RIVER

A.203  
1

10'-0" REAR SETBACK



FYF, LLC.

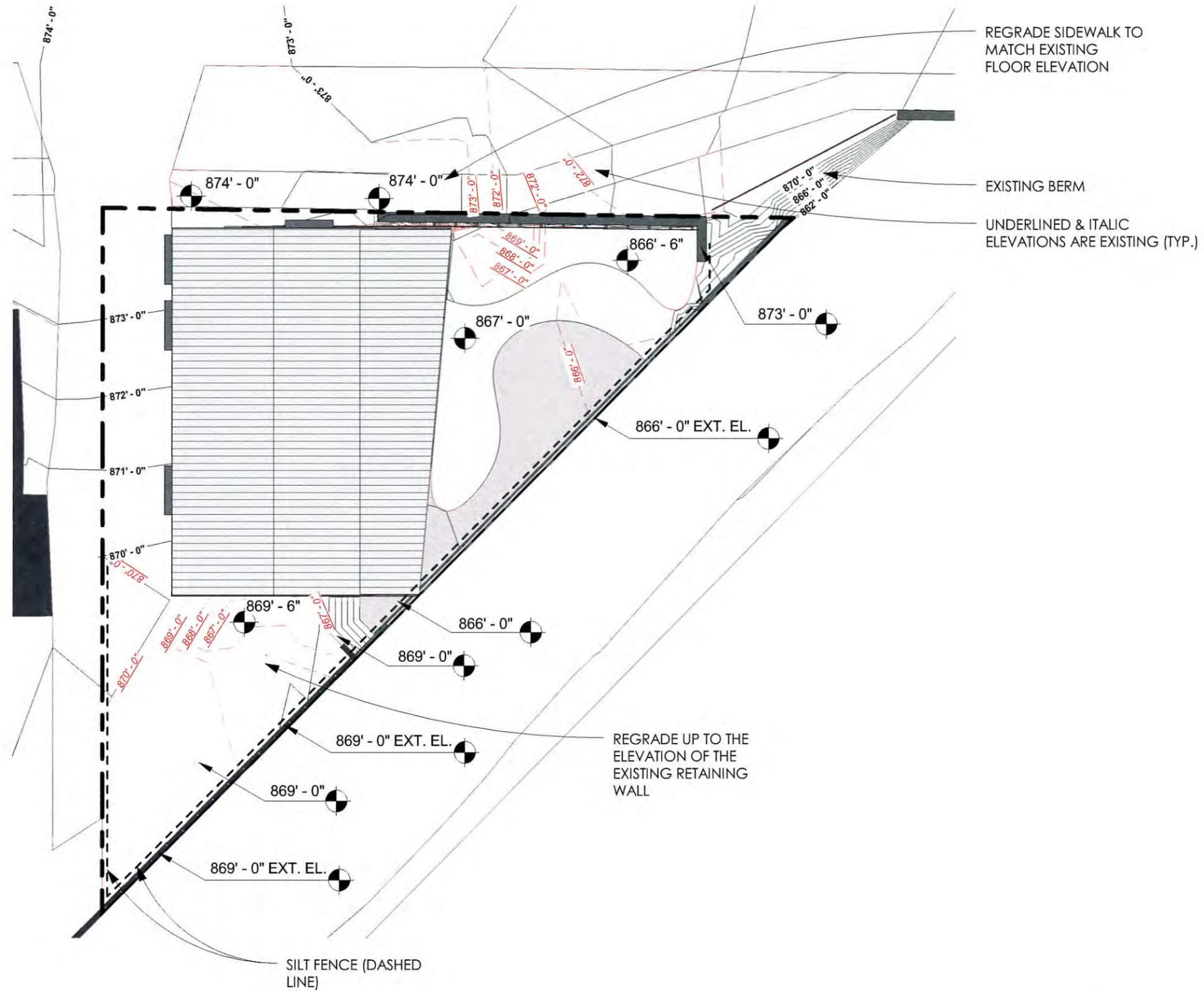
Architect  
312 W Lakeside Street  
Madison, WI 53715  
773.425.6456

Developer  
43 S Water St F  
Fort Atkinson, WI 53538  
920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Site Plan  
A.001

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 1/16" = 1'-0"



openingdesign

FYF, LLC.

Architect

Developer

312 W Lakeside Street

43 S Water St F

Madison, WI 53715

Fort Atkinson, WI 53538

773.425.6456

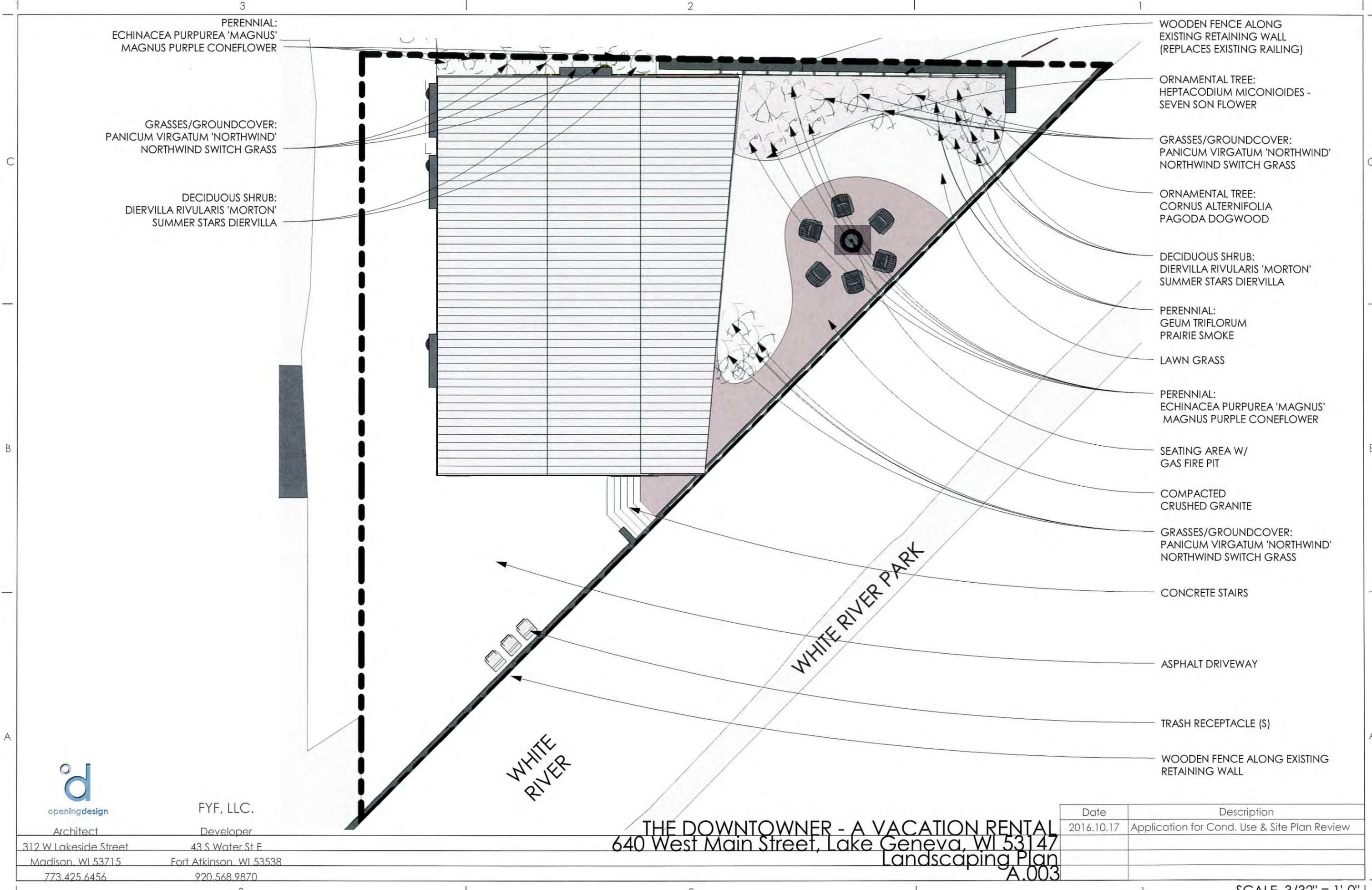
920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147

Erosion Control  
 A.002

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 1/16" = 1'-0"



PERENNIAL:  
ECHINACEA PURPUREA 'MAGNUS'  
MAGNUS PURPLE CONEFLOWER

GRASSES/GROUNDCOVER:  
PANICUM VIRGATUM 'NORTHWIND'  
NORTHWIND SWITCH GRASS

DECIDUOUS SHRUB:  
DIERVILLA RIVULARIS 'MORTON'  
SUMMER STARS DIERVILLA

WOODEN FENCE ALONG  
EXISTING RETAINING WALL  
(REPLACES EXISTING RAILING)

ORNAMENTAL TREE:  
HEPTACODIUM MICONIODES -  
SEVEN SON FLOWER

GRASSES/GROUNDCOVER:  
PANICUM VIRGATUM 'NORTHWIND'  
NORTHWIND SWITCH GRASS

ORNAMENTAL TREE:  
CORNUS ALTERNIFOLIA  
PAGODA DOGWOOD

DECIDUOUS SHRUB:  
DIERVILLA RIVULARIS 'MORTON'  
SUMMER STARS DIERVILLA

PERENNIAL:  
GEUM TRIFLORUM  
PRAIRIE SMOKE

LAWN GRASS

PERENNIAL:  
ECHINACEA PURPUREA 'MAGNUS'  
MAGNUS PURPLE CONEFLOWER

SEATING AREA W/  
GAS FIRE PIT

COMPACTED  
CRUSHED GRANITE

GRASSES/GROUNDCOVER:  
PANICUM VIRGATUM 'NORTHWIND'  
NORTHWIND SWITCH GRASS

CONCRETE STAIRS

ASPHALT DRIVEWAY

TRASH RECEPTACLE (S)

WOODEN FENCE ALONG EXISTING  
RETAINING WALL



FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St F Fort Atkinson, WI 53538 920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Landscaping Plan  
A.003

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/32" = 1'-0"

DOOR @ INTERMEDIATE LANDING TO BASEMENT



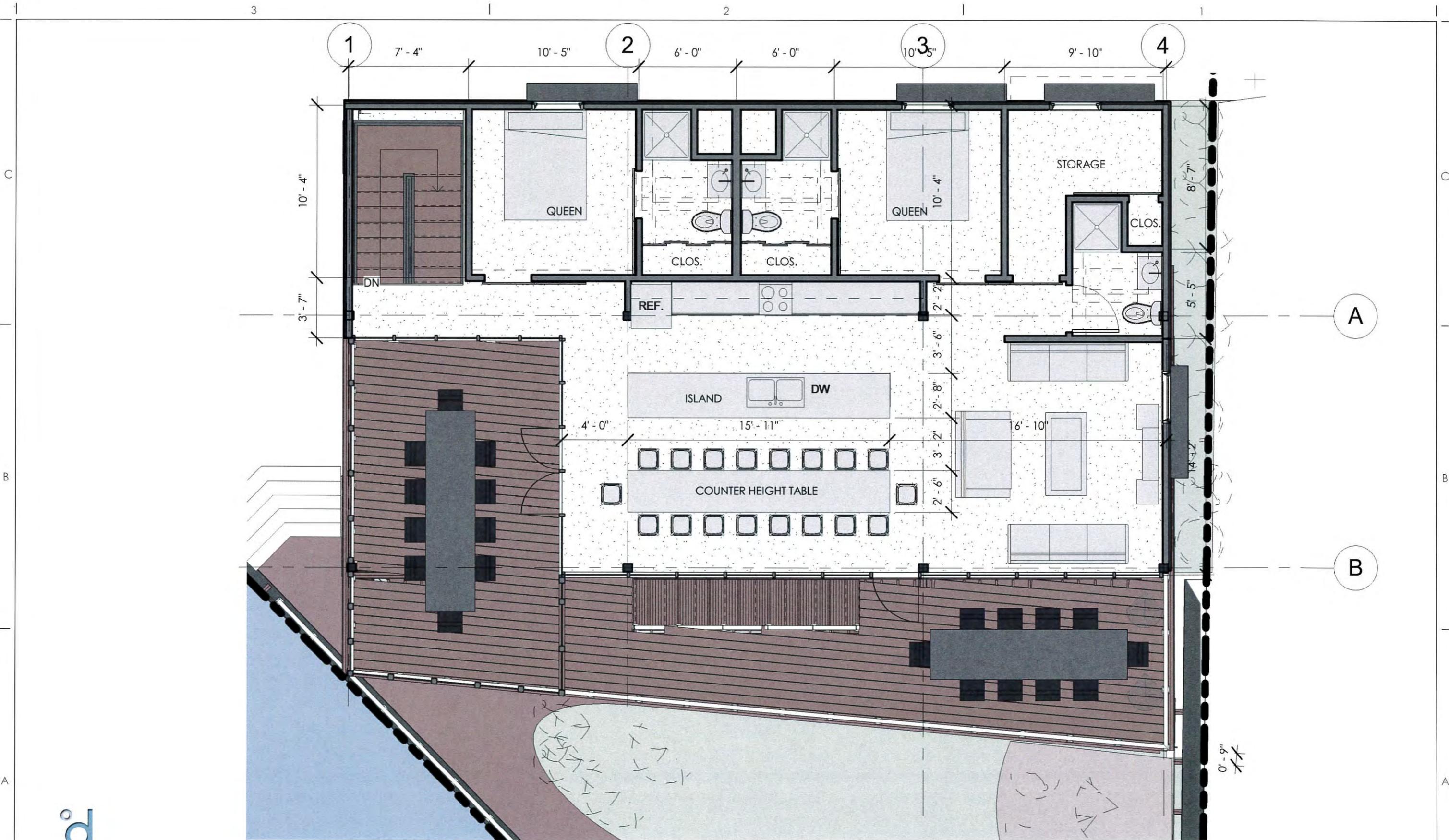
FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St F Fort Atkinson, WI 53538 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Option 1 - 1st Floor  
 A.101

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



openingdesign  
 Architect: FYF, LLC.  
 Developer: FYF, LLC.

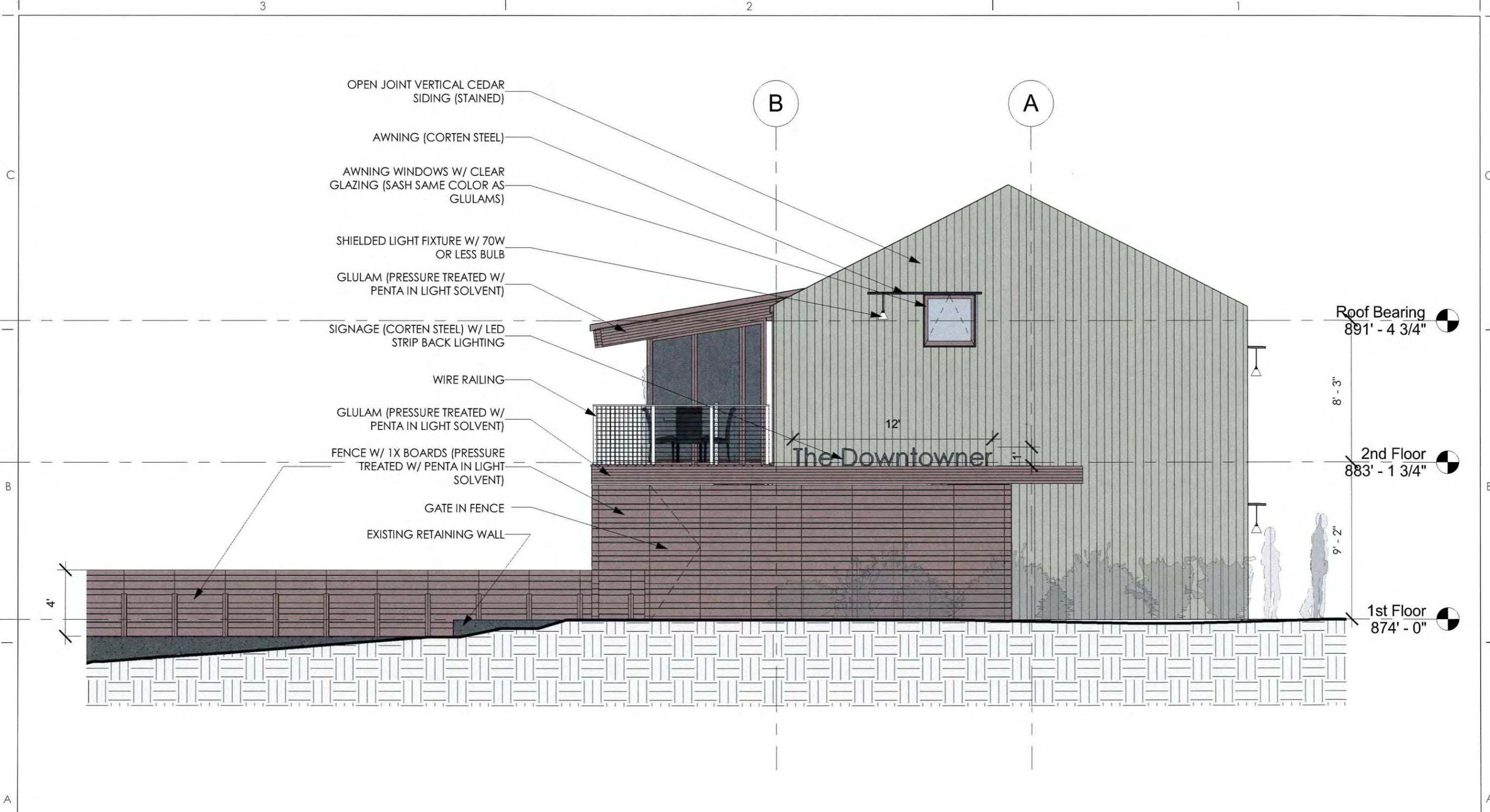
312 W Lakeside Street  
 Madison, WI 53715  
 773.425.6456

43 S Water St F  
 Fort Atkinson, WI 53538  
 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Option 1 - 2nd Floor  
 A.102

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



- OPEN JOINT VERTICAL CEDAR SIDING (STAINED)
- AWNING (CORTEN STEEL)
- AWNING WINDOWS W/ CLEAR GLAZING (SASH SAME COLOR AS GLULAMS)
- SHIELDED LIGHT FIXTURE W/ 70W OR LESS BULB
- GLULAM (PRESSURE TREATED W/ PENTA IN LIGHT SOLVENT)
- SIGNAGE (CORTEN STEEL) W/ LED STRIP BACK LIGHTING
- WIRE RAILING
- GLULAM (PRESSURE TREATED W/ PENTA IN LIGHT SOLVENT)
- FENCE W/ 1X BOARDS (PRESSURE TREATED W/ PENTA IN LIGHT SOLVENT)
- GATE IN FENCE
- EXISTING RETAINING WALL

Roof Bearing  
891' - 4 3/4"

8' - 3"

2nd Floor  
883' - 1 3/4"

9' - 2"

1st Floor  
874' - 0"

The Downtowner

12'

4'



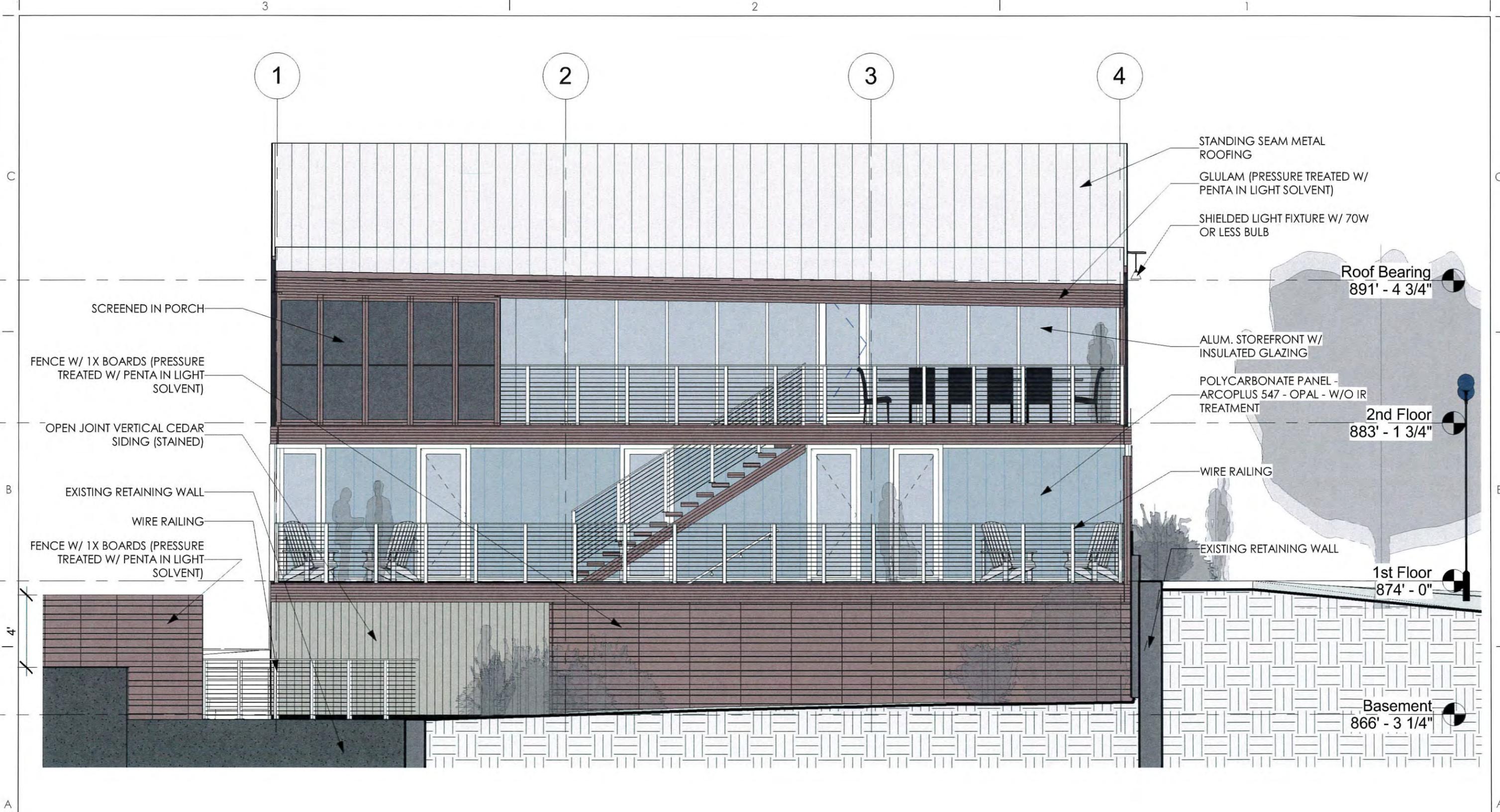
FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St F Fort Atkinson, WI 53538 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Elevation - North  
 A.201

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



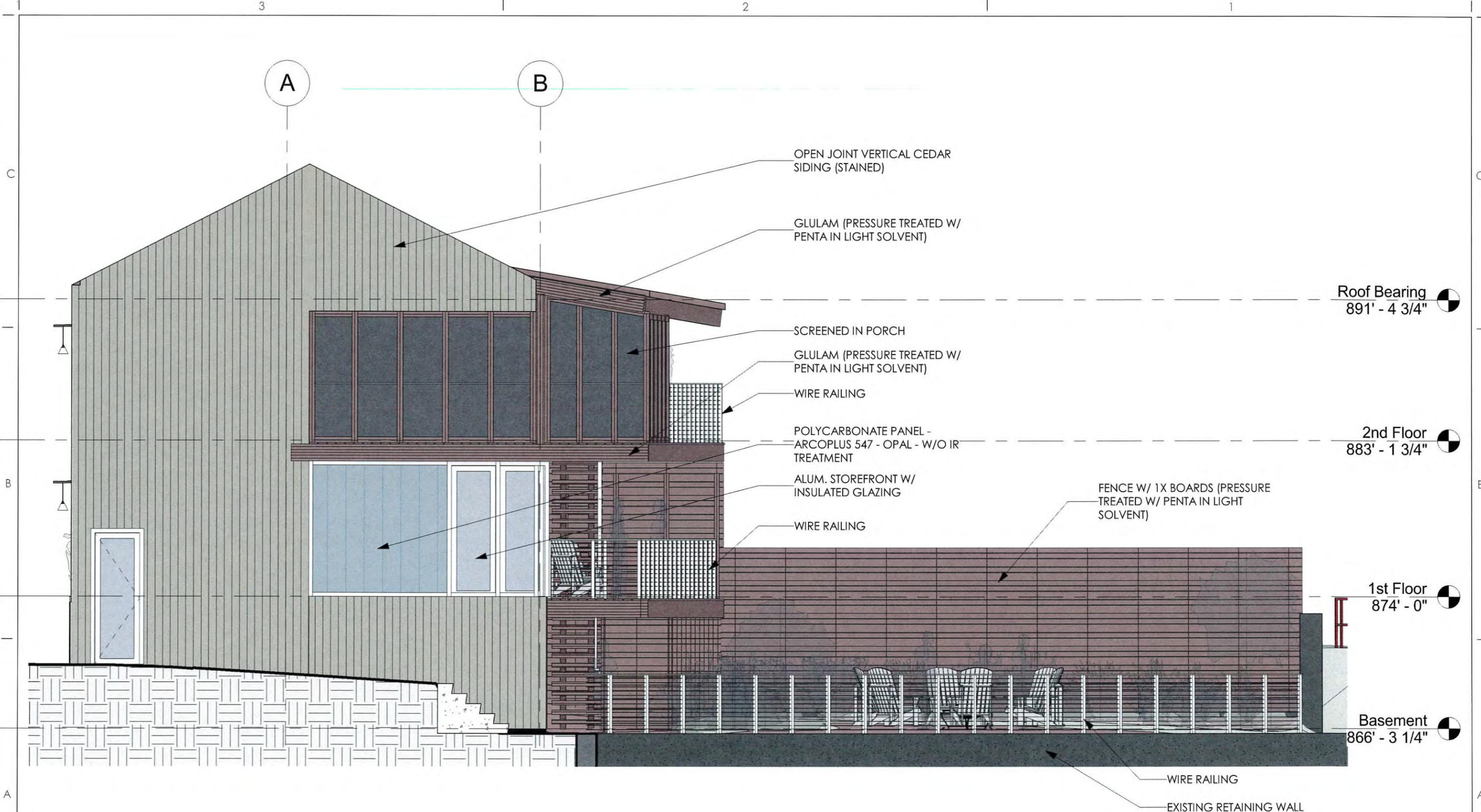
FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St E Fort Atkinson, WI 53538 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Elevation - East  
 A.202

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



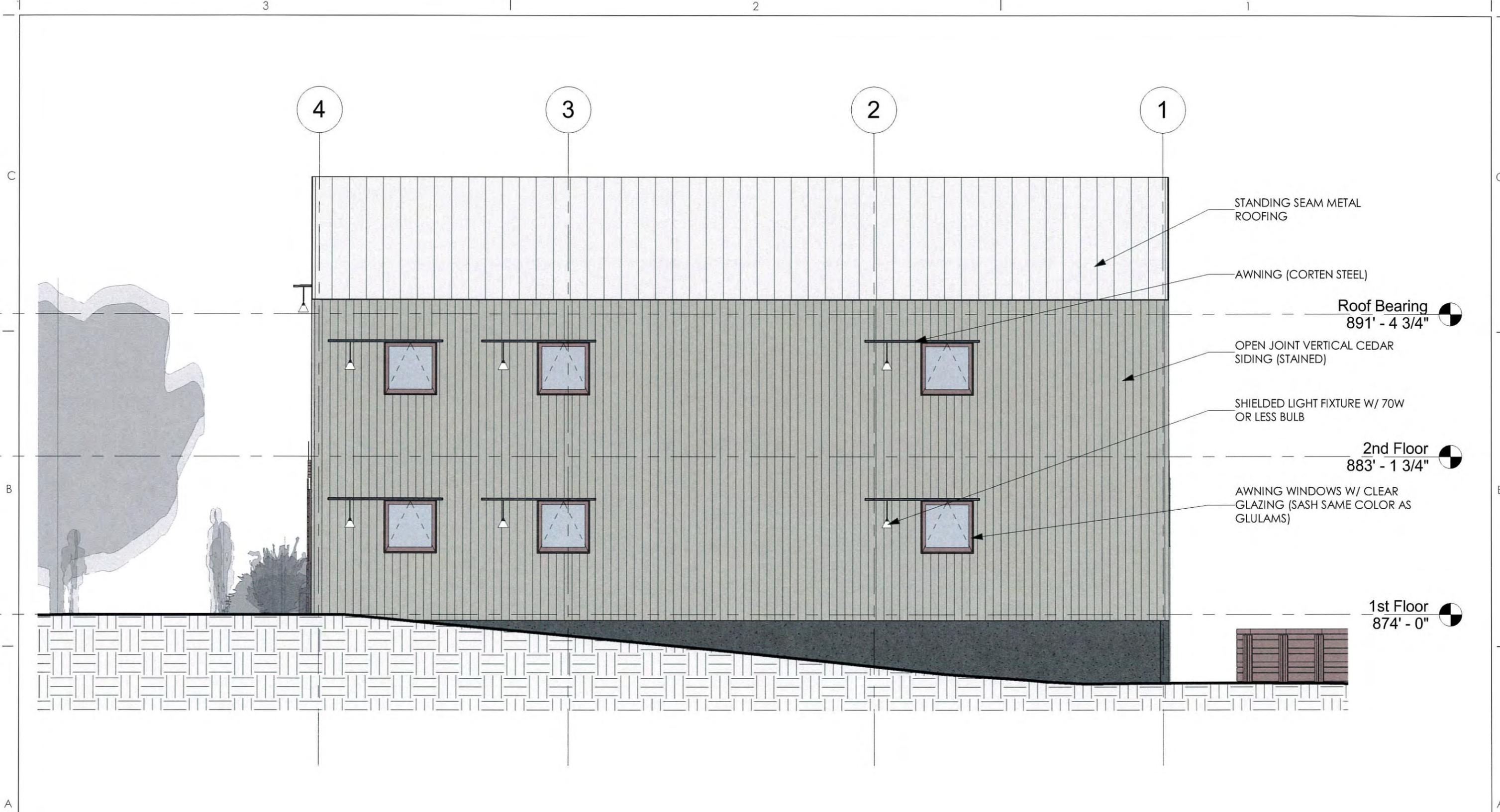
FYF, LLC.

Architect	Developer
312 W Lakeside Street Madison, WI 53715 773.425.6456	43 S Water St F Fort Atkinson, WI 53538 920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Elevation - South  
 A.203

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



FYF, LLC.

Architect	Developer
312 W Lakeside Street	43 S Water St F
Madison, WI 53715	Fort Atkinson, WI 53538
773.425.6456	920.568.9870

**THE DOWNTOWNER - A VACATION RENTAL**  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Elevation - West  
 A.204

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

SCALE 3/16" = 1'-0"



3B From Driveway Looking SouthEast (Day)



2B From Driveway Looking SouthEast (Night)



3A From Sidewalk Looking SouthWest (Day)



2A From Sidewalk Looking SouthWest (Night)



openingdesign

FYF, LLC.

Architect

Developer

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43 S Water St F

Madison, WI 53715

Fort Atkinson, WI 53538

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920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Renderings - 1/2  
 A.251

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



3B From White River Park Looking NorthWest



2B From Parking Lot Looking NorthEast



3A From Garden Terrace Looking West



2A Aerial View Looking South Toward White River Park and Bike Path



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FYF, LLC.

Architect

Developer

312 W Lakeside Street

43 S Water St F

Madison, WI 53715

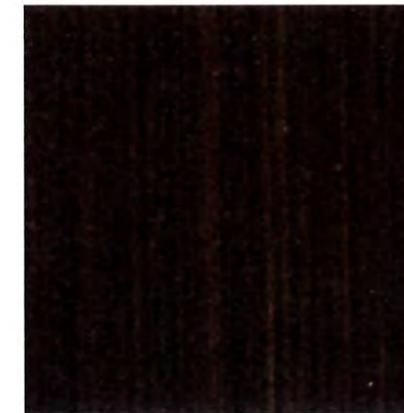
Fort Atkinson, WI 53538

773.425.6456

920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
 640 West Main Street, Lake Geneva, WI 53147  
 Exterior Renderings - 1/2  
 A.251

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



○ Semi-Transparent Stain  
Cabot - "Cordovan Brown"

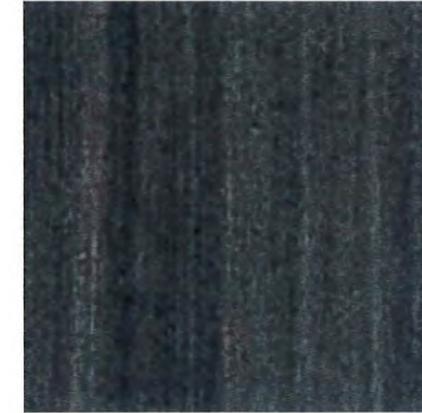


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Madison, WI 53715  
773.425.6456

FYF, LLC.  
Developer  
43 S Water St F  
Fort Atkinson, WI 53538  
920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Exposed Glulam Structure  
A.260

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



○ Semi-Transparent Stain  
Cabot - "Driftwood Gray"

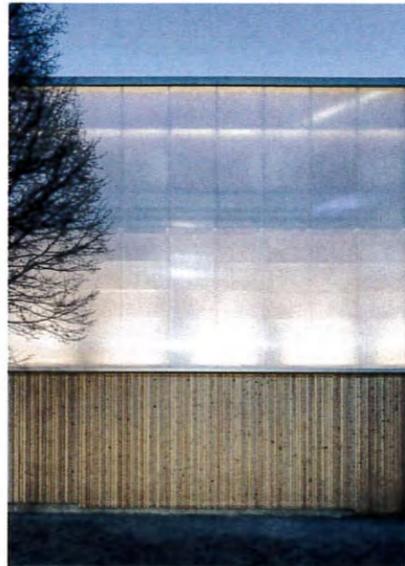


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FYF, LLC.  
Developer  
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Fort Atkinson, WI 53538  
920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Open Joint Vertical Wood Siding  
A.261

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



○ Multi-Wall Polycarbonate  
Color: Opal

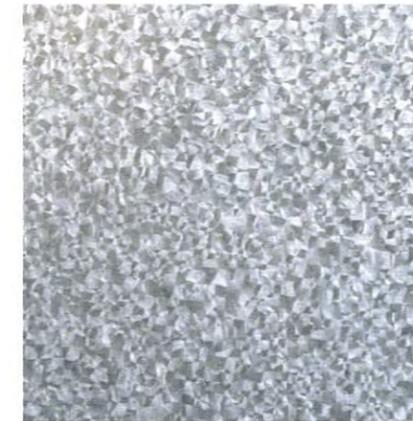


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Developer  
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Fort Atkinson, WI 53538  
920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Polycarbonate  
A.262

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



○ Galvanized Steel  
○ Galvalume



C

B

A

C

B

A



openingdesign

FYF, LLC.

Architect

Developer

312 W Lakeside Street

43 S Water St E

Madison, WI 53715

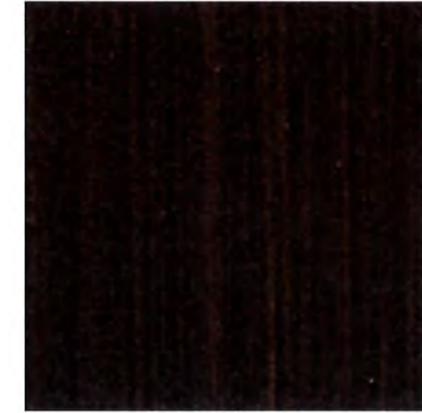
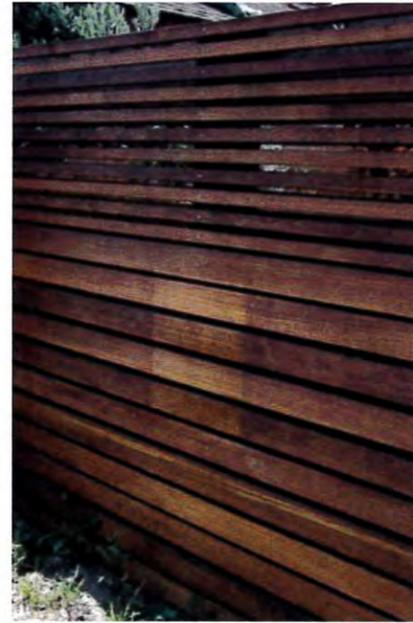
Fort Atkinson, WI 53538

773.425.6456

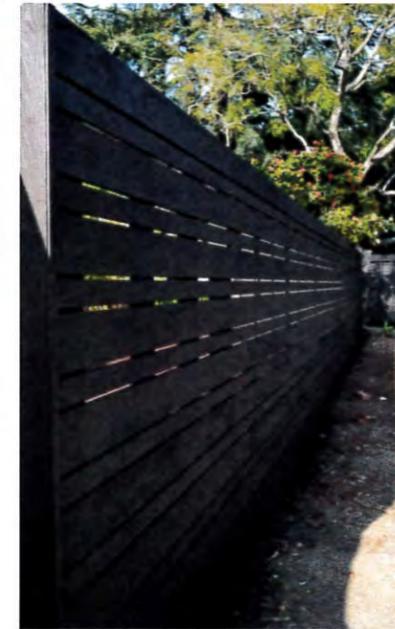
920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Steading Seam Metal Roof  
A.263

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



○ Semi-Transparent Stain  
Cabot - "Cordovan Brown"



C

C

B

B

A

A



openingdesign  
Architect

FYF, LLC.  
Developer

312 W Lakeside Street  
Madison, WI 53715

43 S Water St F  
Fort Atkinson, WI 53538

773.425.6456

920.568.9870

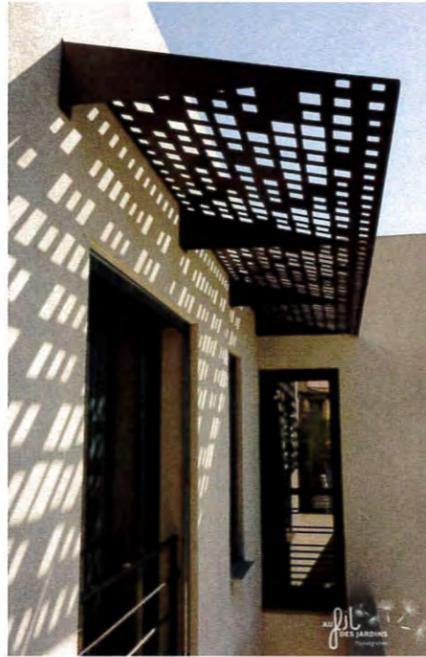
THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Slated Wood Fence

A.264

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



Corten Steel



C

B

A

C

B

A



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FYF, LLC.

Developer

312 W Lakeside Street

43 S Water St E

Madison, WI 53715

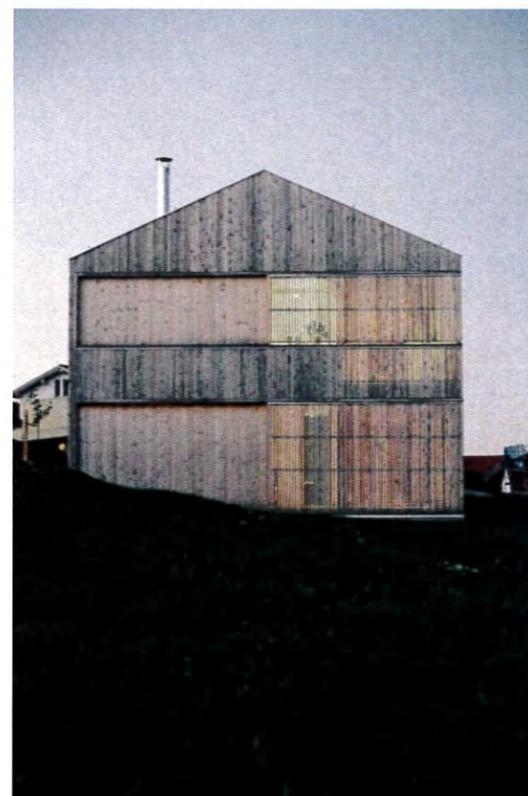
Fort Atkinson, WI 53538

773.425.6456

920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Precedents for Corten Steel Awnings & Signage  
A.265

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review



openingdesign

FYF, LLC.

Architect

Developer

312 W Lakeside Street

43 S Water St E

Madison, WI 53715

Fort Atkinson, WI 53538

773.425.6456

920.568.9870

THE DOWNTOWNER - A VACATION RENTAL  
 640 West Main Street, Lake Geneva, WI 53147  
 Precedents for Illumination through Slatted Wood Wall  
 A.266

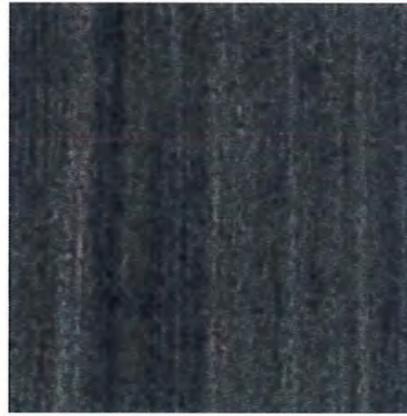
Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

GLULAM - STRUCTURE



Semi-Transparent Stain  
Cabot - "Cordovan Brown"

VERTICAL SIDING



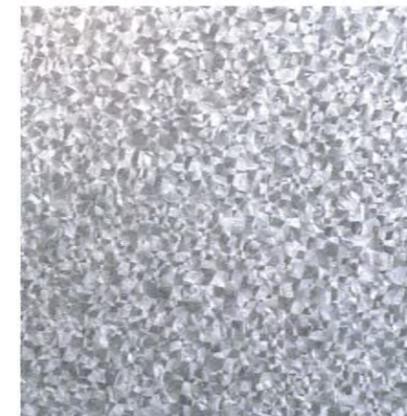
Semi-Transparent Stain  
Cabot - "Driftwood Gray"

1ST FLOOR EAST WALL



Multi-Wall Polycarbonate  
Color: Opal

STANDING SEAM ROOF



Galvanized Steel  
Galvalume

WINDOW AWNINGS



Corten Steel



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Developer  
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THE DOWNTOWNER - A VACATION RENTAL  
640 West Main Street, Lake Geneva, WI 53147  
Materials Palette  
A.270

Date	Description
2016.10.17	Application for Cond. Use & Site Plan Review

## Notice

NOTICE IS HEREBY GIVEN that a Continued Public Hearing will be held before the City Plan Commission on Monday, October 17, 2016, at 6:30 p.m. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, on a Zoning Text Amendment, pertaining to Tattooing, to Sections 98-206: Commercial Land Uses of the Zoning Code in the City of Lake Geneva. The full proposed text of Sections 98-206 are available at the City Building and Zoning office for review.

All interested in the above matter are invited to attend. The City Plan Commission will be in session on Monday, October 17, 2016 at 6:30 P.M. at the City Hall, Council Chambers, 626 Geneva Street, Lake Geneva, Wisconsin, to consider any objections that may have been filed and to hear all persons desiring to be heard.

Dated this 30<sup>th</sup> day of September 2016.

Mayor Allan Kupsik  
City Plan Commission  
City of Lake Geneva, WI

**A QUORUM OF ALDERMEN MAY BE IN ATTENDANCE**

**Please Publish as small Legal on October 6<sup>th</sup> & 13<sup>th</sup>.**

**Option #3 – allowing tattooing above the clavicle in Personal or Professional Service which affects Sections 4b and 4p.**

**(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, **tattooing services above the clavicle**, 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 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.
  - 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 maintenance 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 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.

- 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).

**(f) 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.
  - 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).
  - 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.

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.
  - 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 below the clavicle. 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.
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).
  - 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.

**Option #5a – allowing tattooing above in Personal or Professional Service which affects Sections 4b and 4p.**

**(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, **tattooing services** 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 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.
- 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 maintenance 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 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.

- 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).

**(f) 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.
  - 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).
  - d. No premises shall be utilized for a bed and breakfast operation unless there are at least two (2) exists 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.

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.
  - 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.
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).
  - 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.

**Option #5b – allowing tattooing above in Personal or Professional Service with a Conditional Use Permit which affects Sections 4p and creates Section 4t.**

**(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 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.
- 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 maintenance 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 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.

- 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).

**(f) 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.
  - 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.

(I) **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).
  - 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.

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.
  - 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.
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).
  - 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.

#### **(t) Body piercing and Tattooing Services**

Description: Body piercing and Tattooing Services land uses include all land uses which provide body piercing and Tattooing under Chapter HFS 173 of the Wisconsin Administrative Code.

1. Permitted by right: Not applicable.
2. Conditional Use Regulations: {PB, GB, CB,}
  - a. Shall comply with Section 98-905, standards and procedures applicable to all conditional uses.