
ARTICLE III: DENSITY AND INTENSITY REGULATIONS

Section 98-301 Purpose

The purpose of this Article is to indicate the maximum permitted density (for residential projects) and maximum permitted intensity (for nonresidential projects) of development on any given site within the jurisdiction of this Chapter (see Section 98-009). The development potential of any site is determined by a variety of factors, including but not limited to: 1) the area of the site; 2) the proportion of the site not containing sensitive natural resources; 3) the zoning district(s) in which the site is located; 4) the development option(s) the site is developed under; and 5) the use(s) considered for development.

Rationale: This Article regulates the development potential of all property within the jurisdiction of this Chapter. This Article is designed to ensure the implementation of many goals and objectives of the City of Lake Geneva Comprehensive Master Plan. (See also, Section 98-005 of this Chapter.) Many of these are extremely difficult to address using conventional zoning techniques, particularly those which rely on minimum lot area requirements to establish maximum permitted residential densities, and maximum floor area ratios to establish the character of nonresidential developments. Such approaches provide for a minimum flexibility of site design options, which in turn results in land use inefficiencies, forced site planning, and/or the needless destruction of sensitive natural resources. The approach employed by this Article, relying on Maximum Gross Densities (MGDs) and minimum Green Space Ratios (GSRs) for residential development, and minimum required Landscape Surface Ratios (LSRs) in combination with maximum permitted Floor Area Ratios (FARs) for nonresidential development, (both in conjunction with a variety of development options available in every zoning district) results in a very high degree of site design flexibility and the protection and implementation of desired community character and adopted community goals.

Section 98-302 How to Use this Article

This Article contains the standards which determine the maximum amount of development permitted on any given site. Prior to using the provisions of this Article to determine the development potential of a given property, the guidelines provided by Section 98-306(1) through (3) should be reviewed. This Article recognizes inherent differences between residential and nonresidential land uses, and thus regulates their development in slightly different manners. The description of the process addressing residential development in Section 98-306(1) and (2) refers to the requirements of Section 98-304, Residential Density Standards. The description of the process addressing nonresidential development in Section 98-306(1) and (3) refers to the requirements of Section 98-305, Nonresidential Intensity Standards.

Section 98-303 Required Natural Resources Site Evaluation**(1) Purpose**

An important goal of the City of Lake Geneva Comprehensive Master Plan is the protection of natural resources which are sensitive to disruption caused by development and/or other land use activities. These resources include: Floodways, Floodplain Areas, Floodfringe, Shorelands, Wetlands, Drainageways, Lakeshores, Steep Slopes, and Woodlands. (These resources are fully defined in Article V.) These resources serve important functions which are lost when these areas are subject to development and/or other land use activities, in the absence of correct mitigation approaches. In many instances, these functions cannot be provided by other natural or man-made features. Specific broad categories of such functions include the protection and enhancement of air, surface water, and soil quality; habitat provision and diversification; aesthetic diversification; and buffering effects.

(2) Mitigation

In certain instances, natural features can accommodate development and/or other land use activities without a significant loss of their functional benefits if proper mitigation practices are employed. (Article V) Natural Resource Protection Regulations, provides detailed standards regarding permitted mitigation techniques and requirements.

Section 98-303(3) continues with the Natural Resources Site Evaluation Worksheet on the following page.

(2) Natural Resources Site Evaluation Worksheet**(a) Determine the Gross Site Area (GSA) of the Site:**

1. Total Site Area as determined by actual on-site survey: _____ acres
2. Subtract area located within proposed rights-of-ways of roads and within proposed boundaries of public facilities which are designated within the City's Comprehensive Master Plan and/or required for dedication per Subdivision regulations: - _____ acres
3. Subtract land which although part of the same parcel is not contiguous to, or is not accessible from, the proposed road network serving the project. - _____ acres
4. Subtract land which is proposed for a different development option or a different zoning district. - _____ acres
5. Subtract area of navigable waters (lakes & streams). - _____ acres
6. **Equals Gross Site Area (GSA)** = _____ **acres**

(b) Determine the Required Resource Protection Area (RPA) of the Site:

1. Portion of Gross Site Area containing Floodways. _____ acres
2. Portion of Gross Site Area containing Floodplain Areas. _____ acres
3. Portion of Gross Site Area containing Floodfringes. _____ acres
4. Add portion of Gross Site Area containing Wetlands. + _____ acres
5. Add portion of Gross Site Area containing Drainageways. + _____ acres
6. Add portion of Gross Site Area containing Lakeshores. + _____ acres
7. Add portion of Gross Site Area containing Woodlands. + _____ acres
8. Add portion of Gross Site Area containing Steep Slopes. + _____ acres
9. Subtract portions of natural resource areas ((b)1.-(b)9.) made developable using approved environmental mitigation techniques. - _____ acres
6. **Equals Required Resource Protection Area (RPA).** = _____ **acres**

(c) Determine the Net Developable Area (NDA) of the Site:

1. Enter Gross Site Area (GSA) {from (a)6., above}. _____ acres
2. Subtract Required Resource Protection Area (RPA) {from (b)10., above}. - _____ acres
3. **Equals Net Developable Area (NDA).** = _____ **acres**

Section 98-304 Residential Density Standards

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Section 98-304 Residential Density Standards

Zoning District	Key to Table 98-304 Maximum Gross Density	Minimum Lot Area
Regulates the type of uses permitted on the site. Section 98-105 describes each Zoning District. Table 98-203 provides a detailed listing of all uses permitted in each Zoning District. Sections 98-205 and 98-206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map (see Section 98-103).	Is the maximum number of dwelling units permitted on one acre of Gross Site Area in the specific Zoning District and Development Option. Gross Site Area is calculated in Section 98-303(3)(a).	Is the minimum size lot permitted within the specified Zoning District and Development Option. This also limits the type of dwelling unit permitted. Specific dwelling unit regulations are given in Section 98-034.

Table 98-304: City of Lake Geneva Residential Density Standards

Zoning District	Development Option	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Zoning District Area	Minimum Landscape Surface Ratio (LSR)
Single-family Res-4	Conventional	4.00	9,000 sf	9,000 sf	50%
Two-family Res-6	Conventional	6.00	9,000 sf	9,000 sf	50%
	Mobile Home	5.00	9,000 sf	10 acres	50%
Multi-family Res-8	Conventional/ Institutional	8.00	4,500 sf per du	18,000 sf	50%

Development Option

Describes the maximum level of clustering and the minimum proportion of permanently protected green space area permitted on the site. (Refer to Section 98-206 for a full description of each development option and specific regulations which apply to its use.

Minimum Landscape Surface Ratio

Is the minimum permitted percentage of the Gross Site Area (GSA) which must be preserved as permanently protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the GSA. GSA is calculated in Section 98-303(3)(a). "Landscaped area" is defined in Section 98-034.

Section 98-305 Nonresidential Density
Standards

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Table 98-304: City of Lake Geneva Residential Density Standards

Zoning District	Development Option	Maximum Gross Density (MGD)	Minimum Lot Area (MLA)	Minimum Zoning District Area	Minimum Landscape Surface Ratio (LSR)
Rural Holding	Conventional	.03	35 acres	35 acres	90%
Countryside Residential-5ac	Conventional	.20	5 acres	5 acres	80%
	Cluster	.25	40,000 sf	5 acres	90%
Estate Residential-1	Conventional	1.00	40,000 sf	40,000 sf	60%
Single-family Residential-3	Conventional	3.00	15,000 sf	15,000 sf	50%
Single-family Residential-4	Conventional	4.00	9,000 sf	9,000 sf	50%
Two-family Residential-6 ¹	Conventional	6.00	9,000 sf	9,000 sf	50%
	Mobile Home	5.00	9,000 sf	10 acres	50%
Multi-family Residential-8 ^{1,2}	Conventional/ Institutional	8.00 ⁴	4,500 sf per du	10 acres	50%
Neighborhood Office	Conventional	Varies ^{1,2,3}		9,000 sf	50%
	Institutional	Varies ⁵		9,000 sf	50%
Planned Office	Institutional	Varies ⁵	20,000 sf	40,000 sf	50%
Neighborhood Business	Conventional	Varies ^{1,2,3}		9,000 sf	50%
	Institutional	Varies ⁵		9,000 sf	50%
Planned Business	Institutional	Varies ⁵	20,000 sf	40,000 sf	50%
General Business	Institutional	Varies ⁵	9,000 sf	18,000 sf	50%
Central Business	Institutional	Varies ⁵	9,000 sf	9,000 sf	0%
¹ For single-family, see Single-family-4 District. ² For two-family, see Two-family-6 District. ³ For townhouse, multiplex, apartment and institutional residential development, see Multi-family-8 District. ⁴ Up to 10.00 du/acre per the limits of the conditional use permit. ⁵ Up to 50.00 du/acre per the limits of the conditional use permit.					

Section 98-305 Nonresidential Density Standards

Section 98-305 Nonresidential Density Standards

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Section 98-305 Nonresidential Density Standards

Key to Table 98-305

Zoning District

Regulates the type of uses permitted on the site. Section 98-205 describes each Zoning District. Table 98-203 provides a detailed listing of all uses permitted in each Zoning District. Sections 98-205 and 98-206 provide detailed regulations applying to specific land uses. Zoning Districts are depicted on the Official Zoning Map (see Section 98-103).

Maximum Floor Area

Is the maximum permitted ratio calculated by dividing the total gross floor area of all buildings on a site by the Gross Site Area (GSA). "Gross Floor Area" is defined in Section 98-034.

Maximum Building Size

Is the maximum total Gross Floor Area which a building is permitted to contain. "Gross Floor Area" is defined in Section 98-034.

Zoning District	Max Number of Floors (F)	Min Landscape Surface Ratio (LSR)	Max Floor Surface Ratio (FAR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Neighborhood Business	1	30%	.250	9,000 sf	5,000 sf
	2	40%	.275	9,000 sf	5,000 sf
Planned Business	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.300	20,000 sf	Na
	4	35%	.300	20,000 sf	Na

Maximum Number of Floors

Is the maximum number of full floors a building is permitted to contain. "Full floors" is defined in Section 98-034

Minimum Landscape Surface Area Ratio

Is the minimum permitted percentage of the Gross Site Area (GSA) which must be protected landscaped area. LSR is calculated by dividing the total landscaped area of a site by the Gross Site Area (GSA). GSA is calculated in Section 98-303(3)(a). "Landscaped area" is defined in Section 98-034.

Minimum Lot Area

Is the minimum size lot permitted in the specified Zoning District for a building with the listed number of floors.



Section 98-306 Detailed Instructions for
Density and Intensity Regulations

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Section 98-306 Detailed Instructions for
Density and Intensity Regulations**Table 98-305: City of Lake Geneva Nonresidential Intensity Standards**

Zoning District	Max Number of Floors (F)	Min Landscape Surface Ratio (LSR)	Max Floor Surface Ratio (FAR)	Min Lot Area (MLA)	Max Bldg Size (MBS)
Rural Holding**	1	90%	.100	40,000 sf*	Na
Countryside Residential**	1	80%	.100	40,000 sf*	Na
Estate Residential**	1	60%	.100	40,000 sf*	Na
Single-family Res-3**	1	50%	.100	40,000 sf*	Na
Single-family Res-4**	1	50%	.150	40,000 sf*	Na
Two-family Res-6**	1	30%	.200	40,000 sf*	Na
	2	40%	.220	40,000 sf*	Na
Multi-family Res-8**	1	25%	.250	40,000 sf*	Na
	2	30%	.275	40,000 sf*	Na
Neighborhood Office	1 or 2	40%	.250	9,000 sf	Na
Planned Office	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.290	20,000 sf	Na
	4	35%	.300	20,000 sf	Na
Neighborhood Business	1	30%	.250	9,000 sf	5,000 sf
	2	40%	.275	9,000 sf	5,000 sf
Planned Business	1	25%	.250	20,000 sf	Na
	2	30%	.275	20,000 sf	Na
	3	33%	.290	20,000 sf	Na
	4	35%	.300	20,000 sf	Na
General Business	1	15%	.300	9,000 sf	Na
	2	18%	.350	9,000 sf	Na
	3	22%	.375	9,000 sf	Na
	4	25%	.400	9,000 sf	Na
Central Business	1	0%	1.000	1,750 sf	Na
	2	0%	2.000	1,750 sf	Na
	3	10%	2.500	1,750 sf	Na
	4	20%	3.000	1,750 sf	Na
Planned Industrial	1	25%	.500	40,000 sf*	Na
	2	30%	.550	40,000 sf*	Na
	3	33%	.575	40,000 sf*	Na
	4	35%	.600	40,000 sf*	Na
General Industrial	1	15%	.800	9,000 sf	Na
	2	18%	.900	9,000 sf	Na
	3	22%	.975	9,000 sf	Na
	4	25%	1.000	9,000 sf	Na
Heavy Industrial	1	15%	.850	9,000 sf	Na
	2+	18%	1.000	9,000 sf	Na

* reduction in Lot Area from 40,000 square feet to 20,000 square feet is permitted as a Conditional Use per Section 98-905 with site plan for end use of the property demonstrating full compliance with all of the requirements of the City Code.

** For permitted non-residential uses in Residential Districts, such as churches and schools.

Section 98-306 Detailed Instructions for Density and Intensity Regulations**(1) Instructions for *Both* Residential and Nonresidential Development****(a) Check Planning Recommendations for the Subject Property**

1. **Check Comprehensive Plan Recommendations:** The City's *Comprehensive Plan* should be checked for implications related to the subject property, particularly the Land Use and Transportation Plan Map. (Copies of the *Comprehensive Plan* are available from the City.) From time to time, the *Comprehensive Plan* may be amended. The City's Public Work's Development should be consulted regarding changes to the *Comprehensive Plan* which may effect the subject property or its environs.
2. **Check Official Map Recommendations:** The City's *Official Map* should be checked for proposed capital facilities and dedication requirements including schools, parks, stormwater management facilities and street improvements which may effect the subject property. The *Official Map* is on display at the City's Public Works Department. From time to time the *Official Map* may be amended. The City's Public Works Department should be contacted regarding changes to the *Map* which may effect the subject property or its environs.

- (b) **Check the Zoning of the Subject Property:** The potential amount and type of development any given site may contain is directly related to the zoning district in which the site is located. The subject property should be identified on the City's *Official Zoning Map* (See Section 98-103), and the current zoning designation should be compared with the description of that district provided in Section 98-105. The *Official Zoning Map* is on display at the City's Public Work's Department. From time to time, the *Official Zoning Map* may be amended. The Zoning Administrator should be contacted regarding potential changes in the *Official Zoning Map* which may effect the subject property or its environs.

- (c) **Complete a Natural Resources Site Evaluation for the Site:** The effect of protected natural resources on the development potential of the subject property should be evaluated. All resources listed in Section 98-303, Required Natural Resources Site Evaluation, should be identified on the subject property, located on a map (or air photo) of the subject property, and the total area of the property (in acres) covered by those resources, known as *Required Resource Protection Area* (RPA) should be determined, as should the *Gross Site Area* (GSA) and the *Net Developable Area* (NDA) of the subject property. (Section 98-303(3) contains a worksheet to simplify these calculations.) The Zoning Administrator should be contacted if assistance is desired in completing these calculations.

(2) Instructions for Only Residential Development (For Steps (a) through (c), see (1), above.)

- (a) **Determine What Types of Dwelling Units are Permitted:** Page 1 of the Table of Land Uses (Section 98-203) should be checked to determine which types of dwelling units are permitted within the zoning district for the subject property. (Section 98-034 describes each dwelling unit types.)

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- (b) **Identify the Desired Permitted Development Option:** Page 1 of the Table of Uses (Section 98-203) should also be checked to determine which types of development options are permitted within the zoning district for the subject property. Each development option is described in detail in Section 98-206(1). The selection of a particular development option may be related to the preponderance of sensitive natural resource areas on the site, or may reflect current or projected residential market conditions and the dwelling unit types they call for. After the desired permitted development option is identified, Section 98-304: Residential Density Standards, should be referred to for the selected development option(s) in the zoning district(s).
- (c) **Check Minimum Site Area Requirement Against the Gross Site Area:** The required *Minimum Site Area (MSA)*, given in Section 98-304 (Residential Density Standards) for the development option selected in (e), and in the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MSA* required by the selected development option, then a different development option must be selected, or additional property should be acquired.
- (d) **Determine Maximum Gross Density Permitted on the Site:** The *Maximum Gross Density (MGD)*, given in Section 98-304 (Residential Density Standards) for the development option selected in (e) and the zoning district identified in (b), above, should be noted; and used in Step (h), below.
- (e) **Determine the Maximum Number of Units Permitted on the Site:** The *Maximum Gross Density (MGD)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum number of dwelling units permitted on the subject property under the selected development option within the selected zoning district. The ability to actually develop this number of dwelling units on the subject property is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a lower number of units actually fitting on the site.
- (f) **Check the Minimum Permitted Lot Area Against Table 98-203:** The *Minimum Lot Area (MLA)* requirement given in Section 98-304 (Residential Density Standards), is the smallest size lot permitted within the selected development option within the selected zoning district. The *MLA* must equal or be less than the lot size requirement for the type of dwelling unit proposed for the project in Step (d), above. If the *MLA* given in Section 98-203 is larger than the lot size requirement given in Step (d), then a dwelling unit type with a larger lot size must be selected (in which case, it may be advantageous to repeat Steps (d) through (i) using a different dwelling unit type and a different development option).
- (3) **Instructions for Only Nonresidential Development** (For Steps (a) through (c), see (1), above.) Section 98-305 contains a key to assist with the procedure described below.
- (a) **Determine What Types of Land Uses are Permitted:** The Table of Uses (Section 98-303) should be checked to determine which types of land uses are permitted within the zoning district present on, or proposed for, the subject property. A complete description of each land use is presented in Section 98-206.

- (b) **Check Minimum Lot Area Requirement Against Gross Site Area Present on the Subject Property:** The required *Minimum Lot Area (MLA)*, given in Section 98-305 (Nonresidential Intensity Standards) for the zoning district identified in (b), should be compared with the *Gross Site Area (GSA)* required on the subject property as determined under the Natural Resources Site Evaluation in Step (c), above. If the *GSA* is less than the *MLA* required by the zoning district, then additional property should be acquired. In other words, the *GSA* (from (c)) must be greater than or equal to the *MLA* (from (e)).
- (c) **Check Minimum Landscape Surface Ratio Required Against the Required Resource Protection Area Present on the Subject Property:** The required *Landscape Surface Ratio (LSR)*, given in Section 98-305 (Nonresidential Intensity Standards) for the zoning district identified in (b), should be multiplied by the *Gross Site Area (GSA)* use in Step (e), above. The resulting product is the area of the site which must be permanently protected as green space. This area should be compared with the *Required Resource Protection Area (RPA)* required on the subject property as determined under the Natural Resource Site Evaluation in step (c), above. If the area of the site containing sensitive natural resources exceeds the area of permanently protected landscape surface required, then more floors may have to be used in order to approach maximum development potential on the site. In other words, if the *RPA* (from (c)) is greater than the *LSR*, the use of more floors may permit the development of more floor area on the subject property.
- (d) **Determine Maximum Floor Area Ratio Permitted on the Site:** The *Maximum Floor Area Ratio (FAR)* for the zoning district identified in (b), above, should be noted. This number will be used in Step (h) below.
- (e) **Determine the Maximum Floor Area Permitted on the Site:** The *Maximum Floor Area Ratio (FAR)*, identified in (g), above, multiplied by the *Gross Site Area (GSA)* calculated in Step (c), above, equals the maximum square footage of gross floor area permitted on the subject property within that zoning district. The ability to actually develop this amount of floor area is not guaranteed by the provisions of this Chapter. Inefficient site design, poor property configuration, and other factors may result in a smaller amount of area actually fitting on the site.
- (f) **Check the Maximum Building Size Requirement (NC District):** The *Maximum Building Size (MBS)* requirement given in Section 98-305, Nonresidential Intensity Standards, is the largest size building permitted within the Neighborhood Office and Neighborhood Business Districts. The *MBS* must equal or be greater than the building size proposed for the project in Step (h), above. If the *MBS* given in Section 98-305 is smaller than the proposed building size calculated in Step (h) above, then a smaller building must be built, or the use of additional buildings should be considered.

Rationale: The combinations of *Maximum Floor Area Ratio (FAR)* and *Minimum Landscape Surface Ratio (LSR)* requirements within each zoning district are designed to result in a consistent community character of development within that district. The *Minimum Lot Area (MLA)* requirements for each zoning district are used to ensure that a consistency of neighborhood character within each zoning district is maintained and that maximum permitted *Floor Area Ratios (FARs)* are approachable, if not completely attainable, under efficient site design practices. The *Maximum Building Size (MBS)* requirements ensure that development within the Neighborhood Office and Neighborhood Business Districts retain a neighborhood function and maintains a scale which is compatible with nearby residential development.

Section 98-307 Nonconforming
Development Regulations*through*Section 98-307 Nonconforming
Development Regulations

Section 98-307 Nonconforming Development Regulations

A variance for any and all requirements of this Article is hereby automatically granted to all developments in their configuration existing or as finally approved as of the effective date of this Chapter. However, after the effective date of this Chapter, such developments shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of this Article, and unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.

Rationale: The “blanket variance” provision of this Section is intended to prevent the creation of certain nonconforming developments within the jurisdiction of this Chapter. The adoption of the provisions of this Section ensures that developments approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming.