

## ARTICLE VII: PERFORMANCE STANDARDS

### **Section 98-701 Purpose**

The purpose of this Article is to indicate the requirements for access, visibility, off-street parking, off-street loading, exterior storage, exterior lighting, vibration, noise, air pollution, odors, electromagnetic radiation, glare and heat, fire and explosion, toxic and noxious materials, waste materials, drainage, exterior construction materials, and hazardous materials for all development occurring within the jurisdiction of this Chapter (see Section 98-009).

### **Section 98-702 Access Standards**

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of access to public rights-of-way in accordance with the utilization of various sites.
- (2) **Permit Required:** Each access point onto a public street or right-of-way shall have a permit issued by the Director of Public Works per Wisconsin Statutes 86.07(2).
- (3) **Number of Access Points:**
  - (a) Each lot shall have not more than two access points on any street frontage adjacent to any lot. Said access shall require approval by the Zoning Administrator and the Director of Public Works.
  - (b) In no instance shall any lot be permitted more than one access point on any one street if its frontage on said street is less than 100 linear feet (as measured along the right-of-way line).
  - (c) On arterial streets and in certain areas experiencing, or expected to experience, congestion and/or safety problems, access to a lot may be required to be located via an access point located on an adjacent property or another street frontage.
  - (d) For residential uses, two access points serving the same street frontage may be approved as a conditional use.
- (4) **Residential Uses:** Residential uses shall not have access points onto a nonresidential collector or arterial street unless such street has the only available frontage.
- (5) **Nonresidential Uses:** Nonresidential uses shall not have access points onto a residential street unless such street has the only available frontage.
- (6) **Access Near Street Intersections:** At its intersection with the street right-of-way line on an arterial or nonresidential collector street, no access point shall be located closer than 100 feet from the intersection of any two street rights-of-way unless such street is the only available frontage on the subject property. In all cases, access points shall be located as far from an intersection as the lot size permits.
- (7) **Distance Between Access Drives:** The minimum distance between access drives serving the same property shall be 25 feet (edge to edge), as measured at the property line. A distance in excess of said 25 feet may be required if, in the opinion of the Zoning Administrator and the Director of Public Works, present or projected traffic factors warrant a greater distance.

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- (8) **Angle of Intersection with Public Right-of-Way:** All access drives shall intersect with any public right-of-way at an angle of not less than 75 degrees, and shall intersect at an angle of 90 degrees wherever possible.
- (9) **Distance from Property Line:** The distance from an access drive to the property line of an adjacent property shall not be less than five feet, as measured along the right-of-way line.
- (10) **Width of Driveways:** All access drives shall have a minimum width of 10 feet for one- and two-family dwellings, and 18 feet for all other land uses. All curb openings for access drives shall have a maximum width of 25 feet for all residential uses, and 35 feet for all non-residential uses, as measured at the right-of-way line. Access drives may be flared between the right-of-way line and the roadway up to a maximum of five additional feet.
- (11) **Traffic Control:** The traffic generated by any use shall be channelized and controlled in a manner which avoids congestion on public streets and other safety hazards. Traffic into and out of all off-street parking, loading and traffic circulation areas serving six or more parking spaces shall be forward moving, with no backing into streets or pedestrian ways. Traffic control devices shall be required as determined by the Director of Public Works.
- (12) **Depiction on Required Site Plan:** Any and all proposed access drives on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-909.)
- (13) **Paving of Access:** All access approach areas located within a street right-of-way shall be paved to the satisfaction of the Director of Public Works with a hard, all-weather surface, and shall be maintained so as to prevent the transport of gravel, dirt, or other eroded material from the subject property into the right-of-way.

**Section 98-703 Visibility Standards**

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (2) **Requirement:** In order to provide a clear view of intersecting streets to motorists there shall be a triangular area of clear vision formed by the two intersecting streets and a chord connecting said centerlines, as determined by the Director of Public Works. Generally, the following standards shall apply:

<b>TABLE 98-703: VISION CLEARANCE TRIANGLE STANDARDS</b>	
<b>Right-of-Way Width</b>	<b>Distance from R-O-W Intersection</b>
less than 50 feet	50 feet
50 feet	50 feet
51-60 feet	40 feet
61-66 feet	34 feet
67 feet-82.5 feet	15 feet
greater than 82.5 feet	15 feet

Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches, and no vegetation, fencing, nor other such obstructions between 30 inches and 8 feet

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in height which exceeds an opacity of 0.2 (see Section 98-610(4)(b)) shall be permitted which exceeds 30 inches in height above either of the centerline elevations of said two streets.

- (3) **Depiction on Required Site Plan:** Except in the downtown where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.)

**Section 98-704 Off-Street Parking and Traffic Circulation Standards**

- (1) **Purpose:** The purpose of this Section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of off-street parking and circulation in accordance with the utilization of various sites. Please refer to Section 98-717: Drainage Standards.
- (2) **Depiction on Required Site Plan:** Any and all parking and traffic circulation areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.) Each and every on-site parking space designed to serve as required parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, of shortest walking distance from the access to all of the various areas it is designated to serve. A garage stall, meeting the access requirements of Subsection (6)(d), below, shall be considered a parking space. Parking spaces for any and all vehicles exceeding 18 feet in length, shall be clearly indicated on said site plan.
- (3) **Use of Off-Street Parking Areas:** The use of all required off-street parking areas shall be limited to the parking of operable vehicles not for lease, rent, or sale. Within residential districts, required parking spaces shall only be used by operable cars and trucks.
- (4) **Traffic Circulation and Traffic Control:** Site circulation shall be designed to provide for the safe and efficient movement of all traffic entering, exiting, and on the site. Circulation shall be provided to meet the individual needs of the site with specific mixing of access and through movements, and where required, shall be depicted on the required site plan. Circulation patterns shall conform with the general rules of the road and all traffic control measures shall meet the requirements of the Manual of Uniform Traffic Control Devices.
- (5) **Maintenance of Off-Street Parking and Traffic Circulation Areas:** All off-street parking and traffic circulation areas shall be maintained in a dust-free condition at all times. In no instance or manner shall any off-street parking or traffic circulation area be used as a storage area, except as provided for by Section 98-706(3).
- (6) **Off-Street Parking and Traffic Circulation Design Standards**
- (a) **Surfacing and Marking:** All off-street parking and traffic circulation areas (including all residential driveways -- except those within the RH District) shall be paved with a hard, all-weather surface, to the satisfaction of the Director of Public Works. Said surfaces intended for 6 or more parking stalls shall be marked in a manner which clearly indicates required parking spaces.
- (b) **Curbing:** All off-street parking areas designed to have head-in parking within 6½ feet of any lot line shall provide a tire bumper or curb of adequate height and which is properly located to ensure that no part of any vehicle will project beyond the required setbacks of this Chapter (see Sections 98-402 and 98-403.)

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- (c) **Lighting:** All off-street parking and traffic circulation areas serving 6 or more cars shall be lit so as to ensure the safe and efficient use of said areas during the hours of use. An illumination level of between 0.4 and 1.0 footcandles is recommended for said areas, and said illumination level shall not exceed the standards of Section 98-707.
- (d) **Access:** Each required off-street parking space shall open directly upon an aisle or driveway that is wide enough and designed to provide a safe and efficient means of vehicular access to the parking space without directly backing or maneuvering a vehicle into a public right-of-way exceeding 82.5 feet in width. All off-street parking and traffic circulation facilities shall be designed with an appropriate means of vehicular access to a street or alley, in a manner which least interferes with traffic movements. No driveway across public property, or requiring a curb cut, shall exceed a width of 40 feet for commercial and industrial land uses, or 25 feet for residential land uses. (See also Table 98-704(6)(j).) Off-street parking spaces for residential uses may be stacked or in front of one-another for the same building unit. Parking spaces located behind an enclosed garage and located directly off a through aisle shall be a minimum of 30 feet deep.
- (e) **Signage:** All signage located within, or related to, required off-street parking or traffic circulation shall comply with the requirements of Article VIII.
- (f) **Handicapped Parking Spaces:** Parking for the handicapped shall be provided at a size, number, location, and with signage as specified by State and Federal regulations.
- (g) **Parking Space Design Standards:** Other than parking required to serve the handicapped, every and all provided off-street parking space shall comply with the minimum requirements of Table 98-704(6)(j). The minimum required length of parking spaces shall be 17.0 feet, plus an additional 1.5 foot vehicle overhang area at the end of the stall. All parking spaces shall have a minimum vertical clearance of at least seven feet.
- (h) **Snow Storage:** Required off-street parking and traffic circulation areas shall not be used for snow storage.
- (i) **Parking Lot Design Standards:** Horizontal widths for parking rows, aisles, and modules shall be provided at widths no less than listed in Table 98-704(6)(j), and shown on the following page.

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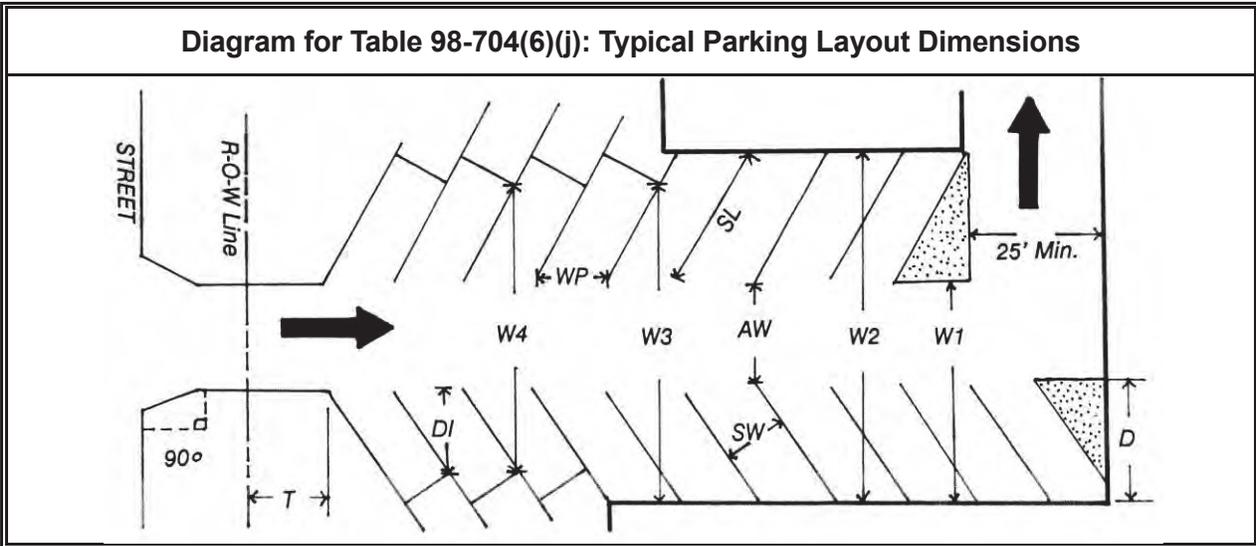
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Table 98-704(6)(j): Parking Layout Dimensions					
↓ Minimum Permitted Dimensions ↓	↓ Parking Angle in Degrees (°) ↓				
	0° (parallel)	45°	60°	75°	90°
Stall Width at Parking Angle (SW)	9.0'	9.0'	9.0'	9.0'	9.0'
Stall Width Parallel to Aisle (WP)	17.90'	12.7'	10.4'	9.3'	9.0'
Stall Depth to Wall (D)	9.0' <sup>1</sup>	17.5' <sup>1</sup>	19.0'	19.5' <sup>1</sup>	18.5' <sup>1</sup>
Stall Depth to Interlock (DI)	--	15.3'	17.5'	18.8'	--
Stall Length (including 1.5' curb overhang) (SL)	18.5'	18.5'	18.5'	18.5'	18.5'
Aisle Width (AW)	12.0' <sup>2</sup>	12.0' <sup>2</sup>	16.0' <sup>2</sup>	17.20' <sup>2</sup>	26.0' <sup>2</sup>
Throat Length (right-of-way to parking area) (T)	Refer to Requirements in Table 98-704(7)(f).				
Parking Module Width (PMW):					
Wall to Wall (Single-Loaded) (W1)	21.0'	29.5'	35.0'	42.5'	44.5'
Wall to Wall (Double Loaded) (W2)	30.0'	47.0'	54.0'	62.0'	63.0'
Wall to Interlock (Double Loaded) (W3)	--	44.8'	52.5'	61.3'	--
Interlock to Interlock (Double Loaded) (W4)	--	42.6'	51.0'	60.6'	--

<sup>1</sup> Parking spaces located behind an enclosed garage & located directly off a through aisle shall be at least 30 feet deep.

<sup>2</sup> This dimension represents (AW) for one-way traffic. For two-way traffic, add 8.0 feet to a maximum (AW) of 26.0 feet.



(7) Calculation of Minimum Required Parking Spaces

(a) **General Guidelines for Calculating Required Parking Spaces:** The requirements of Subsection (c), below, shall be used to determine the minimum required number of off-site parking spaces which must be provided on the subject property. Requirements are generally tied to the capacity of the use; the gross floor area of the use; or the number of employees which work at the subject property during the largest work shift. The term "capacity" as used herein means the maximum number of persons that may be

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accommodated by the use as determined by its design or by State Building Code regulations, whichever number is greater. References herein to "employee(s) on the largest work shift" means the maximum number of employees working at the facility during a single given day, regardless of the time period during which this occurs, and regardless of whether any such person is a full-time employee. The largest work shift may occur on any particular day of the week or during a lunch or dinner period in the case of a restaurant. In all cases, one reserved parking space shall be provided for each vehicle used by the operation during business hours. Said spaces shall be in addition to those required by Subsection (c), below. Where said parking needs of any land use exceed the minimum requirements of this Chapter, additional parking spaces sufficient to meet the average maximum weekly peak-hour parking space demand shall be provided by said land use.

**(b) Joint and Off-Site Parking Facilities**

1. Parking facilities which have been approved by the Director of Public Works to provide required parking for one or more uses, shall provide a total number of parking spaces which shall not be less than the sum total of the separate parking needs for each use during any peak hour parking period when said joint parking facility is utilized at the same time by said uses.
2. Each parking space designed to serve as joint parking shall not be located farther than 300 feet, except as permitted by a conditional use permit, from the access to all of the various areas it is designated to serve. See Section 98-206(6)(a).
3. The applicant(s) for approval of a joint parking facility shall demonstrate to the Director of Public Work's satisfaction that there is no substantial conflict in the demand for parking during the principal operating hours of the two or more uses for which the joint parking facility is proposed to serve.
4. A legally binding instrument, approved by the City Administrator, shall be executed by any and all parties to be served by said joint parking facility. This instrument shall be recorded with the Register of Deeds Office, and filed with the City Clerk. A fee shall be required to file this instrument (see Section 98-935).

**(c) Minimum Off-Street Parking Requirements for Land Uses:**

1. The off-street parking requirements for each land use are listed within Section 98-206.
2. Potential Reduction in Parking. The Plan Commission may, through the conditional use process, decrease the required number of off street automobile parking spaces by up to 25 percent of the normal requirements based upon technical documentation furnished by the applicant that indicates, to the satisfaction of the Plan Commission, that actual off-street parking demand for that particular use is less than the required standard set forth in this Chapter or that adequate public parking is available within the vicinity of the subject property. Ord. 12-07

**(d) Provision of Fee-in-Lieu of Parking Spaces Development:** Within the Central Business (CB) District, the parking requirements of this Chapter are hereby waived.

**(e) Locational Prohibitions for Off-Street Parking Areas**

1. Off-street parking shall not be located between the principal structure on a residential lot and a street right-of-way, except within residential driveways and parking lots designated on the approved site plan (see Section 98-908).

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2. No private parking shall occur on street terraces, driveways, or any other areas located within a public right-of-way not explicitly designated by the Director of Public Works.

(f) **Minimum Permitted Throat Length:** The Table 98-704(7)(f) on the following page shall be used to determine the minimum permitted throat length of access drives serving parking lots, as measured from the right-of-way line along the centerline of the access drive:

LAND USE	TYPE	SCALE OF DEVELOPMENT	TYPE OF ACCESS STREET	
			COLLECTOR	ARTERIAL
RESIDENTIAL	Any Residential	0-100 dwelling units	25 feet	
		101-200 dwelling units	50 feet	75 feet
		201+ dwelling units	75 feet	125 feet
COMMERCIAL	Office	0-50,000 gross sq. ft.	25 feet	50 feet
		50,000-100,000 gross sq. ft.	25 feet	75 feet
		100,001-200,000 gross sq. ft.	50 feet	100 feet
		200,001+ gross sq. ft.	100 feet	150 feet
	In-Vehicle Sales	0-2,000 gross sq. ft.	25 feet	75 feet
		2,001+ gross sq. ft.	50 feet	100 feet
	Indoor Entertainment	0- 15,000 gross sq. ft.	25 feet	50 feet
		15,001+ gross sq. ft.	25 feet	75 feet
	Commercial Lodging	0-150 rooms	25 feet	75 feet
		151+ rooms	25 feet	100 feet
	Other Commercial Uses	0- 25,000 gross sq. ft.	25 feet	50 feet
		25,001-100,000 gross sq. ft.	25 feet	75 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		500,001+ gross sq. ft.	75 feet	200 feet
INDUSTRIAL	All Industrial Uses	0-100,000 gross sq. ft.	25 feet	50 feet
		100,001-500,000 gross sq. ft.	50 feet	100 feet
		501,001+ gross sq. ft.	50 feet	200 feet
ALL OTHER USES:	6+ parking spaces		25 feet	50 feet

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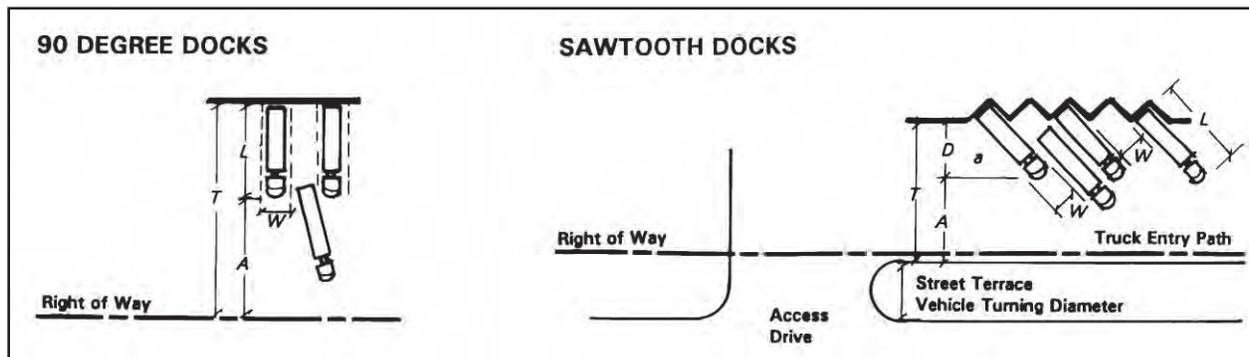
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Section 98-705 Off-Street Loading  
Standards**Section 98-705 Off-Street Loading Standards**

- (1) **Purpose:** The purpose of this Section is to prevent congestion of public rights-of-way and private lots so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of loading facilities on various sites.
- (2) **Applicability:** Any use which has a gross floor area of 6,000 square feet or more, and which requires deliveries or makes shipments, shall provide off-street loading facilities in accordance with the regulations of this Section.
- (3) **Location:** All loading berths shall be located 25 feet or more from the intersection of two street right-of-way lines. Loading berths shall not be located within any required front yard or street yard setback area. Access to the loading berth shall be located in conformance with Section 98-702. All loading areas shall be located on the private lot and shall not be located within, or so as to interfere with, any public right-of-way.
- (4) **Size of Loading Area:** The first required loading berth shall be designed in accordance with Table 98-705(4). All remaining required loading berths shall be a minimum of 25 feet in length. All required loading berths shall have a minimum vertical clearance of 14 feet. The following standards shall be the minimum used to design loading areas:

Design Vehicle	Length in Feet (L)	Dock Angle (a)	Clearance in Feet (D)	Berth Width in Feet (W)	Apron Space in Feet (A)	Total Offset in Feet (F)
WB-40	50	90°	50	10	63	113
				12	56	106
				14	52	102
		60°	44	10	46	90
				12	40	84
				14	35	79
		45°	36	10	37	73
				12	32	68
				14	29	65
WB-50	55	90°	55	10	77	132
				12	72	127
				14	67	122
		60°	48	10	55	103
				12	51	99
				14	46	94
		45°	39	10	45	84
				12	40	79
				14	37	76

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- (5) **Access to Loading Area:** Each loading berth shall be located so as to facilitate access to a public street or alley, and shall not interfere with other vehicular or pedestrian traffic per Section 98-704, and shall not interfere with the function of parking areas. In no instance shall loading areas rely on backing movements into public rights-of-way.
- (6) **Surfacing and Marking:** All required loading areas shall be paved and maintained in a dust-free condition at all times. Said surface shall be marked in a manner which clearly indicates required loading areas.
- (7) **Use of Required Loading Areas:** The use of all required loading areas shall be limited to the loading and unloading of vehicles. Said area shall not be used to provide minimum required parking spaces.
- (8) **Lighting:** All loading areas shall be lit so as to not exceed the standards of Section 98-707.
- (9) **Signage:** All signage located within, or related to, loading areas shall comply with the requirements of Article VIII.
- (10) **Depiction on Required Site Plan:** Any and all required loading areas proposed to be located on the subject property shall be depicted as to their location and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908.)
- (11) **Calculation of Required Loading Spaces**
  - (a) **Indoor Institutional Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, two loading berths shall be required.
  - (b) **Commercial (except Offices), Storage/Disposal, Transportation, and Industrial Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 29,999 square feet. For such uses located in buildings having a gross floor area of 30,000 square feet or greater, an additional loading berth shall be required for any portion of each 50,000 square feet of gross floor area in addition to the original 29,999 square feet.
  - (c) **Office Land Uses:** One loading berth shall be required for each building having a gross floor area of 6,000 square feet to 99,999 square feet. For such uses located in buildings having a gross floor area of 100,000 square feet or greater, an additional loading berth shall be required for any portion of each 100,000 square feet of gross floor area in addition to the original 99,999 square feet.

**Section 98-706 Exterior Storage Standards for Residential, Office and Commercial Districts**

- (1) **Purpose:** The purpose of this Section is to control the use of residential, office and commercial property for exterior storage so as to promote the safety and general welfare of the public. For exterior storage in agricultural and industrial districts, refer to Section 98-206.
- (2) **Requirements for Exterior Storage in Residential Zoning Districts:** No person shall park or store recreational vehicles on a lot in a residential district except within a fully enclosed structure or except as provided herein.
  - (a) For the purposes of this Ordinance, a recreational vehicle or equipment shall include boats, boats with trailers, motor homes, motor coaches, pickup campers, camping trailers, travel trailers, fifth-wheel trailers, large utility trailers, race cars and their trailers, canoes or kayaks and their trailers, tent campers, folding campers, utility trailers, carnival equipment and their trailers, and cases or boxes used to transport recreational vehicles or their equipment, and similar equipment and vehicles.
  - (b) Outside parking of recreational vehicles and equipment are subject to the following provisions:
    1. No more than two (2) recreational vehicles may be parked or stored outside a fully enclosed structure in the rear yard.
    2. A recreational vehicle may be parked or stored in a front or side yard on an existing driveway, from Memorial Day until Labor Day, as long as it is on a concrete, asphalt, or paving brick surface. Vehicles may not be used as living quarters in this situation. If rear of lot is not accessible through driveway, a recreational vehicle may be parked long term on the side yard as long as no portion extends past the plane of the house which abuts a public Right of Way other than an alley way.
    3. A recreational vehicle shall be located not closer than three (3) feet to a side or rear lot line.
    4. The recreational vehicle shall be maintained and be in good condition and safe for effective performance for the function in which it was intended. The exterior of the vehicle shall be intact.
    5. Recreational vehicles shall be roadworthy. Vehicles that require a license shall be properly licensed.
    6. No recreational vehicles or equipment shall be parked or stored in any open space outside a building unless such equipment is wholly owned by the property owner who shall be in residence at the property in question. If the property is rented, such storage shall be permitted to the tenant only provided that such equipment is owned by the tenant.
    7. All equipment shall be parked or stored as inconspicuously as possible on the property. The area around the equipment or vehicle must be kept weed free and free of accumulation of other storage material.
    8. Under no circumstances shall a recreational vehicle be parked uncoupled from the tow vehicle in a public Right of Way, including an Alley way.

Section 98-707 Exterior Lighting Standards (Ord. No. 14-12, January 22, 2015)

Section 98-707 Exterior Lighting Standards (Ord. No. 14-12, January 22, 2015)

- (3) **Requirements for Exterior Storage in Office and Commercial Districts:** In all office and commercial zoning districts (See Section 98-102 for a listing of these districts), all materials and equipment shall be stored within a completely enclosed building except for the following which shall not be located within any front yard or required street yard (except for vehicles in designated parking spaces) and shall be stored a minimum of five (5) feet from any and all property lines: screened refuse containers; construction materials, landscape materials and related equipment connected within on-site construction; and off-street parking.
- (4) **Inoperative Motor Vehicles and Junk:** Refer to the City Code of Ordinances.

**Section 98-707 Exterior Lighting Standards (Ord. No. 14-12, January 22, 2015)**

- (1) **Purpose:** The purpose of this Section is to regulate the spill-over of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and prevent the creation of nuisances. A further purpose of this Section is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy, and preserving the environment for astronomy.
- (2) **Applicability:** The requirements of this Section apply to all private exterior lighting within the jurisdiction of this Chapter, except for lighting within public rights of way and/or lighting located on public property. For the purpose of this Section, "Exterior lighting" means an outdoor artificial illuminating device, whether permanent or portable used for illumination or advertisement, including general lighting fixtures, searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, signage or other purposes. "Shielded" means a fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least fifteen degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.
- (3) **Depiction on Required Site Plan:** Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to Section 98-908).
- (4) **Requirements:**
- (a) **Orientation of Fixture:** all exterior lighting shall be shielded, except for UL-rated fixtures of 1,600 lumens or less. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district, except where a clear glass, decorative/ornamental fixture is used with a UL-rated fixture of 1,600 lumens or less. The use of shielded luminaries and careful fixture placement is required so as to facilitate compliance with this requirement. All floodlighting and spotlighting fixtures shall be shielded.
- (i) **Exceptions are as follows:**
- (1) **Landscape Lighting:** Unshielded landscape lighting is permitted and is not required to be angled downward, provided that the lighting element or transparent shield is not visible from adjoining properties and that each UL-rated fixture has a light output of 1,600 lumens or less.

- (2) **Driveway/Walkway, Identity Sign or Decorative Lighting:** Unshielded lighting at entryways, including driveways and walkways and lighting for property identity signs, gates, fences, and post top entrances is permitted, and the fixture is not required to be angled downward, provided that each UL-rated fixture has a light output of 1,600 lumens or less.
- (3) **Architectural Lighting:** All architectural lighting shall use UL-rated fixtures of 1,600 lumens or less. All exterior lighting during such period shall have a minimum of 90 percent of their light fall onto the illuminated structure, rather than into sky or space beyond the structure. Under no circumstances shall the illumination of architecture be permitted between 11 P.M. and 7 A.M.
- (b) **Intensity of Illumination and Filtering:** In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night. In addition to this requirement, all exterior lighting fixtures shall not exceed the illumination levels recommended by the Illuminating Engineering Society of America (IES) as given in Appendix A. All metal halide fixtures shall be filtered by a smoke, tinted, or frosted glass or acrylic enclosure. Quartz glass shall not be considered as meeting this requirement.
- (c) **Maximum Light Output:** For all residential uses, the maximum light output of all nonexempt exterior lighting shall not exceed a total on any given property under single ownership equal to 10,000 lumens multiplied by the total number of acres of such property. For all nonresidential uses, the maximum light output of all nonexempt exterior lighting shall not exceed a total on any given property under single ownership equal to 50,000 lumens multiplied by the total number of acres of such property. Lighting beneath a gas station canopy shall be exempted from this total; however, such lighting may not exceed a maximum light output of 25 footcandles.
- (d) **Maximum Height:** The maximum fixture mounting height shall be as follows:
- (i) CR-5ac, ER-1, SR-3, SR-4, and TR-6 districts: 8 feet
  - (ii) MR-8, NB, and NO districts: 12 feet
  - (iii) PI, GI, and HI districts: 30 feet
  - (iv) All other districts: 20 feet
  - (v) For sports lighting, see Section 98-707(7).
- (e) **Location:** Light fixtures shall not be located within required bufferyards.
- (f) **Minimum Lighting Standards:** All areas designated on required site plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity as recommended in the Lighting Tables of Appendix A.
- (g) **Lamp Types:** In an effort to foster sustainability, the City requires energy-efficient exterior light sources. High-pressure sodium, fluorescent, low-pressure sodium

Section 98-707 Exterior Lighting  
Standards (Ord. No. 14-12, January 22,  
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Section 98-707 Exterior Lighting Standards  
(Ord. No. 14-12, January 22, 2015)  
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lamps, light emitting diodes (LED), or metal halide shall be used for all light fixtures UL-rated to be lamped greater than 1,800 lumens. All light bulbs and fixtures not in compliance with this regulation may continue to be used, but replacement light bulbs and fixtures must conform to the requirements of this Section.

- (h) **Nonconforming Lighting:** All lighting fixtures existing prior to the effective date of this Chapter shall be considered as legal conforming structures, (see Section 98-207). However, such nonconforming fixtures are encouraged to be extinguished by 11 P.M. All replacement fixtures shall fully comply with the requirements of this Section.
- (i) **Special Events Lighting:** Any temporary use using exterior lighting which is not in complete compliance with the requirements of this Section shall secure a temporary use permit. Refer to Section 98-906.
- (j) **Hours of Operation:**
- (i) **Display Lot Lighting:** Display lot lighting shall be extinguished within 30 minutes after closing of the business. Under no circumstances shall the illumination of display lots be permitted between 11 P.M. and 7 A.M. All exterior lighting during such period shall be at LOW levels for security purposes only.
- (ii) **Lighting of Commercial and Industrial Uses:** Lighting shall be extinguished within 30 minutes after closing of the business, except in the case of a special event in which a temporary use permit has been granted under Section 98-906. The Zoning Administrator may permit security lighting or lighting for after-hours and maintenance employees, provided such lighting is on separate circuits, and provided that the areas to remain lighted are located or screened in such a way to reduce impact substantially from the normal lighting.
- (iii) **Landscape Lighting:** Landscape lighting shall not be operated between the hours of 11 P.M. to dawn, except solar-powered landscape lighting lacking an on/off switch may be operated between the hours of 11 P.M. to dawn, provided that such lighting does not exceed 0.1 footcandle of illumination, subject to Subsections 4(a)(i)(1) and (4)(c) of this Section.
- (5) **Exempt Lighting:** The following are exempt from the provisions of this section:
- (a) Security lighting.
- (b) Doorway lighting within residential zoning districts.
- (c) All temporary emergency lighting necessary to ensure public safety as determined by the City of Lake Geneva Police Department, Fire Department, or other emergency service providers.
- (d) Lighting used in the undertaking of municipal road construction, emergency repair or maintenance of utility lines, sewer, water mains or similar public infrastructure.
- (e) Holiday lighting between October 20 and January 31 of the following year.

Section 98-707 Exterior Lighting  
Standards (Ord. No. 14-12, January 22,  
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- (f) Upward lighting of flags in the form of a single, ground mounted, narrow cone spotlight located at the base of the flagpole which confines the illumination to the flag itself.
  - (g) Underwater lighting used for swimming pools, provided such lighting meets all relevant electrical codes.
  - (h) Temporary lighting reviewed and approved in connection with a permit issued by the City provided that the lighting is extinguished and removed according to the permit.
  - (i) Lighting for radio, communication and navigation towers, provided that the owner or occupant demonstrates to the satisfaction of the City that Federal Aviation Administration (FAA) regulations can only be met through the use of lighting that does not comply with this Section, and that the provisions of this Section are otherwise met to the fullest extent possible. Lighting for any wireless communications facility shall not be permitted unless required by the FAA; in which case, required lighting shall be of the lowest allowed intensity that meets FAA requirements.
  - (j) Lighting for outdoor activities, including: pool areas, tennis courts, paddle courts, hockey and/or skating rinks, horse arenas; provided such lighting shall be extinguished by 11 P.M.
  - (k) Lighting that is used for a specified period of time which is necessary for a specific task or purpose while said task or purpose is actively being performed.
- (6) **Prohibited Lighting:** The following lighting shall not be permitted within the City:
- (a) Mobile or ground mounted searchlights, except those used for governmental or emergency purposes.
  - (b) Strobe lights and laser lights, including laser light shows and aerial laser lights.
  - (c) Rope lighting, except by conditional use permit.
  - (d) Neon lights.
  - (e) Flashing, blinking, flickering, scrolling, rotating, pulsating, tracing lights or revolving lighting, unless temporarily triggered by a security system and extinguished within 30 minutes after the time of security response. Refer to Section 98-804(1)(c).
  - (f) Lighting which is used to outline a building, structure, or window, including but not limited to rope, neon, and fluorescent tube lighting.
  - (g) Any light fixture that may be construed as or confused with a traffic signal, traffic control device or maritime navigational markers.
  - (h) Lighting that is determined by the City of Lake Geneva Police Department to contribute to a condition of disabling or distracting glare into a public roadway.
  - (i) Lighting used to illuminate property other than that on which the fixture is located and which constitutes light trespass.

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Section 98-708 Vibration Standards*through*Section 98-708 Vibration Standards

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(j) Mercury vapor exterior lighting fixtures installed after August 14, 2000.

(7) **Sports Lighting:** "Sports lighting" refers to light fixtures used to illuminate courts, arenas, riding arenas, fields, tracks and other recreational areas generally utilizing high light output fixtures, higher light levels and are mounted on higher than average freestanding poles. For sports lighting the following shall apply:

(a) Light fixtures shall be shielded as designed and installed.

(b) Light levels shall not exceed the appropriate Illuminating Engineering Society of America (IES) recommended level of spectator/play for the activity.

(c) Sports lighting shall be set to automatically shut off when there is no scheduled play and shall be extinguished no later than 11 P.M. Lower light levels for off the field lighting may be provided for an additional 30 minutes for safe egress.

(d) The mounting height for sports lighting shall be no greater than one-fourth the distance to the nearest property line from where the sports lighting is located.

(e) Sports lighting trespass shall not exceed 0.5 footcandle of illumination at any point on the property line.

(f) Designs for all sports lighting shall be submitted to the City prior to installation to assure that the requirements of this Section are satisfied.

**Section 98-708 Vibration Standards**

(1) **Purpose:** The purpose of this Section is to regulate the creation of vibration which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.

(2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable vibrations, except that these standards shall not apply to vibrations created during the construction of the principal use on the subject property.

(3) **Depiction on Required Site Plan:** Any activity or equipment which create detectable vibrations outside the confines of a building shall be depicted as to its location on the site plan required for the development of the subject property. (See Section 98-908.)

(4) **Requirements:** No activity or operation shall cause or create earthbone vibrations in excess of the displacement values given below.

(5) **Method of Measurement:** Measurements shall be made at or beyond the adjacent lot line or the nearest residence district boundary line, as described below. Vibration displacements shall be measured with an instrument capable of simultaneously measuring in three mutually perpendicular directions. The Maximum permitted displacements shall be determines in each zoning district by the following formula:

$D = K/f$  where D = displacement in inches

K = a constant to be determined by reference to the tables below

f = the frequency of vibration transmitted through the ground, cycles per second

## Section 98-708 Vibration Standards

through

## Section 98-708 Vibration Standards

- (6) **Standards in the General Industrial District:** In the General Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond the any adjacent lot line</i>	
Continuous	0.015
Impulsive	0.030
Less than 8 pulses per 24-hour period	0.075
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

- (7) **Standards in the Heavy Industrial District:** In the Heavy Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond the any adjacent lot line</i>	
Continuous	0.030
Impulsive	0.060
Less than 8 pulses per 24-hour period	0.150
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

through

## Section 98-709 Noise Standards

(8) **Standards in the Planned Industrial District:** In the Planned Industrial District, the maximum earth displacement permitted at the points described below shall be determined by use of the formula above and the appropriate K constant shown in the table below.

LOCATION	K
<i>On or beyond any residence district boundary line</i>	
Continuous	0.003
Impulsive	0.006
Less than 8 pulses per 24-hour period	0.015

### **Section 98-709 Noise Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of noise which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all uses and activities which create detectable noise, except that these standards shall not apply to noise created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, maintenance or agricultural operations.
- (3) **Requirements:** All noise shall be muffled so as not be objectionable due to intermittence, beat frequency or shrillness. In no event shall the sound-pressure level of noise radiated continuously from a facility exceed at the lot line of the subject property the values given in Table 98-709(3)(a) (set out hereafter) as measured by, at the minimum, a Type 2 sound meter that is in compliance with ANSI standard S1.4-1983, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District. (See Section 98-102.)

<b>Table 98-709(3)(a): Maximum Permitted Noise Level at Lot Line For Noise Radiated Continuously*</b>	
<b>Zoning District</b>	<b>Increase in Noise Level over Ambient Level (dBA)</b>
RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8	plus 3 dBA
NO, PO, PB, NB, GB, CB, PI	plus 5 dBA
GI, HI	plus 8 dBA
* If the noise is not smooth and continuous or is present only during day time hours, one or more of the corrections, in Table 98-709(3)(b) on the following page, shall be added to or subtracted from each of the decibel levels given above in Table 98-709(3)(a).	

Section 98-712 Electromagnetic Radiation Standards

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Section 98-710 Air Pollution Standards *through* Standards

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- (4) Noises that were in effect as of the effective date of this Ordinance shall be considered legal nonconforming noises. The burden of proof to demonstrate that said noises were in effect prior to the effective date of this Ordinance shall be the responsibility of the noise producer.

<b>Table 98-709(3)(b) Adjustment Factors for Maximum Noise Levels</b>	
Type of Operation in Character of Noise	Correction in Decibels
Daytime operation only	plus 5
Noise source operates less than 20% of any one-hour period	plus 5*
Noise source operates less than 5% of any one-hour period	plus 10*
Noise source operates less than 1% of any one-hour period	plus 15*
Noise of impulsive character (Hammering, etc.)	minus 5
Noise of periodic character (hum, speech, etc.)	minus 5
<b>Error! Bookmark not defined.* Apply one of these corrections only.</b>	

### **Section 98-710 Air Pollution Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of air pollution which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to air pollution created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards:**
- (a) The emission, from all sources within any lot, of particulate matter containing a particle diameter larger than 44 microns is prohibited.
  - (b) Emission of smoke or particulate matter of density equal to, or greater than Number 2 on the Ringelmann Chart (US Bureau of Mines) is prohibited at all times.
  - (c) Dust and other types of air pollution borne by the wind from such sources as storage areas, yards, and roads within the boundaries of any lot shall be kept to a minimum by appropriate landscaping, paving, oiling or other acceptable means.
  - (d) All applicable state and federal standards.

### **Section 98-711 Odor Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of odor which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to odors created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations. Public landfills and public sanitary sewage treatment plants shall be exempted from the requirements of this Section as essential public services.
- (3) **Standards:** Except for food preparation and cooking odors emanating from residential land uses, and odors associated with property development and maintenance (such as

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**Section 98-712 Electromagnetic Radiation Standards****Section 98-714 Fire and Explosion Standards**

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*through*

construction, lawn care, and the painting and roofing of structures), no odor shall be created for periods exceeding a total of 15 minutes per any day which are detectable (by a healthy observer such as the Zoning Administrator or a designee who is unaffected by background odors such as tobacco or food) at the boundary of the subject property, where said lot abuts property within any residential, office, commercial zoning district, or the Planned Industrial (PI) District. (See Section 98-102.)

**Section 98-712 Electromagnetic Radiation Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of electromagnetic radiation which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** It shall be unlawful to operate or cause to be operated any planned or intentional source of electromagnetic radiation for such purposes as communication, experimentation, entertainment, broadcasting, heating, navigation, therapy, vehicle velocity measurement, weather survey, aircraft detection, topographical survey, personal pleasure, or any other use directly or indirectly associated with these purposes which does not comply with the then current regulations of the Federal Communications Commission regarding such sources of electromagnetic radiation. Further, said operation in compliance with the Federal Communications Commission shall be unlawful if such radiation causes an abnormal degradation in performance of other electromagnetic radiators or electromagnetic receptors of quality and proper design because of proximity, primary field, blanketing, spurious radiation, harmonic content, modulation or energy conducted by power or telephone lines. The determination of "abnormal degradation in performance" and "of quality and proper design" shall be made in accordance with good engineering practices as defined in the latest principles and standards of the American Institute of Electrical Engineers, the Institute of Radio Engineers, and the Electronic Industries Association. In case of any conflict between the latest standards and principles of the above groups, the following precedence in the interpretation of the standards and principles shall apply: (1) American Institute of Electrical Engineers, (2) Institute of Radio Engineers, and (3) Electronic Industries Association.

**Section 98-713 Glare and Heat Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of glare or heat which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities, except that these standards shall not apply to glare created during the construction of the principal use on the subject property, or by incidental traffic, parking, loading, or maintenance operations.
- (3) **Standards:** No direct or sky-reflected glare, whether from floodlights or from temperature processes such as combustion or welding or otherwise, so as to be visible at the lot line of the subject property shall be permitted. (See also, Section 98-707.) Furthermore, there shall be no transmission of heat or heated air so as to be discernible (by a healthy observer such as the Zoning Administrator or a designee) at the lot line. Solar systems regulated by Wisconsin Statutes 66.03 shall be entitled to the protection of its provisions.

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Section 98-714 Fire and Explosion  
Standards

through

Section 98-717 Drainage Standards

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**Section 98-714 Fire and Explosion Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of fire and/or explosion hazards which adversely effect adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** Any use involving materials which could decompose by detonation shall locate such materials not less than 400 feet from any residential or office zoning district (see Section 98-102), except that this standard shall not apply to the storage or usage of liquefied petroleum or natural gas for normal residential or business purposes. All activities and storage of flammable and explosive materials at any point shall be provided with adequate safety and fire fighting devices in accordance with all fire prevention codes of the State of Wisconsin.

**Section 98-715 Toxic or Noxious Material Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the handling of toxic or noxious material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:**
  - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
  - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Public Health.

**Section 98-716 Waste Material Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the handling of waste material which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:**
  - (a) No use shall discharge across the boundaries of the subject property, or through percolation into the subsoil, toxic or noxious material in such concentration as to be detrimental to, or endanger, the public health, safety, comfort, or welfare, or cause injury or damage to the property or business.
  - (b) No use shall discharge at any point into any public or private sewage disposal system or stream, or into the ground, any liquid or solid materials except in accordance with the regulations of the Wisconsin Department of Natural Resources.

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Section 98-717 Drainage Standards *through* Section 98-719 Hazardous Materials Standards

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**Section 98-717 Drainage Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the creation of drainage which adversely affects adjoining properties in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards:** No land shall be developed and no use shall be permitted that results in water runoff which causes property damage, a nuisance, and/or erosion on adjacent properties. Such runoff shall be properly conveyed to a public storm drain, drainageway or other such public drainage facility per the approval of the Director of Public Works. All parking lots four thousand (4,000) square feet or larger shall be internally drained with catch basins connected to a municipal storm sewer.

**Section 98-718 Exterior Construction Material Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the use of certain exterior construction materials creation so as to attain a degree of uniformity in exterior appearance, and thus maintain and enhance the attractiveness and property value of certain zoning districts.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities.
- (3) **Standards for all Residential, Office, Commercial, and the PI Zoning Districts:** Except for exposed foundations not to exceed three feet in height from the adjacent grade, all non-single family development located within the RH, CR-5ac, ER-1, SR-3, SR-4, TR-6, MR-8, NO, PO, NB, PB, GB, CB, and PI districts shall employ only high-quality, decorative exterior construction materials on the visible exterior of the following portions of all structures and buildings:
  - (a) any portion of the building or structure visible from adjacent residentially zoned property;
  - (b) any portion of the building or structure located within 50 feet of a public right-of-way; or,
  - (c) any other portion of the building or structure visible from a public street and/or situated at an angle of 60 degrees or less: from a line which is parallel to the nearest right-of-way (for uncurved rights-of-way); or from a line which is parallel to a chord connecting the right-of-way boundary on the inside side of the curve at points located at, or opposite from, the two outer boundaries of the subject property along the right-of-way line (for curved rights-of-way).

The following exterior construction materials shall not be considered "high quality, decorative:" non-decorative concrete block or cinder block, non-decorative concrete foundation walls or panels, corrugated or other metal with exposed fasteners, non-decorative plywood, asphaltic siding, or other materials using exposed fastener systems or non-decorative surfaces as determined by the Plan Commission.

- (4) Trademark architecture shall not be permitted.
- (5) Architectural design is subject to the Site Plan Review process, (see Section 98-908).
- (6) **Exceptions:** The Conditional Use Process (per Section 98-905) may be used to propose the use of a material otherwise prohibited by subsection (3) above.

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Section 98-719 Hazardous Materials  
Standards

through

Section 98-720 Fencing Standards

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**Section 98-719 Hazardous Materials Standards**

- (1) **Purpose:** The purpose of this Section is to provide information to the City regarding the nature of land uses which involve research, production, storage, disposal, handling, and/or shipment of hazardous materials.
- (2) **Applicability:** The requirements of this Section apply to all land uses and activities involving any one or more of the following:
  - (a) **Micro-Organism Cultures** subject to Wisconsin Statutes 94.65;
  - (b) **Pesticides** subject to Wisconsin Statutes 94.67(25);
  - (c) **Biological Products** subject to Wisconsin Statutes 95.39;
  - (d) **Hazardous Substances** subject to Wisconsin Statutes 100.37(1)(c);
  - (e) **Toxic Substances** subject to Wisconsin Statutes 101.58(2)(j);
  - (f) **Infectious Agents** subject to Wisconsin Statutes 101.58(2)(f) or;
  - (g) Any material for which the State of Wisconsin requires notification of a local fire department
  - (h) Any other uses, activities, or materials which are subject to County, State, or Federal hazardous, or related, materials regulations.
- (3) **Standards:** All land uses involving such hazardous materials shall submit a written description of such materials and the operations involving such materials conducted on their property as part of the required site plan submittal. (See Section 98-908)

**Section 98-720 Fencing Standards**

- (1) **Purpose:** The purpose of this Section is to regulate the materials, location, height, and maintenance of fencing, landscaping walls and decorative posts in order to prevent the creation of nuisances and to promote the general welfare of the public.
- (2) **Applicability:** The requirements of this Section apply to all fencing, landscape walls and decorative posts equal to, or exceeding, 30 inches in height, for all land uses and activities.
- (3) **Standards:**
  - (a) **Materials:**
    1. **Residential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, vinyl and wire mesh, except that wire mesh and chain link fencing is not permitted within required front yard or street yard areas. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque, except with the granting of a conditional use permit per Section 98-905.
    2. **Nonresidential Districts:** Acceptable materials for constructing fencing, landscape walls, and decorative posts include wood, stone, brick, wrought iron, chain link, and wire mesh. Barbed wire fencing shall not be permitted. Any fence within a street yard, including along property lines which intersect a right-of-way, shall be a maximum of 60% opaque, except with the granting of a conditional use permit per Section 98-905.

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**Section 98-721 Signal Receiving  
Antennas (Satellite Dishes) Standards****Section 98-721 Signal Receiving Antennas  
(Satellite Dishes) Standards**

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3. **Temporary Fencing:** Temporary fencing, including the use of wood or plastic snow fences for the purposes of limiting snow drifting between November 1 and April 1, protection of excavation and construction sites, and the protection of plants during grading and construction is permitted for up to 180 consecutive days and no more than 180 consecutive days per calendar year.
4. **Snow Fences:** Snow fences constructed of wood and wire, and/or plastic shall be permitted only as temporary fences.
- (b) **Location:** On all properties, no fence, landscape wall, or decorative post shall be located closer than 2 feet to the front yard or street yard property line. Fences may be located on any property line abutting a side or rear yard.
- (c) **Maximum Height:** The maximum height of any fence, landscape wall, or decorative post shall be the following:
  1. Fences in excess of 36" tall shall not be permitted within a required yard setback, including street front yard, street side yard, and street rear yard, except with the granting of a conditional use permit per Section 98-905. (Ord. No. 98-11 11/9/98)
  2. 6 feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
  3. 8 feet when located on any nonresidentially zoned property, but not within a required front yard or a required street yard, except that security fences may exceed this height.
- (d) **Orientation:** Any and all fences, landscape walls, or decorative posts shall be erected so as to locate visible supports and other structural components toward the subject property.
- (e) **Maintenance:** Any and all fences, landscape walls, or decorative posts shall be maintained in a structurally sound and attractive manner.
- (f) **Swimming Pools:** Fencing for swimming pools shall be provided per the Model Swimming Pool Enclosure Code established by the National Spa and Pool Institute (NSPI), which is available from the City Public Works Department.

**Section 98-721 Signal Receiving Antennas (Satellite Dishes) Standards**

- (1) **Purpose:** This Section regulating the placement of signal receiving antennas (including roof-mounted antennas which are greater than 15 feet and satellite dishes which are greater than 18 inches) is adopted to:
  - (a) Provide uniform regulation of all signal receiving antenna devices;
  - (b) Secure placement of such antennas in an aesthetically sensitive manner while allowing users reasonable reception of signals;
  - (c) Protect the public from injury from antennas that are inadequately mounted, unduly susceptible to wind pressure, improperly installed and wired, or are placed on structures insufficiently designed or constructed to safely support the antenna; and
  - (d) Provide for placement of such antennas in locations that preserve access to rear property areas by firefighting apparatus and emergency personnel.
- (2) **Permit Required:** No owner shall, within the City of Lake Geneva, build, construct, use or place any type of signal receiving antenna until a permit shall have first been obtained from the Zoning Administrator.

Section 98-721 Signal Receiving  
Antennas (Satellite Dishes) Standards

through

Section 98-721 Signal Receiving Antennas  
(Satellite Dishes) Standards**(3) Definitions:**

- (a) For purposes of this Section, a "signal receiving antenna" is defined as any apparatus capable of receiving communications from a transmitter or a transmitter relay located in a planetary orbit. This definition includes all types of signal receiving antennas, including, without limitation, parabolic antennas, home earth stations, satellite television disks, UHF and VHF television antennas, and AM, FM, ham and short-wave radio antennas, regardless of the method of mounting.
- (b) "Owner" means the holder of record of an estate in possession of fee simple, or for life, in land or real property, or a vendee of record under a land contract for the sale of an estate in possession in fee simple or for life but does not include the vendor under a land contract. A tenant in common or joint tenant shall be considered such owner to the extent of his interest. The personal representative of at least one (1) owner shall be considered an owner.

- (4) **Application:** Application for a signal receiving antenna permit shall be made in writing to the Zoning Administrator. With such application, there shall be submitted a fee (see Section 98-935) and a sufficient set of mounting plans and specifications, including a general plot plan showing the location of the proposed signal receiving antenna with respect to streets, lot lines and buildings. If such application meets all requirements of this Section, the application shall be approved.

- (5) **Installation Standards:** Signal receiving antennas installed in any zoning district within the City shall comply with the following provisions:

**(a) Setbacks:**

1. Any signal receiving antenna and its mounting post shall be located a minimum of ten (10) feet from any property line.
2. Subject to the provisions herein, signal receiving antennas shall only be located in the rear yard of any lot. If reasonable reception of signals is not possible with a rear yard placement due to the physical characteristics of the lot and area, the signal receiving antenna shall be placed in the side yard of the lot. In the event that reasonable reception of signals is not possible by locating the signal receiving antenna on the rear or side yard of the property, such antenna may be placed in the front yard or on the roof of structures on the property. For corner lots, a side yard is only a yard that does not face a street.
3. If side yard, front yard or roof mounting is requested, the Zoning Administrator shall determine where reasonable reception is possible, based on evidence provided by the person seeking to erect or construct the antenna.

- (b) **Mounting:** Signal receiving antennas attached to the wall or roof of any principal or accessory structure shall be permitted only if the structure is properly constructed to carry all imposed loading and complies with applicable state and local building code requirements. The Zoning Administrator may require engineering calculations.

- (c) **Diameter:** the diameter of the signal receiving antenna shall not exceed fifteen (15) feet in diameter for commercial uses or ten (10) feet in diameter for residential uses, except for systems used to provide community antenna television services.

Section 98-721 Signal Receiving  
Antennas (Satellite Dishes) Standards

through

Section 98-721 Signal Receiving Antennas  
(Satellite Dishes) Standards(d) **Height:**

1. A ground-mounted signal receiving antenna, including any platform or structure upon which said antenna is mounted or affixed, may not exceed eighteen (18) feet in height, as measured from the ground to the highest point of the dish.
2. A roof-mounted antenna may not exceed fifteen (15) feet in height above the surrounding roof line as measured from the lowest point of the existing roof line.

(e) **Wind Pressure:** All signal receiving antennas shall be permanently mounted in accordance with the manufacturer's specifications for installation. All such installations shall meet a minimum wind load design velocity of eighty (80) MPH.

(f) **Electrical Installations:** Electrical installations in connection with signal receiving antennas, including grounding of the system, shall be in accordance with the National Electrical Safety Code, Wisconsin State Electrical Code and the instructions of the manufacturer. In cases of conflict, the stricter requirements shall govern. All cable used to conduct current or signals from the signal receiving antenna to the receivers shall be installed underground unless installation site conditions preclude underground. If a signal receiving antenna is to be used by two (2) or more residential property owners, all interconnecting electrical connections, cables and conduits must also be buried. The location of all such underground lines, cables and conduits shall be shown on the application for a permit. All signal receiving antennas shall be grounded against direct lightning strikes.

(g) **Temporary Placement:** No portable or trailer-mounted signal receiving antenna shall be allowed, except for temporary installation for on-site testing and demonstration purposes for periods not exceeding five (5) days. However, such trial placement shall be in accordance with all provisions of this Section. Failure to comply shall result in a citation being issued for violation of this Section. Any person making such temporary placement shall first give written notice to the Zoning Administrator of the date when such placement shall begin and end.

(h) **Advertising:** No form of advertising or identification, sign or mural is allowed on the signal receiving antenna other than the customary manufacturer's identification plates.

(i) **Interference with Broadcasting:** Signal receiving antennas shall be filtered and/or shielded so as to prevent the emission or reflection of an electromagnetic radiation that would cause any harmful interference with the radio and/or television broadcasting or reception on adjacent properties. In the event that harmful interference is caused subsequent to its installation, the owner of the signal receiving antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

(j) **Compliance with Federal Regulations:** The installation and use of every signal receiving antenna shall be in conformity with the Federal Cable Communications Policy Act of 1984 and regulations adopted thereunder.

(k) **Aesthetic Considerations:** Signal receiving antennas shall be located and designed to reasonably reduce visual impact from surrounding properties at street level.

Section 98-722 Wind Energy Systems  
Standards

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Section 98-722 Wind Energy Systems  
Standards**(6) Enforcement:**

- (a) It shall be unlawful to construct, use, build or locate any signal receiving antenna in violation of any provisions of this Section. In the event of any violation, the Common Council or any property owner who would be specifically damaged by such violation may institute appropriate action or proceedings to enjoin a violation of this Section.
- (b) Any person, firm or corporation who fails to comply with the provisions of this Section shall, upon conviction, be subject to the general penalty found in Section 98-936.

**Section 98-722 Wind Energy Systems Standards**

- (1) **Construction of Wind Energy Systems:** No person shall construct or operate a wind energy conversion system (WECS) without having fully complied with the provisions of this Section.
- (2) **Permits Required:**
  - (a) A zoning permit shall be obtained to allow construction of a WECS.
  - (b) A WECS permit shall be obtained from the City Zoning Administrator for the construction of all WECS.
- (3) **Application Requirements:** An application for a permit to build a wind energy system shall include the following:
  - (a) The property lines of the proposed site of construction.
  - (b) Proposed location of the WECS.
  - (c) Location and description of all structures located on the property where the WECS site is proposed.
  - (d) Location of all above-ground utility lines within a radius equal to two (2) times the height of the proposed WECS.
  - (e) Location of all underground utility lines on the property where a WECS site is proposed.
  - (f) Dimensional representation of the structural components of the tower construction including the base and footings.
  - (g) Schematic of electrical systems associated with the WECS including all existing and proposed electrical connections.
  - (h) Manufacturer's specifications and installation and operation instructions or specific WECS design information.
  - (i) Certification by a registered professional engineer that the tower design is sufficient to withstand wind load requirements for structure as defined by the Uniform Building Code.
- (4) **Blade Clearance:** The minimum distance between the ground and any protruding blade(s) utilized on a WECS shall be fifteen (15) feet, as measured at the lowest point of the arc of the blades. The minimum distance shall be increased as necessary to provide for vehicle clearance in locations where over-sized vehicles might travel.

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- (5) **Climbing Towers, Tower Access:** Access to towers shall be controlled by fences six (6) feet in height around the tower and anti-climbing devices. Existing local regulations regarding attractive nuisances shall cover wind systems as well. A sign indicating shock hazard shall be placed on the tower. Such sign shall state: "Warning. Electrical shock hazard. No unauthorized persons on tower. No Trespassing." Cables, ropes or wires used to secure the WECS shall be appropriately marked to prevent accidental bodily harm.
- (6) **Tower Construction:** Tower construction shall be in accordance with all applicable sections of the Wisconsin State Building Code including, but not limited to, ILHR Sections 50.12, 53.10, 53.12, 62.37, 62.38, 62.39, 62.40, 62.41, Wisconsin Administrative Code, and any future amendments, additions, and/or revisions to the same.
- (7) **Utility Interconnection:** The WECS, if interconnected to a utility system, shall meet the requirements for interconnection and operate as set forth in the electrical utility's then-current service regulations applicable to WECS; these standards are subject to review by the Public Service Commission.
- (8) **Setback Requirements:**
- (a) No WECS shall be constructed in any setback, dedicated easement, or dedicated roadway.
  - (b) Installation of any WECS may not be nearer to any property lines or right-of-way for overhead electrical transmission or distribution lines than three (3) times the height of the WECS structure.
- (9) **Noise:** During all operations, from commencement through abandonment, all noise and vibrations shall conform with the requirements of the City of Lake Geneva Code of Ordinances.
- (10) **Interference with Navigational Systems:** No WECS shall be installed or operated in such a manner that is not in compliance with Federal Aviation Administration regulations.
- (11) **Electrical Distribution Lines:** All WECS electrical distribution lines shall be located underground.
- (12) **Required Safety Features:**
- (a) All WECS shall be designed with an automatic overspeed control to render the system inoperable when winds are blowing in excess of the speeds for which the machine is designed.
  - (b) All WECS shall have a manually operable method to render the system inoperable in the event of a structural or mechanical failure of any part of the system including the automatic overspeed control.
  - (c) All WECS shall be designed with an automatic control to render the system inoperable in case of loss of utility power to prevent the WECS from supplying power to a de-energized electrical distribution system.
  - (d) Any WECS thereof declared to be unsafe by the Zoning Administrator by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the City of Lake Geneva Code of Ordinances.

Section 98-723 Swimming Pools  
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- (13) **Maintenance:** The Zoning Administrator or his representative shall have the right, at any reasonable time, to enter, in the company of the owner or his agent, the premises on which a WECS has been constructed to inspect all parts of said WECS installation and require that repairs or alterations be made within thirty (30) days if, in his judgment, there exists a deficiency in the structural stability of the system.
- (14) **Inspections:** A yearly inspection at a fee to be determined from time to time by resolution of the Common Council shall be made by the Zoning Administrator to certify the safety and maintenance of the WECS and accessory structures.

**Section 98-723 Swimming Pools Standards**

- (1) **Definition:** A "swimming pool" is a body of water or an outdoor structure containing a body of water in a receptacle or other container having a depth for water at any point greater than one and one-half (1-1/2) feet located above or below the surface of ground elevation, installed in such a manner that the pool will remain in place as a fixture throughout the full year and will be considered as a permanent or semi-permanent structure on the land. The term includes all structural facilities, appliances and appurtenances, equipment and other items used and intended to be used for the operation and maintenance of a private or residential swimming pool.
- (2) **Exempt Pools:** Storable children's swimming or wading pools, with a maximum dimension of fifteen (15) feet and a maximum wall height of fifteen (15) inches and which are so constructed that it may be readily disassembled for storage and reassembled to its original integrity are exempt from the provisions of this Section.
- (3) **Permit Required:** Before work is commenced on the construction or erection of private or residential swimming pools or on any alterations, additions, remodeling or other improvements, an application for a swimming pool building permit to construct, erect, alter, remodel or add must be submitted in writing to the Building Inspector. Plans and specifications and pertinent explanatory data should be submitted to the Building Inspector at the time of application. No work or any part of the work shall be commenced until a written permit for such work is obtained by the applicant. The required building permit fee pursuant to the City Building Code shall accompany such application.
- (4) **Construction Requirements:** In addition to such other requirements as may be reasonably imposed by the Building Inspector, the Building Inspector shall not issue a permit for construction as provided for in subsection (2), above, unless the following construction requirements are observed:
- (a) **Approved Materials:** All materials and methods of construction in the construction, alteration, addition, remodeling or other improvements and pool installation shall be in accord with all state regulations and code and with any and all ordinances of the City now in effect or hereafter enacted.
- (b) **Plumbing:** All plumbing work shall be in accordance with all applicable ordinances of the City and all state codes. Every private or residential swimming pool shall be provided with a suitable draining method, and in no case shall waters from any pool be drained into the sanitary sewer system, onto lands of other property owners adjacent to that on which the pool is located or in the general vicinity.

Section 98-724 Outdoor Storage of  
Firewood Standards

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- (c) **Electrical Installations:** All electrical installations, including lighting and heating but not limited thereto, which are provided for, installed and used in conjunction with a private swimming pool shall be in conformance with the state laws and City ordinances regulating electrical installations.

(5) **Setbacks and Other Requirements:**

- (a) Private swimming pools shall be erected or constructed on rear or side lots only and only on a lot occupied by a principal building. No swimming pool shall be erected or constructed on an otherwise vacant lot. A lot shall not be considered vacant if the owner owns the contiguous lot and said lot is occupied by a principal building.
- (b) All swimming pools shall be at least ten (10) feet from any lot line or building unless designed and approved as an addition to a building.

(6) **Enclosure:**

- (a) **Fence; In-Ground Pools:** All outdoor, in-ground swimming pools shall have a fence or other solid structure not less than four (4) feet in height completely enclosing the pool with no opening therein (other than doors or gates) larger than three (3) inches square. All gates or doors opening through the enclosure shall be kept securely closed and locked at all times when not in actual use and shall be equipped with a self-closing and self-latching device designed to keep and be capable of keeping such door or gate securely locked at all times when not in actual use.

(b) **Above-Ground Pools; Pool Wall Barrier:**

1. An approved barrier shall consist of a solid wall of durable material of which the pool itself is constructed and shall extend directly above the vertical water enclosing wall of the pool. Such walls shall extend more than three (3) feet above the level of the ground immediately adjacent to the pool. Such a solid pool wall barrier shall not be located within six (6) feet of any other wall or fence or other structure which can be readily climbed by children. Every entrance to a pool, such as a ladder, must be secured or adequately safeguarded to prevent unauthorized entry into the pool.
2. The pool enclosure may be omitted where portable pools are installed above ground and have a raised deck around the entire pool perimeter with an attached enclosed railing a minimum of thirty-six (36) inches high on the top.

- (7) **Compliance:** All swimming pools existing at the time of passage of this Chapter not satisfactorily fenced shall comply with the fencing requirements of this Section or when water is placed in the pool. Enclosures on existing pools shall be inspected by the Building Inspector for compliance. Variations in enclosure requirements that do not adversely affect the safety of the public may be approved.

- (8) **Draining and Approval Thereof:** No private swimming pool shall be constructed so as to allow water therefrom to drain into any sanitary sewer nor to overflow upon or cause damage to any adjoining property. Provisions may be made for draining the contents of any swimming pool into a storm sewer, but such installation shall be subject to prior approval by the Plumbing Inspector.

- (9) **Filter System Required:** All private swimming pools within the meaning of this Chapter must have, in connection therewith, some filtration system to assure proper circulation of the water therein and maintenance of the proper bacterial quality thereof.

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**Section 98-724 Outdoor Storage of  
Firewood Standards****Section 98-725 Design Requirements for  
Large Developments (Ord. No. 99-2  
2/22/99)**

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- (10)**Dirt Bottoms Prohibited:** All swimming pools of a permanent nature shall have the sides and bottom of a smooth finish, and no sand or dirt bottom shall be permitted.

**Section 98-724 Outdoor Storage of Firewood Standards**

- (1) No person shall store firewood in the front yard on residentially zoned property, except that firewood may be temporarily stored in the front yard for a period of thirty (30) days from the date of its delivery.
- (2) Firewood should be neatly stacked and may not be stacked closer than two (2) feet to any lot line and not higher than six (6) feet from grade, except adjacent to a fence where firewood can be stacked against the fence as high as the fence. Fences as used in this Section shall not include hedges and other vegetation.
- (3) All brush, debris and refuse from processing of firewood shall be promptly and properly disposed of and shall not be allowed to remain on the premises.
- (4) Woodpiles that contain diseased wood that is capable of transmitting disease to healthy trees and woodpiles that harbor or are infested or inhabited by rats or other vermin are public nuisances and may be abated pursuant to the provisions of this Code of Ordinances.
- (5) Not more than twenty percent (20%) of the side and rear yard may be used for storage of firewood at any one (1) time.

**Section 98-725 Design Requirements for Large Developments** (Ord. No. 99-2 2/22/99)

The following conditional use standards shall apply to all new indoor sales and service-oriented buildings in the General Business (GB) and Planned Business (PB) zoning districts within the City of Lake Geneva in excess of 60,000 gross square feet. These conditions shall also be applied to all building additions to existing buildings, which brings the total building size to over 60,000 gross square feet. Such conditions shall apply to both new development and to portions of development prior to the adoption of this ordinance. This 60,000 square foot limit shall apply to individual free-standing buildings and to Group Developments in which the combined total of all structures within a development (regardless of diverse lotting, use or tenancy) combine to more than 60,000 gross square feet.

- (1) Building exterior materials shall be of high aesthetic quality on all sides of the structure, such as, glass, brick, decorative concrete block, or stucco. Decorative architectural metal with concealed fasteners may be approved with special permission from the City.
- (2) Building exterior design shall be unified in design and materials throughout the structure, and shall be complementary to other structures in the vicinity. However, the development shall employ varying building setbacks, height, roof, treatments, door and window openings, and other structural and decorative elements to reduce the apparent size and scale of the structure. A minimum of 20 percent of the combined facades of the structure shall employ actual façade protrusions or recesses. A minimum of 20 percent of all of the combined linear roof eave or parapet lines of the structure shall employ differences in height of eight feet or more as measured eave to eave or parapet to parapet. Roofs with particular slopes may be required by the City to complement existing buildings or otherwise establish a particular aesthetic objective.
- (3) Mechanical equipment, refuse containers and any permitted outdoor storage shall be fully concealed from on-site and off-site ground level views, with materials identical to those used on the building exterior.

- (4) Standard Corporate Trademark building designs, materials, architectural elements, and colors all shall be acceptable, as determined by the City, only as subtly integrated into the more generic design of the building as a whole. Color schemes of all architectural elements shall be muted, neutral, non-reflective and non-use nor tenant specific.
- (5) Public entryways shall be prominently indicated from the building's exterior design, and shall be emphasized by on-site traffic flow patterns. All sides of the building that directly face or abut a public street or public parking area shall have, or appear to have, public entrances.
- (6) Loading areas shall be completely screened from surrounding roads, residential, office, and commercial properties. Said screening may be through internal loading areas, screen wall which will match the building exterior in materials and design, fully opaque landscaping at time of planting, or combinations of the above. Gates and fencing may be used for security purposes, but not for screening, and shall be of high aesthetic quality.
- (7) Vehicle access from public streets shall be designed to accommodate peak on-site traffic volumes without disrupting traffic on public streets from inadequate parking lot design or capacity, inadequate access drive entry throat length, improper access drive width or design, or inadequate driveway location. The impact of traffic generated by the proposed development shall be demonstrated by a traffic impact analysis performed by the applicant's traffic engineer to not adversely impact off site public roads, intersections, interchanges during the peak hour of on-site traffic – as determined as coinciding with a full parking lot. Where the project shall adversely impact off-site traffic, the City may deny the application, may require a size reduction in the proposed development, or may require off-site improvements.
- (8) Parking lot design shall employ interior landscaped islands with a minimum of 400 square feet at all parking aisle ends, and in addition shall provide a minimum of one landscaped island of a minimum of 400 square feet in each parking aisle for every 20 cars in that aisle. Aisle-end islands shall count toward meeting this requirement. Landscaped medians shall be used to break large parking areas into distinct pods, with a minimum of 100 spaces in any one pod.
- (9) A minimum of one two hundred square foot cart return area shall be provided for every parking area pod. There shall be no exterior cart return nor cart storage areas located within twenty-five feet of the building in areas located between the building and a public street.
- (10) The applicant shall demonstrate full compliance with City standards for stormwater management, sanitary sewerage, public water, erosion control and public safety.
- (11) On site landscaping shall be provided per the landscaping requirements of the Lake Geneva zoning ordinance except that building foundation landscaping and paved area landscaping shall be provided at 1.5 times the required landscape points for development in the Planned Business Zoning District.
- (12) A conceptual plan for exterior signage shall be provided at time of GDP that provides for coordinated and complimentary exterior sign location, configurations, and colors throughout the planned development. All freestanding signage within the development shall compliment the on-building signage. Free standing sign materials and design shall compliment building exterior, and may not exceed the maximum height requirement of the zoning ordinance.
- (13) The entire development shall provide for full and safe pedestrian and bicycle access within the development, and shall provide appropriate connections to the existing and planned pedestrian and bicycle facilities in the community and in surrounding neighborhoods, including sidewalk connections to all building entrances from all existing or planned public sidewalks or

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pedestrian/bike facilities. The development shall provide secure bicycle parking and pedestrian furniture in appropriate quantities and location.

- (14) Where such developments are proposed to provide a new location for a business already located within the community, a required condition of approval for the new development shall be a prohibition on conditions of sale, lease, or use of the previously occupied building or site which provide limits beyond the range of applicable local, state or federal regulations. If such limits are required, the applicant may seek City approval to demolish the previously occupied structure and prepare the site for some future development.
- (15) The applicant shall provide adequate evidence that the proposed development and uses shall not hinder or undermine the City's community character objectives as stated and elaborated in the City's Comprehensive Master Plan.
- (16) The applicant shall provide adequate evidence that the proposed development shall not have the likely result of creating long-term vacancies for the tenants' current location. Or long-term vacancies in specialized buildings related to the potential closure of competing local businesses.
- (17) The applicant shall provide adequate evidence that the proposed development shall not have the likely result of hindering the preservation or attainment of the community's desired small city community character as exemplified by certain off-site impacts, including new lane additions, traffic signals, stormwater management problems, sudden declines in road levels of service or substantial impacts on city facilities or services.
- (18) The granting of a conditional use for such a project shall require a five vote majority of the City Council. (Ord. No. 00-1 1/24/00)

**Section 98-730 Administration & Enforcement of Performance Standards**

- (1) Determinations necessary for administration and enforcement of performance standards set forth herein range from those which can be made with satisfactory accuracy by a reasonable person using normal senses and no mechanical equipment, to those requiring great technical competence and complex equipment for precise measurement. It is the intent of this Chapter that:
- (a) Where determinations can be made by the Zoning Administrator using equipment normally available to the City or obtainable without extraordinary expense, such determinations shall be so made before notice of violations is issued.
- (b) Where technical complexity or extraordinary expense makes it unreasonable for the City to maintain the personnel or equipment necessary for making difficult or unusual determinations, procedures shall be available for causing corrections or apparent violations of performance standards, for protecting individuals from arbitrary, capricious, and unreasonable administration and enforcement of performance standard regulations, and for protecting the general public from unnecessary costs for administration and enforcement.
1. The Zoning Administrator shall give written notice, by Certified mail or other means, ensuring a signed receipt for such notice to the person or persons responsible for the alleged violations. The notice shall describe the particulars of the alleged violation and the reasons why the Zoning Administrator believes there is a violation in fact, and shall require an answer or correction of the alleged violation to the satisfaction of the Zoning Administrator.

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2. The notice shall state, and it is hereby declared, that failure to reply or to correct the alleged violation to the satisfaction of the administrative official within the time limit set constitutes admission of violation of the terms of this Chapter. The notice shall further state that upon request of those to whom it is directed, technical determination as described in this Chapter will be made, and that if violations as alleged are found, costs of such determinations shall be charged against those responsible for the violation, in addition to such other penalties as may be appropriate, but that if it is determined that no violation exists, the cost of the determination will be paid by the City.
- (2) Enforcement of the provisions of this Article shall be per Section 98-936.