
Section 98-401 Purpose*through***Section 98-402: Residential Bulk Standards**

ARTICLE IV: BULK REGULATIONS**Section 98-401 Purpose**

The purpose of this Article is to indicate the requirements for building location and bulk in both residential and nonresidential developments. The provisions of this Article interact closely with the provisions of Article III: Density and Intensity Regulations.

Section 98-402: Residential Bulk Standards

- (1) All residential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. Table 98-203 and Table 98-304 relate each use with each zoning district. Table 98-402 on the following page presents the standards for residential bulk regulations.
- (2) Rules to Distinguish a One-family Dwelling with an In-Family Suite, from a Two-family Dwelling:
 - (a) The dwelling unit shall appear as a single-family dwelling. A separate walled garage area and/or driveway is not permitted;
 - (b) A separate address is not permitted;
 - (c) Separate utility connection and/or meters are not permitted;
 - (d) A physical all-weather connection between the main living area and the in-family suite must be present. This required connection may not occur through an attic, basement, garage, porch, or other non-living area. A door may be used to separate the in-family suite from the rest of the dwelling unit, but may not be locking, except that a locking door may be used for the bedroom and/or bathroom doors of this in-family suite;
 - (e) The in-family suite may contain separate kitchen, dining, bathroom, laundry, living, sleeping and recreation areas, including exterior porches, patios, and/or decks. In addition to the internal physical connection required above, separate outdoor access and/or separate access to the garage, may be provided. However, external stairs which serve as the primary access to the in-family suite are prohibited;
 - (f) The in-family suite may not be occupied by a non-family member (as defined by the State of Wisconsin One- and Two-family Dwelling Code);
 - (g) In-family suites should be considered and regulated as part of a single-family dwelling unit;
 - (h) When an application is submitted for a building permit to accommodate what is explicitly listed as, or could possibly serve as, an in-family suite, the building plan shall be marked as "Not a separate dwelling unit nor apartment," and a signed letter from the applicant stating agreement with this condition shall be required.

Section 98-403 Nonresidential Bulk Standards

Section 98-402: Residential Bulk Standards *through*

Standards

Table 98-402: Summary of City of Lake Geneva Residential Bulk Standards

Zoning District	Min ¹ Lot Area (sq ft)	Min Lot Width (ft)	Minimum Setbacks						Min Dwelling Separation (ft)	Max Building Height (ft)	
			Front/Street ² (ft)	Side to Home ³ (ft)		Rear to Home ³ (ft)	Rear/Side to accessory bldg ⁴ (ft)	Pavement (ft) ⁶		Home	Accessory bldg ⁴
				Least Side	Sum of Sides						
Rural Holding	35 ac	200	35/40	50	100	100	50	5/10	100	35	15
Countryside Res-5 ⁸	5 ac	200	35/40	50	100	50	50	5/10	100	35	15
Estate Res-1	40,000	150	25/40	30	60	30	3/5	5/10	60	35	15
Single-family Res-3	15,000	100	25/40	10	20	30	3/5	5/10	20	35	15
Single-family Res-4	9,000	75	25/40	6	15	30	3/5	5/10	12	35	15
Two-family Res-6	9,000	75	25/40	0/6 ¹⁰	0/15 ¹⁰	30	3/5	5/10	0/12 ¹⁰	35	15
Multi-family Res-8 ⁶	4,500/du ⁶	100 ⁶	25/40	0/10 ^{6,10}	0/20 ^{6,10,11}	30	3/5	5/10	0/20 ^{6,10}	35 ⁹	15
Neighborhood Office	9,000	75	25/40	6	15	30	3/5	5/10	12	35 ⁹	15
Planned Office ⁷	20,000	100	25/40	10	20	30	3/5	5/10	20	35 ⁹	15
Neighb Busi.	9,000	75	25/40	6	15	30	3/5	5/10	12	35 ⁹	15
Planned Busi. ⁷	20,000	100	25/40	10	20	30	3/5	5/10	20	35 ⁹	15
General Business ⁷	9,000	75	25/40	6	12	30	3/5	5/10	12	35 ⁹	15
Central Business ⁷	9,000	75	25/40	6	12	30	3/5	5/10	12	35 ⁹	15
Planned Business Park											

¹ Measured from existing or officially mapped right-of-way line, whichever is farthest from the center line of the street.

² For street with said right-of-way equal to or greater than 100 feet, 40 feet of setback is required.

³ Additional setbacks may be required along zoning district boundaries. See Section 98-610.

⁴ Accessory buildings shall be 3 feet from the property line 5 feet from an alley.

⁵ Minimum of 5 feet from a side or rear yard (or additional per 98-610), minimum of 10 feet from a public street

⁶ For single-family and two-family homes see Two-family-6 District.

⁷ Refers to bulk requirements for institutional residential developments in nonresidential zoning districts.

⁸ For cluster residential development, see bulk regulations for the ER-1 District.

⁹ Institutional residential buildings in excess of two stories are allowed with a conditional use permit.

¹⁰ Zero feet where property line divides attached buildings.

¹¹ 20 feet for townhouse on the interior of row, 30 feet for townhouse on the end of row.

Section 98-403 Nonresidential Bulk Standards through **Section 98-404 Yard Setback Adjustments****Section 98-403 Nonresidential Bulk Standards**

All nonresidential lots created under the provisions of this Chapter shall comply with the standards of this Section. These standards are related to the specific zoning district used. Table 98-203 and Table 98-305 relate each use with each zoning district. The following table, 98-403, presents the standards for nonresidential bulk regulations.

TABLE 98-403: CITY OF LAKE GENEVA NONRESIDENTIAL BULK STANDARDS										
ZONING DISTRICT ↓	MIN LOT AREA (sq ft)	MIN LOT WIDTH (ft)	MINIMUM SETBACKS						MIN BLDG SEPARATION (ft)	MAX BLDG HEIGHT (ft)
			FRONT/ STREET (ft)	SIDE FROM		REAR (ft)	SIDE/ REAR FROM ACC (ft)	PAVE- MENT (ft)		
				RES (ft)	NON- RES (ft)					
Rural Holding ¹	40,000 ²	100	35/40	50	50	50	50	5/10 ⁶	100	35
Countryside Res-5ac ¹	40,000 ²	100	25/40	30	30	30	3/5 ⁵	5/10 ⁶	60	35
Estate Residential-1 ¹	40,000 ²	100	25/40	30	30	30	3/5 ⁵	5/10 ⁶	60	35
Single-family Res-3 ¹	40,000 ²	100	25/40	10	10	30	3/5 ⁵	5/10 ⁶	20	35
Single-family Res-4 ¹	40,000 ²	100	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Two-family Res-6 ¹	40,000 ²	100	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Multi-family Res-8 ¹	40,000 ²	100	25/40	10	10	30	3/5 ⁵	5/10 ⁶	20	35
Neighborhood Office	9,000	75	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Planned Office	20,000	100	25/40	10	0/10 ⁴	30	3/5 ⁵	5/10 ⁶	0/20 ⁴	45
Neighborhood Business	9,000	75	25/40	6	6	30	3/5 ⁵	5/10 ⁶	12	35
Planned Business	20,000	100	25/40	10	0/10 ⁴	30	3/5 ⁵	5/10 ⁶	0/20 ⁴	45
General Business	9,000	75	25/40	6	0/10 ⁴	25	3/5 ⁵	5/10 ⁶	12, 0/20 ⁴	35
Central Business	1,750	20	<i>Maximum setback of 0 feet or block average, except per Plan Comm. as a component of site design. Side yard is 10 feet from residential.</i>			10	3/5 ⁵	0 ⁶	Max = 0 except per Plan Comm.	45; Min = 20 except per Plan Comm.
Planned Industrial	40,000 ²	200 ³	25/40	30	15	30	3/5 ⁵	5/10 ⁶	30	35
General Industrial	9,000	75	25/40	50	20	30	3/5 ⁵	5/10 ⁶	40	35
Heavy Industrial	9,000	100	25/40	50	20	40	3/5 ⁵	5/10 ⁶	40	45
Planned Business Park										

¹Bulk requirements for institutional uses, such as churches and schools, in agricultural and residential districts.
²May be reduced to 20,000 square feet with a conditional use permit.
³May be reduced to 100 feet with a conditional use permit.
⁴Zero feet where property line divides attached buildings.
⁵Accessory buildings shall be 3 feet from the property line; 5 feet from an alley.
⁶5 feet from side and rear lot lines, except where modified along district boundary by required bufferyard; see Section 98-610.
10 feet from front or street line.

Section 98-404 Yard Setback Adjustments*through***Section 98-405 Intrusions into Required Yards****Section 98-404 Yard Setback Adjustments****(1) Front Yard Setback Adjustment**

- (a) For lots located adjacent to a street with an Officially Mapped or existing right-of-way equal to or exceeding 100 feet, 40 feet of setback is required to address anticipated future conditions of noise and air quality.
- (b) The required front yard setback for any use may be reduced for a principal structure on any lot where more than 50 percent of the same type of principal structure on the same block face or street face do not meet the required front yard setback. In such instances, the required front yard setback for the proposed structure shall be the average of all the adjoining same type principal structures on said block face or street face.
- (c) In order to preserve and maintain the character of established neighborhoods within the City of Lake Geneva, which are typified by front yard setbacks substantially in excess of the minimum required front yard setback, the following regulation shall apply. On block faces with an average front yard setback more than five feet over the minimum required front yard setback shall be increased to the average of the adjoining same type principal structures on said block face or street face.

Section 98-405 Intrusions into Required Yards

The minimum setback requirements of Sections 98-402 and 98-403 establish the minimum required yards for all uses, except those exempted by the provisions of this Section.

- (1) No yard shall be reduced in area or dimension so as to make such yard less than the minimum required by this Chapter. If an existing yard is less than the minimum required, it shall not be reduced further, except where exempted by the provisions of this Section.
- (2) No required yard or lot area allocated to satisfy the minimum yard or lot area requirements for one building or structure shall be used to satisfy the minimum yard or lot area requirement for another building or structure.
- (3) In instances where the required bufferyard width (per Section 98-610) exceeds the minimum required setback width, the minimum required bufferyard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required bufferyard.
- (4) **Permitted Intrusions Into Required Yards:**

The following intrusions by buildings and structures are permitted into the specified required yards:

(a) Permitted Intrusions Into Required Front or Street Yards:

1. Chimneys, flues, sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Yard lights, ornamental lights, and nameplate signs for residential lots, provided that they comply with the illumination requirements of section 98-707 and provided they do not locate closer than five feet from the front or street property line.
3. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend above the floor level of the adjacent building entrance; provided they do not locate closer than 20 feet from any street right-of-way.

Section 98-406 Exceptions to Maximum Height Regulations*through***Section 98-407 Substandard Lot Regulations**

4. Fences on residential or nonresidential lots which do not exceed four feet in height; provided they do not locate closer than two feet to any street right-of-way. Permitted fence types shall comply with the provisions of Section 98-720(3).

(b) Permitted Intrusions Into Required Rear or Side Yards:

1. Sills, pilasters, lintels, ornamental features, cornices, eaves, and gutters for residential buildings; provided they do not extend more than two and one-half feet into the required yard.
2. Fences may locate on the property line. Permitted fence types shall comply with the provisions of Section 98-720.
3. Fire escapes (on residential buildings) which do not extend more than three feet into the required yard.

(c) Permitted Intrusions Into Required Rear Yards:

1. Terraces, steps, uncovered porches, decks, stoops, or similar appurtenances to residential buildings which do not extend more than one foot above grade; provided they do not locate closer than twenty feet to the rear lot line.

(5) All Front Yard and Street Yard Areas:

With the exception of fences, or as provided on lakeshore lots under section 98-409, no accessory structures shall be permitted within any portion of a front yard or street yard. (Ord. No. 04-04 1/26/04)

Section 98-406 Exceptions to Maximum Height Regulations**(1) Permitted Exceptions to Maximum Height Regulations**

- (a) The maximum height regulations listed for residential uses and residential accessory structures in Section 98-402, and for nonresidential uses and nonresidential accessory structures in Section 98-403, are the maximum permitted heights for all buildings and structures, except those exempted by this Section, below.
- (b) The following are permitted to exceed the maximum height regulations by 10 feet, within any district where permitted: church spires, belfries, cupolas and domes which do not contain useable space, public monuments, water towers, fire and hose towers, flag poles, chimneys, smokestacks, cooling towers, and elevator penthouses. Such uses may exceed said maximum by more than 10 feet with the approval of a conditional use permit.
- (c) Any building or structure not otherwise accounted for by (b), above, may exceed said maximum height regulations with the granting of a conditional use permit which specifically states the maximum permitted height of the proposed building or structure.

Section 98-407 Substandard Lot Regulations

- (1) Upon and after the effective date of this Chapter, no lot shall be created which does not meet the Minimum Zoning District Area requirements of Section 98-304 or the Minimum Lot Area requirements of Section 98-305 or which does not meet the lot dimension requirements of Sections 98-402 or 98-403.
- (2) A lot of record existing upon the effective date of this Chapter in a Residential District (see Section 98-102), which does not meet the Minimum Zoning District Area of Section 98-304 or the Minimum Lot Area (MLA) requirements of Section 98-305, or which does not meet the lot

Section 98-408 Nonconforming Structure and Building Regulations*through***Section 98-408 Nonconforming Structure and Building Regulations**

dimension requirements of Sections 98-402 or 98-403 may be utilized for a detached single-family dwelling unit, provided the measurements of such area and dimensions are equal to or greater than 70% of the requirements of this Chapter. Said lot shall not be more intensively developed (with multi-family or nonresidential uses) unless combined with one or more abutting lots (or portions thereof) so as to create a lot which meets the requirements of this Chapter.

- (3) Existing legal lots of record that are now substandard that are zoned ER-1 and contain less than one acre in size, shall be considered as legal substandard lots. For new dwellings or building additions on such lots, a Conditional Use Permit may be sought to enable the granting of permission to use the lot width, lot frontage, lot area and setback requirements of the SR-4 District. (Section 98-905 for Conditional Use procedures). For this particular type of Conditional Use Permit request, a fee of \$100.00 shall be imposed. (Ord. No. 98-1 2/9/98)

Section 98-408 Nonconforming Structure and Building Regulations

- (1) Any structure or building lawfully existing upon the effective date of this Chapter may be continued at the size and in a manner of operation existing upon such date, except as hereafter specified.
- (2) Nothing in this Chapter shall preclude the Building Inspector from remedial or enforcement actions when said structure or building is declared unsafe.
- (3) When any lawful nonconforming structure or building in any district is modified so as to be in conformance with the provisions of this Chapter, any future modification of said structure or building shall be in conformance with the provisions of this Chapter.
- (4) Whenever a lawful nonconforming structure or building has been damaged by fire, flood, wind, explosion, earthquake, war, riot, unlawful act, or Act of God, it may be reconstructed and used as before if it be reconstructed within one year after such calamity, unless the damage to said structure or building equals or exceeds 50% of its assessed value. In such cases, the reconstruction shall be limited to uses permitted by the provisions of this Chapter (unless the ability to re-establish a nonconforming use is specifically granted by Council).
- (5) Normal maintenance of a nonconforming structure or building is permitted, including necessary nonstructural repairs and incidental alterations which do not extend, enlarge, or intensify the nonconforming structure or building.
- (6) Alterations may be made to a building containing lawful nonconforming residential units, provided such alterations do not increase the number of dwelling units or the bulk of the building, except that a conforming garage may be added if none previously existed. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910.
- (7) A legal, nonconforming garage may be enlarged or replaced provided the following requirements are met:
 - (a) That the proposed garage replacement or addition does not encroach farther into required setback(s) than the current legal, nonconforming structure.
 - (b) That the proposed garage replacement or addition does not locate closer to an existing residence on an adjacent parcel than the sum of the required garage setback (on the subject property) and the required house setback (on said adjacent parcel).

**Section 98-409 Lakeshore Lots (Ord. No. 04-04
1/26/04)***through***Section 98-409 Lakeshore Lots (Ord. No. 04-04
1/26/04)**

- (c) And that precautions (determined on a case-by-case basis by the Building Inspector) are taken to reduce the possibility of fire damage to nearby structures.
- (8) Any structure or building for which a building permit has been lawfully granted prior to the effective date of this Chapter, which will become nonconforming under the provisions of this Chapter or amendments thereto, may be completed in accordance with the approved plans, provided construction is started within 730 calendar days of the effective date of this Chapter for single- and two-family construction and within 365 calendar days of the effective date of this Chapter for all other development, and provided that construction is completed within 730 calendar days of the effective date of this Chapter or amendments thereto. Said structure or building shall thereafter be a legal nonconforming structure or building.
- (9) A variance for any and all requirements of this Article is hereby automatically granted to all legal nonconforming residential dwellings, and to all structures fronting onto either Broad Street or onto Williams Street between Geneva Street and George Street, in their configuration existing as of the effective date of this Chapter. However, after the effective date of this Chapter, such structures shall not be permitted to enlarge, expand or extend without bringing the enlargement, expansion or extension into compliance with the provisions of the Article unless a variance is granted by the Board of Zoning Appeals per the requirements of Section 98-910. (Ord. No. 99-3 3/8/99)

Rationale: The "blanket variance" provision of (9), above, is intended to eliminate the continued classification and/or creation of certain nonconforming residential structures within the jurisdiction of this Chapter. This provision addresses two different situations. First: prior to the provision of full-time inspection services, a number of residential structures were approved in the City of Lake Geneva which did not meet setback requirements. Second: this Chapter requires greater side yard setback requirements for certain residential lot sizes than did previous regulations for similar sized lots. The adoption of the provisions of (9), above, ensure that residential structures approved prior to the adoption of this Chapter do not encounter difficulty in transferring ownership because they would otherwise be considered nonconforming uses. This "blanket variance" is not available for nonresidential structures.

Section 98-409 Lakeshore Lots (Ord. No. 04-04 1/26/04)

- (1) New development on lakeshore lots shall comply with the requirements of the Lakeshore Overlay Zoning District, Section 98-505
- (2) With the exception of fences, which are permitted per the requirements of Section 98-720, any new accessory structure proposed to be located, in whole or in part, closer to the lakeshore than the principal structure on the lot may only be approved through the Conditional Use process, Section 98-905.
- (3) With the exception of fences, which are permitted per the requirements of Section 98-720, no new accessory structure may be located, in whole or in part, within the required front yard or street yard setback for the principal structure on the lot, as required in Section 98-402 for residential uses, or Section 98-403 for non-residential uses, except as approved through the Conditional Use process, Section 98-905.
- (4) Accessory structures existing prior to the adoption date of this Section, may be maintain in their original location and configuration, as legal, nonconforming structures.