



City of Lake Geneva, 626 Geneva St, Lake Geneva, WI 53147- 262.248.3673- www.cityoflakegeneva.gov

**REGULAR COMMON COUNCIL
MONDAY, NOVEMBER 11, 2024 - 6:00 PM
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

Members:

Mayor Todd Krause, Council President, Mary Jo Fesenmaier, Council Vice President, Cindy Yager, Alderpersons: Sherri Ames, Peg Esposito, Linda Frame, Joel Hoiland, Ken Howell, and Shari Straube

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<https://cityoflakegeneva.gov/319/City-Meetings-Video-Stream>

AGENDA

1. Call to Order
2. Pledge of Allegiance
3. Roll Call
4. Awards, Presentations, Proclamations, and Announcements
5. Re-consider business from previous meeting
6. Comments from the public as allowed by Wis. Stats. §19.84(2), limited to items on this agenda, except for public hearing items. Comments will be limited to 5 minutes
7. Acknowledgement of Correspondence
8. Approve the Regular Council Minutes from October 28, 2024
9. Discussion/Action regarding the proposed Resident Volunteer Application for City Boards, Committees, and Commissions
10. Discussion/Action regarding disallowance of claim filed by Francene Weyland for alleged injuries and damages sustained as a result of a trip and fall on May 3, 2024, pursuant to Wis. Stat. 893.80 (1g)
11. **Discussion/Action regarding Recommendations of the Plan Commission- Ald. Esposito**
 - a. **Resolution 24-R60**, authorizing the issuance of a Conditional Use Permit for property owned by TLC Productions LLC to expand an Indoor Commercial Entertainment Land Use and add an Outdoor Commercial Entertainment Land Use in the Planned Business (PB) zoning district for the property located at 100 North Edwards Boulevard, Tax Key No. ZA196100004
 - b. **Ordinance 24-13**, Zoning Text Amendments to §98-206(y) Short-Term Rental, and all

subsections thereunder of the City of Lake Geneva Zoning Ordinance and adding sub-sub-subsection 2. “Resident reporting” to §98-206(y) Short-Term Rental, of the City of Lake Geneva Zoning Ordinance all of which change definitions, regulations, and penalties for short-term rentals in the City of Lake Geneva, Wisconsin

- c. **Ordinance 24-14**, which are Zoning Text Amendments to the Planned Business Park (PBP) zoning district under §§98-203, 98-206(8)(2) and 98-105 of the City Of Lake Geneva Zoning Ordinance to allow Indoor and Outdoor Commercial Entertainment uses incidental to Light Industrial uses
- d. **Ordinance 24-15**, which are Zoning Text Amendments to the definition of “Landscaped Area” in §98-034 of the City Of Lake Geneva Zoning Ordinance and adding a definition for “Permeable Pavement”
- e. **Ordinance 24-16**, which are Zoning Text Amendments for clarifying definitions and fencing standards under §98-720(3) of the City Of Lake Geneva Zoning Ordinance
- f. **Ordinance 24-17**, which are Zoning Text Amendments to clarifying definitions of “Deck” and “Impervious Surface” and clarifying that “attached decks” are permitted “intrusions into required yards” in §98-405 of the City of the Lake Geneva Zoning Ordinance
- g. **Ordinance 24-18**, Which are Zoning Text Amendments to add parking minimums for “Indoor Commercial Entertainment, small scale” under §98-206(4)(h) of the Lake Geneva Zoning Ordinance
- h. **Ordinance 24-19**, which are Zoning Text Amendments deleting references to “in family suites” from Residential Bulk Standards in §98-402(2) of the Lake Geneva Zoning Ordinance and adding “In Family Suite” to §98-206(8), Detail Land Use Descriptions and Regulations (accessory uses) of the Lake Geneva Zoning Ordinance, and adding “In Family Suites” as a permitted accessory use in certain residential zoning district under Table -98-203(8), Accessory Uses of the Lake Geneva Zoning Ordinance, and adding “In Family Suites” as a permitted accessory use to Section 98-105(1)(a)(2)(c), Section 98-105(2)(a)(2)(c), Section 98-105(2)(b)(2)(c), Section 98-105(2)(c)(2)(c), Section 98-105(2)(d)(2)(c), Section 98-105(2)(e)(2)(c) of the Lake Geneva Zoning Ordinance.

12. Adjournment

Requests from persons with disabilities, who need assistance to participate in this meeting or hearing, should be made to the City Clerk's office in advance so the appropriate accommodations can be made.

**CITY OF LAKE GENEVA REGULAR COMMON COUNCIL MINUTES
MONDAY, OCTOBER 28, 2024 - 6:00 PM
LAKE GENEVA CITY HALL; COUNCIL CHAMBERS (MAIN LEVEL)**

Members: Mayor Todd Krause, Council President, Mary Jo Fesenmaier, Council Vice President, Cindy Yager, Alderpersons: Sherri Ames, Peg Esposito, Linda Frame, Joel Hoiland, Ken Howell, and Shari Straube

Call to Order

by Mayor Krause at 6:00 pm.

Pledge of Allegiance

Attorney Draper

Roll Call

Mayor Todd Krause, Alderpersons Shari Straube, Mary Jo Fesenmaier, Linda Frame, Peg Esposito, Joel Hoiland, Cindy Yager. Absent: Sherri Ames and Ken Howell. Others present.

Awards, Presentations, Proclamations, and Announcements

City Clerk Reynolds provided an update on the in person absentee voting dates, times and participation.

Re-consider business from previous meeting

None.

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

None.

Acknowledgement of Correspondence

One email correspondence was received.

Approve the Regular Council Minutes from October 14, 2024

Motion by Hoiland to approve, second by Esposito. Voice vote, all approved, motion carried.

CONSENT AGENDA– Any item listed on the consent agenda may be removed at the request of any member of the Council. The request requires no second, is not discussed, and is not voted upon.

Motion by Frame to approve all consent agenda items listed below, second by Yager. Voice vote, all approved, motion carried.

Event Permit filed by VISIT Lake Geneva for the Electric Christmas Parade on December 7, 2024

Event Permit filed by the Lake Geneva Business Improvement District for the Downtown Fall Wine Walk on November 3, 2024

Temporary "Class B Wine" License filed by the Geneva Lake Art Foundation for an Open House on November 15, 2024

Items removed from the Consent Agenda

None.

Discussion/Action regarding Resolution 24-R59 a resolution approving the publication of the Public Hearing Notice regarding the City of Lake Geneva 2025 Operating and Capital Budgets

Motion by Hoiland to approve Resolution 24-R59, second by Frame. Voice vote, all approved, motion carried.

First Reading of Ordinance 24-11 an ordinance amending Sec. 14-3, Wisconsin Administrative Code, Subsection (a)1 of Chapter 14, Buildings and Building Regulations, Article II, Building Code, Division I

Generally, incorporating by reference Administrative Code section SPS 327 dealing with Camping Units into the Municipal Code of the City of Lake Geneva

Motion by Yager to move to the second reading of Ordinance 24-11, second by Esposito. Voice vote, all approved, motion carried.

Motion by Hoiland to approve Ordinance 24-11, second by Frame. Voice vote, all approved, motion carried.

First Reading of Ordinance 24-12 an ordinance amending Chapter 2, Administration, Article V, Boards and Commissions, adding Division 7 – Hillmoor Commission establishing an advisory body to review planning and development of the Hillmoor property composed of approximately 200 acres of vacant land purchased by the city in 2022

Discussion took place regarding how often the commission meets, citizens/residents, meeting dates and times, a sunset clause, terms of office, streaming and recording meetings.

Motion by Frame to move to the second reading, second by Straube. Voice vote, all approved, motion carried.

Motion by Esposito to approve Ordinance 24-12, second by Frame.

Motion by Hoiland to amend and include a sunset clause which will read - a sunset date shall be January 1, 2028 (3 years) unless revised by the council before January 1, 2028, second by Straube. Discussion took place. Roll call vote: Hoiland, yes; Straube, yes; Fesenmaier, no; Frame, no; Esposito, no; Yager, no. Motion failed 2-4.

Motion by Fesenmaier to amend the word citizen and replace with the word resident throughout the ordinance, second by Straube. Voice vote, all approved, motion carried.

Motion by Fesenmaier to amend the commission will meet at least monthly, second by Esposito. Voice vote, all approved, motion carried.

Motion by Fesenmaier to amend the meetings shall be live streamed, recorded and published barring unforeseen circumstances, second by Esposito. Voice vote, 5-yes, 1-no (Hoiland), motion carried 5-1.

Per main motion to approve Ordinance 24-12 - Voice vote, all approved, motion carried.

Discussion/Action on the Recommendations of the Finance, Licensing, and Regulation Committee

Complimentary Riviera Ballroom Event Request filed by the Lake Geneva Public Library for the Community Veteran's Day Collaboration on November 12, 2024 from 4:15 pm to 5:00 pm

Motion by Hoiland to approve, second by Esposito. Voice vote, all approved, motion carried.

Task Order 37 in an amount not to exceed \$8,066 from Kapur for a Speed Study on Hwy 50 for speed limit reduction from 40 mph to 25 mph

Motion by Yager to approve task order 37 in the amount of \$8,066, second by Fesenmaier. Discussion took place and Finance Director Pisarcik informed the council the funds are in the 2025 budget. Roll call vote: Yager, yes; Fesenmaier, yes; Straube, yes; Frame, yes; Hoiland, no; Esposito, yes. Motion carried 5-1.

Acceptance of the Pre-Paid and Regular Check Reports from October 15, 2024

Motion by Yager to approve, second by Frame. Voice vote, all approved, motion carried.

Adjournment

Motion by Yager to adjourn, second by Esposito. Voice vote, all approved, motion carried. Adjourned at 7:13 pm.

Lacey L. Reynolds
City Clerk

City of Lake Geneva

Resident Volunteer Application for: Boards, Committees, and Commissions



Date: _____ Aldermanic District: _____ Years in Lake Geneva _____

Last name: _____ First name: _____

Residential street address: _____

E-mail address: _____ Phone number: _____

Please prioritize your first choice 1-3 of the committees you would like to serve on:

- | | |
|---|--|
| _____ Avian Committee (2-year term) | _____ City Plan Commission (3-year term) |
| _____ Cemetery Board (2-year term) | _____ Police and Fire Commission (5-year term) |
| _____ Geneva Lake Environmental Agency
(1-year term) | _____ Tourism Commission (1-year term) |
| _____ Historic Preservation Committee
(3- year term) | _____ Tree Board (3-year term) |
| _____ Hillmoor Commission (3-year term) | _____ Utility Commission (3-year term) |
| _____ Library Board (3-year term) | _____ Zoning Board of Appeals 3-year term) |
| _____ Park Board (3-year term) | _____ Other _____ |

Please answer the following questions:

Why are you interested in serving on the above indicated committees?

List any specific qualifications you have to serve on your selections.

Do you have any experience with Public Service or prior Civic Involvement?

What are your goals for your chosen boards/committees/commissions, or the City in general?

Thank you for your interest! The Mayor may request an interview.

Signature _____ Date _____

Submit completed forms to the City Clerk's Office:

626 Geneva St, Lake Geneva WI 53147

cityclerk@cityoflakegeneva.gov

Office Use:

Date Received: _____

Employee: _____

Statewide Services, Inc.

Claim Division

1241 John Q. Hammons Dr.
P.O. Box 5555
Madison, WI 53705-0555
877-204-9712

October 30, 2024

CITY OF LAKE GENEVA
ATTN: LAURA PISARCIK
626 GENEVA STREET
LAKE GENEVA, WI 53147

via email

RE: Our Claim #: WM000642460278
Date of Loss: 05/03/2024
Claimant: Francene Weyland, 1117 W. Northeast Shore Dr, McHenry IL 60051

Dear Ms. Pisarcik:

Statewide Services, Inc. administers the claims for the League of Wisconsin Municipalities Mutual Insurance, which provides the insurance coverage for the City of Lake Geneva. We are in receipt of the "Claim" letter submitted by Francene Weyland regarding the above-referenced trip and fall incident.

We have performed an investigation and determined there is no liability or negligence on behalf of the City of Lake Geneva for this incident. Our investigation has revealed that the City had no prior actual notice of the condition which allegedly caused this incident. A municipality has no liability unless it knew, or should have known, of the existence of the condition and had reasonable amount of time to repair the condition. Therefore, in the absence of negligence on behalf of the City of Lake Geneva, we recommend that the City disallow this claim pursuant to the Wisconsin Statute for disallowance of claim 893.80(1g). The disallowance of the claim in this manner will allow us to shorten the statute of limitations period to six months.

Please send the disallowance, on your letterhead, directly to the claimant at the above listed address. These should be sent certified or registered (restricted) mail and must be received by the claimant within 120 days after you received the claim letter. Please send me a copy of the Notice of Disallowance for our file.

Thank you.

Sincerely,

Ginger Kimpton
Senior Casualty Claims Adjuster
855-828-5515 direct
866-828-6613 fax
gkimpton@statewidesvcs.com

RESOLUTION OF THE COMMON COUNCIL			
Resolution authorizing the issuance of a Conditional Use Permit (CUP) at 100 N Edwards Blvd expanding Indoor Commercial Entertainment land use and allowing for Outdoor Commercial Entertainment land use in the Planned Business (PB) zoning district, Tax Key ZA196100004			
Committee:	Plan Commission approved October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-R60	Date:	November 11, 2024

WHEREAS, the City Plan Commission has considered the application of a Conditional Use Permit (CUP) filed by Peter Juregens, agent for TC Productions LLC, for expanding Indoor Commercial Entertainment on an addition to be constructed on the premises, and allowing Outdoor Commercial Entertainment at 100 N Edwards Blvd for a property located within the Planned Business (PB) zoning district Tax Key ZA196100004, and

WHEREAS, the City Plan Commission held a Public Hearing thereon pursuant to proper notice given on October 3, 2024, and October 10, 2024, and

WHEREAS, the City Plan Commission approved the application finding the CUP complies with the affirmative findings of fact in Section A numbers 1-6 on page 3 of the attached Exhibit A, subject to any other staff recommendations, and subject to the added condition that the outdoor space not be used for any use other than quiet gathering space such as picnics with no entertainment or music.

NOW, THEREFORE, BE IT RESOLVED, that the Zoning Administrator, is hereby authorized, to issue a Conditional Use Permit (CUP) for 100 N Edward Blvd expanding the Indoor Commercial Entertainment and allowing for Outdoor Commercial Entertainment land uses in the Planned Business (PB) zoning district.

Tax Key ZA196100004.

Granted by action of the Common Council of the City of Lake Geneva this 11th day of November 2024.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

Todd Krause, Mayor

Date

Attest:

Lacey L Reynolds, City Clerk

Date

STAFF REPORT
To Lake Geneva Plan Commission
Meeting Date: October 21, 2024

Agenda Item #6

Applicant:

TC Productions, LLC, rep. by Pete Jurgens
100 N Edwards Boulevard
Lake Geneva, WI

Request:

100 N Edwards Boulevard
Proposed Conditional Use Permit for an addition
to an existing indoor and outdoor commercial
entertainment space.

Description:

The applicant is submitting a proposal for a Conditional Use Permit (CUP) for an addition to an existing indoor and outdoor commercial entertainment operation located at 100 North Edwards Boulevard. The property is located in the Planned Business (PB) zoning district. Indoor commercial entertainment is defined as, “Large-scale indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building, which is over 2,000 square feet and/or which serves alcohol. Examples of such land uses include restaurants, taverns, theaters, bowling alleys, arcades, roller rinks, and pool halls.” Surrounding properties include a commercial development to the north (zoned Planned Development PD), multifamily residential to the south (zoned PD), single-family homes to the west (Town of Lyons), and multiple retail and office uses to the east across Edwards Boulevard (zoned both PB and PBP).

The parcel at 100 N Edwards Boulevard is 1.9 acres in size. The existing one-story building on the site covers roughly 5,244 square feet. The current building is utilized as a large-scale indoor entertainment space. More specifically, the existing space is used as a theater and holds magic and illusion shows. The current parking lot maintains 68 parking spaces.

On the west side of the existing building, the applicant proposes a new, two-story 5,671 square foot addition to the building, plus a 500 square foot connector building. This addition contains space for a mini-golf facility, additional game areas, and required service areas on the inside to include a lobby/mezzanine and concessions. Outdoors, the applicant is proposing an outdoor picnic and play area. The indoor and outdoor areas could include activities like axe-throwing, rock climbing, and other assorted arcade-style games. The proposed connector building between the existing building and proposed addition is to be used for storage of equipment and materials and includes a garage door that leads out to the parking lot.

Staff Review:

Use and General Site Layout

The proposed building addition maintains the existing building’s existing setbacks to the south, north, and east. The minimum side yard setback to the west for PB-zoned parcels is 10 feet, which this addition will comfortably meet. The proposed second story addition, totaling 27 feet tall, complies with the PB Zoning District’s maximum height standard of 45 feet. The total square footage of the existing building with the proposed additions will total approximately 11,415 sq ft.

Indoor Commercial Entertainment uses require that there be no public entrance within 150 feet of a residential lot. There is an emergency exit (gate only) on the west side of the building to the outdoor area appears to be within 150 feet of the residential lot adjacent to the west. The main building entry/exit is not located within 150 feet of any residential lot, which satisfies the intent of the code.

During peak summer months, the proposed uses have hours of operation from 11:00 AM to 10:00 PM, 7 days a week. During off-season months, the proposed uses will operate mostly on weekends, with exceptions during the week for special events and private rentals. The application describes the outdoor area as a “grassed picnic area.”

Architecture

The elevations presented are consistent with the architecture of the existing building. The architecture of the proposed addition will include corrugated metal siding and stone veneer to match the existing building. The connector structure will also be corrugated metal siding with a garage door on the north elevation to service the parking lot. The applicant stated that the garage door is proposed to provide access to the area for storage of larger items. It is not intended to be used to store vehicles, nor to drive vehicles into the building from the parking lot. In front of the garage door is a sidewalk with a curbed edge for the parking lot and parking stalls.

Landscaping

The applicant has provided a landscaping plan as part of this submittal. The following landscaping requirements were calculated for this project:

	Needed Points	Proposed Plan Point Value
New Building Foundation	317 linear feet = 174 points needed	Meets requirement
Developed Lot	5671 sq ft = 57 points needed	Meets requirement
Street Frontage	No new street frontage = 0 points needed	Meets requirement
Paved area	12,300 sq ft = 99 points needed	Meets requirement
Total	330 landscaping points	516 points provided

Parking and Traffic Circulation

	Spaces Needed	Provided Spaces
Existing Use	52 parking stalls	68 parking stalls
Proposed Addition	25 parking stalls (1 stall for every 3 patrons in maximum occupancy).	26 parking stalls
Total	77 parking stalls	94 parking stalls (17 stall surplus)

Lighting

The applicant did not submit a lighting plan for the site. All lighting on the site is existing. No photometric plan is needed.

Action by the Plan Commission:

As part of the consideration of the requested CUP, the Plan Commission is required to:

- Provide the Common Council with a *recommendation* regarding the proposed CUP;
- Include *findings* required by the Zoning Ordinance for CUP; and,
- Provide specific suggested *requirements/conditions* to modify the project as submitted.

Required Plan Commission Findings on the CUP for Recommendation to the Common Council:

A proposed CUP must be reviewed by the standards, below:

- A. If, after the public hearing, the Commission wishes to recommend *approval*, then the appropriate fact finding would be all of the following:
1. In general, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 2. Specific to this site, the proposed conditional use is in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
 3. The proposed conditional use in its proposed location, and as depicted on the required site plan does not result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
 4. The proposed conditional use maintains the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
 5. The proposed conditional use is located in an area that will be adequately served by and will not impose an undue burden on any improvements, facilities, utilities or services provided by public agencies serving the subject property.
 6. The potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.
- B. If, after the public hearing, the Commission wishes to recommend *denial*, then the appropriate fact finding would be one or more of the following:
1. In general, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.

2. Specific to this site, the proposed conditional use is not in harmony with the purposes, goals, objectives, policies and standards of the City's Comprehensive Plan, Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City.
3. The proposed conditional use in its proposed location, and as depicted on the required site plan does result in a substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan or any other plan, program, map, or ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development.
4. The proposed conditional use does not maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property.
5. The proposed conditional use is not located in an area that will be adequately served by and will impose an undue burden on any of the improvements, facilities, utilities or services provided by public agencies serving the subject property.
6. The potential public benefits of the proposed conditional use do not outweigh all potential adverse impacts of the proposed conditional use after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts.

Staff Recommendation:

1. Staff recommends that the Plan Commission recommend approval of the proposed conditional use as submitted.
2. Staff recommends the Plan Commission adopt the *affirmative set of findings* provided under A.1-6., above.

Suggested Motions:

- *Approve:* I recommend approval of the proposed *Conditional Use Permit for TC Productions, LLC, for an extension of an indoor commercial entertainment use at 100 N. Edwards Boulevard*, including the affirmative set of findings, and any additional conditions of approval recommended by staff.
- *Deny:* I recommend denial of the *Conditional Use Permit for TC Productions, LLC, an extension of an indoor commercial entertainment use at 100 N. Edwards Boulevard*, including the affirmative set of findings, and any additional conditions of approval recommended by staff. because *[provide rationale for denial, based on substantial evidence]*.

*Sonja Kruesel, AICP
City Planning Consultant
Vandewalle & Associates*

Memo to City of Lake Geneva

To: Fred Walling, Zoning Administrator **Date:** September 16, 2024

From: Naomi Rauch, P.E.
262-758-6032

CC: Peter Juergens
Warren Hansen, P.E. – Farris Hansen and Associates
David de Angelis – City Administrator
Amanda Rotondi – Building and Zoning Administrative Assistant
Tom Earle – Director of Public Works
Josh Gajewski – Utility Director

Subject: SITE PLAN APPROVAL – 100 N. EDWARDS BLVD (Magic Theater) PIN (ZA196100004)
Kapur Project #24.0167 Phase 03

BACKGROUND AND REQUEST:

A site plan application was submitted by Mr. Peter Juergens for the construction of a 5,671 SF building addition and approximately 1,600 SF of outdoor picnic area with 9407 SF of new parking lot.

The following plan and calculations were submitted for review:

- **Phase 2 The Magic Theatre Phase 2**, prepared by **Farris Hansen & Associates, inc.**, sheet 1 of 16, dated **May 3, 2021**, last revised **July 31, 2021**.
- **Stormwater Management Plan, Tristan Crist Magic Theatre 2024 Addition**, dated April 29, 2024.
- **Phase 1 The Magic Theatre Phase 1, Volume Exhibit** prepared by Farris Hansen & Associates Inc., one sheet.
- **Off-site Drainage Exhibit and Modeling**, prepared by Faris Hansen & Associates, Inc. March 2024.

Comments:

Kapur recommends approval of the site plan application for the proposed addition to the existing structure at 100 N Edwards Blvd, based on the information reviewed above. This approval is subject to the following conditions:

General

1. The City will require a letter of credit for 120% of the costs to modify the stormwater management system. An engineering cost estimate is required to determine the letter of credit amount and must be provided to the City for review and concurrence. The letter of credit shall be executed prior to starting construction and remain in place until an as-built survey of the modifications to the stormwater management system has been certified by the design engineer and provided to the City.
2. The stormwater maintenance agreement, revised to include the modifications to the stormwater management system must be recorded with the County prior to release of the letter of credit.



3. A retaining wall is proposed within the 30-ft wide utility easement. The retaining wall may not violate the easement restrictions per CSM 1787, 1961 & 1880 (documents not provided for review). Additionally, the Utility Commission shall be notified prior to construction of the retaining wall so that the location of the sewer can be confirmed and the construction methods for the retaining wall can be reviewed.
4. Erosion control items shall be installed prior to upland disturbance and shall remain in place until final stabilization. Care must be taken to keep construction debris and sediment from entering the existing stormwater management facility. Disturbed area shall be stabilized as soon as possible.

The plans have been reviewed for conformance with generally accepted engineering practices and City of Lake Geneva policies. Although the material has been reviewed, the applicant is ultimately responsible for the thoroughness and accuracy of the plans and supplemental data and for compliance with state, county, and other local ordinances and procedures.

Please contact me if you have any questions or comments pertaining to this project.

Submission package for phase two " Tristan Crist Magic Theater "

Aug 1, 2024

Please find attached various plans and schedules as part of the overall submission package.

1. Conditional use application as provided by building inspector.

2. Detailed business plan as provided by Tristan Crist

A. Project overview

B. Parking calculations

C. Employees/ hours operation

D. Signage

E. Various issues

20 x25 storage building

outdoor fenced area

mezzanine

Building materials for the addition will be identical to the existing building in all regards , including stone veneer , siding, windows .

3. Site plan with topo lines removed for ease of Interpretation of plan.

4. Detailed site plan ,grading plan and building plans. There will be only one additional light Pole at the West End of the new building. The balance of the parking lot will be served by the existing light Pole.

5. Landscape plan, including all calculations to meet the requirements .

6. The detailed grading plan , along with all necessary calculations for water retention has been forwarded to the city engineer for their review and approval. Basd on our previous meetings.The building meets all set- back requirements for both parking areas and building.

APPLICATION FOR CONDITIONAL USE

City of Lake Geneva

Site Address/Parcel No. and full Legal Description required (attach separate sheet if necessary):

100 N Edwards Block Lake Geneva WI

Name and Address of Current Owner:

T.C. Productions LLC

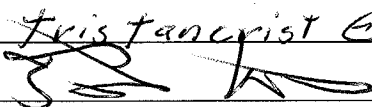
100 W. Edwards Blvd Lake Geneva WI

Telephone No. with area code & Email of Current Owner:

608-477-1447

tristanerist@gmail.com

Owner Signature:



Name and Address of Applicant:

Peter Juergens

N2689 Sunset Blvd Lake Geneva WI

Telephone No. with area code & Email of Applicant:

414-588-2909

peter.juergens05@gmail.com

Proposed Conditional Use:

Build Addition 100 FT of

Building for indoor Mini golf / climbing wall /

indoor Amusement

Zoning District in which land is located:

Planned Business

Names and Addresses of architect, professional engineer and contractor of project:

Farris Hansen & ASSO

Geneva Bay Design LLC

Short statement describing activities to take place on site:

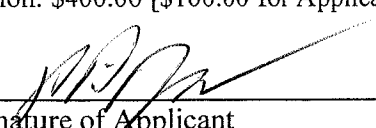
indoor Mini Golf / climbing walls / indoor

Amusement

Conditional Use Fee payable upon filing application: \$400.00 [\$100.00 for Application Under Sec. 98-407(3)]

June 28 2024

Date


Signature of Applicant

_____ (d) A site plan (conforming to the requirements of Section 98-908(3)) of the subject property as proposed for development OR if the proposed conditional use is a group development (per Section 98-208) a proposed preliminary plat or conceptual plat may be substituted for the required site plan, provided said plat contains all information required on said site plan per Section 98-908.

_____ (e) Written justification for the proposed conditional use:

_____ Indicating reasons why the Applicant believes the proposed conditional use is appropriate with the recommendations of the City of Lake Geneva Comprehensive Master Plan, particularly as evidenced by compliance with the standards set out in Section 98-905(4)(b)1.-6. (See below)

III. JUSTIFICATION OF THE PROPOSED CONDITIONAL USE

1. How is the proposed conditional use (the use in general, independent of its location) in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

New USE is Similar To adjacent Magic
Theater

2. How is the proposed conditional use, in its specific location, in harmony with the purposes, goals, objectives, policies and standards of the City of Lake Geneva Comprehensive Plan, the Zoning Ordinance, and any other plan, program, or ordinance adopted, or under consideration pursuant to official notice by the City?

New use will Have No effect on Proportion
Both North and South which are Driveways and
Parking

3. Does the proposed conditional use, in its proposed location and as depicted on the required site plan (see Section 98-905(3)(d)), result in any substantial or undue adverse impact on nearby property, the character of the neighborhood, environmental factors, traffic factors, parking, public improvements, public property or rights-of-way, or other matters affecting the public health, safety, or general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions of the Zoning Ordinance, the Comprehensive Plan, or any other plan, program, map ordinance adopted or under consideration pursuant to official notice by the City or other governmental agency having jurisdiction to guide development?

None

4. How does the proposed conditional use maintain the desired consistency of land uses, land use intensities, and land use impacts as related to the environs of the subject property?

New Building conforms To All zoning Requirements
and is Similar To current USE of Exisiting Bldg

5. Is the proposed conditional use located in an area that will be adequately served by, and will not impose an undue burden on, any of the improvements, facilities, utilities or services provided by public agencies serving the subject property?

NO New Burden To city

6. Do the potential public benefits of the proposed conditional use outweigh all potential adverse impacts of the proposed conditional use (as identified in Subsections 98-905(4)(b)1.-5.), after taking into consideration the Applicant's proposal and any requirements recommended by the Applicant to ameliorate such impacts?

NO Adverse Impact

IV. FINAL APPLICATION PACKET INFORMATION

- ____ Receipt of 1 full scale copy in blue/line or black/line of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- ____ Receipt of 8 reduced (8.5" by 11" text and 11" x 17" graphics) copies of complete Final Application Packet by Zoning Administrator: Date: _____ by: _____
- ____ A digital copy of Final Application Packet shall be emailed to the Building and Zoning Department upon submittal deadline. Date: _____ by: _____
- ____ Certification of complete Final Application Packet and required copies to the Zoning Administrator by City Clerk: Date: _____ by: _____
- ____ Class 2 Legal Notice sent to official newspaper by City Clerk: Date: _____ by: _____
- ____ Class 2 Legal Notice published on _____ and _____ by: _____
- ____ Conditional Use recorded with the County Register of Deeds Office: Date: _____ by: _____

7/01/2024

Proposal for new construction and expanded parking lot located at 100 N Edwards Blvd owned by TC Productions LLC.

Proposed use:

The proposed development is to be used for the purposes of operating a commercial indoor entertainment facility. The business would potentially include but not be limited to activities such as mini golf, axe throwing, rock climbing, billiards, foosball, air hockey and other assorted arcade style games. The facility would include seating areas and a bar area serving water, soda, beer, wine, popcorn, candy, pretzels, nachos, and other similar items. The facility would include a small performance area for indoor live music as well as an area for party rentals.

Expanded parking lot:

The current parking lot has 68 stalls. 52 of the existing stalls are required for the Magic Theatre building. 5 stalls are required for the existing office and apartment addition.

Per staff recommendation, the new addition would require 1 parking stall per three occupants. The new building will be limited to an occupancy of 75 people which would require 25 stalls.

The attached site plan shows the parking lot expansion results in a total of 94 total spaces. This allows for 12 remaining stalls which will be allocated during a future planned indoor expansion of seating area in the Magic Theatre.

The attached site plan also addresses storm water management per staff and civil engineer recommendations.

The plan would be to start construction on the additional parking area prior to construction on the new building.

Projected employees and customers:

The day-to-day operation will be run by 1-2 employees which could grow up to 6 employees during peak season and hours.

The facility would cater to an all age demographic similar to the Magic Theatre next door.

Tourist season sees an influx in family audiences and off season sees more adults.

Initial expectations would be to serve around 15 to 20 thousand customers throughout the course of a year.

Operational considerations:

During peak summer months, (June, July and August) the venue will operate 7 days a week from approximately 11:00 am to 10:00 PM.

During off-season months, the venue will operate primarily on the weekends (Friday through Sunday) with occasional hours throughout the week depending on demand and private rentals.

Signage:

A sign adhering to city codes and guidelines will be installed over the entrance. Additional signage will be present on the existing electronic message board on the existing monument sign at the entrance to the property.

Additional notes:

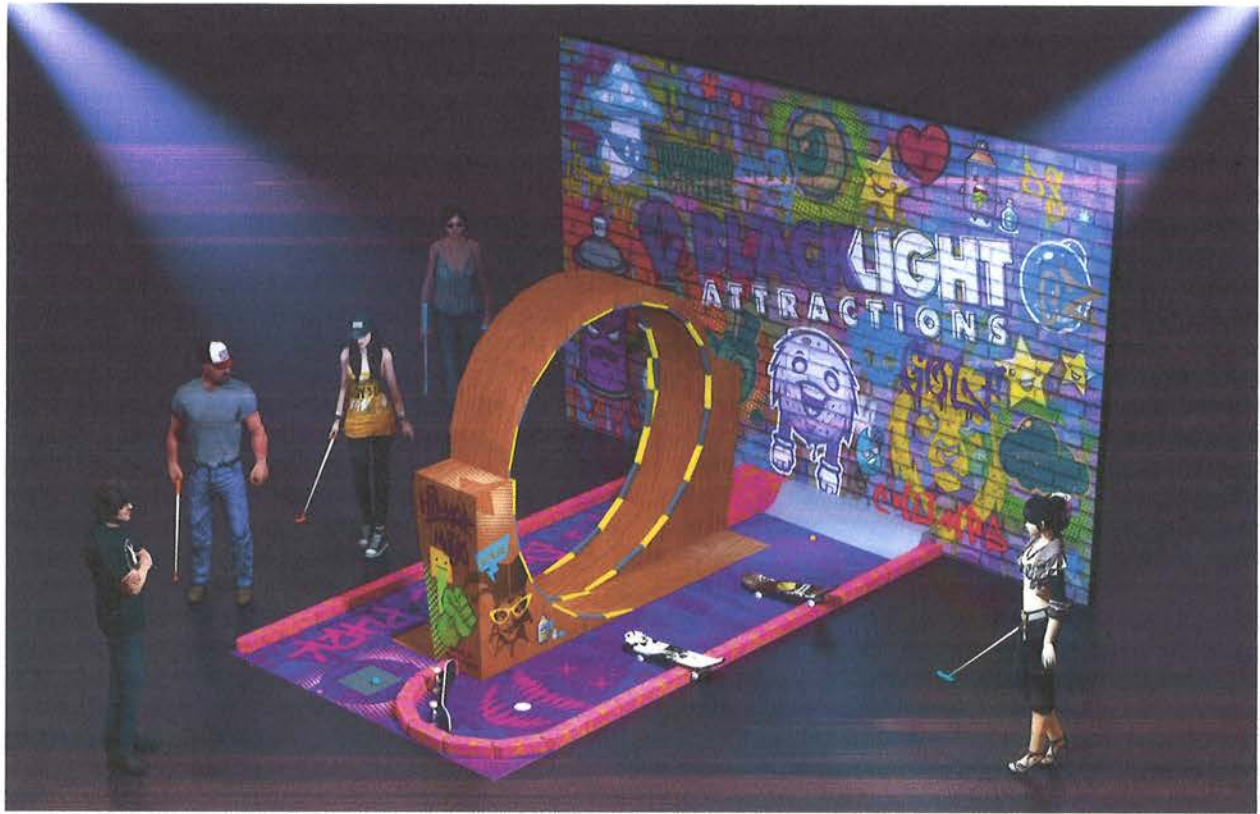
An application will be made for a license to sell beer and wine.

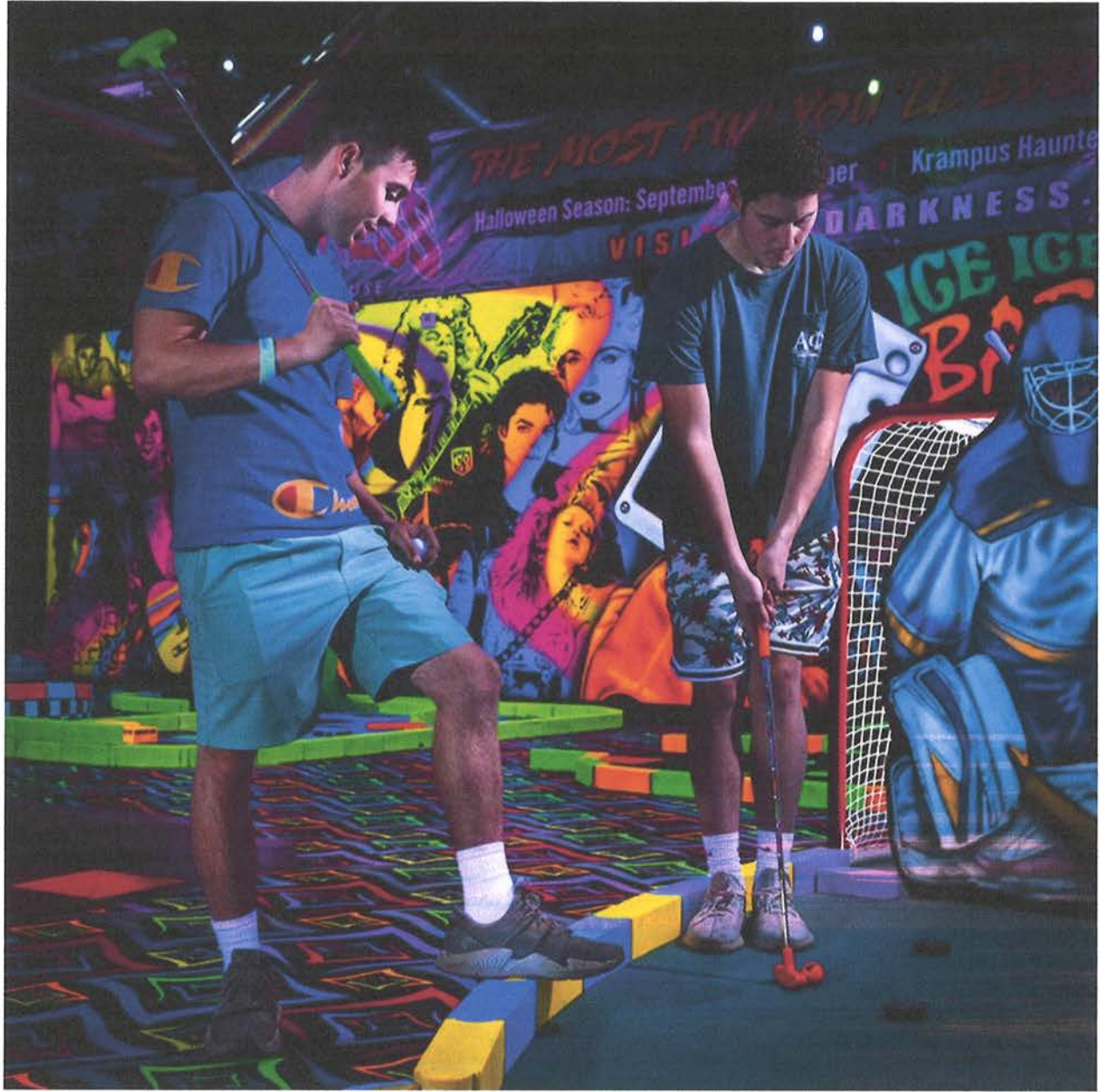
A small fenced in outdoor area that will have a permeable surface is included in the plans.

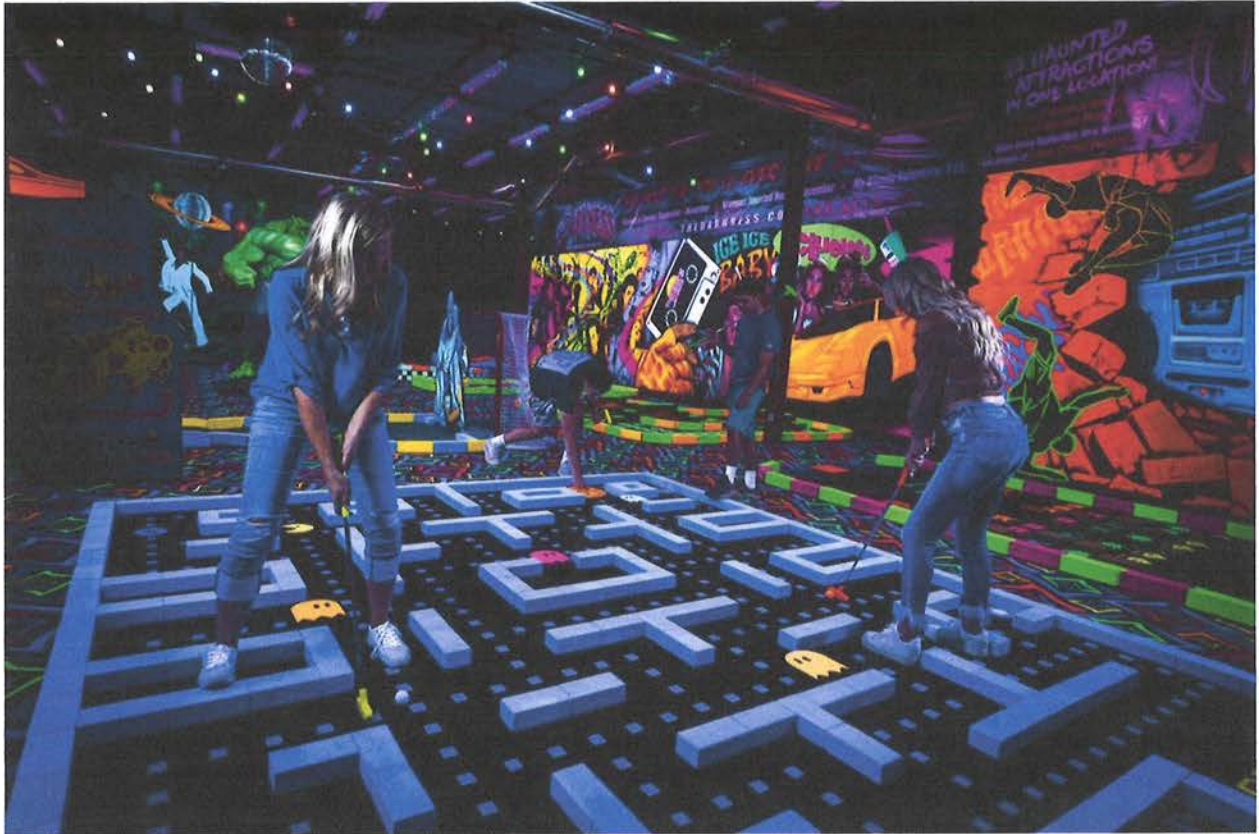
A one story 500 sq foot building connects the two main buildings and will allow for additional prop and equipment storage space for the magic theatre.

A 3,000 sq foot mezzanine is included in the plans with entrance stairs as well as emergency outdoor exit stairs.

The look of the building will reflect the current architecture of the existing magic theatre with metal siding utilizing hidden fasteners, glass windows and stone façade.

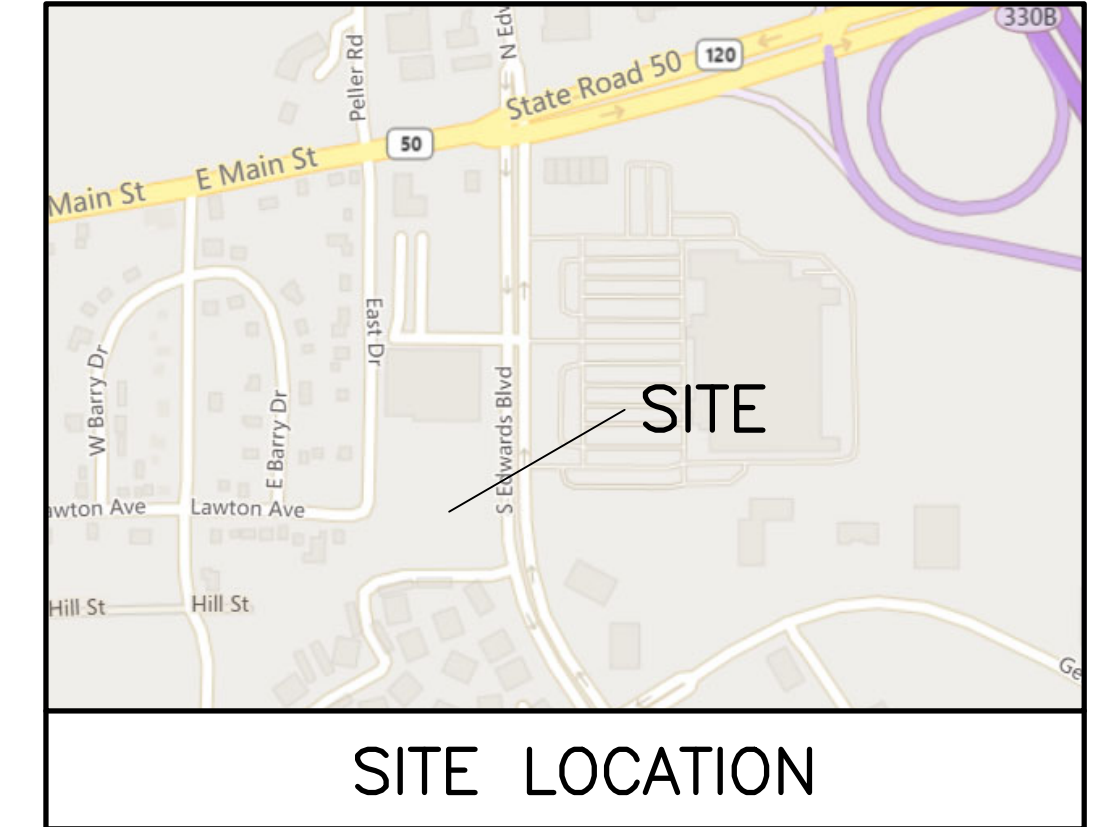






PHASE 2 THE MAGIC THEATRE

OUTLOT 3 OF CERTIFIED SURVEY MAP NO. 1961 LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 31,
TOWN 2 NORTH, RANGE 18 EAST, CITY OF LAKE GENEVA, WALWORTH COUNTY, WISCONSIN



SITE LOCATION

1. ALL DIMENSIONS ARE TO EDGE OF PAVEMENT OR FACE OF CURB UNLESS OTHERWISE NOTED.
2. MAINTAIN 24' 2-WAY DRIVE WIDTHS UNLESS NOTED DIFFERENTLY.
3. CONTRACTOR SHALL MAINTAIN A MAXIMUM SLOPE OF 2.00% ACROSS HANDICAP SPACES AS PER ADA REQUIREMENTS.
4. CONTRACTOR SHALL MAINTAIN A MINIMUM SLOPE OF 0.60% ACROSS CONCRETE PAVED AREAS.
5. SHEET DRAINAGE ACROSS PARKING AND DRIVE SURFACES EXPECTED TO POINT TO POINT STRAIGHT LINE GRADES.
6. SIDEWALK TO HAVE A 5-INCH CURBED EDGE IN MOST LOCATIONS. CONTRACTOR SHALL DEPRESS SIDEWALK AT ALL STRIPED HANDICAP ACCESS AISLES AND WHERE NOTED TO BE FLUSH.
7. THE LOCATIONS OF ALL EXISTING UTILITIES SHOWN ON THIS PLAN HAVE BEEN DETERMINED FROM THE BEST INFORMATION AVAILABLE AND ARE GIVEN FOR THE CONVENIENCE OF THE CONTRACTOR. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THEIR ACCURACY. PRIOR TO THE START OF ANY CONSTRUCTION ACTIVITY, THE CONTRACTOR SHALL NOTIFY THE UTILITY COMPANIES FOR ONSITE LOCATION OF EXISTING UTILITIES.
8. FIELD VERIFY ELEVATIONS AND LOCATION OF ALL CONNECTIONS TO EXISTING UTILITIES PRIOR TO COMMENCING CONSTRUCTION.

GENERAL NOTES

SHEET INDEX

SHEET 1	PHASE 2 SITE, GRADING, DRAINAGE & EROSION CONTROL PLAN
SHEET 2	SITE SPECIFICATIONS AND DETAILS
SHEET 3	NORTH & SOUTH ELEVATIONS
SHEET 4	OVERALL NORTH, WEST & EAST ELEVATIONS, WALL ROOF & FLOOR TYPES
SHEET 5	FIRST FLOOR PLAN, HANDICAP DETAILS
SHEET 6	SECOND FLOOR PLAN, DOOR & WINDOW SCHEDULES
SHEET 7	FOUNDATION PLAN, COLUMN FOOTING SCHEDULE, CONCRETE DETAILS
SHEET 8	BUILDING SECTIONS
SHEET 9	BUILDING SECTIONS
SHEET 10	BUILDING SECTIONS
SHEET 11	SECOND FLOOR FRAMING PLAN, COLUMN & JOIST SCHEDULE
SHEET 12	ROOF FRAMING PLAN, BEAM SCHEDULE, HEADER SCHEDULE
SHEET 13	FRAME LINE 1 THRU 4 ELEVATIONS, ANCHOR BOLT DETAILS
SHEET 14	COLUMN LINE B & G ELEVATIONS, STEEL DETAILS
SHEET 15	STEEL DETAILS
SHEET 16	GENERAL SPECIFICATIONS

SITE SUMMARY

ZONING: PD (PLANNED DEVELOPMENT)
SITE AREA: 84,070 S.F. | 1.93 ACRES
EXISTING PARKING: 27,807 S.F. | 68 CARS (2 HANDICAP)
MISC. CONCRETE: 3,343 S.F.
EXISTING BUILDING AREA: 6,332 S.F.

PROPOSED BUILDING ADDITION: 5,671 S.F.
PARKING ADDITION: 9,407 S.F. | 26 NEW SPACES (2 HANDICAP)

TOTAL BUILDING OCCUPANCY: 282 MAXIMUM
TOTAL PARKING: 94 SPACES (4 HANDICAP)
TOTAL LAND DISTURBANCE AREA: 23,700 S.F. | 0.54 ACRES

08/06/2024 - TS REVISE CURBED RETAINMENT WALL	06/19/2024 - TS REVISE RETAINMENT WALL	04/17/2024 - TS ADVANCE WITH REV BLD
09/09/2024 - TS REVISE PARKING DIMENSIONS	06/26/2024 - TS REVISED FRONT WALK	04/29/2024 - TS ADVANCE
09/10/2024 - TS EXPAND DRIVING LANE	07/23/2024 - DHC NORTH DRAINAGE BASIN CONTOURS	06/17/2024 - TS REVISE RETAINMENT WALL
09/12/2024 - TS REMOVE LIGHT	07/31/2024 - TS ADVANCE	

— WORK ORDERED BY —
GENEVA BAY CONSTRUCTION
N2689 SUNSET BLVD
LAKE GENEVA, WI 53147

— OWNER —
T.C. PRODUCTIONS, LLC
100 N. EDWARDS BLVD
LAKE GENEVA, WI 53147

1. THE CONTRACTOR SHALL COMPLY WITH THE PROVISIONS OF LOCAL EROSION CONTROL PLANS AND/OR ORDINANCES.
2. INSPECT BASIN AND SWALES TO MEET SPECIFICATIONS ON PLAN AND WDNR TECHNICAL STANDARDS ON AN ON-GOING BASIS.
3. SEEDING AND EROSION CONTROL MATTING AS SPECIFIED ON PLAN FOR TEMPORARY SEDIMENT TRAP AND SWALES SHALL BEGIN WITHIN 7 DAYS AFTER FINAL GRADING IS COMPLETED.
4. SILT FENCE TO ACT AS SEDIMENT BARRIER/TRAP AND SHALL BE CLEANED AND MAINTAINED IN ACCORDANCE WITH WDNR TECHNICAL STANDARDS.
5. PROVIDE INLET PROTECTION AT ALL CATCH BASINS AS EACH IS INSTALLED. INLET PROTECTION TO INCLUDE FABRIC BARRIERS UNDER CASTINGS.
6. PROVIDE INLET PROTECTION AT CATCH BASINS IMMEDIATELY ADJACENT TO THE WORK ALONG EDWARDS BOULEVARD.
7. INSPECT EROSION CONTROL ON SITE AND DOCUMENT FINDINGS IN AN INSPECTION REPORT. MAINTAIN WEEKLY INSPECTION SCHEDULE AND INSPECT SITE 24 HOURS AFTER EVERY RAINFALL EVENT FOR RUNOFF MANAGEMENT.
8. ALL DISTURBED SLOPES 4:1 OF GREATER TO BE STABILIZED WITH NORTH AMERICAN GREEN S-150 EROSION CONTROL BLANKET.
9. IF DEWATERING IS REQUIRED, DEWATERING TO MEET WDNR TECHNICAL STANDARDS.

EROSION CONTROL NOTES

LEGEND

- = FOUND IRON REBAR STAKE
- = FOUND IRON PIPE
- = FOUND CONCRETE COUNTY MONUMENT
- ⊙ = LIGHT POST, LOCATED
- ⊙ = CATCH BASIN, LOCATED
- ⊙ = SANITARY SEWER MANHOLE, LOCATED
- {XXX} = RECORDED AS
- TC = PROPOSED TOP OF CURB GRADE
- FP = PROPOSED FINISHED PAVEMENT GRADE
- FG = PROPOSED FINISHED GROUND GRADE
- M.E. = MATCH EXISTING
- XXXXX = TOP OF CURB ELEVATION
- XXXXX = SPOT ELEVATION
- FF = FIRST FLOOR
- SF = SECOND FLOOR

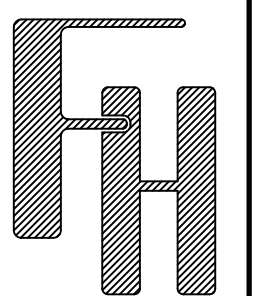
TO OBTAIN LOCATIONS OF PARTICIPANTS UNDERGROUND FACILITIES BEFORE YOU DIG IN WISCONSIN, CONTACT...

DIGGERS HOTLINE

Toll Free (800) 242-8511
Milwaukee Area (414) 259-1181
Hearing Impaired TDD (800) 542-2289
www.DiggersHotline.com

WIS STATUTE 182.0175(1974) REQUIRES MIN.
3 WORK DAYS NOTICE BEFORE YOU EXCAVATE

20 10 0 20 40 60 80
MAP SCALE IN FEET - ORIGINAL 1"=20'



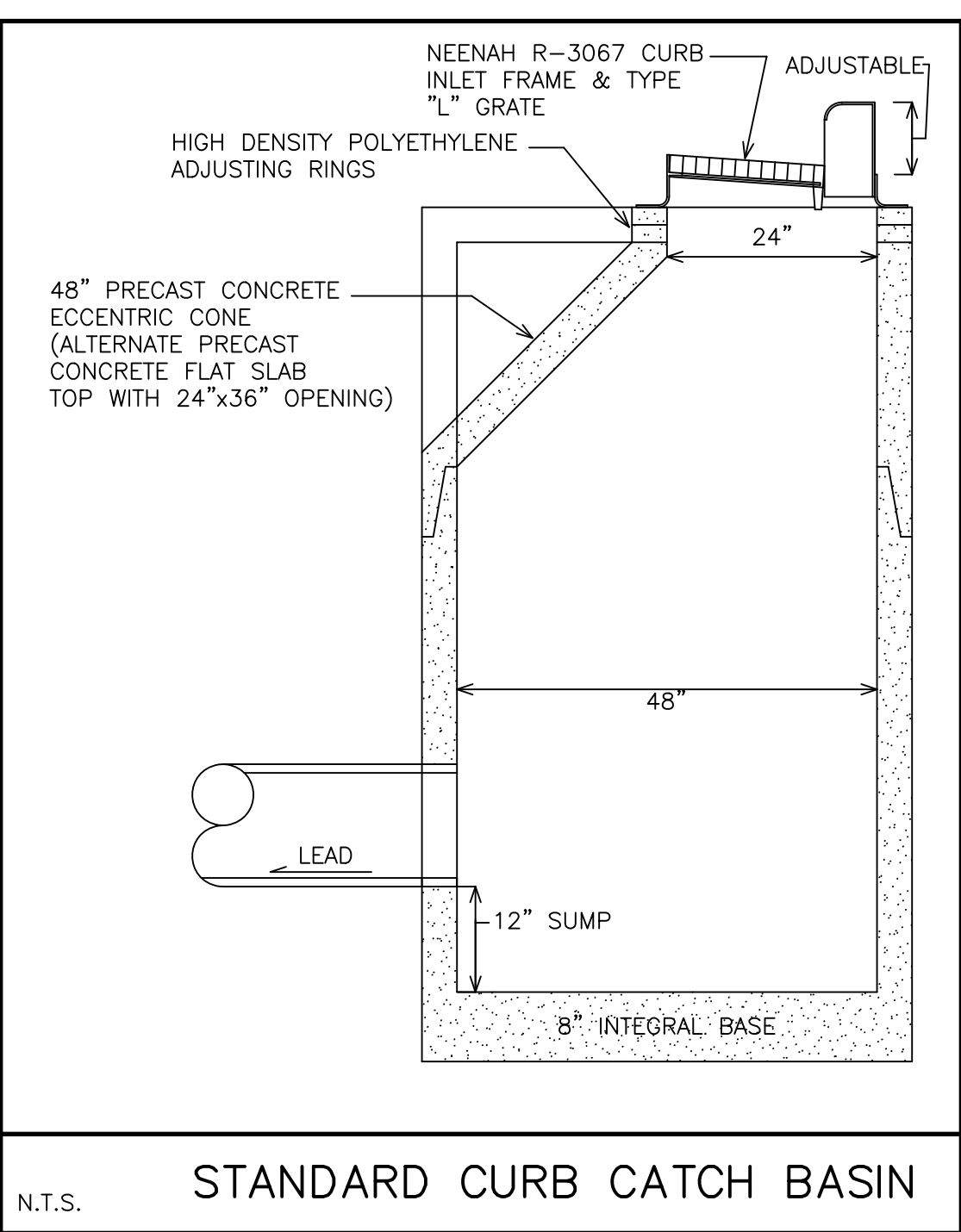
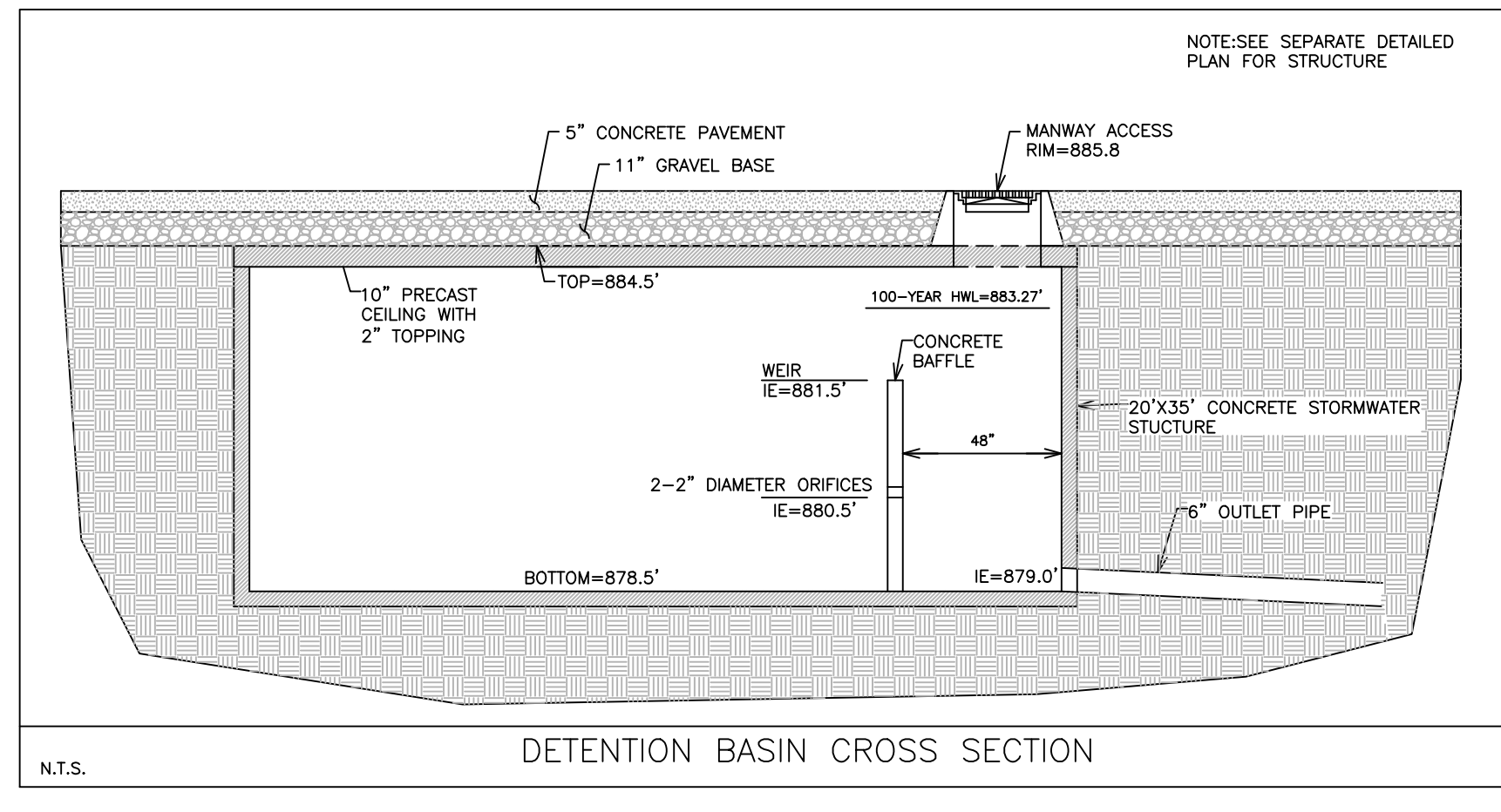
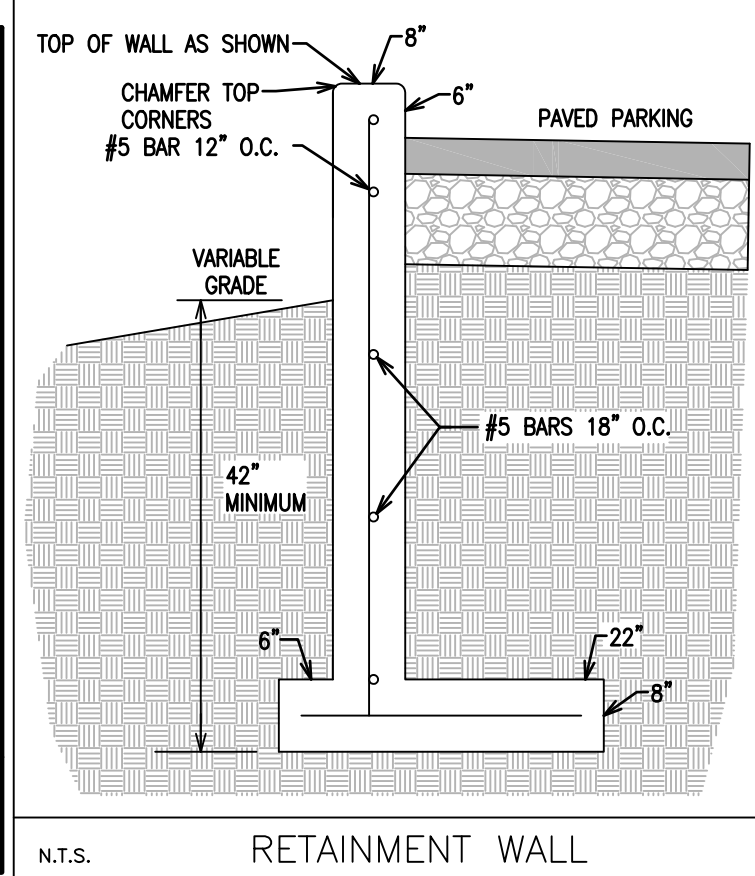
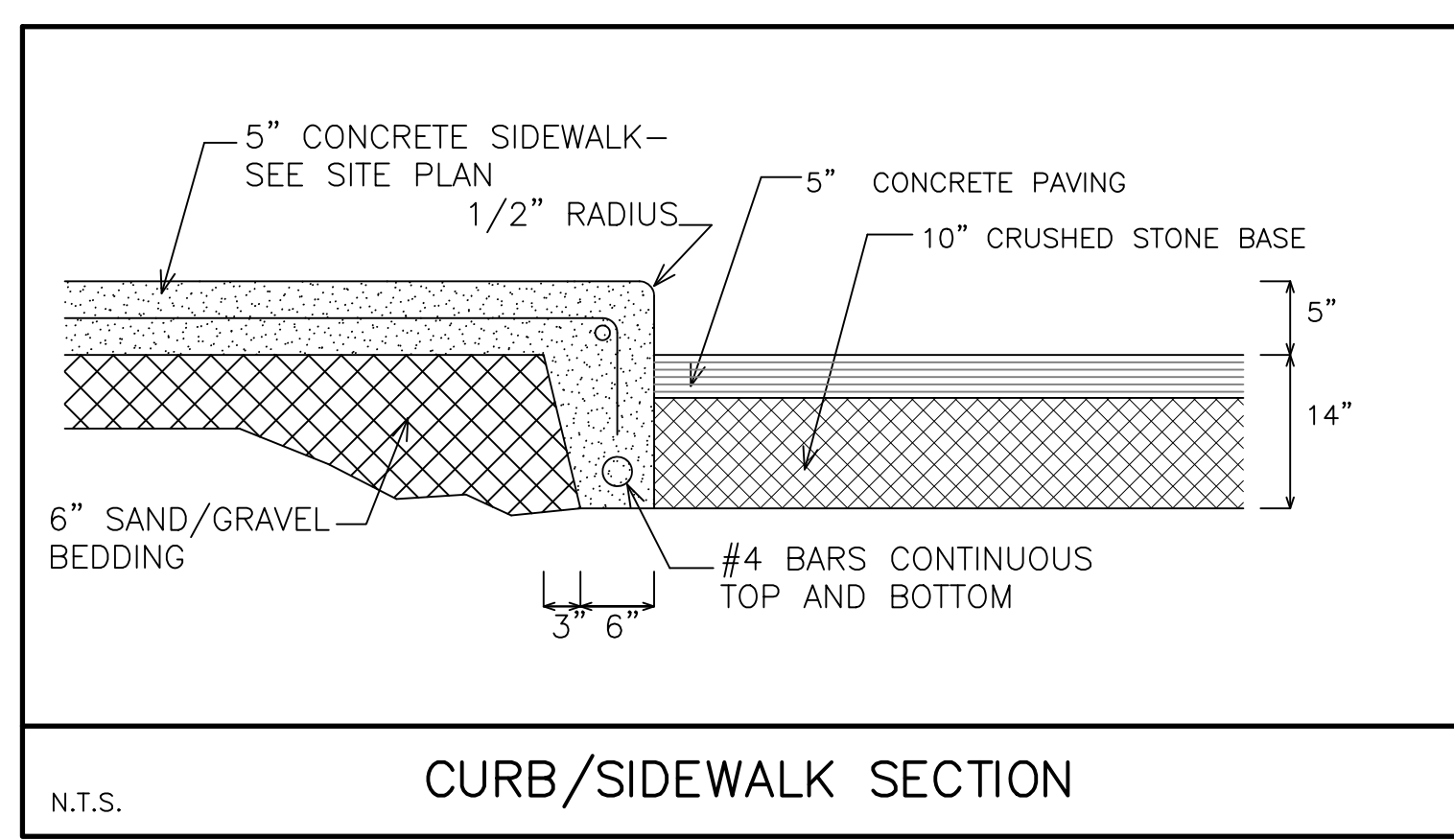
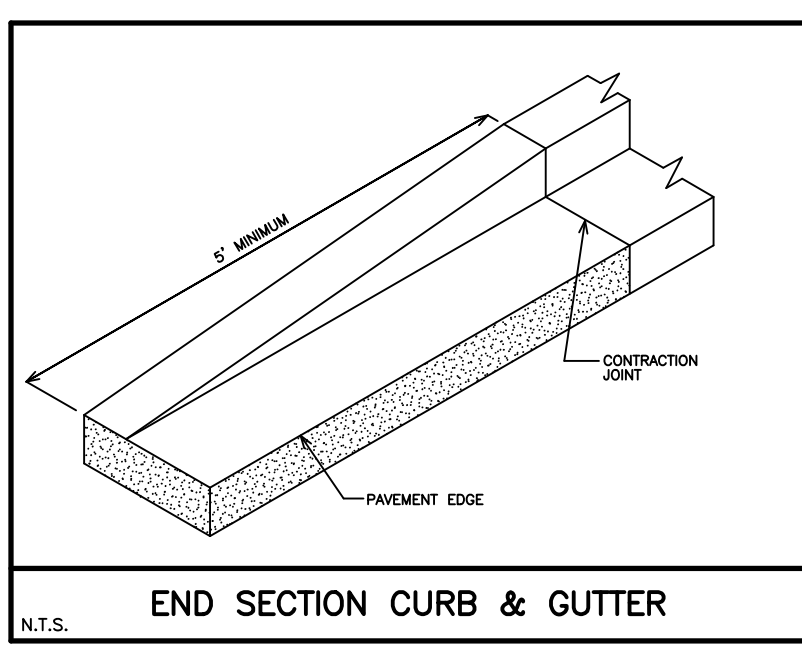
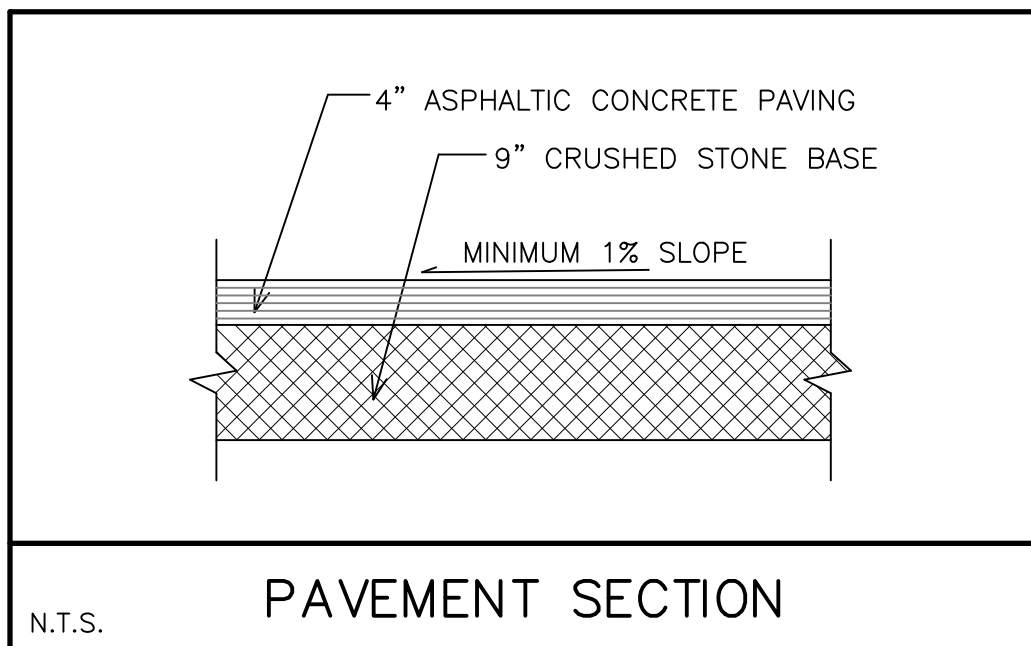
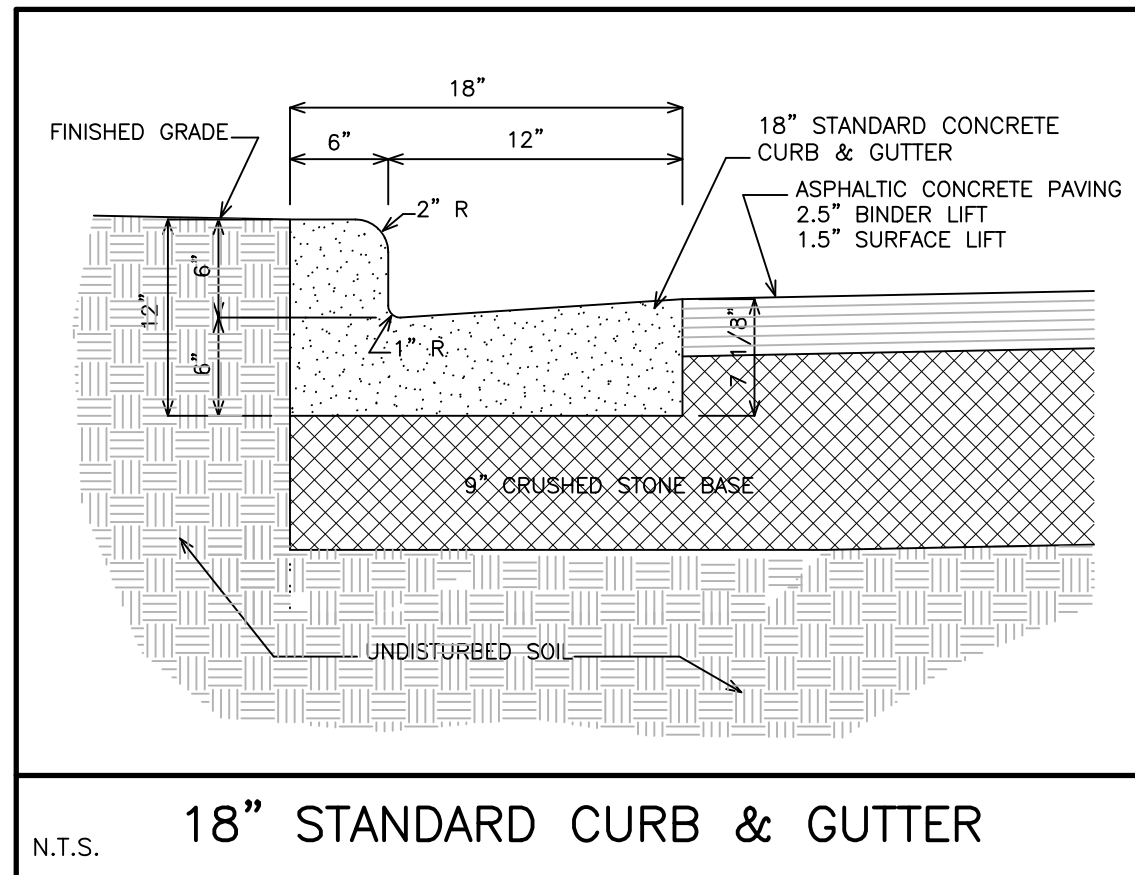
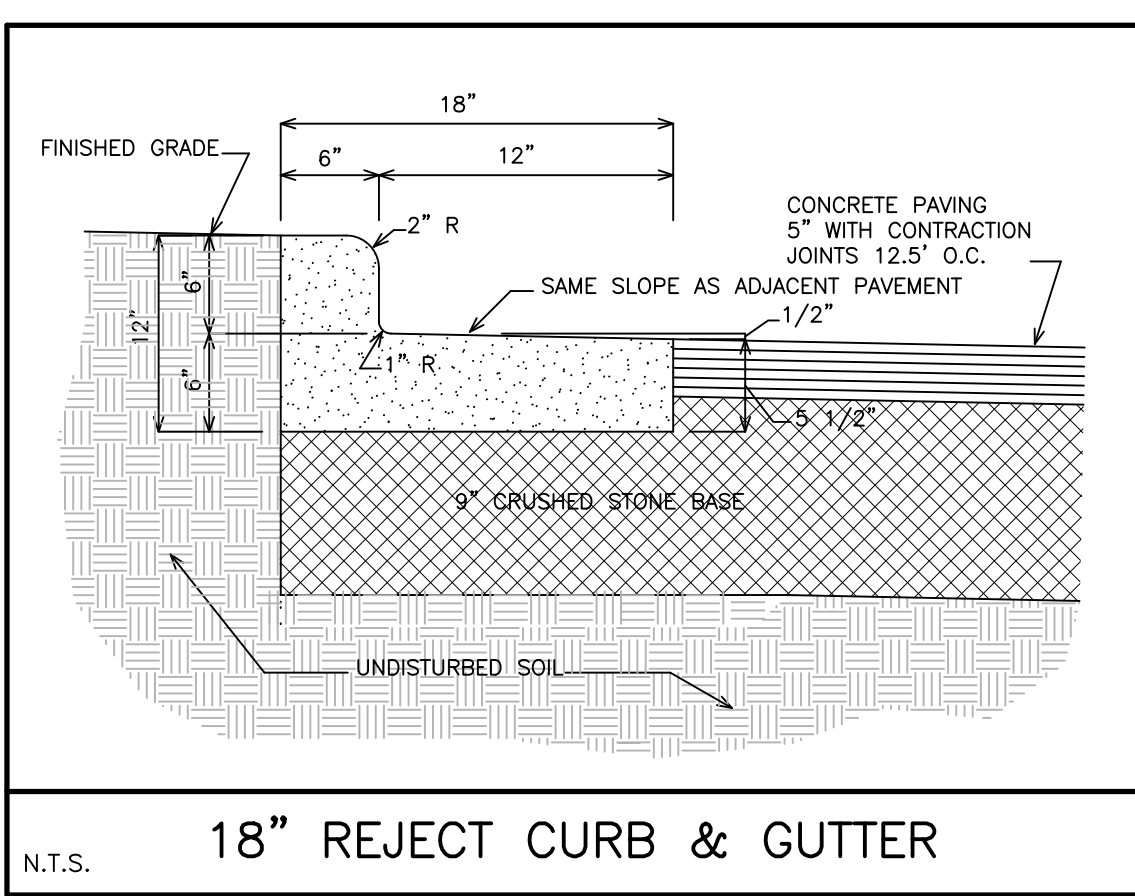
PROPOSED BUILDING ADDITION
THE MAGIC THEATRE
& TC PRODUCTIONS, LLC
100 N. EDWARDS BOULEVARD
LAKE GENEVA, WISCONSIN

PHASE 2
SITE, GRADING, DRAINAGE &
EROSION CONTROL PLAN

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT P.O. BOX 437
ELKHORN, WISCONSIN 53121
OFFICE: (262) 723-2098 FAX: (262) 723-5886

REVISIONS	
05/17/2021 - TS ADD PROPOSED ADDITION	
05/18/2021 - TS ADVANCE	
06/02/2021 - TS ADD EROSION NOTES	
09/07/2021 REVISIONS PER STATE REVIEW HOLD LETTER	
2/27/2024 - DHC 50x100 BLDG ADDITION, PARKING & GRADING	
2/29/2024 - DHC RELOCATE PARKING	
3/04/2024 - DHC UNDERGROUND STORM STORAGE	
3/08/2024 - DHC REVISED UNDERGROUND STORM & PARKING	
04/17/2024 - TS ADVANCE WITH REV BLD	
04/29/2024 - TS ADVANCE	
06/17/2024 - TS REVISE RETAINMENT WALL	
PROJECT NO.	9898
DATE	05/03/2021
SHEET NO.	1 OF 16

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SPECIFICATIONS FOR
SITE WORK, PARKING LOTS, SANITARY SEWER SERVICE,
WATER SERVICE, STORM SEWER CONSTRUCTION,
SITE PREPARATION, DRAINAGE AND EROSION CONTROL
THE MAGIC THEATRE
CITY OF LAKE GENEVA
WALWORTH COUNTY, WISCONSIN

GENERAL DESCRIPTION

The OWNER/BUILDER, will act as general contractor for all work as shown on the plans and further described in the following Specifications complete, and in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin" sixth edition, December 22, 2003 with Addendum No. 1, December 22, 2003, except Part I thereof, and its Addendums hereinafter referred to as the "Standard Specifications", and the "Standard Specifications for Highway and Structure Construction," 2017 Edition, State of Wisconsin Department of Transportation, except Part I thereof, hereinafter referred to as the "State Specifications".

The project consists of all the drives, sanitary sewer service, water service, storm sewer, detention basin, site grading, drainage, building pads, and erosion control.

The work that shall be done includes furnishing all labor, tools, equipment, machinery and appliances, and all materials, except where definitely specified to the contrary, and construction complete, in working order, ready for use.

The ENGINEER, Farris, Hansen & Associates, Inc., will stake the work once at no expense to the SUBCONTRACTOR requesting stakes; however, if the SUBCONTRACTOR shall request re-staking, this work will be done at the expense of the SUBCONTRACTOR.

1. UNCLASSIFIED EXCAVATION

Unclassified excavation shall consist of all excavations necessary to provide a subgrade at suitable elevations such that roadways, drives, parking, building addition and lands adjacent thereto can be constructed to finished elevations shown on the plans by application of stone base course and pavement or topsoil replacement as applicable.

Payment for the unclassified excavation shall be lump sum which shall include all required transportation and disposal costs of excess materials. All excess excavated materials shall be disposed of on site in designated areas as directed by either OWNER or ENGINEER.

2. SUBSURFACE SOIL INVESTIGATION

No subsurface soil investigations have been made. The grading SUBCONTRACTOR shall be responsible in formulating his own opinion of the soils to be encountered and to what extent testing or investigation is required for him to formulate his bid.

3. SCHEDULE OF WORK

It shall be the intent of the Owner to complete all grading for the building subgrade as soon as possible to allow the building work to proceed as soon as possible. The SUBCONTRACTOR shall submit schedules for their work completion with their bids. Plans are for the work to be done in early summer 2024.

4. EXCAVATION AND BACK FILL

Excavate to elevations and dimensions required for performance of the work. Placement of backfill, excavations and base for floor slabs shall be coordinated with the concrete SUBCONTRACTOR.

5. COMPACTION

All fill material placed under buildings and drives shall be compacted in lifts with suitable material. A geological engineer may be employed by the OWNER to do inspections and provide for testing.

Compact soil to not less than the following percentages of maximum density for soils which exhibit a well-defined moisture density relationship (cohesive soils) determined in accordance with ASTM D1557; and not less than the following percentages of relative density, determined in accordance with ASTM D2049; for soils which will not exhibit a well-defined moisture-density relationship (cohesionless soils):

A. Under Building and Paving Areas: Compact top eight inches of existing subsoil surface and each layer of backfill or fill material to 98 percent maximum density for cohesive soils and 90 percent relative density for cohesionless soils may be adjusted by building designer).

B. Other Areas: Compact top eight inches if existing subsoil surface and each layer of backfill for fill material to 95 percent maximum density for cohesive soils or 90 percent relative density for cohesionless soils.

Where soil materials must be moisture conditioned before compaction, uniformly apply water to the surface. Prevent free water from appearing on the surface of soil materials during or subsequent to compaction operations. Remove, replace, or scarify all dry air soil materials that are too wet to permit compaction to the specified density. Compact the soil materials around piping and conduit with hand-operated tampers. Do not allow heavy vehicles, equipment, or machinery to operate directly over piping and conduit until a minimum of 36 inches of backfill has been placed and compacted over it.

No fill shall be placed without inspection and approval of the subgrade and fill material composition by a representative of the ENGINEER.

Method of test for density of soil in place shall be with Nuclear Densometer. Method of test for moisture-density relations of soils shall be Modified Proctor, ASTM D-1557-78. Relative density of cohesionless soils shall be established by ASTM D-2049-69, 90 percent relative density.

Excavated materials may be used for backfill outside of pavement and building areas, provided all wood, roots and other deleterious materials are removed and subject to approval by the OWNER. Excavated material shall be placed into fill areas once dried to proper moisture content or determined to be suitable by site Engineer. Excavated site materials shall be inspected, placed and compacted in lifts as recommended by the ENGINEER. All fill placed inside the building area shall be select granular imported material under slabs. Engineer may allow granular material from site excavations to be used for fill so long as required compaction can be achieved.

6. FILL

Place only select granular fill under the interior floor slab-on-grade and finish graded and compacted subgrade surfaces to the depth indicated. Maintain optimum moisture content for compacting material during placement operations.

7. STORM SEWER PIPE MATERIALS

The CONTRACTOR shall furnish all new materials required to complete work as called for within these specifications and shown on the drawings. Advanced Drainage System N-12 (ADS N-12) pipe shall be used throughout entire project unless specifically noted on the plans. The outlet pipe from the basin shall be Class III RCP.

8. CATCH BASINS

The provisions of Section 3.6.1 of the "Standard Specifications" shall govern except as modified hereafter. Catch basins shall be 48" I.D., unless otherwise shown, and conform to details shown on this plan, castings shall be Neenah R-3067 with Type "L" non-racking lid. Provide a minimum of 3 in. adjusting rings. Adjust frames and inlets as required to finish grade.

9. SUBGRADE INSPECTION

Upon completion of final subgrade work and prior to the placement of crushed aggregate base material, the roadways and building pad areas will be inspected by the Engineer to check that conformance to the proposed grades is maintained. In addition, all subgrade shall be test rolled with a loaded quad-axle truck with the ENGINEER present before base course placement is started. At least 48 hours notice shall be given.

10. CRUSHED AGGREGATE BASE COURSE

Crushed aggregate base course shall be nine inches (9") thick for drives and placed in a minimum of two lifts and shall conform to Gradation No. 2 as specified in accordance with the "State Specifications" Section 305.2. All crushed aggregate base course shall be compacted with water truck, grader and vibrator roller.

The base course shall be crushed stone and shall be constructed in accordance with the requirements of Section 305 of the "State Specifications".

If undercut and compacted granular fill is ordered by the ENGINEER at the time of excavating for the subgrade, payment shall be made as an extra cost. All subgrade shall be test rolled with loaded quad-axle truck with ENGINEER present before base course placement is started.

11. CONCRETE

All concrete used on this project shall be air-entraining, 6-bag mix with a minimum 28 day compressive strength of 4,000 psi. All requirements of Section 501 of the "State Specifications" shall apply unless otherwise modified herein or waived by the ENGINEER. Course aggregate shall be proportioned between Size No. 1 and No. 2 to provide suitable workability with a 6 percent air content plus or minus 1.5 percent.

12. CURB & GUTTER

Curb and gutter shall be constructed in accordance with the requirements of Section 601 of the "State Specifications" and the typical section and requirements shown on the plans unless otherwise modified herein.

Expansion joints for curb and gutter shall be provided at points where tangent and radial curb and gutter meet, and on tangent sections at a maximum spacing of 300 feet. The expansion joints shall be 3/4 in. with an approved type bituminous filler and elastomeric sealer. Contraction joints shall be placed every 10 feet along the length of the curb and gutter with a minimum of 8 feet at terminations. Place expansion joints 3 feet from each side of drainage extensions.

A tapered curb section shall be constructed at the ends of the curb and gutter where shown on the plans. The tapered curb sections shall be 5 feet long and end with a 2-inch-high curb. A contraction joint shall be placed at the end of the tapered section.

Finished surfaces of the curb and gutter shall be troweled and brushed and an impervious curing compound applied conforming with Subsections 415.2.4 and 415.2.5 of the "State Specifications". Traffic shall not be allowed on curb and gutter for a period of at least 7 days after placing or until the concrete has attained a compressive strength of at least 2,500 pounds per square inch.

13. SIDEWALK

Sidewalk shall be constructed in accordance with the requirements of Section 602 of the "State Specifications." The sidewalk shall be 5 in. constructed over a minimum 6 in. of compacted sand. Some of the sidewalk shall have an integral curved edge of 5" as shown in the plan with broom finish, tooled joints and 3" fine finished accent edges.

Joists shall conform, in general, to the requirements of Sub-section 602.3.2.5 of the "State Specifications." Contraction joints shall be placed at uniform intervals of 5 feet. Expansion joints shall be constructed at right angles to the centerline of the sidewalk at intervals of 96 feet. Expansion joint material shall be 1/2-inch-thick and conform to the requirements of AASHTO M 153 or AASHTO M 213. Sawed contraction joints will not be acceptable.

Finished surfaces of the sidewalk shall be troweled and brushed and an impervious curing compound applied. Liquid curing agent shall conform to the requirements of AASHTO M 148, Type 2.

14. SALVAGE, STOCKPILE & REPLACEMENT OF TOPSOIL

All excess topsoil on areas to be disturbed shall be removed from site or otherwise approved by the ENGINEER. After excavating and rough grading of all required areas a minimum of 6 inches topsoil shall be replaced and graded on lawn areas prior to sodding area. All work shall be performed in accordance with the requirements of Section 625 of the "State Specifications". All contaminated topsoil shall be removed from the site by the CONTRACTOR. It is anticipated that no topsoil will be required to be imported.

15. TIME PERIOD FOR PAVING

Paving shall be done after all foundation work and building framing in the summer of 2024. Prior to the paving operation, areas shall be regraded and additional crushed stone provided and compacted to bring the base to grade.

16. SODING OF LAWN AREAS (BY SEPARATE LANDSCAPE CONTRACT)

Preparation of topsoil, and other requirements shall be in accordance with standard practices. Following any initial soil disturbance, permanent or temporary stabilization shall be completed within seven calendar days to the surface of all slopes greater than 3:1 after activity has ceased. In addition, all other disturbed or graded areas shall be stabilized within fourteen calendar days after activity has ceased.

All work to be coordinated with LANDSCAPER and SITE CONTRACTOR.

17. EROSION CONTROL

The Contractor shall use the current Wisconsin Department of Natural Resources Construction Site Erosion & Sediment Control Standards as a reference and guide for erosion control practices.

The Contractor shall comply with the provisions of the erosion control plans and/or local ordinances. All erosion control shall be in place prior to any land disturbance activities.

All erosion and sediment control measures should be constructed and maintained in accordance with these Standards. Sediment control measures should be adjusted to meet field conditions at the time of construction and installed prior to any grading or disturbance of existing surface materials. Periodic inspection and maintenance of all sediment control structures should be provided to ensure intended purpose is accomplished. Sediment control measures are to be in working condition at the end of each working day. After any significant rainfall, sediment control structures should be inspected for integrity. Any damaged structures should be corrected for integrity. Sediment control measures should not be removed until the areas served have established vegetative cover. Stone and gravel mats should be installed at all construction site exits to prevent tracking of soil. Any tracked soil should be collected from paved roads located near the construction site. Following initial soil disturbance and work activities in the area, permanent or temporary stabilization shall be completed and stabilized within fourteen calendar days of work completion.

18. EROSION MAT (BY LANDSCAPE CONTRACT)

The CONTRACTOR shall place erosion mat over all seeded areas as required to control erosion as shown on the plans and/or as directed by the ENGINEER. Erosion mat shall be placed in accordance with the procedures recommended by the manufacturer and Section 628.3.2 of the "State Specification" or as directed by the engineer.

Erosion mat material shall be North American Green NAG P-300 or equal, as indicated on the plans.

19. RIPRAP

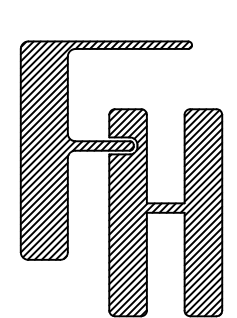
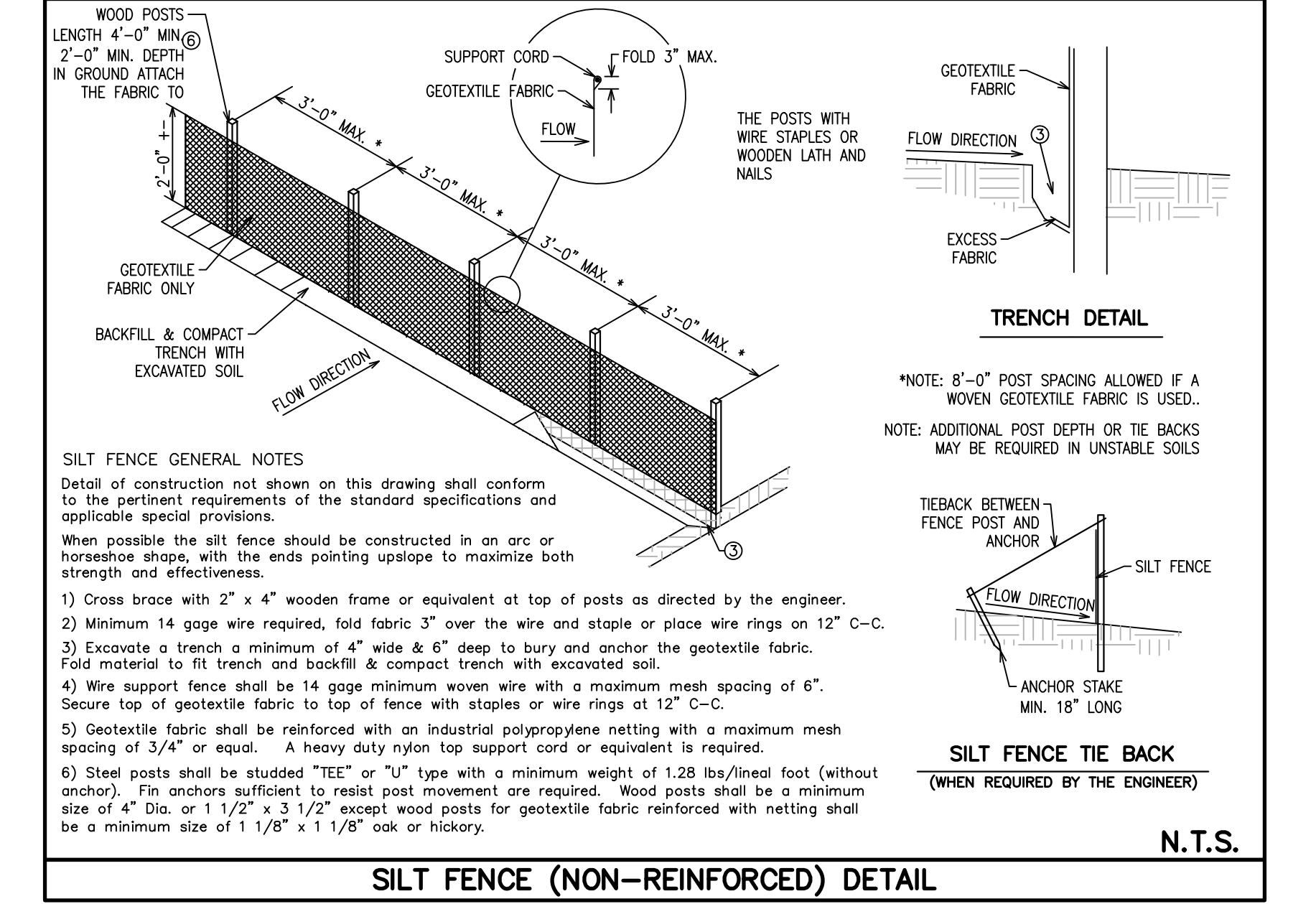
Riprap for the storm sewer outlet into the basin shall comply with Section 606 of the "State Specifications". Stone pieces for riprap shall range in weight from approximately 10 to 25 pounds. Riprap shall be placed at least 10 inches thick.

20. STORMWATER CONCRETE DETENTION BASIN

The basin shall be an underground poured 20x35' concrete structure with 10" reinforced concrete walls, 8" floor and precast concrete roof designed for 200 lbs/sq.ft. dead load and H15 highway wheel loading. (see separate detailed structural plans to be built with proposed building addition work)

21. PERMITS

Contractor shall be responsible for all permit conditions concerning erosion control and City site permit conditions. Drainage that leaves the site must be controlled and erosion prevented. It will be very important to prevent tracking of mud or other materials off site. If this occurs it must be immediately cleaned by power brush or other acceptable means. Anti-tracking mats are to be created and maintained.



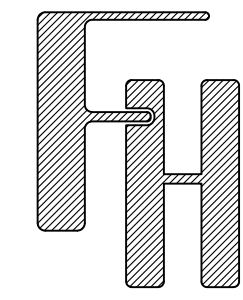
THE MAGIC THEATRE
CONDITIONAL USE PLAN
OUTLOT 3 OF C.S.M. NO. 1961
LAKE GENEVA, WI 53147

SITE SPECIFICATIONS
AND DETAILS

FARRIS, HANSEN & ASSOCIATES, INC.
ENGINEERING - ARCHITECTURE - SURVEYING
7 RIDGWAY COURT P.O. BOX 437
ELKHORN, WISCONSIN 53121
OFFICE: (262) 723-2098 FAX: (262) 723-5886

REVISIONS
04/17/2024 - TS
ADVANCE WITH REV BLD
04/29/2024 - TS
ADVANCE
06/17/2024 - TS
REVISE RETAINMENT WALL

PROJECT NO.
9898
DATE
05/03/2021
SHEET NO.
2 OF 16



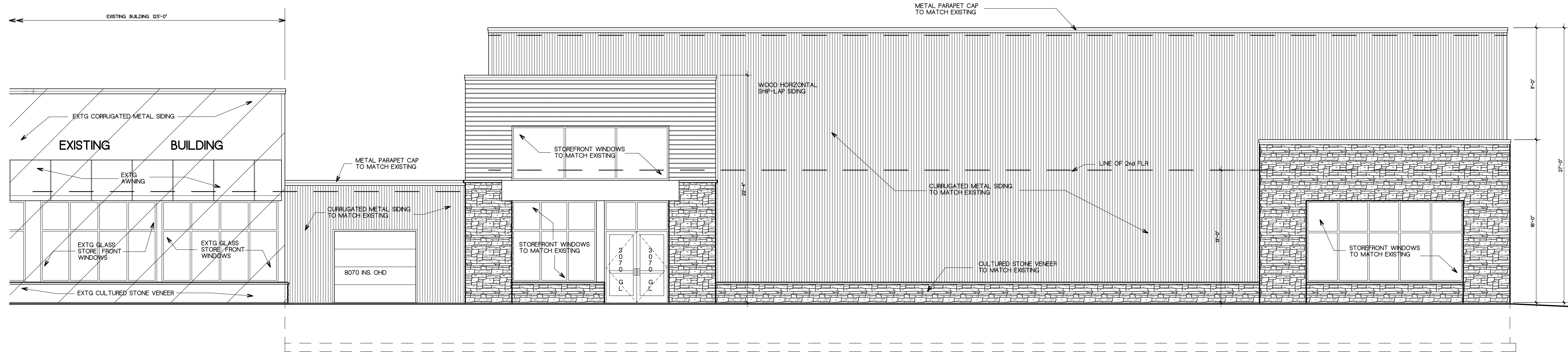
PROPOSED 2024 BUILDING ADDITION
THE MAGIC THEATRE
& **TC PRODUCTIONS, LLC**
100 N. EDWARDS BOULAVARD
LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

NORTH ELEVATION
SOUTH ELEVATION

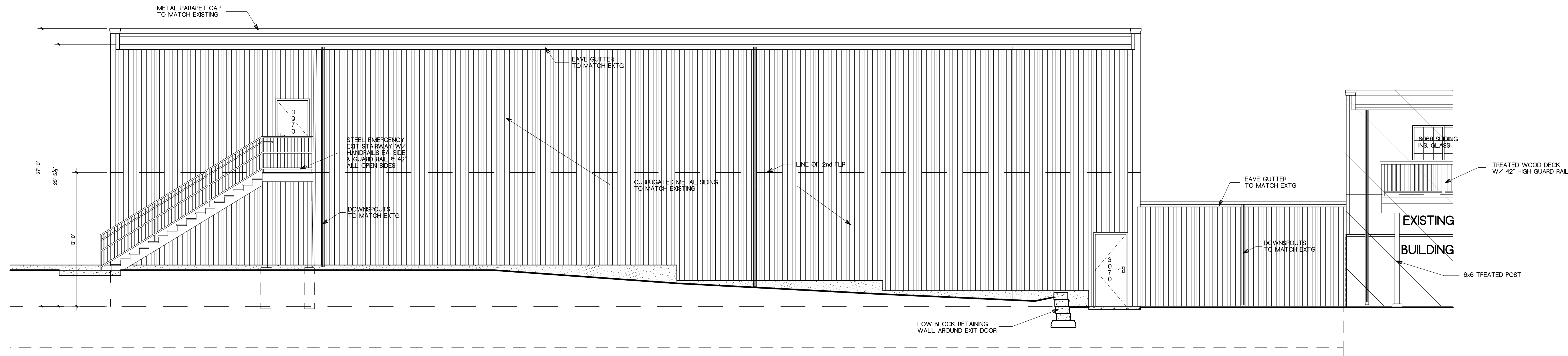
FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgway Court, P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 723-2088
Fax: (262) 723-5886

REVISIONS
PLAN ADVANCEMENT
BS 06/26/2024
FINAL FOR SUBMITTAL
BS 08/01/2024

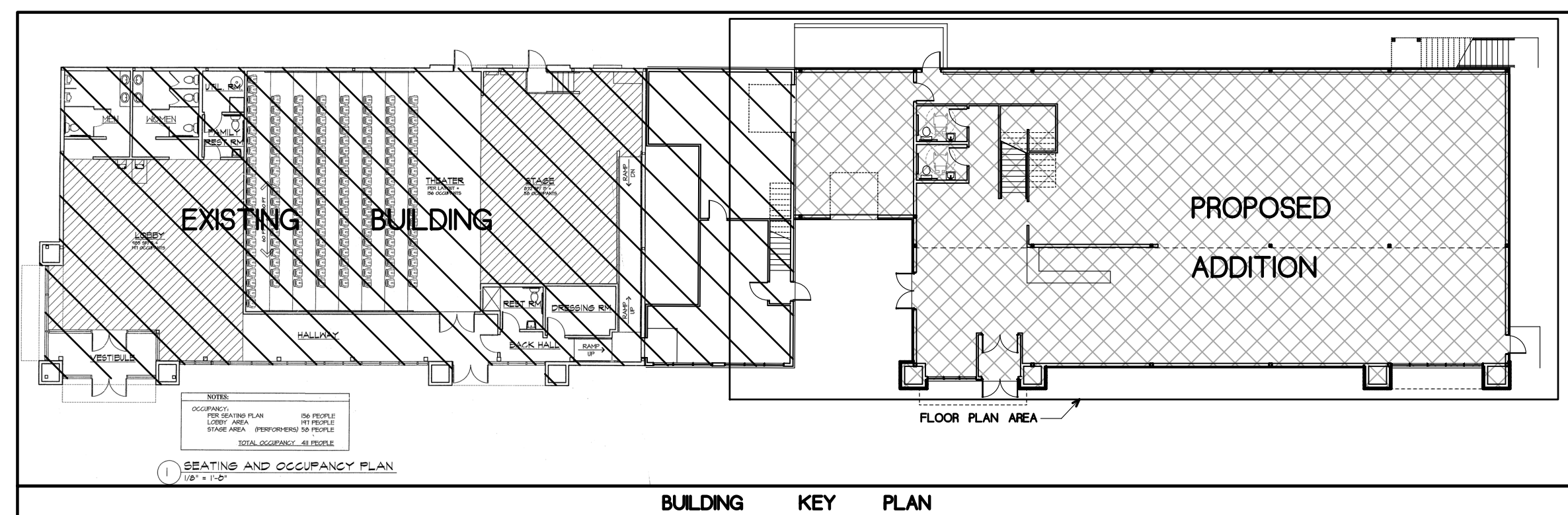
PROJECT NO.
9898
DATE
04/11/24
SHEET NO.
3 of 16



NORTH ELEVATION
SCALE: 3/16"=1'-0"



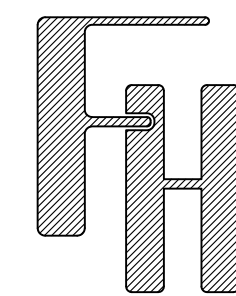
SOUTH ELEVATION
SCALE: 3/16"=1'-0"



BUILDING KEY PLAN

DESIGN LOADS	
SOIL BEARING CAPACITY:	
2000 psf ASSUMED SAFE SOIL BEARING PRESSURE VERIFY W/ GEOTECHNICAL PRIOR TO PLACEMENT OF FOOTINGS.	
DESIGN LIVE LOADS:	
ROOF (SNOW)	= 30 psf
GROUND SNOW LOAD, Pg	= 1.0
SNOW EXPOSURE, Cs	= 1.0
SNOW LOAD, RSOK	= 1.0
FACTOR, Ct	= 1.0 SLOPED ROOF
THERMAL FACTOR, Ft	= 1.0 FLAT ROOF
UNBALANCED SNOW LOAD	= N/A
DRIFTED SNOW LOAD	= SEE ROOF FRAMING PLAN
FLAT ROOF SNOW LOAD	= 26.0 psf
MEZZANINE FLOOR	= 100 psf
DESIGN DEAD LOADS:	
ROOF COLLATERAL	= 8 psf
ROOF DEAD	= 15 psf
FLOOR DEAD	= 41 PSF
SEE ARCHITECTURAL FOR ADDITIONAL DEAD LOADS SEE MECHANICAL FOR ADDITIONAL DEAD LOADS	
DESIGN WIND LOADS:	
BASIC WIND SPEED (3-SECOND GUST)	= 115 mph
WIND RISK FACTOR, Iw	= II
WIND EXPOSURE	= B
INTERNAL PRESSURE COEFFICIENT	= 0.18
DESIGN SEISMIC LOADS:	
SEISMIC USE GROUP	= II
SEISMIC DESIGN CATEGORY	= A

PROJECT AND DESIGN DATA	
SITE AREA	= 84,070 S.F. OR 1.93 ACRES
BUILDING AREA	= EXISTING BUILDING = 7,258 S.F. BUILDING ADDITION = 5,597 S.F. FIRST FLOOR = 3,000 S.F. MEZZANINE FLOOR = 8,597 S.F. ADDITION TOTAL = 15,855 S.F. BUILDING TOTAL = 15,855 S.F.
CODE	= 2015 INTERNATIONAL BUILDING CODE
CONSTRUCTION TYPE	= VB
OCCUPANCY TYPE	= A-3
GROUND SNOW	= 30 psf
COLLATERAL LOAD	= 8 psf
WIND VELOCITY	= 115 mph
EXPOSURE CATEGORY	= B
RISK FACTOR	= II
OCCUPANCY CATEGORY	= II
SITE CLASS	= C
SEISMIC DESIGN CATEGORY	= A
FIRE PROTECTION	= FULL SPRINKLER, NON-SEPARATED USES
EXIT DISTANCE	= 250 FEET



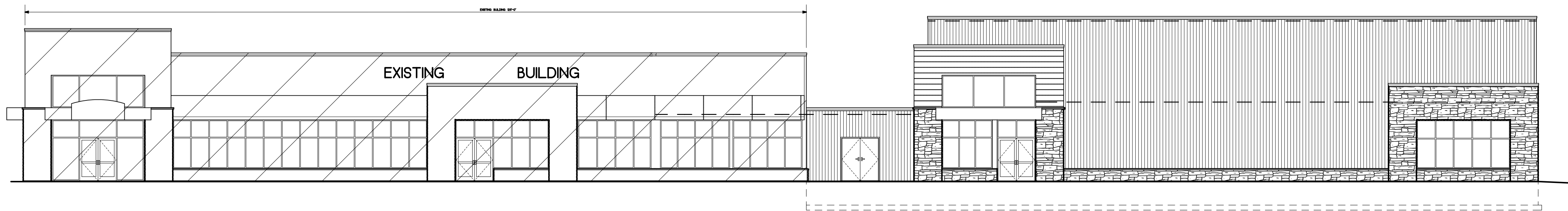
PROPOSED 2024 BUILDING ADDITION
THE MAGIC THEATRE
& **TC PRODUCTIONS, LLC**
100 N. EDWARDS BOULVARD
LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

OVERALL NORTH ELEVATION
WEST ELEVATIONS
EAST ELEVATION
WALL, ROOF & FLOOR TYPES

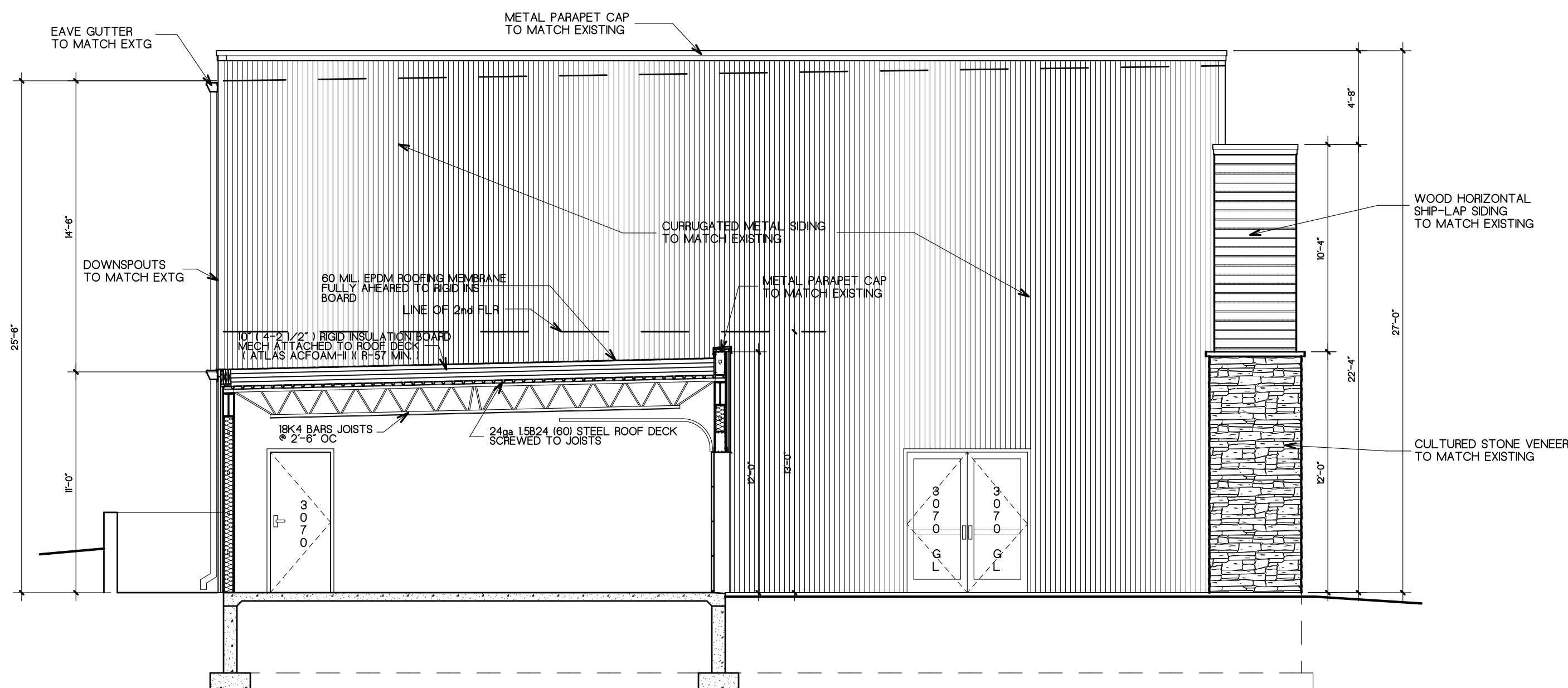
FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgway Court, P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 723-2088
Fax: (262) 723-5886

REVISIONS
PLAN ADVANCEMENT
BS 06/21/2024
FINAL FOR SUBMITTAL
BS 06/01/2024

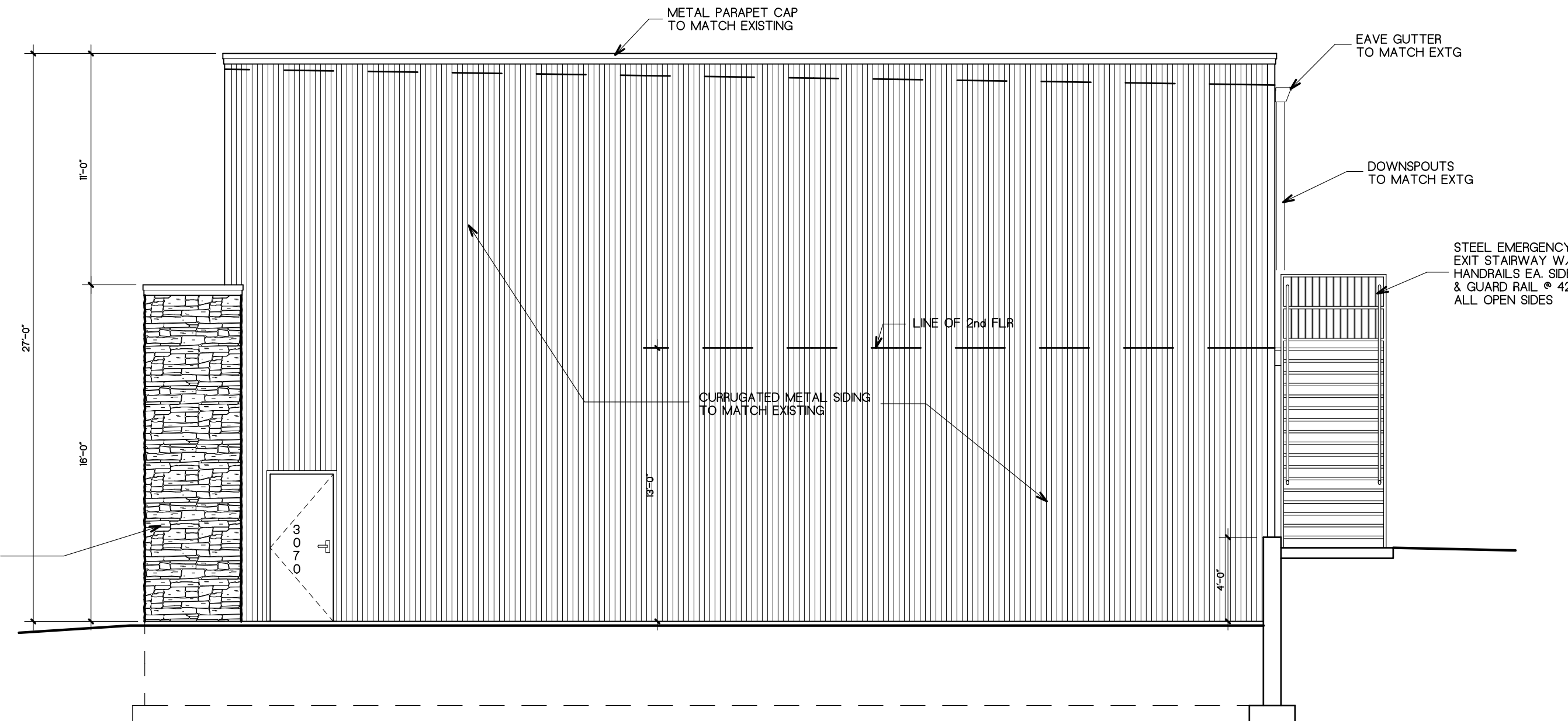
PROJECT NO.
9898
DATE
04/11/24
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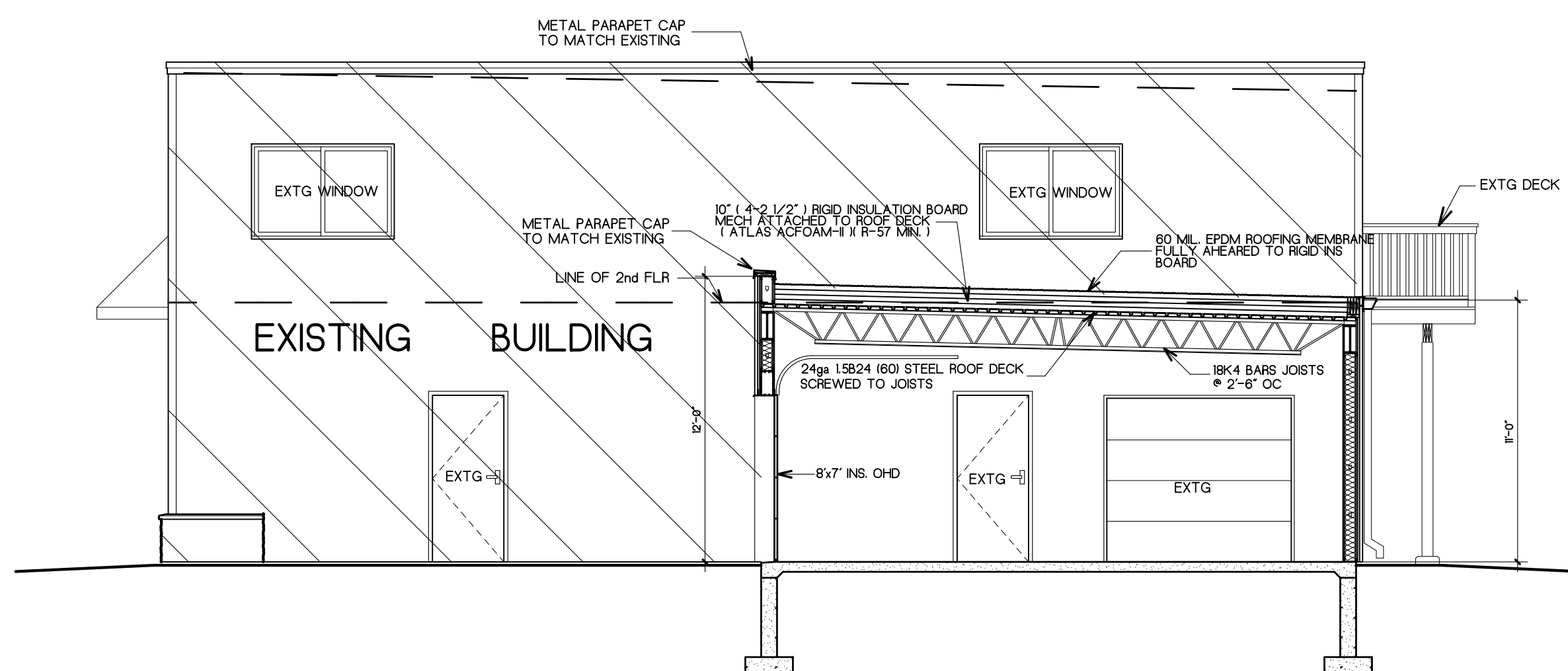
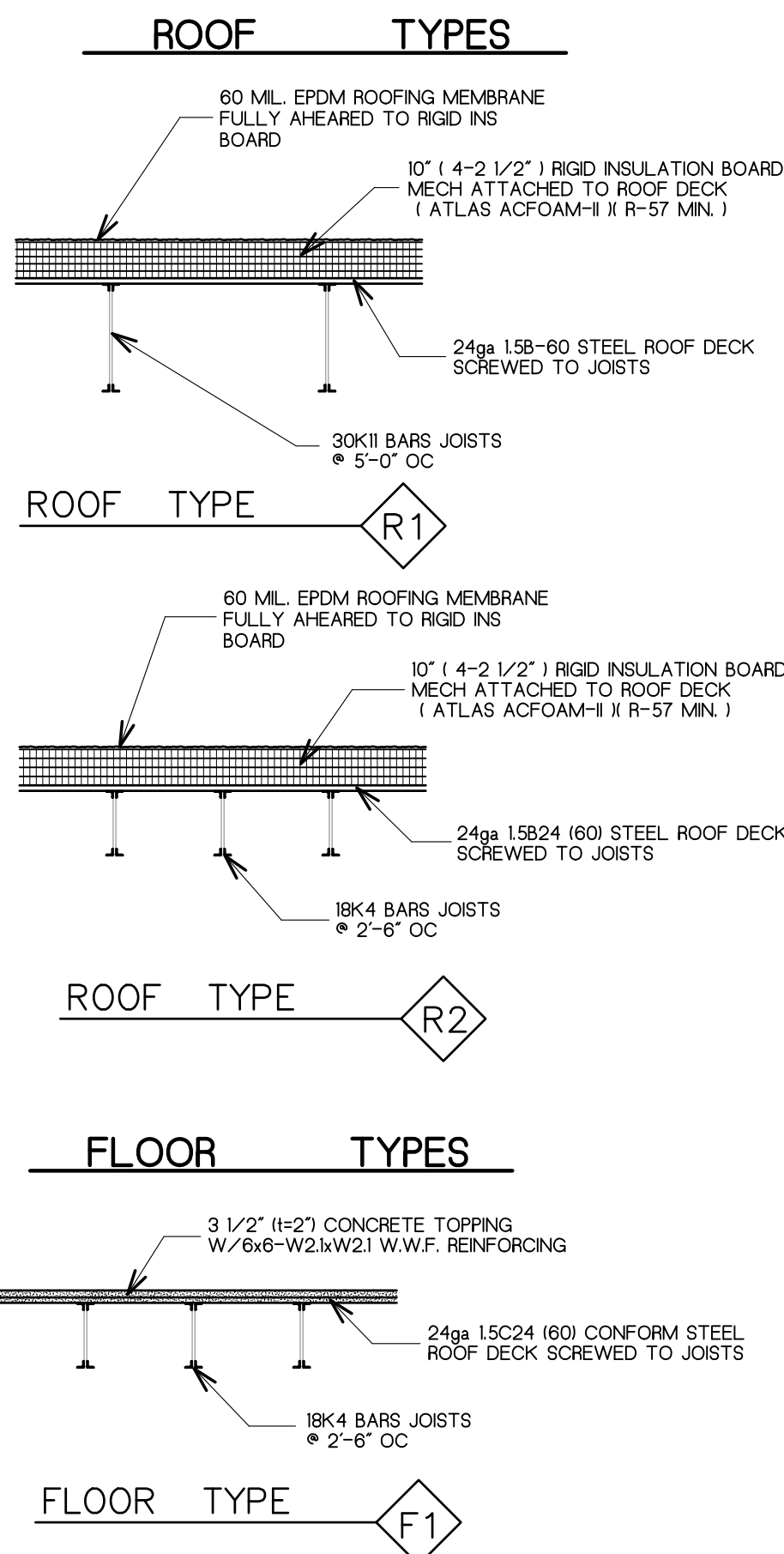
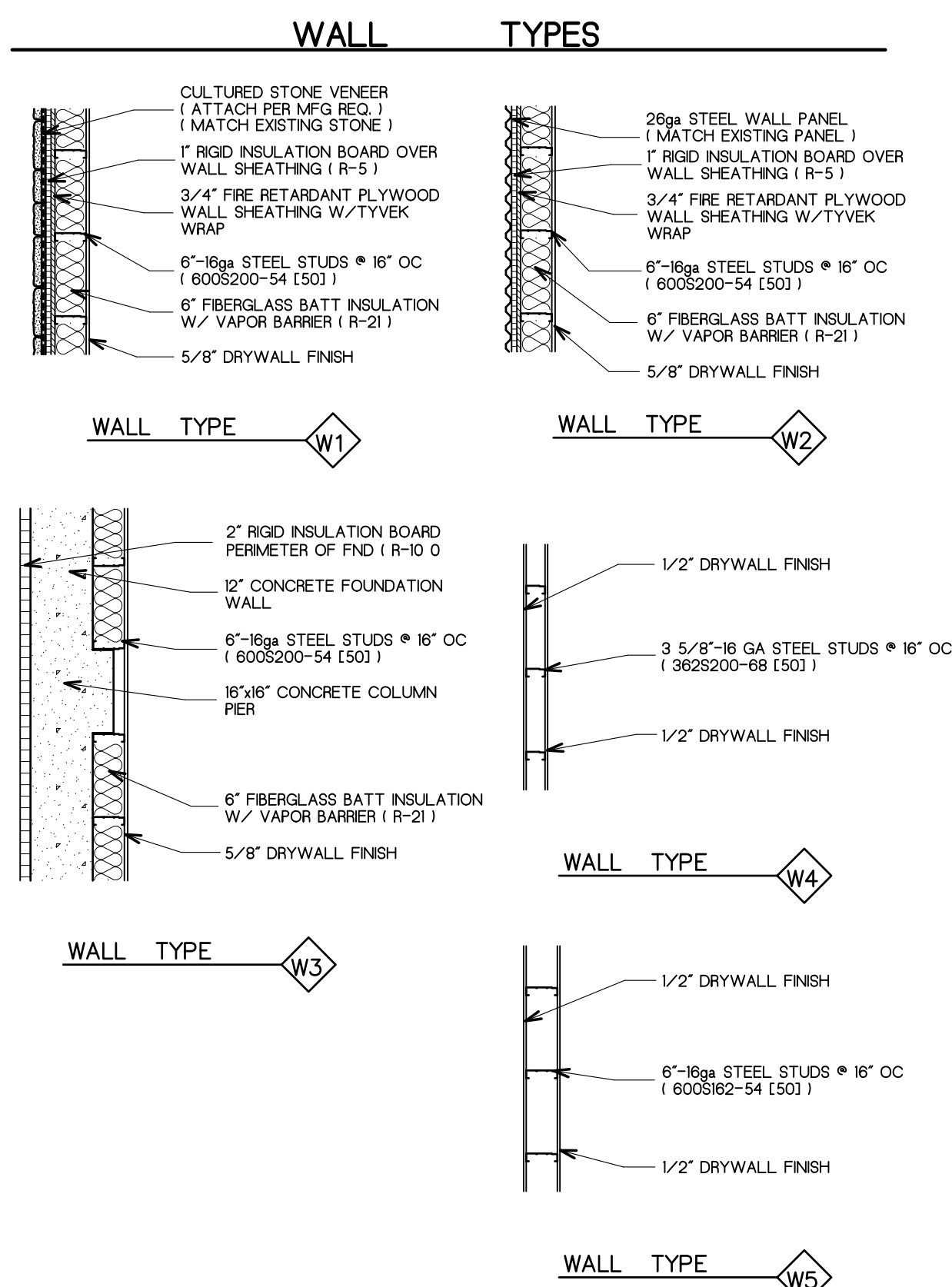
OVERALL NORTH ELEVATION
SCALE: 3/32"=1'-0"



EAST ELEVATION
SCALE: 3/16"=1'-0"

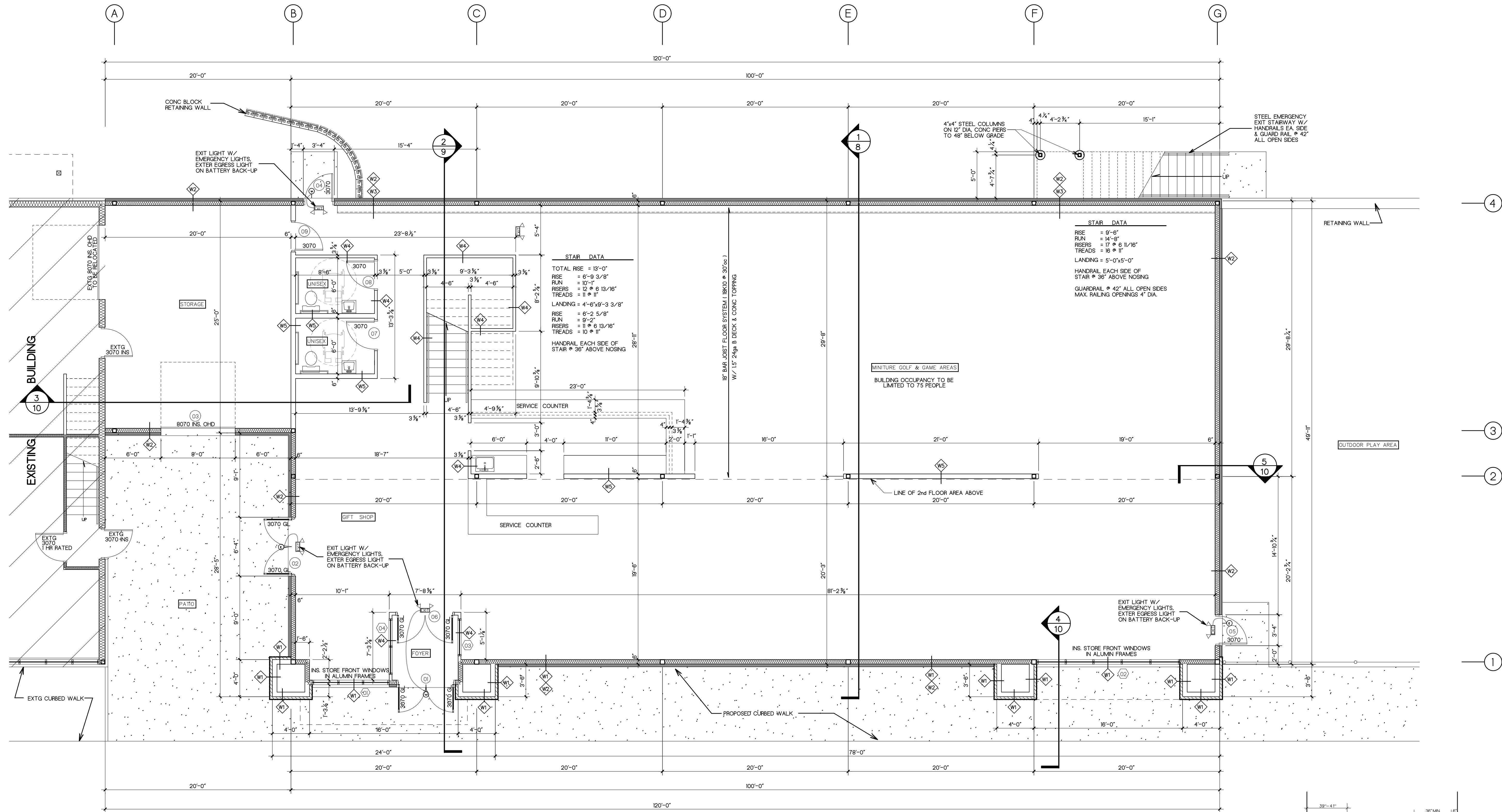


WEST ELEVATION
SCALE: 3/16"=1'-0"



EXISTING BUILDING
WEST ELEVATION
SCALE: 3/16"=1'-0"

Thursday, August 1, 2024 X:\Projects\9898\DCAD\2024 BUILDING ADDITION\2024 BUILDING ADDITION.dwg



NOTE: SEE STRUCTURAL FRAMING PLANS AND DETAILS FOR MAIN FRAMING SYSTEM.

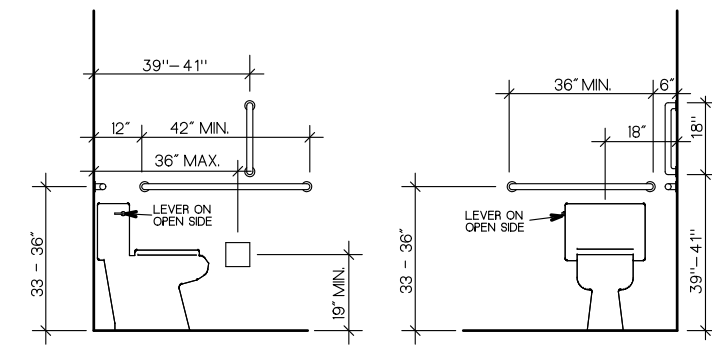
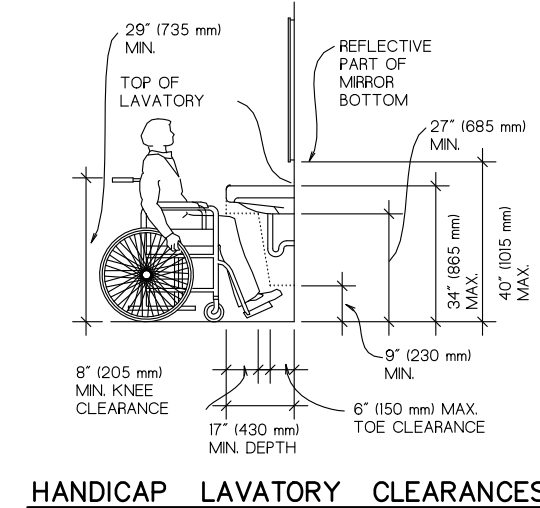
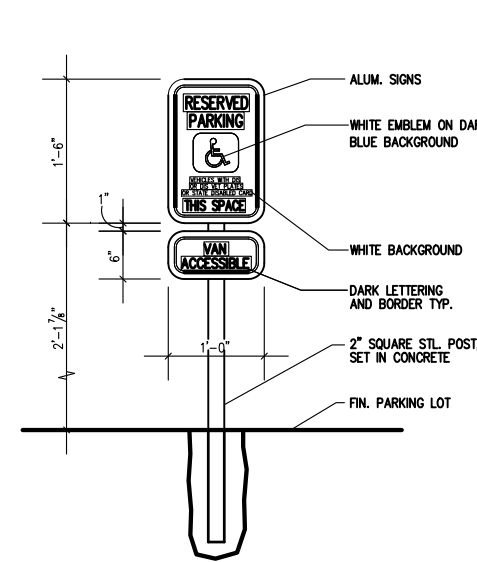
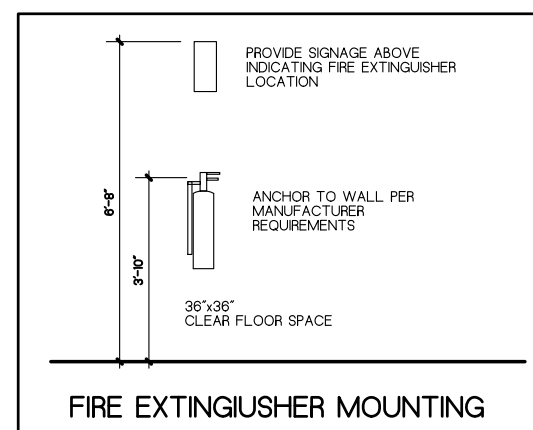
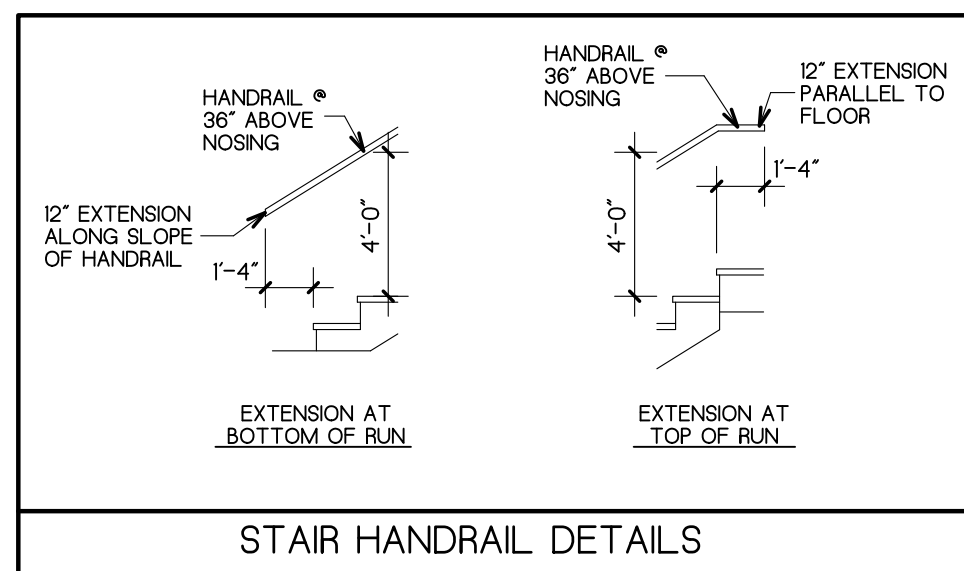
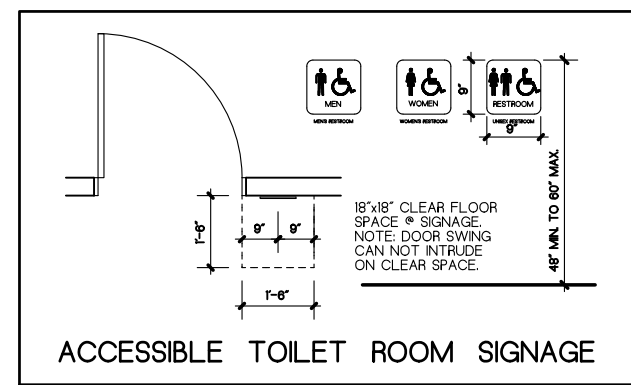
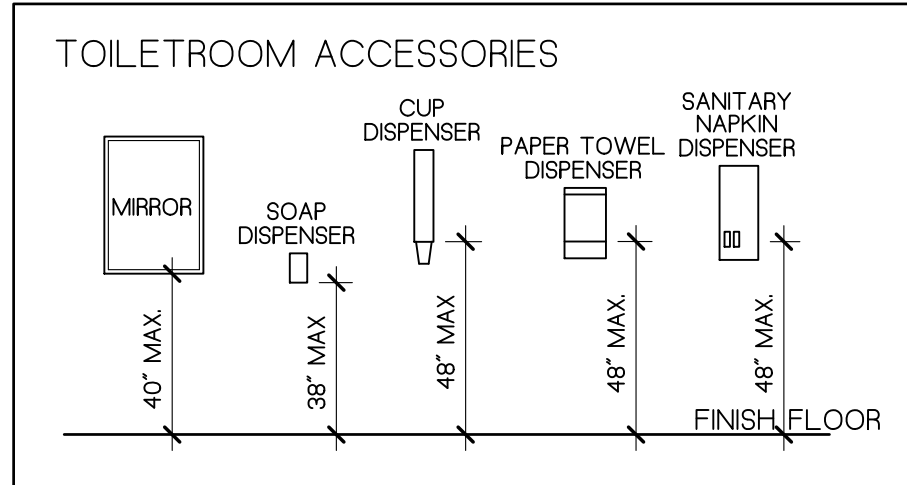
FIRST FLOOR PLAN

SCALE: 3/16"=1'-0"

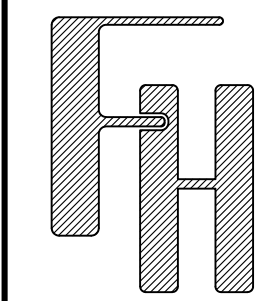


NOTE: EXISTING BUILDING IS CURRENTLY FULLY SPRINKLERED. BOTH LEVELS OF PROPOSED ADDITION SHALL ALSO BE FULLY SPRINKLERED.

NOTE: INTERIOR EGRESS LIGHTING TO BE DETERMINED BY LIGHTING CONSULTANT.



HANDICAP DRINKING FOUNTAIN



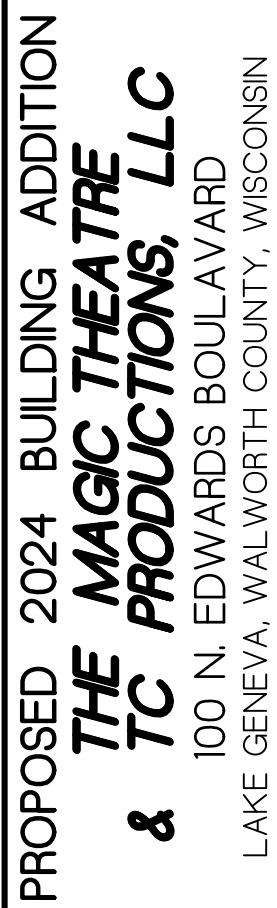
PROPOSED 2024 BUILDING ADDITION
THE MAGIC THEATRE
& **TC PRODUCTIONS, LLC**
100 N. EDWARDS BOULVARD
LAKE GENEVA, WALWORTH COUNTY, WISCONSIN

FIRST FLOOR PLAN
HANDICAP DETAILS

FARRIS, HANSEN & ASSOCIATES, INC.
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Fax: (262) 723-5886

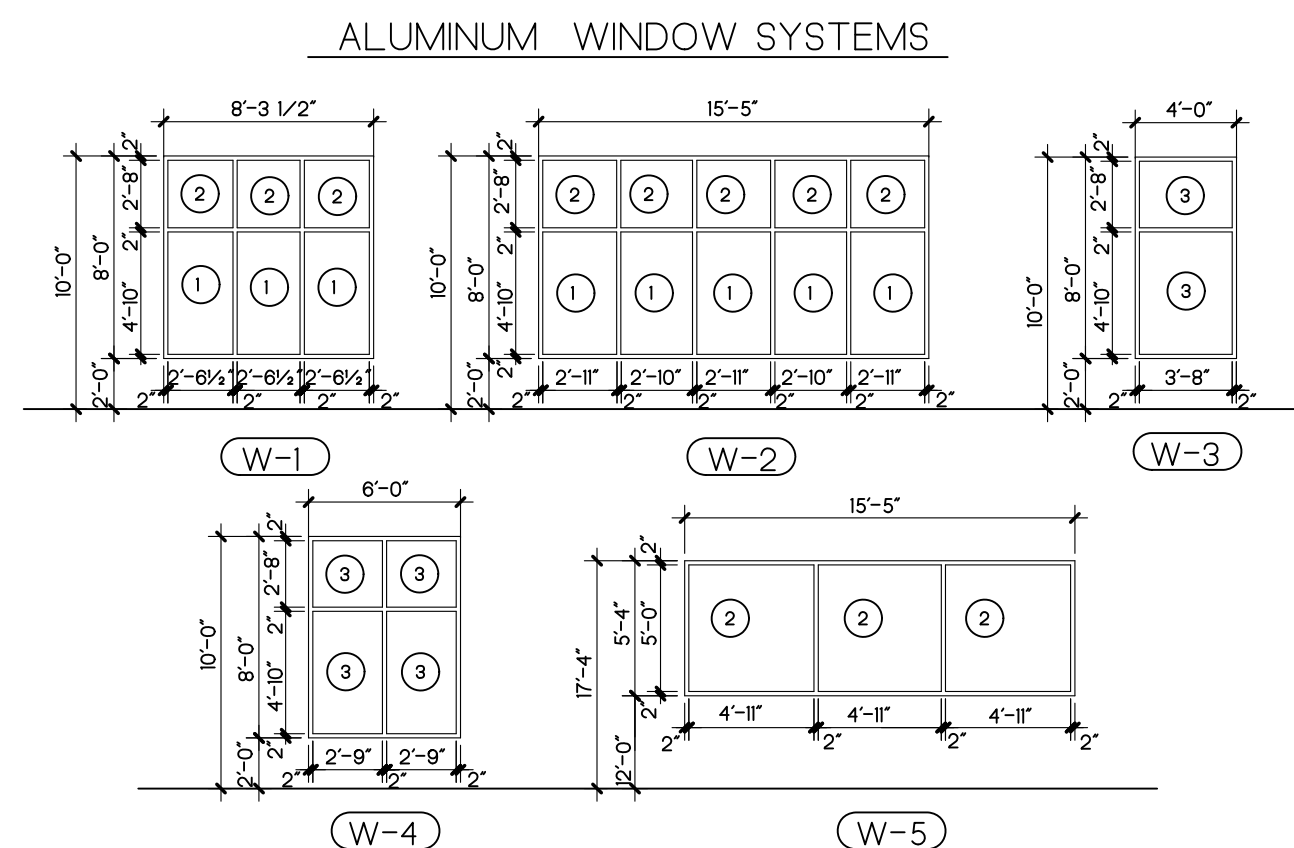
REVISIONS
BS 06/21/2024
MISC PLAN & HVAC REV
BS 07/23/2024
FINAL FOR SUBMITTAL
BS 08/01/2024

PROJECT NO.
9898
DATE
04/11/24
SHEET NO.
5 of 16



FARRIS, HANSEN & ASSOCIATES, INC.
Engineering, Architecture, Surveying
7 Ridgeway Court P.O. Box 437
ELKHORN, WISCONSIN 53121
Office: (262) 723-2098
Fax: (262) 723-5886

PROJECT NO.	9898
DATE	04/11/24
SHEET NO.	6 of 16



CITY OF LAKE GENEVA LANDSCAPE POINT SCHEDULE
FOR PLANNED BUSINESS ZONING DISTRICT

FOUNDATION REQUIRED POINTS

317 LF FOUNDATION + 100 = 3.17 X 40 = 127 POINTS
18 BOBO HYDRANGEA (3 PTS EA.) 54 PTS
7 BOXWOOD (1 PT EA.) 7 PTS
12 KOREANSPICE VIBURNUM (5 PTS EA.) 60 PTS
16 ARROWWOOD VIBURNUM (5 PTS EA.) 80 PTS
TOTAL FOUNDATION PTS 177 PTS

FOUNDATION DESIGNED POINTS

177 POINTS

DEVELOPED LOT REQUIRED POINTS

5,671 SF + 1,000 = 5.6 X 10 = 57 POINTS
8 GOLDFLAME SPIREA (1 PT EA.) 8 PTS
22 SPARTAN JUNIPER (5 PTS EA.) 110 PTS
12 DWF KOREAN LILAC (3 PTS EA.) 36 PTS
TOTAL DEVELOPED LOT PTS 154 PTS

DEVELOPED LOT DESIGNED POINTS

154 POINTS

STREET FRONTAGE REQUIRED POINTS

N/A-EXISTING PHASE ONE POINTS APPLY

STREET FRONTAGE DESIGNED POINTS

PARKING LOT REQUIRED POINTS

12,300 SF + 10,000 = 1.23 X 80 = 99 POINTS
25 SPARTAN JUNIPER (5 PTS EA.) 125 PTS
2 LITTLE LEAF LINDEN (30 PTS EA.) 60 PTS
TOTAL PARKING LOT PTS 185 PTS

PARKING LOT DESIGNED POINTS

185 POINTS

TOTAL LANDSCAPING POINTS

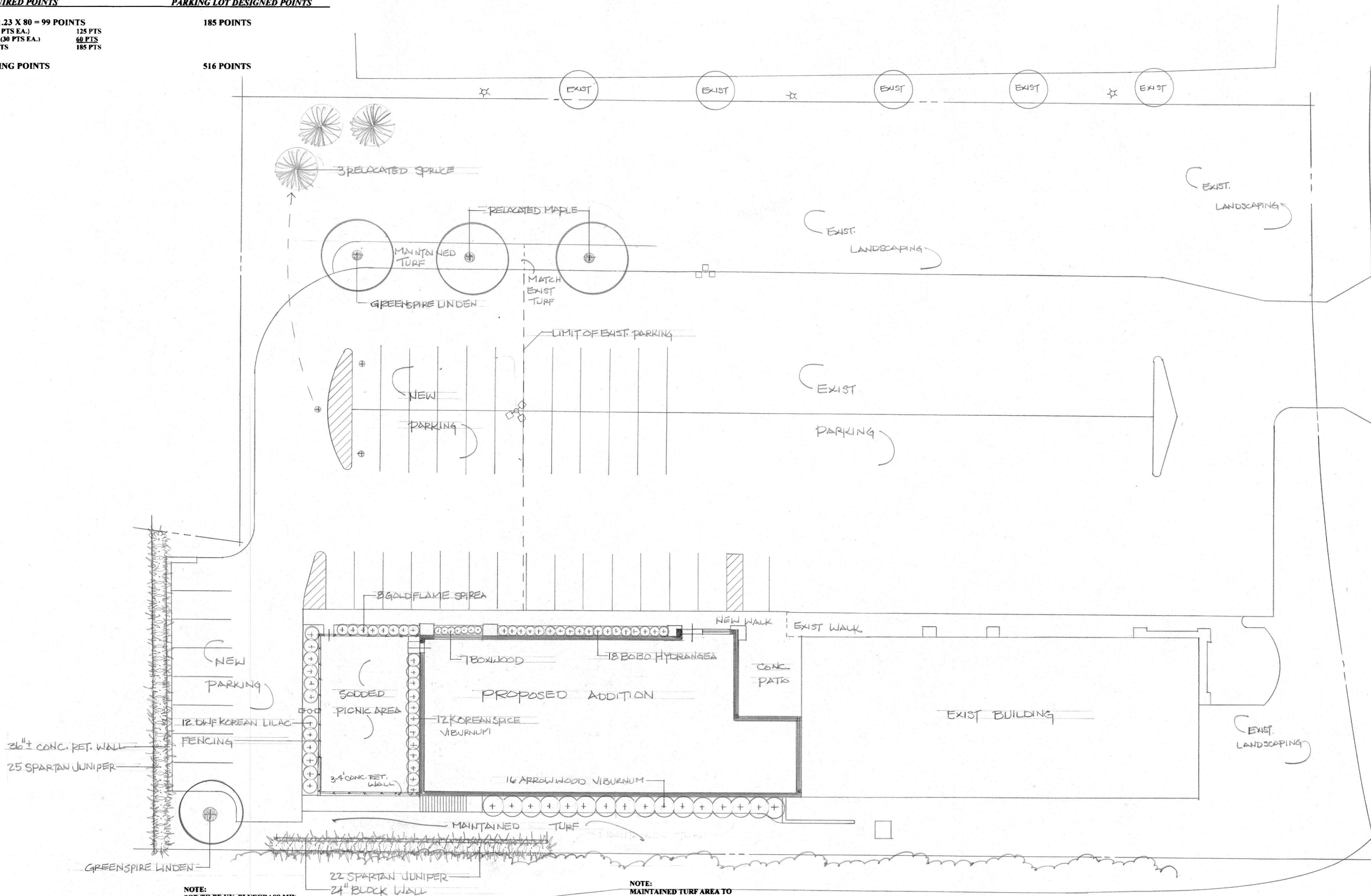
516 POINTS

PLANT SCHEDULE

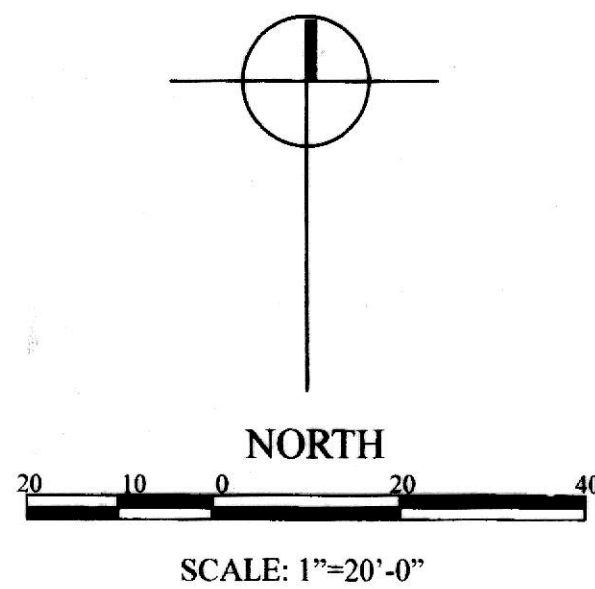
QTY	BOTANICAL NAME	COMMON NAME	SIZE
2	ACER SP. AT WEST OF PARKING LOT TO BE TRANSPLANTED TO NORTH SIDE OF PARKING LOT PER DRAWING		
7	BUXUS MICRO 'CHICAGOLAND GREEN'	BOXWOOD	24"
18	HYDRANGEA PANIC 'BOBO'	BOBO HYDRANGEA	24"
47	JUNIPERUS CHINENSIS 'SPARTAN'	SPARTAN JUNIPER	6"
3	PICEA SP. AT WEST END OF PARKING LOT TO BE TRANSPLANTED TO NORTH SIDE PER DRAWING		
8	SPIREA X BUMALDA 'GOLDFLAME'	GOLDFLAME SPIREA	24"
12	SYRINGA MEYERI 'PALIBIN'	DWARF KOREAN LILAC	30"
2	TILIA CORDATA 'GREENSPIRE'	GREENSPIRE LINDEN	2"
12	VIBURNUM CARLESII	KOREANSPICE VIBURNUM	30"
16	VIBURNUM DENTATUM	ARROWWOOD VIBURNUM	5"

NOTES AND SPECIFICATIONS

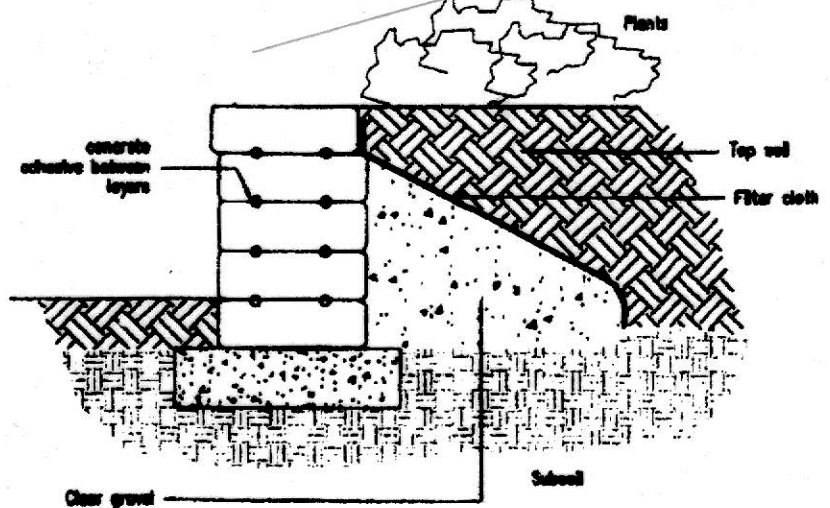
- ALL LANDSCAPING SHALL BE INSTALLED IN ACCORDANCE WITH CITY, VILLAGE OR OTHER LOCAL LANDSCAPING OR CONSTRUCTION SPECIFICATIONS
- ALL INDIVIDUAL TREES TO RECEIVE 3" CLEAN SHREDDED HARDWOOD BARK MULCH IN A 5' DIAMETER MOW RING.
- ALL PLANTING BEDS TO RECEIVE 3" MIN. SHREDDED BARK MULCH.
- ALL PLANT MATERIAL TO BE OF SPECIMEN QUALITY AND MEET THE AMERICAN STANDARDS FOR NURSERY STOCK, WHICH IS PUBLISHED BY THE ANA (AMERICAN ASSOCIATION OF NURSERYMEN).
- ALL PLANTS (UNLESS OTHERWISE SPECIFIED) ARE TO BE BALLED & BURLAPPED OR APPROVED CONTAINER STOCK
- ALL TREE, SHRUB BACK FILL MIX TO BE:
4 PARTS CLEAN PULVERIZED TOPSOIL
1 PART MUSHROOM COMPOST
- ALL PERENNIAL PLANTING MIX TO BE:
3 PARTS CLEAN PULVERIZED TOP SOIL
1 PART MUSHROOM COMPOST
1 PART SAND
40 # / 100 SF GYPSUM
(TILL 2" OF THIS MIX IN 6-8" DEEP)
- CONTRACTOR TO SUBMIT IN WRITING TO PROPERTY OWNERS, A ONE YEAR-100% -PLANT GUARANTEE TO COMMENCE ON THE DAY OF PROJECT COMPLETION.
- CONTRACTOR RESPONSIBLE FOR CALLING DIGGERS HOTLINE 1-800-242-8511 TO LOCATE ALL UTILITIES PRIOR TO STARTING PROJECT
- CONTRACTOR RESPONSIBLE FOR OBTAINING ANY AND ALL PERMITS REQUIRED FOR PROJECT INSTALLATION.
- CONTRACTOR TO ADJUST PLANTINGS FOR UNDERGROUND UTILITY LINES, ESCAPE WINDOWS, CONDENSER UNITS AND UTILITY METERS AND OVERHEAD UTILITY LINES.



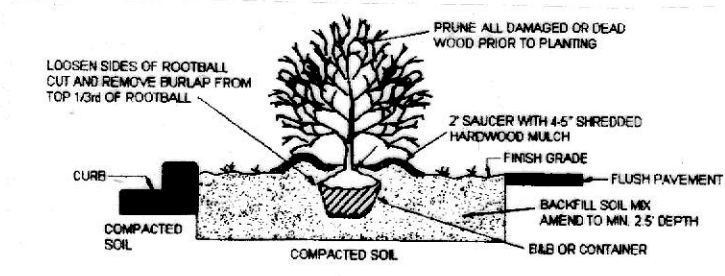
EDWARDS BLVD



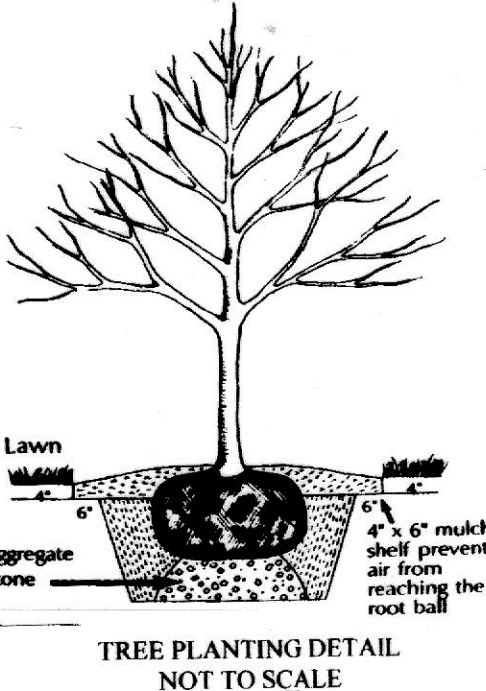
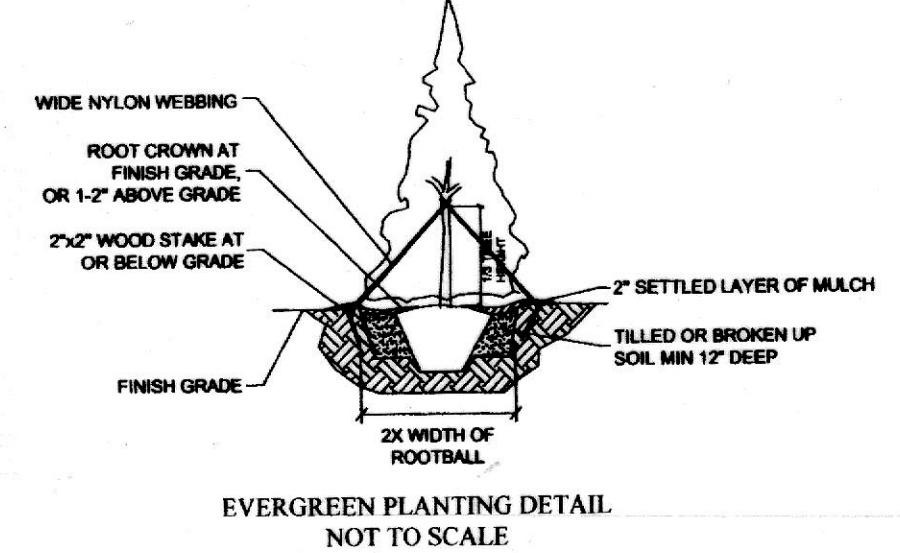
REVISED BY	DATE OF REVISION
SLS	9-11-24



WALL SECTION TYP.
(NTS)



SITE LANDSCAPING



THE MAGIC THEATER
PHASE II
100 NORTH EDWARDS BLVD.
LAKE GENEVA, WI 53147
JUNE 27, 2024
BY: SLS

Scheel & Associates
LANDSCAPE DESIGN
(RESIDENTIAL AND COMMERCIAL)
Phone: (815) 482-8187
E-mail: scheelassociates@gmail.com
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MEMORANDUM

TO: City Council

FROM: City Attorney, Daniel S. Draper

DATE: November 8, 2024

RE: Zoning Text Amendments to Short-Term Rental Ordinance

I have reviewed the proposed changes to Sec. 98-206(8)(y), the Short-Term Rental Ordinance.

The changes to the ordinance that are contrary to state statute §66.1014, *Wis. Stats.*, are found in 98-206(8)(y) 1 c. iii and iv. The state statute on Short Term Rentals states that “Subject to par. (d), a political subdivision may not enact or enforce an ordinance that prohibits the rental of a residential dwelling for 7 consecutive days or longer.” §66.1014(2)(a), *Wis. Stats.* The statute provides that the City can ban the rental of residential dwellings for less than 7 days. The proposed at subsection 1 c. iii, allows the rental of a residential dwelling for a minimum of 2 days. This is a rental period of less than 7 days that the City is allowed to ban. However, this subsection does provide that the residential dwelling can only be rented by different transients every 7 days. In other words, there will only be a change over of transients once each week, instead of multiple times each week.

The other provision at subsection Sec. 98-206(8)(y) 1 c. iv is also contrary to the intent of §66.1014(2)(d) 1., *Wis. Stats.*, which states that “If a residential dwelling is rented for periods of more than 6 but fewer than 30 consecutive days, a political subdivision may limit the total number of days within any consecutive 365-day period that the dwelling may be rented to no fewer than 180 days...” Subsection iv provides an example wherein an individual would be permitted to rent to a transient for 7 days outside the 180 days. This would be additional short-term rentals outside the 180 days permitted by the license. However, there is a provision that a short-term rental in this instance (outside the 180 days) would only be allowed every 30 days.

I would point out that the language of Sec. 98-206(8)(y)1 d. a is unnecessary. Individuals are required to comply with the City’s municipal code regardless of whether they are an STR or a guest. I would also offer that the new language of Sec. 98-206(8)(y)2 is unnecessary and serves no purpose in the ordinance. There are no enforceable provisions nor are individuals provided any additional rights that don’t already exist.

If you should have any questions, please do not hesitate to contact me.

DSD

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending Chapter 98, Zoning, Article 2, Land Use Regulations, Section 98-206, Accessory land uses., subsections (y)Short-term rental., and all the sub-subsections thereunder and adding a new sub-sub-subsection 2. Resident reporting., of the Municipal Code of the City of Lake Geneva, changing definitions, regulations and penalties for short-term rentals in the City of Lake Geneva, Wisconsin.			
Committee	Plan Commission		
Fiscal Impact:	N/A		
File Number:	24-13	Date :	November 11, 2024

1. The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain that subsections (y)Short-term rental., and all the sub-subsections thereunder and new sub-sub-subsection 2. Resident reporting., is added to Section 98-206, Accessory land uses of Article 2 Land Use Regulations of Chapter 98, Zoning of the Municipal Code of the City of Lake Geneva, Wisconsin is hereby amended to read as follows:

Chapter 98 **Zoning**

ARTICLE 2 Land Use Regulations

Sec. 98-206 Detailed land use descriptions and regulations.

SHORT-TERM RENTAL ORDINANCE

Sec. 98-206(8)(y). Short-term rental.

Description: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients for more than six but fewer than 29 consecutive days: (hereinafter "STR"). It does not include private boardinghouses or rooming houses not accommodating tourists or transients, or bed-and-breakfast establishments regulated under ACTP 73. [Ord. No. 19-16]

{
1. Ord. No. 19-16]

1. Permitted by right: all zoning districts where "residential dwellings" are permitted, as that term is defined in §_66.1014, Wis. Stats. [Ord. No. 19-16]

{
a. Ord. No. 19-16]

a. Land use requirement. ~~A short-term rental~~An STR shall only be located as an accessory land use within zoning districts that allow residential dwellings, as that term is defined in §_66.1014, Wis. Stats.

b.

b. Annual city license required. ~~Short-term rentals~~STRs shall operate only during the valid period of an annual City of Lake Geneva ~~short-term rental~~STR license (hereinafter "~~annual license~~Annual License") for each ~~consecutive 365-day period~~calendar year. If the ~~short-term rental~~STR is transferred or there is any change of ownership of the ~~short-term rental~~STR during the valid period of an ~~annual license~~Annual License, the ~~license may only be assumed by the transferee~~new owner must apply for a license as defined in this ordinance before operating the STR. Licenses may not be transferred. When the remaining period of the license is issued, it will include a registration number (hereinafter "STR License Number") that must be displayed as defined in this ordinance.

Operating ~~a short-term rental~~ an STR without a current version of a valid ~~annual license~~ Annual License shall be considered a violation of this chapter, and the property owner shall be subject to the penalties of Section 98-936. The following information shall be provided on an annual basis, ~~prior to~~ before issuance of said ~~annual license~~ Annual License:

~~i.-~~

i. Completed City of Lake Geneva short-term rental application, which includes the property owner's name, address, and phone number; the ~~designated operator's name~~, Designated Operator's name (as defined in 1(c)(vii)), address, and phone number; and the period of operation of up to 180 days in a 365-day period, which must be consecutive;

~~ii.-~~

ii. A current floor plan for the ~~short-term rental, at a minimum scale of one inch equals four feet~~ STR to include room dimensions (length, width, and ceiling height), bedding in each sleeping room including the mattress size of each bed, and a site plan of the property at a minimum scale of one inch equals 10 feet to include property dimensions showing on-site parking spaces, all bedrooms with ceiling heights, and trash storage areas;

~~iii.-~~

iii. Requested maximum occupancy that complies with Wis. Adm. Code § ATPC 72.14 for hotels, motels, and tourist rooming houses, as outlined in 1. c(vi) of this ordinance.

iv. General Building Code inspection by the City, and submittal of official Building Code inspection report with no outstanding compliance orders remaining;

~~iv.-~~

v. Proof of valid property and liability insurance for the dwelling unit;^[5], [5]

~~v.-~~ [5] Editor's Note: Former Subsection b. iv, requiring a Fire Code inspection and report, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

vi. State of Wisconsin tourist rental house license;

~~vi.-~~

vii. City of Lake Geneva room tax permit;

~~vii.-~~

viii. City of Lake Geneva general business license;^[6], [6]

~~viii.-~~

[6] Editor's Note: Former Subsection (8)(y)1bvii, requiring a seller's permit, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

ix. Payment of an administrative fee, set by City Council resolution, to cover the costs to the City of administering the above. The City of Lake Geneva ~~short-term rental license~~ Annual License shall be issued with the completion of the above requirements and compliance with the City's Room Tax Ordinance.^[7], [7]

~~x.-~~

x. Each year, the Annual License must be renewed by January 31. Failure to renew and pay license fees by January 31 will result in a late fee of \$250.00.

[7] Editor's Note: See Ch. 70, Taxation, Art. III.

c. Property management requirements. Each ~~short-term rental~~STR shall be managed consistent with the following requirements:

~~i.~~

i. The total number of days of operation within any 365-day period of an ~~annual license~~Annual License shall not exceed 180 consecutive days: (hereinafter "Rental Season"). This period of ~~short-term rental~~STR operation shall be specified by the property owner in the required Lake Geneva ~~short-term rental~~Annual License application.

~~ii.~~

ii. The stay of a guest in an STR (hereinafter "Rental") is calculated on the number of nights stayed between the arrival date and departure date.

iii. The minimum rental booking period shall be a minimum of seven consecutive days by any one party.

~~iii.~~ The maximum rental period within a 365-day period of an annual license "Rental Booking Period" shall be ~~no more than 180 consecutive~~identified as the date between one rental arrival and the next rental arrival. A Rental must be for at least two nights and may not arrive within 7 days of the prior guest arriving at the STR. For example, if a rental arrives on June 1, the earliest the next Rental could arrive is on June 8.

~~iv.~~

iv. During the days of the Annual License that is outside of the Rental Season ("Rental Off-Season") the Rental Booking Period shall be a minimum of 29 days. For example, if the property is rented November 1-7, it cannot be rented again until November 30.

v. Similar facilities in which single-family detached homes are available for less than seven days, more than 180 ~~days~~nights, or throughout the year, are a different land use that falls within the indoor commercial lodging land use category.

~~v.~~ The maximum number of occupants shall not exceed the total number licensed by the State of Wisconsin or two per bedroom plus two additional occupants, whichever is less.

~~vi.~~ The short-term rental

vi. The maximum number of occupants shall not exceed the limits set forth in Wis. Adm. Code § ATCP 72.14 for hotels, motels, and tourist rooming houses. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cubic meters) of air space for each occupant over 12 years of age and 200 cubic feet (six cubic meters) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of seven feet (2.13 meters). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room. The maximum number of occupants will be determined and listed on the Annual License issued by the City of Lake Geneva.

WI Statute ATCP 72.14 (2)(b) Size of sleeping rooms. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room.

vii. The STR shall be operated by the property owner or by a property manager explicitly designated in the valid Lake Geneva ~~short-term rental application as the "designated operator."~~Annual License application as the "Designated Operator." If the STR owner does not act as the Designated Operator, the STR owner must enter into a valid management contract beyond marketing and accounting services, with a company to act as the Designated Operator. The Designated Operator must have all of the powers of the STR owner in the STR

owner's absence.

~~vii.~~

~~viii.~~ The property owner's and the ~~designated operator's~~Designated Operator's names, addresses, and twenty-four-hour phone numbers shall be provided in the City of Lake Geneva ~~short-term rental~~ Annual License application and shall be updated within 24 hours upon any change in the ~~property manager~~Designated Operator or the ~~property manager~~Designated Operator's contact information.

~~viii.~~

~~ix.~~ The ~~designated operator~~Designated Operator must reside ~~within~~ or have their Lake Geneva STR Management business located within 25 miles of the ~~short-term rental~~STR parcel.

~~ix.~~

~~x.~~ The ~~designated operator~~Designated Operator must be available by phone and able to respond promptly to the property 24 hours a day, seven days a week, during the period of operation designated in the Lake Geneva ~~short-term rental~~Annual License application.

~~x.~~

~~xi.~~ Each ~~short-term rental~~Designated Operator shall ~~provide and~~ maintain a guest register for each Rental and shall require ~~all~~the primary guests to register their true names and addresses before allowing occupancy. The guest register shall also include the Rental arrival date, Rental departure date, number of adult occupants, and consideration paid for the Rental. The guest register shall be kept intact and available by the designated operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.

~~xi.~~ Each short-term rental shall maintain the following written business record for each rental of the short-term rental: the true names and addresses of any person renting the property, the dates of the rental period (which must be a minimum of seven consecutive days), and the monetary amount or consideration paid for the rental. The business record shall be kept intact and available by the designated operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.

~~xii.~~ Short-term rental license

~~xii.~~ Annual License and emergency contact information must be posted in a conspicuous area within the property at all ~~time~~times.

d. Property

d. STR operational requirements. Each ~~short-term rental~~STR shall be operated per the following requirements:

~~i.~~

~~i.~~ The "Requirements ~~For~~for Short-Term Rental Guests" form provided by the City of Lake Geneva to summarize City requirements for ~~short-term rental~~STRs, and the site plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door of each ~~short-term rental~~ throughout its period of operation.

~~ii.~~ ii. Parking requirements:

~~a.~~

~~a.~~ A minimum of two off-street parking spaces shall be provided on the subject property for each ~~short-term rental~~STR. If the ~~short-term rental~~STR provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two, ~~plus one space for each employee on the largest shift, if applicable.~~

~~b.~~ All guest parking for vehicles and trailers shall be within a parking space designated on the site plan, on an area paved with concrete or asphalt.

~~c.~~ All guest vehicles and trailers may only park on-site. Street parking for guests is not

~~permitted.~~

~~d.~~

~~b.~~ No parking is permitted on gravel, lawn, or planter bed areas.

~~iii.iii.~~ Site appearance requirements:

~~a.~~

~~a.~~ Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as ~~a short-term rental~~ an STR visible on the exterior of the subject property.

~~b.~~

~~b.~~ No exterior ~~sign-ages~~ signage related to the ~~short-term rental~~ STR is permitted, other than the property address.

~~c.~~

~~c.~~ No outdoor storage related to the ~~short-term rental~~ STR land use is permitted, except for typical residential recreational equipment, ~~seating,~~ and outdoor cooking facilities which are not permitted ~~only within~~ the ~~rear~~ front yard. The STR and property must abide by the Zoning Ordinance defined in Municipal Code section 98.

~~d.~~

~~d.~~ No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

~~iv.~~

~~iv.~~ Neighborhood impact requirements:

~~a.~~ No outdoor activity shall occur between the hours of 10:00 p.m. and 7:00 a.m.

~~b.~~ At all times, no noise, lighting, odor or other impacts from the subject property shall be detectable at the property line at levels exceeding the requirements of Article 7 of this chapter.

~~c.~~ No vehicular traffic shall be generated by the short-term rental at levels exceeding those typical for a detached single-family dwelling unit.

~~v.~~ Short-term rental advertising:

~~a.~~

~~a.~~ STRs, including guests, must abide by City ordinances, including those defined in Municipal Code section 46-4(b) regarding loud and/or unnecessary noise.

Municipal Code section 46-4(b) Loud and/or unnecessary noise prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and/or unnecessary noise.

~~v.~~ STR advertising:

~~a.~~ No outdoor advertising is allowed on the subject property.

~~b.~~

~~b.~~ The ~~short-term rental~~ STR shall not be advertised for availability in any form of media ~~unless until~~ the required State of Wisconsin Tourist Rooming House and the City of Lake Geneva short-term rental license ~~has~~ Annual License have been issued.

~~c.~~

~~c.~~ The STR shall not advertise a maximum adult capacity that exceeds the license provided by the City of Lake Geneva.

d. All listings, websites, posts, and advertisements (“Rental Marketing”) must display the Lake Geneva STR Number, except for when the advertisement includes a web link/URL and the Lake Geneva STR Number is displayed on the page presented to the user when viewing the web link/URL. For clarity, if Rental Marketing does not contain a web link/URL with the STR Number displayed on it and contains other means for a consumer to make contact about an STR or to book a Rental, the Lake Geneva STR Number must be displayed. Examples of these other contact methods include but are not limited to mailing address, physical address, phone number, email, messaging of any kind, and any form in which a consumer’s contact information is captured.

e. All Rental Marketing must include the maximum on-site parking spaces available at the Property per this ordinance before confirming a booking of a Rental.

e. Access and inspections.

i.

i. The City shall be authorized at all reasonable times upon reasonable notice to the owner, and with either the owner's consent or a special inspection warrant under §- 66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in §-66.0119(2), Wis. Stats., to enter and examine any building, structure, or premises, for the purpose of ensuring compliance with this chapter. If the owner declines to consent to an inspection without a warrant, the City may not conduct an inspection under this section without first obtaining a special inspection warrant under §-66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in §-66.0119(2), Wis. Stats. The owner, agent, or occupant of any such premises who refuses to permit, or prevents or interferes with any entry into or upon the premises by any such inspector with a special inspection warrant or in cases of emergency where no inspection warrant is required and as provided in §-66.0119(2), Wis. Stats., shall be in violation of this section. It is not a violation of this section to refuse to grant voluntary consent to an inspection.

ii.

ii. The City has adopted the Knox-Box® key box system providing for the installation of miniature vaults that are placed upon the exterior buildings, gateposts, or other applicable locations. Contained within the vault are the keys that will allow access to the ~~short-term rental~~STR in emergency situations.

iii.

iii. Designated operators and owners are encouraged, but not required to install the Knox-Box® Systems on their ~~short-term rentals~~STRs. If a Knox-Box® is installed on the property, the City asks STR owners to state the location of the Knox-Box® in the Lake Geneva Annual License. Designated ~~operators~~Operators and owners of ~~short-term rentals~~STRs acknowledge that the City shall not be obligated for damages occurring to ~~short-term rentals~~STRs in the event emergency access to ~~a short-term rental~~an STR is required and there is no Knox-Box® System installed on the property.

f.

f. Penalties and license revocation.

i.

i. Operating an STR without a Tourist Room House License from the State of Wisconsin and an Annual License from the City of Lake Geneva is prohibited. STRs found to be operating without the proper permits will be cited \$1,000 per day and required to pay room taxes and penalties for prior Rentals if not yet paid per Municipal Code 70. Violations of the requirements for ~~short-term rental~~STRs, the provisions of the ~~short-term rental license~~Annual License, and all other provisions of this subsection (8)(y) are subject to separate daily ~~finescitations~~ per Section 98-936. and this ordinance. Citations for violations of this chapter will be issued to, and will be the responsibility of, the property owner.

~~ii. The annual short-term rental license may be revoked for more than two violations of the requirements specific to the short-term rental, the license, or the remainder of this chapter. Short-term rental operators found noncompliant with the terms of this subsection (8)(y) shall be considered in violation and shall be subject to all applicable penalties up to and including revocation of their short-term rental license.~~

ii. Major violations of this ordinance are subject to citations and license revocation. The following are considered major violations:

- a. Rental Marketing that does not advertise or falsely advertises information as required in this ordinance, including but not limited to maximum capacity and available on-site/off-street parking as provided with the Annual License as defined in 1(d) of this ordinance.
- b. No Designated Operator within 25 miles. The Designated Operator must have all of the powers of the STR owner in the STR owner's absence.
- c. Failure to display the STR License Number as defined in 1(d) of this ordinance.
- d. Failure to pay Room Tax and to submit timely reporting. Room Tax that is more than 30 days late may constitute a violation.
- e. Failure to report rentals from all forms of all advertising media monthly in conjunction with room tax payment (see item d. above).
- f. Renting outside the requirements defined in 1(c) of this ordinance, including but not limited to having more than one Rental arrive in a Rental Booking Period.

iii. Penalties for major violations of this ordinance are based on the number of violations in a rolling 12-month period as follows:

- a. 1st: \$250 citations and court costs (citations are per day of violation). For example, the owner rents a 3-night weekend beyond the permitted time, which equals three tickets for that Rental.
- b. 2nd: \$500 citations and court costs (citations are per day of violation) and suspension of Annual License for 3 months.
- c. 3rd: \$1,000 citations and court costs (citations are per day of violation) and suspension of Annual License for 1 year.
- d. 4th: Permanent revocation of Annual License and future ability to get an Annual License for the STR property.

iv. Minor violations, are those caused by renters or guests of a Rental.

- a. Examples include excessive noise, disruptive behavior, and related incidents that require law enforcement intervention.

b. Failure to remove refuse containers from the street in accordance with Municipal Code section 58-45.

v. Minor violations penalty. If renters or guests of a Rental receive three (3) citations from the Police Department for violations that occur at the same STR in separate Rentals within a rolling 12 months, this shall constitute a major violation of this ordinance. Each violation beyond the initial three (3) minor violations within a rolling 12 months shall be cited as a major violation.

2. Resident Reporting. Residents who witness and experience major or minor STR violations are encouraged to report violations to; the City of Lake Geneva Citizen Action Request / Complaint Form, the Police Department non-emergency line (262-248-4455), the property owner, or the property operator. In addition, it may be helpful to document the violations. The reporting method is dependent on the severity of the violation. No adverse action will be taken against a resident for reporting STR violations.

2. That this ordinance shall take effect upon passage and publication, as provided by law.

Approved by the City of Lake Geneva Common Council on this __th day of October, 2024.

Council Action: ☐ Adopted ☐ Failed Vote _____

Mayoral Action: ☐ Accept ☐ Veto

Todd Krause, Mayor Date

Attest:

Lacey L Reynolds, City Clerk Date

SHORT-TERM RENTAL ORDINANCE

Sec. 98-206(8)(y). Short-term rental.

Description: Includes all lodging places and tourist cabins and cottages, other than hotels and motels, in which sleeping accommodations are offered for pay to tourists and transients for more than six but fewer than 29 consecutive days (hereinafter "STR"). It does not include private boardinghouses or rooming houses not accommodating tourists or transients, or bed-and-breakfast establishments regulated under ACTP 73. [Ord. No. 19-16]

1. Permitted by right: all zoning districts where "residential dwellings" are permitted, as that term is defined in § 66.1014, Wis. Stats. [Ord. No. 19-16]

a. Land use requirement. An STR shall only be located as an accessory land use within zoning districts that allow residential dwellings, as that term is defined in § 66.1014, Wis. Stats.

b. Annual city license required. STRs shall operate only during the valid period of an annual City of Lake Geneva STR license (hereinafter "Annual License") for each calendar year. If the STR is transferred or there is any change of ownership of the STR during the valid period of an Annual License, the new owner must apply for a license as defined in this ordinance before operating the STR. Licenses may not be transferred. When the license is issued, it will include a registration number (hereinafter "STR License Number") that must be displayed as defined in this ordinance. Operating an STR without a current version of a valid Annual License shall be considered a violation of this chapter, and the property owner shall be subject to the penalties of Section 98-936. The following information shall be provided on an annual basis, before issuance of said Annual License:

i. Completed City of Lake Geneva short-term rental application, which includes the property owner's name, address, and phone number; the Designated Operator's name (as defined in 1(c)(vii), address, and phone number; and the period of operation of up to 180 days in a 365-day period, which must be consecutive;

ii. A current floor plan for the STR to include room dimensions (length, width, and ceiling height), bedding in each sleeping room including the mattress size of each bed, and a site plan of the property to include property dimensions showing on-site parking spaces, all bedrooms with ceiling heights, and trash storage areas;

iii. Requested maximum occupancy that complies with Wis. Adm. Code § ATP 72.14 for hotels, motels, and tourist rooming houses, as outlined in 1. c(vi) of this ordinance.

iv. General Building Code inspection by the City, and submittal of official Building Code inspection report with no outstanding compliance orders remaining;

v. Proof of valid property and liability insurance for the dwelling unit; [5]

[5] Editor's Note: Former Subsection b. iv, requiring a Fire Code inspection and report, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

- vi. State of Wisconsin tourist rental house license;
- vii. City of Lake Geneva room tax permit;
- viii. City of Lake Geneva general business license; [6]

[6] Editor's Note: Former Subsection (8)(y)1bvii, requiring a seller's permit, was repealed on 3-28-2022 by Ord. No. 22-02. This ordinance also redesignated former Subsection (8)(y)1bv through x as Subsection (8)(y)1biv through viii, respectively.

ix. Payment of an administrative fee, set by City Council resolution, to cover the costs to the City of administering the above. The City of Lake Geneva Annual License shall be issued with the completion of the above requirements and compliance with the City's Room Tax Ordinance. [7]

x. Each year, the Annual License must be renewed by January 31. Failure to renew and pay license fees by January 31 will result in a late fee of \$250.00.

[7] Editor's Note: See Ch. 70, Taxation, Art. III.

c. Property management requirements. Each STR shall be managed consistent with the following requirements:

i. The total number of days of operation within any 365-day period of an Annual License shall not exceed 180 consecutive days (hereinafter "Rental Season"). This period of STR operation shall be specified by the property owner in the required Lake Geneva Annual License application.

ii. The stay of a guest in an STR (hereinafter "Rental") is calculated on the number of nights stayed between the arrival date and departure date.

iii. The minimum rental booking period shall be a minimum of seven consecutive days by any one party. "Rental Booking Period" shall be identified as the date between one rental arrival and the next rental arrival. A Rental must be for at least two nights and may not arrive within 7 days of the prior guest arriving at the STR. For example, if a rental arrives on June 1, the earliest the next Rental could arrive is on June 8.

iv. During the days of the Annual License that is outside of the Rental Season ("Rental Off-Season") the Rental Booking Period shall be a minimum of 29 days. For example, if the property is rented November 1-7, it cannot be rented again until November 30.

v. Similar facilities in which single-family detached homes are available for less than seven days, more than 180 nights, or throughout the year, are a different land use that falls within the indoor commercial lodging land use category.

vi. The maximum number of occupants shall not exceed the limits set forth in Wis. Adm. Code § ATPC 72.14 for hotels, motels, and tourist rooming houses. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cubic meters) of air space for each occupant

over 12 years of age and 200 cubic feet (six cubic meters) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of seven feet (2.13 meters). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room. The maximum number of occupants will be determined and listed on the Annual License issued by the City of Lake Geneva.

WI Statute ATCP 72.14 (2)(b) Size of sleeping rooms. Every sleeping room shall be of sufficient size to afford at least 400 cubic feet (12 cu m) of air space for each occupant over 12 years of age and 200 cubic feet (6 cu m) for each occupant 12 years and under. Every sleeping room shall have a minimum ceiling height of 7 feet (2.13 m). No greater number of sleeping occupants than the number established by the application of these standards is permitted in any sleeping room.

vii. The STR shall be operated by the property owner or by a property manager explicitly designated in the valid Lake Geneva Annual License application as the "Designated Operator." If the STR owner does not act as the Designated Operator, the STR owner must enter into a valid management contract beyond marketing and accounting services, with a company to act as the Designated Operator. The Designated Operator must have all of the powers of the STR owner in the STR owner's absence.

viii. The property owner's and the Designated Operator's names, addresses, and twenty-four-hour phone numbers shall be provided in the City of Lake Geneva rental Annual License application and shall be updated within 24 hours upon any change in the Designated Operator or the Designated Operator's contact information.

ix. The Designated Operator must reside or have their Lake Geneva STR Management business located within 25 miles of the STR parcel.

x. The Designated Operator must be available by phone and able to respond promptly to the property 24 hours a day, seven days a week, during the period of operation designated in the Lake Geneva Annual License application.

xi. Each Designated Operator shall maintain a guest register for each Rental and shall require the primary guests to register their true names and addresses before allowing occupancy. The guest register shall also include the Rental arrival date, Rental departure date, number of adult occupants, and consideration paid for the Rental. The guest register shall be kept intact and available by the designated operator for inspection by representatives of the City for at least one year from the day of the conclusion of the period of operation.

xii. Annual License and emergency contact information must be posted in a conspicuous area within the property at all times.

d. STR operational requirements. Each STR shall be operated per the following requirements:

i. The "Requirements for Short-Term Rental Guests" form provided by the City of Lake Geneva to summarize City requirements for STRs, and the site plan for the subject property clearly depicting guest parking spaces and the rear yard, shall be posted on the inside of the front door

of each throughout its period of operation.

ii. Parking requirements:

a. A minimum of two off-street parking spaces shall be provided on the subject property for each STR. If the STR provides three or more bedrooms, an additional on-site parking space is required for each additional bedroom over two.

b. No parking is permitted on gravel, lawn, or planter bed areas.

iii. Site appearance requirements:

a. Aside from a changing mix of guests and their vehicles, there shall be no evidence of the property being used as an STR visible on the exterior of the subject property.

b. No exterior signage related to the STR is permitted, other than the property address.

c. No outdoor storage related to the STR land use is permitted, except for typical residential recreational equipment, and outdoor cooking facilities which are not permitted in the front yard. The STR and property must abide by the Zoning Ordinance defined in Municipal Code section 98.

d. No recreational vehicle, camper, tent, or other temporary lodging arrangement shall be permitted to accommodate guests.

iv. Neighborhood impact requirements:

a. STRs, including guests, must abide by City ordinances, including those defined in Municipal Code section 46-4(b) regarding loud and/or unnecessary noise.

Municipal Code section 46-4(b) Loud and/or unnecessary noise prohibited. It shall be unlawful for any person to make, continue, or cause to be made or continued any loud and/or unnecessary noise.

v. STR advertising:

a. No outdoor advertising is allowed on the subject property.

b. The STR shall not be advertised for availability in any form of media until the required State of Wisconsin Tourist Rooming House and the City of Lake Geneva Annual License have been issued.

c. The STR shall not advertise a maximum adult capacity that exceeds the license provided by the City of Lake Geneva.

- d. All listings, websites, posts, and advertisements (“Rental Marketing”) must display the Lake Geneva STR Number, except for when the advertisement includes a web link/URL and the Lake Geneva STR Number is displayed on the page presented to the user when viewing the web link/URL. For clarity, if Rental Marketing does not contain a web link/URL with the STR Number displayed on it and contains other means for a consumer to make contact about an STR or to book a Rental, the Lake Geneva STR Number must be displayed. Examples of these other contact methods include but are not limited to mailing address, physical address, phone number, email, messaging of any kind, and any form in which a consumer’s contact information is captured.
 - e. All Rental Marketing must include the maximum on-site parking spaces available at the Property per this ordinance before confirming a booking of a Rental.
- e. Access and inspections.
- i. The City shall be authorized at all reasonable times upon reasonable notice to the owner, and with either the owner's consent or a special inspection warrant under § 66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in § 66.0119(2), Wis. Stats., to enter and examine any building, structure, or premises, for the purpose of ensuring compliance with this chapter. If the owner declines to consent to an inspection without a warrant, the City may not conduct an inspection under this section without first obtaining a special inspection warrant under § 66.0119, Wis. Stats., except in cases of emergency where no special inspection warrant is required, and as provided in § 66.0119(2), Wis. Stats. The owner, agent, or occupant of any such premises who refuses to permit, or prevents or interferes with any entry into or upon the premises by any such inspector with a special inspection warrant or in cases of emergency where no inspection warrant is required and as provided in § 66.0119(2), Wis. Stats., shall be in violation of this section. It is not a violation of this section to refuse to grant voluntary consent to an inspection.
 - ii. The City has adopted the Knox-Box® key box system providing for the installation of miniature vaults that are placed upon the exterior buildings, gateposts, or other applicable locations. Contained within the vault are the keys that will allow access to the STR in emergency situations.
 - iii. Designated operators and owners are encouraged but not required to install the Knox-Box® Systems on their STRs. If a Knox-Box® is installed on the property, the City asks STR owners to state the location of the Knox-Box® in the Lake Geneva Annual License. Designated Operators and owners of STRs acknowledge that the City shall not be obligated for damages occurring to STRs in the event emergency access to an STR is required and there is no Knox-Box® System installed on the property.
- f. Penalties and license revocation.
- i. Operating an STR without a Tourist Room House License from the State of Wisconsin and an Annual License from the City of Lake Geneva is prohibited. STRs found to be operating without the proper permits will be cited \$1,000 per day and required to pay room taxes and penalties

for prior Rentals if not yet paid per Municipal Code 70. Violations of the requirements for STRs, the provisions of the Annual License, and all other provisions of this subsection (8)(y) are subject to separate daily citations per Section 98-936 and this ordinance. Citations for violations of this chapter will be issued to and will be the responsibility of the property owner.

ii. Major violations of this ordinance are subject to citations and license revocation. The following are considered major violations:

- a. Rental Marketing that does not advertise or falsely advertises information as required in this ordinance, including but not limited to maximum capacity and available on-site/off-street parking as provided with the Annual License as defined in 1(d) of this ordinance.
- b. No Designated Operator within 25 miles. The Designated Operator must have all of the powers of the STR owner in the STR owner's absence.
- c. Failure to display the STR License Number as defined in 1(d) of this ordinance.
- d. Failure to pay Room Tax and to submit timely reporting. Room Tax that is more than 30 days late may constitute a violation.
- e. Failure to report rentals from all forms of all advertising media monthly in conjunction with room tax payment (see item d. above).
- f. Renting outside the requirements defined in 1(c) of this ordinance, including but not limited to having more than one Rental arrive in a Rental Booking Period.

iii. Penalties for major violations of this ordinance are based on the number of violations in a rolling 12-month period as follows:

- a. 1st: \$250 citations and court costs (citations are per day of violation). For example, the owner rents a 3-night weekend beyond the permitted time, which equals three tickets for that Rental.
- b. 2nd: \$500 citations and court costs (citations are per day of violation) and suspension of Annual License for 3 months.
- c. 3rd: \$1,000 citations and court costs (citations are per day of violation) and suspension of Annual License for 1 year.
- d. 4th: Permanent revocation of Annual License and future ability to get an Annual License for the STR property.

iv. Minor violations, are those caused by renters or guests of a Rental.

- a. Examples include excessive noise, disruptive behavior, and related incidents that require law enforcement intervention.

b. Failure to remove refuse containers from the street in accordance with Municipal Code section 58-45.

v. Minor violations penalty. If renters or guests of a Rental receive three (3) citations from the Police Department for violations that occur at the same STR in separate Rentals within a rolling 12 months, this shall constitute a major violation of this ordinance. Each violation beyond the initial three (3) minor violations within a rolling 12 months shall be cited as a major violation.

2. Resident Reporting. Residents who witness and experience major or minor STR violations are encouraged to report violations to; the City of Lake Geneva Citizen Action Request / Complaint Form, the Police Department non-emergency line (262-248-4455), the property owner, or the property operator. In addition, it may be helpful to document the violations. The reporting method is dependent on the severity of the violation. No adverse action will be taken against a resident for reporting STR violations.

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending Chapter 98, Zoning, Section 98-203, Tables of Land Uses, Section 98-206, Detailed land use descriptions and regulations, and Section 98-105(3)(k), Purpose and intent of standard zoning districts, pertaining to Indoor and Outdoor Commercial Entertainment Incidental to Light Industrial land use.			
Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-14	Date:	November 11, 2024

Sec. 98-203 Tables of Land Uses

Ordinance 24-14

C														C	C	C			(c) Communication Tower
																	C		(d) Extraction Use
RH Rural Holding							TR Two-family Res							NB Neighborhood Business				PI Planned Industrial	
CR Countryside Res							MR Multi-family Res							PB Planned Business				GI General Industrial	
ER Estate Residential							NO Neighborhood Office							GB General Business				HI Heavy Industrial	
SR Single-family Res							PO Planned Office							CB Central Business				PBP Planned Business Park	
EX Extraction/Disposal																			

Table 98-203(8) Tables of Land Uses

P = Permitted by Right (98-202(2)) C = Permitted as a Conditional Use (98-202(4))

Zoning District Abbreviations																	Type of Land Use		
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	EX		
																		ACCESSORY USES (98-206(8)())	
									C	C	C	C						(a) Commercial Airport	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(b) Farm Residence	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(c) Private Residential Garage or Shed	
							P	P	P	P	P	P	P	P	P			(d) Company Cafeteria	
							P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C			(e) Company Provide On-Site Recreation	
C										C	C							(f) Outdoor Display Incidental	
							C	C	C	C	C	C	C					(g) In-Vehicle Sales and Services	
													P	P	P			(h) Indoor Sales Incident to Light Ind. Use	
									C	C	C	C						(i) Light Ind. Incidental to Indoor Sales	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(j) Home Occupation	
P	P	P	P	P	P	P												(k) Family Day Care Home (4-8 children)	
C	C	C	C	C	C	C												(l) Intermediate Day Care Home (8-15 children)	
C															C			(m) Migrant Labor Camp	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(n) On-Site Parking Lot	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(o) Private Residential Recreational Facility	
C	C	C																(p) Private Residential Kennel	
C																		(q) Private Residential Stable	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(r) Drainage Structure	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(s) Filling	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(t) Lawn Care of Subject Property	
C	C	C																(u) Septic Systems	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(v) Exterior Communication Devices	
	C	C																(w) Caretaker's Residence	

C	C	C	C	C	C	C												(x) Second Private Residential Garage	
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(y) Tourist Rooming House	
															<u>P</u>			<u>(z) Indoor/Outdoor Commercial Entertainment Incidental to Light Industrial</u>	
RH Rural Holding							TR Two-family Res							NB Neighborhood Business				PI Planned Industrial	
CR Countryside Res							MR Multi-family Res							PB Planned Business				GI General Industrial	
ER Estate Residential							NO Neighborhood Office							GB General Business				HI Heavy Industrial	
SR Single-family Res							PO Planned Office							CB Central Business				PBP Planned Business Park	
EX Extraction/Disposal																			

Sec. 98-206 Detailed land use descriptions and regulations

(v) Indoor and outdoor commercial entertainment incidental to light industrial

Description: This land use describes commercial entertainment spaces that are an ancillary to light industrial uses. This may include, but is not limited to taprooms, beer gardens, restaurants, conference rooms, event space, or other similar entertainment uses.

1. Permitted by right: (PBP):
 - a. Such uses shall be established alongside light industrial uses on the site.
 - b. No outdoor storage of equipment other than fermentation tanks and similar tanks is acceptable. All other equipment must be stored inside and away from public view.
 - c. The facility shall provide a buffer yard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property. (See Section 98-610.)
2. Parking regulations. One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater) and one space per every 3 employees on-site.

Sec. 98-105(3) Purpose and intent of standard zoning districts (Nonresidential Districts)

(k) Planned Business Park (PBP) District.

2. List of allowable land uses (Per Article 2, Land Use Regulations).
 - c. Land uses permitted as accessory uses [per Section 98-202(5)]:
 - 1) Land uses permitted by right:
 - Company cafeteria [per Section 98-206(8)(d)]
 - Company-provided on-site recreational Facility (Unlit) [per Section 98-206(8)(e)]
 - Indoor sales incidental to light industrial use [per Section 98-206(8)(h)]
 - On-site parking lot [per Section 98-206(8)(n)]
 - Drainage structure [per Section 98-206(8)(r)]
 - Filling [per Section 98-206(8)(s)]
 - Lawn care [per Section 98-206(8)(s)]
 - Exterior communications devices [per Section 98-206(8)(v)]
 - On-site business day care facility
 - Indoor/outdoor commercial entertainment incidental to light industrial

Approved by the City of Lake Geneva Common Council on this 11th day of November, 2024.

Council Action: ☐ Adopted ☐ Failed Vote _____

Mayoral Action: ☐ Accept ☐ Veto

Todd Krause, Mayor

Date

Attest:

Lacey L Reynolds, City Clerk

Date

STAFF REPORT
To: Lake Geneva Plan Commission
Meeting Date: October 21, 2024

Agenda Item #7

Request:

Zoning Code Update: Indoor and Outdoor Commercial Entertainment Incidental to Light Industrial

Background

Mashtun Brewery approached the City regarding expansion and relocation of a brewery business in the City’s business park. The expansion project would include ongoing brewery production land use (classified as light industrial) and add ancillary land uses including a tap room, outdoor beer garden, conference rooms, and potential event space (classified as indoor/outdoor commercial entertainment).

Currently, breweries are assumed to be operating under a “light industrial” use due to the manufacturing and production nature of their operations. Other taprooms and restaurants with a operate under “indoor commercial entertainment” land uses, however this land use is currently prohibited in the business park zoning district (PBP – Planned Business Park).

The Plan Commission provided favorable feedback to a potential code amendment to address this at their September 16, 2024, Plan Commission meeting. This discussion included advising staff to draft a text amendment so that stand-alone restaurants may not be established in the business park. Instead, they should only be established when the exist as a component of another land use that would already be allowed in the business park such as Light Industrial. In addition, the draft text amendment currently is written to allow such uses as a permitted, by-right use, due to limitations imposed on the City by 2017 WI Act 67, which limits discretion the city has in denying conditional use permits.

The proposed text amendments include:

1. Amending the *Table of Land Uses* to allow “Indoor/outdoor commercial entertainment incidental to light industrial” in the Planned Business Park (PBP) district as an accessory land use. Also amended to reflect the Light Industrial use as permitted in the PBP district.
2. Amending Section 98-206 – *Detailed land use descriptions and regulations* to create regulations and standards for “Indoor/outdoor commercial entertainment incidental to light industrial” accessory use in the City of Lake Geneva.
3. Amending the PBP zoning district to allow for “Indoor/outdoor commercial entertainment incidental to light industrial” as an allowable use.

Please see the enclosed attachment which summarizes changes to the code text and tables.

Recommendation

Staff recommends **approval** of the proposed text amendments to the City of Lake Geneva Municipal Code.

Suggested Motions:

- *Approve:* I recommend approval of the proposed *text amendments relating to Sections 98-203, 98-206, 98-105(k)*, including the affirmative set of findings, and any additional conditions of approval recommended by staff.
- *Deny:* I recommend denial of the proposed *text amendments relating to Sections 98-203, 98-206, 98-105(k)*, including the affirmative set of findings, and any additional conditions of approval recommended by staff. because *[provide rationale for denial, based on substantial evidence]*.

*Sonja Kruesel, AICP, and Jackie Mich, AICP
City Planning Consultant
Vandewalle & Associates*

Attachment: Proposed changes related to “Indoor and Outdoor Commercial Entertainment Incidental to Light Industrial” (Brewery Amendment – Planned Business Park (PBP) District)

Amendment – Addition to Table of Land Uses (Section 98-203(7) and (8))

Table 98-203(5), (6) and (7) Tables of Land Uses																		
P = Permitted by Right (98-202(2))										C = Permitted as a Conditional Use (98-202(4))								
Zoning District Abbreviations																		
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	EX	Type of Land Use
																		STORAGE/DISPOSAL (98-206(5)())
													P	P	P		P	(a) Indoor Storage or Wholesaling (Ord. No. 01-19 2/12/01)
														C	P		P	(b) Outdoor Storage or Wholesaling
													C	C				(c) Personal Storage Facility
																	C	(d) Junkyard or Salvage Yard
																	C	(e) Waste Disposal Facility
																	C	(f) Composting Operation
																		TRANSPORTATION USES (98-206(6)())
											P	P		P	P			(a) Off-Site Parking Lot
C								C					C	C	C			(b) Airport/Heliport
														C	C			(c) Freight Terminal
													C	P	P			(d) Distribution Center
																		INDUSTRIAL USES (98-206(7)())
													P	P	P	P		(a) Light Industrial
															P			(b) Heavy Industrial
C													C	C	C			(c) Communication Tower
																	C	(d) Extraction Use
RH Rural Holding						TR Two-family Res						NB Neighborhood Business						PI Planned Industrial
CR Countryside Res						MR Multi-family Res						PB Planned Business						GI General Industrial
ER Estate Residential						NO Neighborhood Office						GB General Business						HI Heavy Industrial
SR Single-family Res						PO Planned Office						CB Central Business						PBP Planned Business Park
EX Extraction/Disposal																		

Table 98-203(8) Tables of Land Uses																		
P = Permitted by Right (98-202(2))										C = Permitted as a Conditional Use (98-202(4))								
Zoning District Abbreviations																		

RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	EX	Type of Land Use
																		ACCESSORY USES (98-206(8)())
									C	C	C	C						(a) Commercial Airport
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(b) Farm Residence
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(c) Private Residential Garage or Shed
							P	P	P	P	P	P	P	P	P			(d) Company Cafeteria
							P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C			(e) Company Provide On-Site Recreation
C										C	C							(f) Outdoor Display Incidental
							C	C	C	C	C	C	C					(g) In-Vehicle Sales and Services
													P	P	P			(h) Indoor Sales Incident to Light Ind. Use
									C	C	C	C						(i) Light Ind. Incidental to Indoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(j) Home Occupation
P	P	P	P	P	P	P												(k) Family Day Care Home (4-8 children)
C	C	C	C	C	C	C												(l) Intermediate Day Care Home (8-15 children)
C															C			(m) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(n) On-Site Parking Lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(o) Private Residential Recreational Facility
C	C	C																(p) Private Residential Kennel
C																		(q) Private Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(r) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(s) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(t) Lawn Care of Subject Property
C	C	C																(u) Septic Systems
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(v) Exterior Communication Devices
	C	C																(w) Caretaker's Residence
C	C	C	C	C	C	C												(x) Second Private Residential Garage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(y) Tourist Rooming House
																P		(z) Indoor/Outdoor Commercial Entertainment Incidental to Light Industrial

RH Rural Holding	TR Two-family Res	NB Neighborhood Business	PI Planned Industrial
CR Countryside Res	MR Multi-family Res	PB Planned Business	GI General Industrial
ER Estate Residential	NO Neighborhood Office	GB General Business	HI Heavy Industrial
SR Single-family Res	PO Planned Office	CB Central Business	PBP Planned Business Park
EX Extraction/Disposal			

Amendment – Addition to *Detailed Land Use Section* (Section 98-206)(4)

(v) Indoor and outdoor commercial entertainment incidental to light industrial

Description: This land use describes commercial entertainment spaces that are an ancillary to light industrial uses. This may include, but is not limited to taprooms, beer gardens, restaurants, conference rooms, event space, or other similar entertainment uses.

1. Permitted by right: (PBP):

- a. Such uses shall be established alongside light industrial uses on the site.
- b. No outdoor storage of equipment other than fermentation tanks and similar tanks is acceptable. All other equipment must be stored inside and away from public view.
- c. The facility shall provide a buffer yard with minimum opacity of 0.60 along all borders of the property abutting residentially zoned property. (See Section 98-610.)

1-2. ~~Parking regulations.~~ One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater) and one space per every 3 employees on-site.

Amendment to Section 98-105(k) – Purpose and intent of standard zoning districts.

(k) Planned Business Park (PBP) District.

c. Land uses permitted as accessory uses [per Section 98-202(5)]:

1) Land uses permitted by right:

Company cafeteria [per Section 98-206(8)(d)]

Company-provided on-site recreational Facility (Unlit) [per Section 98-206(8)(e)]

Indoor sales incidental to light industrial use [per Section 98-206(8)(h)]

On-site parking lot [per Section 98-206(8)(n)]

Drainage structure [per Section 98-206(8)(r)]

Filling [per Section 98-206(8)(s)]

Lawn care [per Section 98-206(8)(s)]

Exterior communications devices [per Section 98-206(8)(v)]

On-site business day care facility

Indoor/outdoor commercial entertainment incidental to light industrial

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending 98-034, Definitions, of Article 0, Introduction and Definitions, of Chapter 98 Zoning, of the City of Lake Geneva Municipal Code, amending the definition of Landscaped Area and adding a definition of Permeable Pavement.			
Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-15	Date:	November 11, 2024

Sec. 98-034 Definitions

The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, and trees. "Landscaped area" includes the area located within planted and continually maintained landscaped planters. Paved areas such as driveways, patios, and walkways are impervious and do not qualify as part of the required Landscaped Area. Paved areas that use permeable pavement materials may count 50% of the permeable pavement materials as Landscaped Area.

A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which allows the infiltration, treatment, and/or storage of surface water, including, but not limited to, porous asphalt, pervious concrete, permeable interlocking pavers, reinforced turf, or similar materials.

Council Action: ☐ Adopted ☐ Failed **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

Todd Krause, Mayor

Attest:

Ordinance 24-15

Attachment #1: Pervious Paver Amendment

Section 98-034 – *Definitions*

LANDSCAPED AREA

The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, and trees.

"Landscaped area" includes the area located within planted and continually maintained landscaped planters. Paved areas such as driveways, patios, and walkways are impervious and do not qualify as part of the required Landscaped Area. Paved areas that use permeable pavement materials may count 50% of the permeable pavement materials as Landscaped Area.

PERMEABLE PAVEMENT

A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which allows the infiltration, treatment, and/or storage of surface water, including, but not limited to, porous asphalt, pervious -concrete, permeable interlocking pavers, reinforced turf, or similar materials.

STAFF REPORT
To: Lake Geneva Plan Commission
Meeting Date: October 21, 2024

Agenda Item #8

Request: *Zoning Code Updates*

Description:

Multiple sections of the Lake Geneva Zoning Code would benefit from minor clarifications to address questions that have arisen during code administration over time. Opportunities for code clarifications were presented at the September 16 Plan Commission meeting. The Plan Commission advised staff to continue drafting proposed text amendments for items discussed. The following topics are addressed in this memo:

1. Including credit for pervious pavement in the calculation of the required Landscape Area and defining permeable pavement.
2. Clarifying fence regulations regarding opacity, height, and pool fencing.
3. Clarifying deck regulations regarding consideration as pervious or impervious surfaces and setbacks for when the deck is attached as part of the principal structure.
4. Adding minimum parking requirements for the “Indoor Commercial Entertainment Small Scale” land use category.
5. Clarifying regulations for “In-Family Suites” by adding this land use to the Table of Land Uses and associated zoning districts.

Pervious Pavers (See Attachment #1)

The proposed amendment revises the definition of “Landscaped Area” and adds a definition for “Permeable Pavement” to Section 98-034.

- *Proposed Amendment: See below.*

Landscaped Area

The area of a site which is planted and continually maintained in vegetation, including grasses, flowers, herbs, garden plants, native or introduced ground covers, shrubs, bushes, and trees. “Landscaped area” includes the area located within planted and continually maintained landscaped planters. *Paved areas like driveways, patios, and walkways are impervious and do not qualify as part of the required Landscaped Area. Paved areas that use permeable pavement materials may count 50% of the area using permeable pavement materials as Landscaped Area.*

Permeable Pavement

A surface material for parking lots, maneuvering aisles, driveways, loading areas, sidewalks, pedestrian pathways, and other areas which allows the infiltration, treatment, and/or storage of surface water, including, but not limited to, porous asphalt, pervious-concrete, permeable interlocking pavers, reinforced turf, or similar materials.

Fence Code Clarification (See Attachment #2)

Section 98-270 – *Fencing standards* regulates the requirements for fences in the city. The current code includes wrong use of the term “minimum” vs. “maximum” when describing opacity (solid design) of a fence. The height requirement for fencing is not clear. The distance from property lines required is confusing when differentiating between front/street yards and side/rear yards.

- *Proposed Amendment:* The changes to 98-270 include clarifying three feet as the maximum height of a fence in a required yard setback has been modified to read clearer (rather than 36 inches). The opacity section of the code was amended to align with its intent; currently, there was an opacity minimum when it should have read as an opacity maximum. Pool fencing language has been updated to reference actual standards for fencing rather than the NSPI which is an organization that has changed names or no longer exists, and no longer references NSPI standards being on file at city hall. Often documents like this are not actually on file which causes confusion.

Deck Code Clarification (See Attachment #3)

The code does not describe whether decks should be considered as impervious or pervious surface. Based on research of other communities and decking contractors, many other municipalities consider decking *impervious* even if its simple wood-over-grade because it can concentrate the flow of stormwater. Surfaces beneath decks can become compact or often use gravel surfaces which does not allow for water infiltration. With concern over the conservation of Geneva Lake, and in alignment with other communities and best practices, code clarifications are proposed that will treat decks as *impervious* surface.

- *Proposed Amendment:* Section 98-034 has been updated to specify decks are at least 24 inches high to distinguish them from landscaping features and to clarify that decking, regardless of slatted construction or materials, is considered impervious surfacing. Section 98-405 has been updated to clarify that attached decks only (not detached) are permitted as intrusions into required yards.

Indoor Commercial Entertainment Parking Minimum (See Attachment #4)

Currently, there is no minimum parking requirement for the “Indoor Commercial Entertainment, Small Scale” land use category in the City’s zoning code. This was an oversight when adding this land use to the code with a previous amendment.

- *Proposed Amendment:* Section 98-206(4)(h) – *Detailed land use descriptions and regulations* was amended to add language to subsection (h) Indoor commercial entertainment, small-scale to reflect a minimum parking requirement of: *one space per*

every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).

In-Family Suites (See Attachment #5)

The City's zoning code currently distinguishes single-family dwellings with an attached in-family suite from a two-family dwelling in Section 98-402 – *Residential Bulk Standards*. While this distinction is present, the use is neither defined in Section 98-206 – *Detailed Land Use Descriptions*, nor is it listed as an available permitted or conditional use in Section 98-203 – *Table of land uses*. It is also not listed within each zoning district's list of uses.

- *Proposed Amendment:*
 - Remove language from Section 98-402. This language does not belong in this section and is addressed below.
 - Add language creating a description of the land use for “In-Family Suites” under Section 98-206 (relocating language from 98-402 to this section) so it may be found in the same chapter as all other land use descriptions.
 - Revise the *Table of Land Uses* in Section 98-203 to add “In-Family Suite” as a permitted accessory use in several residential zoning districts.
 - Revised the districts that will allow “In-Family Suites” as a permitted accessory use including the RH, CR-5, ER-1, SR-3, SR-4, and TR-6 zoning districts in Section 98-105.

Staff Recommendation:

Staff recommends approval of the proposed text amendments to the City of Lake Geneva Municipal Code.

Suggested Motions:

- *Approve:* I recommend approval of the proposed *text amendments relating to Sections 98-034, 98-270, 98-405, 98-206, 98-402, 98-203*, including the affirmative set of findings, and any additional conditions of approval recommended by staff.
- *Deny:* I recommend denial of the proposed *text amendments relating to Sections 98-034, 98-270, 98-405, 98-206, 98-402, 98-203*, including the affirmative set of findings, and any additional conditions of approval recommended by staff. because *[provide rationale for denial, based on substantial evidence]*.

*Sonja Kruesel, AICP, and Jackie Mich, AICP
City Planning Consultants
Vandewalle & Associates*

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending 98-720, Fencing Standards, of Article 7, Performance Standards, of Chapter 98 Zoning, of the City of Lake Geneva Municipal Code, clarifying fence height and opacity maximums and updating swimming pool fencing language to reference actual standards.			
Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-16	Date:	November 11, 2024

The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain as follows:

Sec. 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 or provided 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 ~~minimum~~ 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.
 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 two 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 inches~~ three feet 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. 98-1111-9-1998]**
 2. Six feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
 3. Eight 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.~~ Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four feet nor more than six feet in height and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. Gates or doors shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. This section shall not apply to existing fences on the date of adoption of this chapter at least 40 inches in height that otherwise comply with this section.

Approved by the City of Lake Geneva Common Council on this 11th day of November, 2024.

Council Action: ☐ Adopted ☐ Failed Vote _____

Mayoral Action: ☐ Accept ☐ Veto

Todd Krause, Mayor

Date

Attest:

Attachment #2: Fencing Clarification Amendments

Sec. 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 or provided 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 ~~minimum~~ 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.
 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 two 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 inches~~ three feet 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. 98-1111-9-1998]

2. Six feet when located on any residentially zoned property, but not within a required front yard setback or a required street yard setback; and
 3. Eight 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. Pools within the scope of this section that are not enclosed with a permanent building shall be completely enclosed by a fence of sufficient strength to prevent access to the pool. Such fence or wall shall not be less than four feet nor more than six feet in height and constructed not to have voids, holes, or openings larger than four inches in one dimension. Gates or doors shall be equipped with self-closing and self-latching devices located at the top of the gate or door on the pool side of the enclosure, except the door of any residence that forms a part of the enclosure. Gates or doors shall be kept securely closed and locked at all times when the owner or occupant is not present at the pool. This section shall not apply to existing fences on the date of adoption of this chapter at least 40 inches in height that otherwise comply with this section.

Attachment #3: Deck Clarification

Section 98-034 - **Definitions**

Deck

A structure that has no roof or walls; can be attached or detached to the ~~principle~~principal structure. If attached, it is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade at least 24 inches and must comply with the ~~principle~~principal setback requirements or as modified by Section 98-405(4). If detached, the deck shall be considered an accessory structure. Structures less than 24 inches tall are not considered decks.

Impervious Surface

Areas designed and installed to prohibit infiltration of stormwater. Concrete, brick, asphalt and similar paved surfaces are considered impervious. Gravel areas and areas with landscaped pavers which are intended for vehicular traffic are considered to be impervious. Decks, regardless of slatted construction or materials, are considered impervious surface.

Sec. 98-405 **Intrusions into required yards.**

[1-19-2022]

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 buffer yard width (per Section 98-610) exceeds the minimum required setback width, the minimum required buffer yard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required buffer yard.

(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 2 1/2 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, [attached](#) 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.

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 2 1/2 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, [attached](#) 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 20 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.

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending 98-034, Definitions, of Article 0, Introduction and Definitions and Sec 98-405, Intrusions into Required Yards, of Article 4, Bulk Regulations, of Chapter 98 Zoning, of the City of Lake Geneva Municipal Code, clarifying decks as impervious surfaces.			
Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-17	Date:	November 11, 2024

The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain as follows:

Section 98-034 - Definitions

Deck

A structure that has no roof or walls; can be attached or detached to the ~~principle~~ principal structure. If attached, it is required to have main supports and continuous footings below grade by 48 inches and must be raised above grade at least 24 inches and must comply with the ~~principle~~ principal setback requirements or as modified by Section 98-405(4). If detached, the deck shall be considered an accessory structure. Structures less than 24 inches tall are not considered decks.

Impervious Surface

Areas designed and installed to prohibit infiltration of stormwater. Concrete, brick, asphalt and similar paved surfaces are considered impervious. Gravel areas and areas with landscaped pavers which are intended for vehicular traffic are considered to be impervious. Decks, regardless of slatted construction or materials, are considered impervious surface.

Sec. 98-405 Intrusions into required yards.

[1-19-2022]

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 buffer yard width (per Section 98-610) exceeds the minimum required setback width, the minimum required buffer yard width shall prevail. Absolutely no intrusions of a building or structure are permitted within the required buffer yard.
- (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 2 1/2 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, attached 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.

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 2 1/2 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, **attached** 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 20 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.

Approved by the City of Lake Geneva Common Council on this 11th day of November, 2024.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

Todd Krause, Mayor

Date

Attest:

Lacey L Reynolds, City Clerk

Date

Attachment #4 – Indoor Commercial Parking Minimum

Amendment (Section 98-206)(4)(h)

(h) Indoor commercial entertainment, small-scale.

Description: Small-scale indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building, which are under 2,000 gross square feet and which do not serve alcohol. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants and cafes.

1. Permitted by right: (NO, PO, NB, PB, GB, CB, PI).

2. Conditional use regulations: not applicable.

3. Parking regulations. One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).

ORDINANCE OF THE COMMON COUNCIL			
An ordinance amending Chapter 98, Zoning, Article 2, Land Use Regulations, Section 98-206, Detailed land use descriptions and regulations. Subsection (4)(h), Indoor commercial entertainment, small-scale, establishing a minimum parking space requirement.			
Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-18	Date:	November 11, 2024

The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain as follows:

Section 98-206(4)

(h) Indoor commercial entertainment, small-scale.
Description: Small-scale indoor commercial entertainment land uses include all land uses which provide entertainment services entirely within an enclosed building, which are under 2,000 gross square feet and which do not serve alcohol. Such activities often have operating hours which extend significantly later than most other commercial land uses. Examples of such land uses include restaurants and cafes.

1. Permitted by right: (NO, PO, NB, PB, GB, CB, PI).
2. Conditional use regulations: not applicable.
3. Parking regulations. One space per every three patron seats or lockers (whichever is greater); or one space per three persons at the maximum capacity of the establishment (whichever is greater).

Approved by the City of Lake Geneva Common Council on this 11th day of November, 2024.

Council Action: ☐ Adopted ☐ Failed Vote _____

Mayoral Action: ☐ Accept ☐ Veto

Todd Krause, Mayor Date

Attest:

Lacey L Reynolds, City Clerk Date

Amendment – Remove From Bulk Standards

Sec. 98-402 Residential bulk standards.

[1-19-2022]

(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, below, 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 nonliving 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 nonfamily 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 or apartment," and a signed letter from the applicant stating agreement with this condition shall be required.~~

Amendment – Add to detailed land use descriptions

Sec. 98-206(8) – Detailed land use descriptions and regulations (accessory subsec.)

(z) IN-FAMILY SUITE

A self-contained dwelling unit that is accessory to the principal dwelling unit on a property that is intended to be occupied by related family members, blood-related or otherwise.

(1) 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 nonliving 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 nonfamily 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 or apartment," and a signed letter from the applicant stating agreement with this condition shall be required.

Amendment – Add to Table of Land Uses

Table 98-203(8) Tables of Land Uses

P = Permitted by Right (98-202(2))

C = Permitted as a Conditional Use (98-202(4))

Zoning District Abbreviations																		Type of Land Use
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	EX	
																		ACCESSORY USES (98-206(8)())
									C	C	C	C						(a) Commercial Airport
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(b) Farm Residence
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(c) Private Residential Garage or Shed
							P	P	P	P	P	P	P	P	P			(d) Company Cafeteria
							P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C			(e) Company Provide On-Site Recreation
C										C	C							(f) Outdoor Display Incidental
							C	C	C	C	C	C	C					(g) In-Vehicle Sales and Services
													P	P	P			(h) Indoor Sales Incident to Light Ind. Use
									C	C	C	C						(i) Light Ind. Incidental to Indoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(j) Home Occupation
P	P	P	P	P	P	P												(k) Family Day Care Home (4-8 children)
C	C	C	C	C	C	C												(l) Intermediate Day Care Home (8-15 children)
C															C			(m) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(n) On-Site Parking Lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(o) Private Residential Recreational Facility
C	C	C																(p) Private Residential Kennel
C																		(q) Private Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(r) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(s) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(t) Lawn Care of Subject Property
C	C	C																(u) Septic Systems
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(v) Exterior Communication Devices
	C	C																(w) Caretaker's Residence
C	C	C	C	C	C	C												(x) Second Private Residential Garage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(y) Tourist Rooming House
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>													<u>(z) In-Family Suite</u>
RH Rural Holding						TR Two-family Res				NR Neighborhood				PI Planned Industrial				

CR Countryside Res	MR Multi-family Res	PR Planned Business	GI General Industrial
ER Estate Residential	NO Neighborhood Office	GB General Business	HI Heavy Industrial
SR Single-family Res	PO Planned Office	CB Central Business	PRP Planned Business
EX Extraction/Disposal			

Amendment - Zoning Districts

Sec. 98-105 Purpose and intent of standard zoning districts.

Section 98-105(1)(a)(2)(c) – *Rural Holding (RH) District (permitted accessory uses)*

Add the following text:

In-Family Suites [per Section 98-206(8)(z)]

Section 98-105(2)(a)(2)(c) – *Countryside Residential (CR-5) District (permitted accessory uses)*

Add the following text:

In-Family Suite [per Section 98-206(8)(z)]

Section 98-105(2)(b)(2)(c) – *Estate Residential (ER-1) District (permitted accessory uses)*

Add the following text:

In-Family Suite [per Section 98-206(8)(z)]

Section 98-105(2)(c)(2)(c) – *Single-Family Residential (SR-3) District (permitted accessory uses)*

Add the following text:

In-Family Suite [per Section 98-206(8)(z)]

Section 98-105(2)(d)(2)(c) – *Single-Family Residential (SR-4) District (permitted accessory uses)*

Add the following text:

In-Family Suite [per Section 98-206(8)(z)]

Section 98-105(2)(e)(2)(c) – *Two-Family Residential (TR-6) District (permitted accessory uses)*

Add the following text:

In-Family Suite [per Section 98-206(8)(z)]

ORDINANCE OF THE COMMON COUNCIL

An ordinance amending Chapter 98, Zoning, Section 98-402, Residential bulk standards, relocating subsection (2) to section 98-206(8)(z), and revising Section 98-203(8), Tables of Land Uses, and Sections 98-105(1)(a)(2)(c)(1), 98-105(2)(a)(2)(c)(1), 98-105(2)(b)(2)(c)(1), 98-105(2)(c)(2)(c)(1), 98-105(2)(d)(2)(c)(1), and 98-105(2)(e)(2)(c)(1), Purpose and intent of standard zoning districts, pertaining to In-Family Suites.

Committee	Plan Commission Approved on October 21, 2024		
Fiscal Impact:	N/A		
File Number:	24-19	Date:	November 11, 2024

The Common Council of the City of Lake Geneva, Wisconsin, does hereby ordain as follows:

Sec. 98-402 Residential bulk standards.

[1-19-2022]

(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, below, 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 nonliving 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 nonfamily 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 or apartment," and a signed letter from the applicant stating agreement with this condition shall be required.~~

Sec. 98-206(8) – Detailed land use descriptions and regulations (Accessory land use)

(z) IN-FAMILY SUITE

A self-contained dwelling unit that is accessory to the principal dwelling unit on a property that is intended to be occupied by related family members, blood-related or otherwise.

(1) 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 nonliving 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 nonfamily 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 or apartment," and a signed letter from the applicant stating agreement with this condition shall be required.

Sec. 98-203 Tables of land uses.

Table 98-203(8) Tables of Land Uses																		
P = Permitted by Right (98-202(2)) C = Permitted as a Conditional Use (98-202(4))																		
Zoning District Abbreviations																		
RH	CR-5ac	ER-1	SR-3	SR-4	TR-6	MR-8	NO	PO	NB	PB	GB	CB	PI	GI	HI	PBP	EX	Type of Land Use
																		ACCESSORY USES (98-206(8)())
									C	C	C	C						(a) Commercial Airport
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(b) Farm Residence
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(c) Private Residential Garage or Shed
							P	P	P	P	P	P	P	P	P			(d) Company Cafeteria
							P/C	P/C		P/C	P/C	P/C	P/C	P/C	P/C			(e) Company Provide On-Site Recreation
C										C	C							(f) Outdoor Display Incidental
							C	C	C	C	C	C	C					(g) In-Vehicle Sales and Services
													P	P	P			(h) Indoor Sales Incident to Light Ind. Use
									C	C	C	C						(i) Light Ind. Incidental to Indoor Sales
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(j) Home Occupation
P	P	P	P	P	P	P												(k) Family Day Care Home (4-8 children)
C	C	C	C	C	C	C												(l) Intermediate Day Care Home (8-15 children)

C															C			(m) Migrant Labor Camp
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(n) On-Site Parking Lot
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(o) Private Residential Recreational Facility
C	C	C																(p) Private Residential Kennel
C																		(q) Private Residential Stable
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(r) Drainage Structure
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(s) Filling
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(t) Lawn Care of Subject Property
C	C	C																(u) Septic Systems
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(v) Exterior Communication Devices
	C	C																(w) Caretaker's Residence
C	C	C	C	C	C	C												(x) Second Private Residential Garage
P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P			(y) Tourist Rooming House
<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>												<u>(z) In-Family Suite</u>
RH Rural Holding							TR Two-family Res					NB Neighborhood				PI Planned Industrial		
CR Countryside Res							MR Multi-family Res					PB Planned Business				GI General Industrial		
ER Estate Residential							NO Neighborhood Office					GB General Business				HI Heavy Industrial		
SR Single-family Res							PO Planned Office					CB Central Business				PBP Planned Business Park		
<u>EX Extraction/Disposal</u>																		

Sec. 98-105 Purpose and intent of standard zoning districts.

Section 98-105(1)(a)(2)(c) – Rural Holding (RH) District

1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
 Detached private garage, carport or shed [per Section 98-206(8)(c)]
 Home occupation [per Section 98-206(8)(j)]
 Family day care home (four to eight children) [per Section 98-206(8)(k)]
 On-site parking lot [per Section 98-206(8)(n)]
 Private residential recreational facility [per Section 98-206(8)(o)]
 Drainage structure [per Section 98-206(8)(r)]
 Filling [per Section 98-206(8)(s)]
 Lawn care [per Section 98-206(8)(t)]
 Exterior communications devices [per Section 98-206(8)(v)]
In-Family Suites [per Section 98-206(8)(z)]

Section 98-105(2)(a)(2)(c)-Countryside Residential (CR-5)

1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
 Detached garage, carport or shed [per Section 98-206(8)(c)]
 Home occupation [per Section 98-206(8)(j)]

Family day care home (four to eight children) [per Section 98-206(8)(k)]
On-site parking lot [per Section 98-206(8)(n)]
Private residential recreational facility [per Section 98-206(8)(o)]
Drainage structure [per Section 98-206(8)(r)]
Filling [per Section 98-206(8)(s)]
Lawn care [per Section 98-206(8)(t)]
Exterior communications devices [per Section 98-206(8)(v)]
[In-Family Suite \[per Section 98-206\(8\)\(z\)\]](#)

Section 98-105(2)(b)(2)(c) –Estate Residential (ER-1)

- 1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
Detached garage, carport or shed [per Section 98-206(8)(c)]
Home occupation [per Section 98-206(8)(j)]
Family day care home (four to eight children) [per Section 98-206(8)(k)]
On-site parking lot [per Section 98-206(8)(n)]
Private residential recreational facility [per Section 98-206(8)(o)]
Drainage structure [per Section 98-206(8)(r)]
Filling [per Section 98-206(8)(s)]
Lawn care [per Section 98-206(8)(t)]
Exterior communications devices [per Section 98-206(8)(v)]
[In-Family Suite \[per Section 98-206\(8\)\(z\)\]](#)

Section 98-105(2)(c)(2)(c) – Single-Family Residential (SR-3)

- 1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
Private residential garage or shed [per Section 98-206(8)(c)]
Home occupation [per Section 98-206(8)(j)]
Family day care home [per Section 98-206(8)(k)]
On-site parking lot [per Section 98-206(8)(n)]
Private residential recreational facility [per Section 98-206(8)(o)]
Drainage structure [per Section 98-206(8)(r)]
Filling [per Section 98-206(8)(s)]
Lawn care [per Section 98-206(8)(t)]
Exterior communications devices [per Section 98-206(8)(v)]
[In-Family Suite \[per Section 98-206\(8\)\(z\)\]](#)

Section 98-105(2)(d)(2)(c) – Single-Family Residential (SR-4)

- 1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
Private residential garage or shed [per Section 98-206(8)(c)]
Home occupation [per Section 98-206(8)(j)]
Family day care home [per Section 98-206(8)(k)]
On-site parking lot [per Section 98-206(8)(n)]
Private residential recreational facility [per Section 98-206(8)(o)]
Drainage structure [per Section 98-206(8)(r)]
Filling [per Section 98-206(8)(s)]

Lawn care [per Section 98-206(8)(t)]
Exterior communications devices [per Section 98-206(8)(v)]
In-Family Suite [per Section 98-206(8)(z)]

Section 98-105(2)(e)(2)(c) – Two-Family Residential (TR-6)

1) Land uses permitted by right:

Farm residence [per Section 98-206(8)(b)]
Private residential garage or shed [per Section 98-206(8)(c)]
Home occupation [per Section 98-206(8)(j)]
Family day care home [per Section 98-206(8)(k)]
On-site parking lot [per Section 98-206(8)(n)]
Private residential recreational facility [per Section 98-206(8)(o)]
Drainage structure [per Section 98-206(8)(r)]
Filling [per Section 98-206(8)(s)]
Lawn care [per Section 98-206(8)(t)]
Exterior communications devices [per Section 98-206(8)(v)]
In-Family Suite [per Section 98-206(8)(z)]

Approved by the City of Lake Geneva Common Council on this 11th day of November, 2024.

Council Action: ☐ **Adopted** ☐ **Failed** **Vote** _____

Mayoral Action: ☐ **Accept** ☐ **Veto**

Todd Krause, Mayor

Date

Attest:

Lacey L Reynolds, City Clerk

Date