

Ordinance 120307-02

An Ordinance Amending Section 18-27, Accessory uses and structures.

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin do ordain as follows:

Section I.

Section 18-27 of the Village of Fontana on Geneva Lake Municipal Code is hereby amended as follows:

Sec. 18-27. Accessory uses and structures.

(a) *Accessory structures other than buildings.*

1 ~~Requirements~~-Accessory structures not classified as buildings shall be subject to the setback and offset requirements for buildings in the district in which they are located, except as may be specifically otherwise provided herein.

2 ~~Exterior lighting standards.~~

a. ~~Purpose.~~ The purpose of this section is to regulate the spillover of light and glare on operators of motor vehicles, pedestrians, and land uses in the vicinity of a light source in order to promote traffic safety and prevent the creation of nuisances. A further purpose of this section is to regulate outdoor night lighting fixtures to preserve and enhance the area's dark sky while promoting safety, conserving energy and preserving the environment for astronomy.

b. ~~Applicability.~~ The requirements of this section apply to all private exterior lighting within the jurisdiction of this chapter, except for lighting within public rights of way and/or lighting located on public property.

c. ~~Definitions.~~

~~Exterior lighting.~~ An outdoor artificial illuminating device, whether permanent or portable, used for illumination or advertisement, including general lighting fixtures, searchlights, spotlights and floodlights, whether for architectural lighting, parking lot lighting, landscape lighting, signage, or other purposes.

~~Shielded.~~ A fixture that is shielded in such a manner that light rays emitted by the fixture, either directly from the lamp or indirectly from the fixture, are projected at least 15 degrees below a horizontal plane running through the lowest point on the fixture where light is emitted.

d. ~~Depiction on required site plan.~~ Any and all exterior lighting shall be depicted as to its location, orientation and configuration on the site plan required for the development of the subject property. (Refer to subsection 18-65(e).)

e. ~~Requirements.~~ :-

1. ~~Orientation of fixture.~~ All exterior lighting shall be shielded, except for incandescent fixtures of 150 watts or less, and other sources of 70 watts or less. In no instance shall an exterior lighting fixture be oriented so that the lighting element (or a transparent shield) is visible from a property located within a residential zoning district. The use of shielded luminaries and careful fixture placement is required so as to facilitate compliance with this requirement.

- ~~2. *Intensity of illumination and filtering.* In no instance shall the amount of illumination attributable to exterior lighting, as measured at the property line, exceed 0.50 footcandles above ambient lighting conditions on a cloudless night. In addition to this requirement, all exterior lighting fixtures shall not exceed the illumination levels recommended by the Illuminating Engineering Society of North America (IES) as given in appendix A. All metal halide fixtures shall be filtered by a glass or acrylic enclosure. Quartz glass shall not be considered as meeting this requirement.~~
- ~~3. *Location.* Light fixtures shall not be located in any required buffer area between land uses. Outdoor lighting installation shall not be permitted closer than three feet to an abutting property line and, where not specifically otherwise regulated, shall not exceed 15 feet in height.~~
- ~~4. *Flashing, flickering and other distracting lighting.* Flashing, flickering and/or other lighting which may distract motorists is prohibited.~~
- ~~5. *Minimum lighting standards.* All areas designated on required site and operational plans for vehicular parking, loading, or circulation and used for any such purpose after sunset shall provide artificial illumination in such areas at a minimum intensity of 0.4 footcandles.~~
- ~~6. *Special events lighting.* Any temporary use using exterior lighting which is not in complete compliance with the requirements of this section shall secure a conditional use permit.~~
- ~~7. *Display lot lighting.* Display lot lighting shall be extinguished within minutes after closing of the business. Under no circumstances shall the full illumination of display lots be permitted between 11:00 p.m. and 7:00 a.m. All exterior lighting during such period shall be at low levels for security purposes only.~~
- ~~8. *Architectural lighting.* All architectural lighting shall be of 150 watts or less in incandescent, and shall be of 70 watts or less for other lighting types. Under no circumstances shall the illumination of architecture be permitted between 11:00 p.m. and 7:00 a.m. All exterior lighting during such period shall have a minimum of 90 percent of its light fall onto the illuminated structure, rather than into sky or space beyond the structure.~~
- ~~9. *Temporary security lighting.* Temporary security lighting triggered by motion or noise shall be permitted and exempt from the above provisions. Sensors for such lighting shall not be triggered by activity located off the subject property. Such lighting shall not remain on for more than 15 minutes beyond the triggering event.~~
- ~~10. *Pier lighting.* Pier lighting installed after the adoption date of this ordinance shall be limited to a maximum of one footcandle at the~~

ordinary high water mark. All such fixtures shall be oriented and/or shielded so as to limit the upward and outward projection of light to an angle no greater than 45 degrees below the horizon.

- ~~11. *Holiday lighting.* Holiday lighting shall be permitted and exempt from the provisions of this article.~~
- ~~12. *Use of mercury vapor fixtures.* No new mercury vapor exterior lighting fixtures shall be installed following the effective date of this ordinance amendment.~~
- ~~13. *Nonconforming lighting*~~
 - ~~a. A time limit shall be placed upon the continuance of existing nonconforming lighting. This amortization program permits the owner to maintain nonconforming lighting for a period of time, identified below, while at the same time assuring that all exterior lighting in the village will come into conformity within that period of time.~~
 - ~~b. Nonconforming lighting shall be any exterior light fixture which was lawfully erected and maintained in accordance with the provisions of any prior zoning or other applicable ordinance but which does not conform to the limitations and standards established by this section.~~
 - ~~c. Any nonconforming lighting may be continued in operation and maintenance after the effective date of these regulations, provided that the lighting shall not be changed in any manner that increases its noncompliance with these provisions. Such lighting shall be subject to the termination provisions of subsection d., below.~~
 - ~~d. The right to maintain nonconforming lighting shall be terminated immediately by any of the following actions:~~
 - ~~i. *By abandonment.* Abandonment or cessation for a period of one month.~~
 - ~~ii. *By destruction, damage, or obsolescence.* Whenever the light fixture is damaged or destroyed, from any cause whatsoever, to the extent that it must be replaced.~~
 - ~~iii. *By amortization.* Any light fixture which, on the date the light fixture became nonconforming, would cost the following amount to replace shall be terminated or made to conform within the following period after the exterior lighting became nonconforming:~~

\$0 to \$2,000	1 year
\$2,001 or more	2 years

e. ~~A current file of all nonconforming lighting shall be maintained by the building inspector so the owners, agents or persons having beneficial interest in the lighting can be properly notified.~~

~~14. *Violations and penalties.* Any person, firm, entity or corporation violating the provisions of this subsection shall be subject to all applicable penalties and procedures under section 18-312. Each day the violation continues after notice and/or citation shall constitute a new violation.~~

(b) Permanent accessory structures.

(1) Any permanent roofed structure serving an accessory use, if structurally attached to the principal building, shall be considered as part of such principal building for all regulatory purposes.

(2) Any permanent accessory structure classified as a building or structure shall conform to the building location and height requirements of the district in which it is located except as may be otherwise provided.

(3) Garages, sheds, storage units and other like-use accessory structures in a residence district or on a lot where the principal use is residential shall conform to the following in addition to the above stated requirements:

a. ~~No detached private garage~~ The total of all detached garages, sheds, storage units and other like-use accessory structures shall have not exceed a combined total floor area greater than 60 percent of the floor area of the principal building on the lot.

~~b. No detached private garage shall have a floor area in excess of ten percent of the total lot area.~~

b. The total number of structures shall be limited to one detached garage and one other like-use accessory structure in addition to the principal structure. In districts where multiple family dwellings are allowed, the number of detached garages plus other like-use accessory structures may not exceed the number of buildings on the lot.

(c) Temporary accessory structures. Any temporary accessory structure classified as a building or structure, including pole and canvas structures, shall conform to the building location and height requirements of the district in which it is located except as may be otherwise provided.

(d) Modification permitted. In the case of a permanent or temporary accessory building or structure not exceeding 150 square feet in ground area or any other permanent structure serving an accessory use, and not attached to the principal building on the lot, the setback, offset, height, and open area requirements of the district in which such structure is located may be modified by the plan commission as a conditional use, upon submittal of building, site, and operational plans, where in the commission's opinion no adverse effect would result to surrounding properties from such modification. In granting such modification, the plan commission may require such architectural treatment, screening by landscape or architectural means, regulation of lighting or other measures, as they deem necessary as a condition to such modification.

(e) *Objectionable use prohibited.* No accessory use or structure shall be permitted that by any reason of noise, dust, odor, appearance, or other objectionable factor creates a nuisance or a substantial adverse effect on the property value or reasonable enjoyment of the surrounding properties.

(f) *Exceptions.*

(1) *Fences and Decorative Posts.* The purpose of this subsection 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 to the public. Within this section, the term 'fence' shall mean fencing and decorative posts.

(a) *Materials.* Acceptable materials for constructing fencing include wood, stone, brick, wrought iron, and chain link. No fence may be constructed, in whole or in part, of barbed wire, nor shall any portion of any fence be electrified. Any fence within a street yard, including along property lines which intersect a right-of-way, and any fence in excess of four feet in height, shall be a minimum 40% open, or no more than 60% opaque.

(b) *Location.* Fences are permitted anywhere on a lot but no fence shall be located closer than 4 feet to the front property line, or street right-of-way, whichever is closest to the primary structure. No fence shall be permitted within the minimum setback from the shore of Geneva Lake as set forth in subsection 18-21(c)(1). Fences may be located on any property line abutting an offset (side or rear yard). Any and all fences shall be erected and constructed so as to locate visible supports and other structural components toward the subject property.

(c) *Maximum Height.* Fences shall not in any case exceed a height of 6 feet. Furthermore, fences shall not exceed a height of 4 feet in height within the setback area, except with the granting of a conditional use permit per Article VI of the Village of Fontana on Geneva Lake Municipal Code.

(d) *Temporary Fencing.* Temporary fencing may be permitted on a case by case basis, as approved by the Building Inspector, and shall be permitted for no more than 180 consecutive days per calendar year.

(e) *Snow Fencing.* The use of fences for the purpose of limiting snow drifting shall be permitted as temporary fences only and shall only be erected and maintained between November 1 and April 1 of each calendar year.

(f) *Swimming Pools.* Fencing for swimming pools shall be provided in accordance with Article II, Division 4 of the Village of Fontana on Geneva Lake Municipal Code.

(g) *Maintenance.* Any and all fences shall be maintained in a structurally sound and attractive manner.

(2) The following accessory structures may project into any required setback or offset, but not to exceed ten feet, and in no case shall the following accessory structures be closer than five feet to any lot line: uncovered stairs, landings, ~~paved areas other than driveways~~, terraces, patios, uncovered porches, balconies, decks, fire escapes, pools, fountains, playground equipment, and play courts. The following may project into any

required offset, but in no case shall the following accessory structures be closer than three feet to any property line which creates a side or rear yard: driveways, and parking areas.

(g) Regulation of stored motor vehicles.

(1) The term "motor vehicle" shall have the meaning set forth in section 6.340.01 of the Village Ordinance, adopting § 340.01, Wis. Stats. and shall specifically include snowmobiles and all-terrain vehicles, and shall further include all watercraft as that term is defined by § 30.01(7), Wis. Stats.

(2) Junked, nonfunctioning, or no-longer-licensed or -registered motor vehicles or motor vehicles which are no longer in use as a motor vehicle shall not be stored anywhere on any property within any basic zoning district unless completely enclosed in a structure and not visible from any other property.

(h) Enclosures for garbage and trash containers. Garbage and trash containers may be located anywhere on a lot provided they are adequately screened from view by a fence or landscaping and consistent with the standards set forth in subsection (e) preceding.

(i) Solar collectors. Notwithstanding the provisions of subsections (b) and (c) preceding, solar collector devices, when attached to an existing principal or accessory structure, or set upon their own support, shall first require approval of the plan commission as a conditional use pursuant to the provisions of divisions 4 and 6 provided that such devices would not violate the criteria of subsection (e) preceding and that they are designed and secured against wind damage.

(j) Antennas. Terrestrial and satellite dish antennas are permitted as accessory uses in any district subject to the following regulations. To protect the health and safety of all citizens, as well as the aesthetic values embodied in this chapter, the following regulations shall apply to all terrestrial and satellite dish antennas with the exception of satellite dish antennas that are one meter or less in diameter. Satellite dish antennas that are two meters or less in diameter, which are located or proposed to be located in the C-1, C-2, C-3, C-4, and VCP districts, are also exempt from these requirements.

1 *Location.*

- a. Terrestrial antennas and satellite dish antennas may be located in the rear yard only or on the roof of the principal structure in all residential, commercial, office, manufacturing, institutional, or park districts, except that antennas mounted on the roof shall not be permitted in the VCP, C-3, and C-4 districts, unless they are fully screened.
- b. In recognition of the negative aesthetic impact satellite dish antennas may have on the architecture of a building and the overall character of a neighborhood, satellite dish antennas shall be located and designed to reduce their visual impact on surrounding properties. Landscaping, fences, and architectural elements of buildings may be used for this purpose. In a residential district, no satellite dish antenna shall be mounted on the front of a building, unless it is fully screened in manner compatible with the architecture of the building.
- c. In the event a property owner determines and documents that the placement of an antenna in a rear yard or on the roof would prevent its use for its intended purpose, or

would unreasonably escalate the costs of installing, maintaining, or using the antenna, the property owner may apply to the zoning board of appeals for a variance to allow for the installation of the antenna in a side or front yard location or elsewhere on the building. Such placement in the front or side yard or elsewhere on the building shall be screened to the greatest extent possible to minimize any detrimental aesthetic effects the antenna may have on neighboring properties or the neighborhood in general.

- 2 *[Advertising.]* No form of advertising or identification may be displayed on the dish or framework of any antenna other than the customary manufacturer's identification plates.
- 3 *[Numbers limited.]* Not more than one terrestrial and one satellite dish antenna per dwelling unit shall be permitted on a lot or parcel in a residential zoning district.
- 4 *Height.*
 - a. All freestanding terrestrial antennas and roof antennas shall meet the height requirements for the district in which they are located.
 - b. Ground-mounted satellite dish antennas shall not exceed 15 feet in height.
- 5 *Setbacks.*
 - a. All terrestrial antennas shall be located not less than one foot from a lot line for each three feet of height above the surrounding grade, up to a maximum of 80 feet in residential districts, with the exception of government owned structures. (See Illustration No. 1).
 - b. All satellite dish antennas shall be located not less than three feet from a side or rear lot line. (See Illustration No. 1).

GRAPHIC LINK: Measuring Height and Setback of Antennas

- 6 *Construction.*
 - a. The installation of a satellite dish antenna shall require a building permit. The property owner shall submit, to the building inspector, plans which indicate the appearance, proposed location, and installation method of the dish antenna.
 - b. All antennas shall be constructed and anchored in such a manner to withstand winds of not less than 80 miles per hour and such installations shall be constructed of noncombustible and corrosive resistant materials.
 - c. An antenna support structure shall be erected in accordance with manufacturer's specifications.
 - d. All satellite dish antennas must conform to the city building ordinance and electrical ordinance regulations and requirements. Prior to the issuance of a building permit for a building mounted satellite dish antenna, the applicant shall submit a plan or document prepared by a registered professional engineer which certifies that the proposed dish antenna installation is structurally sound.
 - e. An antenna support structure must be erected in accordance with manufacturer's specifications.

7 [Interference.] In the event that harmful interference is caused subsequent to the installation of an antenna, the owner of the antenna shall promptly take steps to eliminate the harmful interference in accordance with Federal Communications Commission regulations.

8 [Restrictions.] Portable or trailer-mounted antennas are not permitted with the exception of temporary installation for on-site testing and demonstration purposes for a period not to exceed two days at any one location.

(b) Retaining walls. Retaining walls shall be permitted anywhere on a lot where necessary for the purpose of retaining soil or protecting the soil or land from erosion.

(Ord. of 2-7-2000, § 18.0310; Ord. No. 09-09-02-2, § 1, 9-9-2002; Ord. No. 05-01-06-01, § I, 5-1-2006)

APPENDIX A

RECOMMENDED ILLUMINATION LEVELS OF THE ILLUMINATING ENGINEERING SOCIETY OF NORTH AMERICA (IES)

Parking lots—

TABLE INSET:

Level of Activity	Examples	General Parking and Pedestrian			Vehicle Use Only		
		Average	Minimum	Uniformity (Avg./Min.)	Average	Minimum	Uniformity (Avg./Min.)
High	Major league athletic events Major cultural or civic events Regional shopping centers	3.6 fe 60,000 lu 750 W MH 750 WHPS 375 W LPS	0.9 fe 15,000 lu 1 185 W MH 185 W HPS 90 W LPS	4:1	1.8 fe 30,000 lu 125 W MH 125 W HPS 375 W LPS	0.6 fe 10,000 lu 1 125 WMH 125 W HPS 65 W LPS	3:1
Medium	Community shopping centers Cultural, civic or recreational event Office parking Hospital parking Transportation parking Fast food facilities Residential	2.4 fe 40,000 lu 500 W MH 500 W HPS 250 W LPS	0.6 fe 10,000 lu 1 125 W MH 125 W HPS 65 W LPS	4:1	0.9 fe 15,000 lu 185 W MH 185 W HPS 90 W LPS	0.3 fe 5,000 lu 1 60 WMH 60 W HPS 30 W LPS	3:1

	complex parking						
Low	Neighborhood shopping Industrial employee parking Educational facility parking Church parking	0.9 fe 15,000 lu 1-185 W MH 185 W HPS 90 W LPS	0.18 fe 3,000 lu 1-35 W MH 35 W HPS 18 W LPS	4:1	0.45 fe 7,500 lu 1-90 W MH 90 W HPS 45 W LPS	0.12 fe 5,000 lu 1-25 WMH 25 W HPS 15 W LPS	4:1

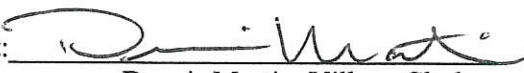
⁺ Assumes light is at a height of 20 feet. If light is at 30 feet, the lumens need to be doubled to achieve the same fe at the ground.
(Ord. No. 09-09-02 2, § 1, 9-9-2002)

Section II.

Effective Date. This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

Approved and Adopted by the Village of Fontana on Geneva Lake, Walworth County, Wisconsin this 3rd day of December, 2007.

By: 
Ron Pollitt, Village President

Attest: 
Dennis Martin, Village Clerk

