

ORDINANCE NO. 010824-01

**An Ordinance Amending the Village of Fontana-on-Geneva Lake
Zoning Ordinance (and Accompanying Zoning Map)**

WHEREAS, Susan L. Origer Trust (the “Petitioner”) has petitioned the Village Board of the Village of Fontana-on-Geneva Lake to amend the Village Zoning Ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum “A”, which said Addendum “A” is attached hereto and incorporated herein by reference as if set forth at length herein (the “Property”); and

WHEREAS, the Petitioner has requested a rezone of the Property from the current underlying zoning district(s) to PD, Planned Development District, pursuant to Sections 18-43 and 18-247 of the Municipal Code of the Village of Fontana-on-Geneva Lake; and

WHEREAS, said petition was referred to the Plan Commission for the Village of Fontana-on-Geneva Lake for a public hearing and recommendation as required by the Village Municipal Code and by Section 62.23 Wis. Stats.; and

WHEREAS, the Plan Commission, after due notice, did conduct a public hearing on the proposed amendment to the zoning ordinance (and accompanying zoning map) and did make a recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; and

WHEREAS, the Petitioner has submitted a General Development Plan, a summary of which is set forth on Addendum “B”, which said Addendum “B” is attached hereto and incorporated herein by reference as if set forth at length herein, in conformity with the procedures of the Village of Fontana-on-Geneva Lake. Said General Development Plan is incorporated herein by reference as if set forth at length herein; and

WHEREAS, the Village Board of the Village of Fontana-on-Geneva Lake, having given due consideration to the findings and recommendation of the Plan Commission and the submittals made by the Petitioner and the General Development Plan, does make the determinations set forth herein.

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

SECTION 1. INCORPORATION OF RECITALS; FINDINGS.

1. **Incorporation of Recitals.** The recitals set forth above are incorporated herein by reference as if set forth at length herein.

2. **Findings.** The Village Board makes the following Findings in connection with the adoption of this Ordinance:

- A. The proposed planned development project is consistent with the overall purpose and intent of the Village Zoning Ordinances.
- B. The proposed planned development project is consistent with the Village's comprehensive plan.
- C. The proposed planned development project would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
- D. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the planned development project, including but not limited to public sewer and water and public roads.
- E. The proposed planned development project will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
- F. The proposed planned development project design does not detract from areas of natural beauty surrounding the site.
- G. The proposed architecture and character of the proposed planned development project is compatible with adjacent/nearby development.
- H. The proposed planned development project will positively contribute to the physical appearance and functional arrangement of development in the area.
- I. The proposed planned development project will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of this chapter.
- J. The applicant has provided a clear timeline for development and can demonstrate that the project would be successful even if all phases were not or could not be completed.

SECTION 2.

The Zoning Ordinance (and accompanying zoning map) of the Village of Fontana-on-

Geneva Lake is hereby amended in the following respects:

With regard to the lands described in Addendum “A”, attached hereto and incorporated herein by reference, said Village Zoning Ordinance (and accompanying zoning map) is hereby amended from its underlying district(s) to the PD, Planned Development District, pursuant to Section 18-43 and 18-247 of the municipal code of the Village of Fontana-on-Geneva Lake. This Planned Development shall permit more than one principal building on a lot, per Section 18-52(10) of the municipal code of the Village of Fontana-on-Geneva Lake.

SECTION 3. USE REGULATIONS

1. Compliance With The General Development Plan. The use of the Property shall be subject to and in compliance with, the General Development Plan (“GDP”) on file with the Village and incorporated herein by reference as if set forth at length herein and those additional regulations set forth in this Ordinance. A summary of said GDP components is set forth on Addendum “B”, attached hereto and incorporated herein by reference. To the extent the GDP is inconsistent with the terms of this Ordinance, this Ordinance shall control.

2. Permitted Uses by Right

A. Residential use, with up to five residential dwelling units and an accessory structure for each dwelling on the Property, in those locations and within the building footprint sizes set forth in the GDP.

3. Permitted Accessory Uses

A. Any use normally accessory to a permitted use, including those accessory uses described in the GDP. Specifically, the GDP describes two accessory uses, in two accessory structures, as follows:

a. One sport court with underground parking as described and depicted in the GDP.

b. One common gathering structure as described and depicted in the GDP.

4. General Size, Shape and Arrangement of Property Development

The general size, shape and arrangement of the five residential dwelling units shall be as set forth more specifically in the GDP.

5. Approved Residential Density

As set forth more specifically in the GDP, the approved residential density for this project shall be five units for the entire Property and in the locations and in the arrangement set forth more specifically in the GDP.

6. Landscape Surface Ratio.

The landscape surface ratio shall be as set forth in the GDP.

7. Utility Easement.
A utility easement shall be conveyed to the Village of Fontana in the location depicted in the GDP. This easement shall be created before any zoning or building permits may be issued for any portion of the Property.
8. One Phase.
The project describes in the GDP shall be built in more than one phase and by approval of one or more Precise Implementation Plan(s).
9. Signage.
Signage requirements shall be governed by the Sign Ordinance for the Village of Fontana, including the need for sign permits to be issued as required by the Sign Ordinances.
10. Deed Restriction.
The Property shall be subject to a deed restriction as prepared by the Village, whereby the Property shall not be further subdivided. The Applicant has given its consent in advance to this approval condition. This deed restriction shall be signed and recorded against the Property before any zoning or building permits may be issued for any portion of the Property.

SECTION 4. FLEXIBLE DEVELOPMENT STANDARDS.

The applicant requests the following flexibilities from the requirements of the LR-O Zoning District:

1. **Land Use** – allowance of five residences on one lot under common ownership. The site plan also allows for the specific accessory structures and uses shown, including pickleball courts with underground parking, a pool, playground, recreational common room, residential garages, rain gardens, landscaping, walking paths, and driveways. Under the standard zoning district, one residence is allowed per lot.
2. **Pavement Setback** – The LR-O zoning district requires a minimum pavement setback of 5 feet. Applicant requests a decrease of pavement setbacks in the following locations, as depicted on the submitted Site Plan:
 - East property line – 6” from the property line in the locations shown on the PUD Site Plan
3. **Building Footprints** – the site plan shows approximate building footprints for all structures. Precise locations are to be determined. The PUD site plan asks that up to +20% variance of the footprint areas indicated be approved with the GDP. The PUD site plan states that the building footprint areas exclude screened in porches, decks, or

patios. All such structures must meet the setback distances in the LR-O zoning district.

Said flexibilities are hereby approved.

SECTION 5. ADDITIONAL ZONING REQUIREMENTS.

All terms and conditions of the Village of Fontana municipal code and the Village of Fontana zoning code and subdivision code not inconsistent herewith are incorporated herein by reference as if set forth at length herein, including future amendments thereto.

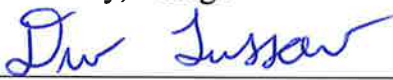
SECTION 6. EFFECTIVE DATE

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

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this 8th day of January, 2024.


VILLAGE BOARD OF THE VILLAGE OF
FONTANA-ON-GENEVA LAKE

By: 
Pat Kenny, Village President

Attest: 
Drew Lussow, Village Clerk

“The undersigned does hereby consent to the terms of the Petition and this Ordinance as required by Section 62.23(7)(b) Wis. Stats. and by the Fontana Municipal Code.”

Susan L. Origer Trust

By: 

Attest: 

ADDENDUM "A"

Legal Description of Site. Tax Parcel STFV 00114.

ADDENDUM “B”

GENERAL DEVELOPMENT PLAN (“GDP”)

Submitted By: Susan L. Origer Trust

Petition Dated Received: July 14, 2023

COMPONENTS OF GDP

1. Rezone Application dated received July 14, 2023 (four pages)
2. Application description from Haeger Engineering dated October 30, 2023 (one page)
3. Concept Engineering Plan from Haeger Engineering dated last revised October 30, 2023 (one page)
4. PUD Site Plan from Haeger Engineering dated last revised October 30, 2023 (one page)
5. Staff review memorandum dated December 12, 2023 (four pages)