

ORDINANCE NO. 032524-02

An Ordinance Amending a General Development Plan as Set Forth in Ordinance 071023-02 for the Project known as The Residences of Geneva Lake Condominiums

WHEREAS, Abbey Provident Venture, LLC (the APetitioner@) has petitioned the Village of Fontana-on-Geneva Lake (“Petition”) to amend the General Development Plan (“GDP”) for a Planned Development that was previously approved in Ordinance 071023-02 as to the property described in Exhibit “A”, attached hereto and incorporated by reference; and

WHEREAS, said Petition included GDP amendment terms as set forth in the components of the Petition, which said components are listed and described in Exhibit “B”, attached hereto and incorporated herein by reference; 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 GDP, as described in Exhibit “B”, for a Planned Development approved in Ordinance 071023-02, and did make a recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; 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 proposed amendment to GDP, do 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. That the proposed amendment to planned development project, as set forth in Exhibit “B”, is consistent with the overall purpose and intent of the Village Zoning Ordinances.
- B. That the proposed amendment to planned development project, as set forth in Exhibit “B”, is consistent with the Village's Comprehensive Plan.
- C. That the proposed amendment to planned development project, as set forth in Exhibit “B”, will maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the subject site.
- D. That adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the planned development project, as amended hereby, including but not limited to public sewer and water and public roads.
- E. That the proposed amendment to planned development project, as set forth in Exhibit “B”, will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.
- F. That the design of the proposed amendment to planned development project, as set forth in Exhibit “B”, does not detract from areas of natural beauty surrounding the site.
- G. That the proposed amendment to architecture and character of the proposed planned development project, as set forth in Exhibit “B”, is compatible with adjacent/nearby development.
- H. That the proposed amendment to planned development project, as set forth in Exhibit “B”, will positively contribute to the physical appearance and functional arrangement of development in the area.
- I. That the proposed amendment to planned development project, as set forth in Exhibit “B”, 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. That the Petitioner has provided a clear timeline for the proposed phases of development and can demonstrate that the project would be successful even if all four phases were not or could not be completed.

SECTION 2.

Based on these Findings, the proposed amendment, as set forth in Exhibit “B”, to the original General Development Plan as approved by Ordinance 071023-02 is hereby approved, subject to those terms and conditions set forth herein.

SECTION 3. ADDITIONAL ZONING REQUIREMENTS.

- A. The planned development may be developed in up to four phases; each of the four phases is depicted as four numbered lots in the CSM depicted in Exhibit “C”, attached hereto and incorporated herein by reference. Lot one in Exhibit “C” shall be the first phase of development.
- B. Despite the proposed four lot CSM for the property described in Exhibit “A”, the Exhibit “A” property shall at all times be regulated as a single planned development as if under common ownership. Any future amendment to the planned development approved in Ordinance 071023-02, as amended by this Ordinance, shall require the unanimous approval of all owners of the property described in Exhibit “A” and the owners of the four lots depicted in Exhibit “C”.
- C. The property described in Exhibit “A” and described in the four lot CSM depicted in Exhibit “C” shall be subject to a deed restriction or easement that allows any lot owner the right to install utility service or maintain or repair utility service, including any needed public utility service, as needed in order to serve their lot.
- D. This Ordinance and Ordinance 071023-02 may be recorded against the property described in Exhibit “A”, and Petitioner, by signing to give consent to the terms of this Ordinance, grants consent to such a recording.
- E. All terms and conditions in Ordinance 071023-02 not amended by the terms of this Ordinance shall remain in full force and effect.
- F. 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 4. 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 25th day of March, 2024.


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

By: 
Pat Kenny, Village President

Attest: 
Roxanne Johnson, Village Clerk

AThe 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.@

Abbey Provident Venture, LLC

By: 

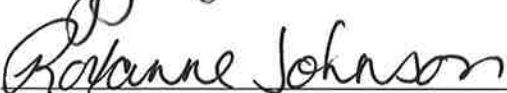
Attest: 

EXHIBIT AA@

Legal Description of Site. The Site consists of four (4) contiguous tax parcels (SOP 00039, SOP 00041, SOP 00042 & SOP 00043 totaling approximately 1.32 acres. The Site is bounded to the west by Douglas Street, to the south by Fontana Boulevard, to the east by High Street and to the north by 3rd Avenue. Current Legal Description of the Site:

- Tax Key No.: SOP 00039
Lots 1 and 2, less a strip 10 feet wide in the North side of each lot, the same to be used for purposes of a highway, in Block 8, in the Original Plat in the Village of Fontana, Walworth County, Wisconsin.
- Tax Key No.: SOP 00041
Lots 6, 7, and 8 in Block 8 of the Original Plat of the Village of Fontana, except for the North 19.73 feet of Lot 6, and except the North 19.73 feet of the West 10.00 feet of Lot 7, and further excepting therefrom the Southerly 10.00 feet reserved for highway purposes, said land being the Village of Fontana, County of Walworth, Wisconsin.
- Tax Key No.: SOP 00042
Commencing at the Southwest corner of Lot 5, Block 8 in the Original Plat of the Village of Fontana; thence North 105.95 feet; thence East 82.46 feet to the East line of Lot 5; thence South along the East line of Lot 5, 105.93 feet to the Southeast corner of Lot 5; thence West 82.48 feet to the place of beginning; excepting therefrom the Southerly 10.00 feet reserved for highway purposes, said land being the Village of Fontana, County of Walworth, Wisconsin.
- Tax Key No.: SOP 00043
The South 24 feet of Lot 4, Block 8, and the North 24 feet of Lot 5, in Block 8, Original Plat of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin.

EXHIBIT AB@

AMENDMENT TO GENERAL DEVELOPMENT PLAN

Project Known As: AResidences of Geneva Lake Condominium@

Submitted By: The Abbey Provident Venture, LLC.

Petition to Amend General Development Plan Dated First Received: 02/28/24

COMPONENTS OF AMENDMENT TO GDP, PER PETITION

- 1) Application, dated received 02/28/24 (three pages).
- 2) PUD Amendment Narrative, dated received 03/18/24 (one page).
- 3) Condominium Plat for the Residences of Geneva Lake Condominium and three plat detail pages, all dated received 03/13/24 (six pages).
- 4) Certified Survey Map depicting four lots, with each lot to correspond to a phase of development, dated received 03/13/24 (three pages).
- 5) Cross lot easement agreement, entitled "Easement Agreement", dated received 03/11/24 (six pages).
- 6) Copy of Ord. No. 071023-02, dated received 02/28/24 (nine pages).