

ORDINANCE NO. 050123-01

An Ordinance Amending Ordinance No. 8-1-88-1, Planned Development Zoning for the Clear Sky Lodge Condominium Project

WHEREAS, the Village of Fontana-on-Geneva Lake did previously adopt Ordinance No. 8-1-88-1 whereby a Planned Development was approved for the Clear Sky Lodge Property subject to the terms and conditions set forth in said ordinance; and

WHEREAS, all the unit owners and the Clear Sky Lodge Condominium Association, Inc. (together the "Applicant") have applied to the Village for an amendment to the Planned Development Zoning for the Clear Sky Lodge Property requesting that the boat density and the number of mooring be increased from those established in the approved Planned Development Zoning and in Ordinance 8-1-88-1; and

WHEREAS, the application was referred to the Plan Commission for public hearing and recommendation, and the Plan Commission of the Village of Fontana-on-Geneva Lake did, upon notice, conduct a public hearing on the proposed amendment to Ordinance No. 8-1-88-1 and made its favorable recommendation and report on said proposed amendment to the Village Board; and

WHEREAS, the Village Board for the Village of Fontana-on-Geneva Lake, having given due consideration to the recommendation of the Plan Commission and the application of the Applicants and the report of Village staff, which said materials are incorporated herein by reference, and further considering the criteria set forth in the Village Municipal code, does intend by this ordinance to take action on said application.

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

SECTION 1. AMENDMENT TO ORDINANCE

That SECTION 2. USE REGULATIONS subsection (c) of Ordinance No. 8-1-88-1, Planned Development Zoning for the Clear Sky Lodge Condominium Project shall be amended to read as follows:

"(c) There shall be no more than four (4) piers located on the property as provided in Exhibits A and B. The number of piers for the subject property described in Exhibit A shall be limited to a total of four (4) piers. Units 1, 2, and 3 of Clear Sky Lodge Condominium (the "Condominium" a/k/a the "subject property") adjoin the shores of Geneva Lake. One (1) pier shall be appurtenant to each of Units 1, 2, and 3 and each such pier shall be limited to moorings for two (2) boats and three (3) personal water craft. The Limited Common Elements of the Condominium which is appurtenant to Units 4 and 5 of the Condominium also adjoins the shores of Geneva Lake. One (1) pier shall be appurtenant to the Limited Common Element. The pier appurtenant to the Limited

Common Element shall be limited to moorings for two (2) boats and two (2) personal water craft which shall be shares equally by Units 4 and 5. Unit 6, as described on Exhibits A and B, shall have no mooring space. A “mooring space” as used in this paragraph shall mean a boat slip located on a pier, a mooring buoy, shore station (boat lift) or any other type of mooring device. Unit 6 which does not adjoin the waters of Geneva Lake shall not have riparian rights. The limitations on moorings set forth in this covenant do not apply to small dinghies or canoes which are moored on land. The owners and the Condominium Association shall assure the implementation and enforcement of this restriction limiting mooring spaces by encumbering the subject property, described above, with a restriction and covenant, to run with the entire subject parcel, to be binding on all present and future owners. Said restriction and covenant shall provide that it may never be amended, modified or alter. This restriction shall also be incorporated into the open space easement, referred to below.”


All other terms of Ordinance No. 8-1-88-1, Planned Development Zoning for the Clear Sky Lodge Condominium Project not specifically amended herein shall remain in full force and effect.

SECTION 2 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-Geneva Lake, Walworth County, Wisconsin this 1st day of May, 2023.

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

By: 
Pat Kenny, Village President

Attest: 
Drew Lussow, Village Clerk