

Ordinance No. 050321-01

**An Ordinance Repealing and Recreating Section 18-56(g) and
Creating Sections 18-56(g) through (gggg), Deleting Section 18-57(d), and
Amending Sections 18-27, 18-36, 18-37, 18-38, 18-39, 18-41, 18-42 and 18-54
of the Municipal Code of the Village of Fontana-on-Geneva Lake.**

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

SECTION 1. Section 18-56(g) is hereby repealed and replaced with the following Sections 18-56(g) through 18-56(gggg):

Section 18-56

- (g) *Minor Outdoor Food and Beverage Seating.* Land uses limited to outdoor consumption of food and beverages. Permitted by Right, subject to all of the following requirements:
- (1) The maximum number of outdoor seats shall be 50.
 - (2) Hours of Outdoor Operation limited to 6 am to 11 pm daily.
 - (3) Any outdoor noise, including live music and voices, shall comply with all Village noise regulations. Amplified sound is not permitted, except within or adjacent to the Lake Street right-of-way between Kinzie Avenue and Fontana Beach, where it is permitted 10 am to 11 pm daily.
 - (4) Any outdoor lighting shall comply with all Village lighting regulations. In addition, the maximum intensity of any outdoor light element shall be a maximum of 100 watts incandescent or its equivalent with another form of lighting. All outdoor lighting fixtures shall have a full 90 degree cutoff and shall be oriented straight down. The maximum fixture mounting height of all outdoor lighting shall be 12 feet above grade directly under the fixture.
 - (5) A bufferyard with an opacity of at least 0.2 shall be provided around the perimeter of the activity area except where adjacent to an on-site building or if located within or adjacent to a right-of-way.
 - (6) The entire area used for Outdoor Food and Beverage Seating shall be located a minimum of 100 feet from any parcel within a Residential Zoning District as defined in Section 18-21 of the Zoning Ordinance, including the LR-0, SR-1, SR-2, SR-4, SR-5, AR-6, MR-8, and MR-12 zoning districts; or from any parcel containing only residential units within a Planned Development zoning district. The separation requirement between an Outdoor Food and Beverage Seating area and residential dwelling units within the same Planned Development zoning district shall be subject to the provisions of the Planned Development.

(7) Alcohol service or consumption is not permitted within this land use.

(gg) *Major Outdoor Food and Beverage Seating.* Land uses limited to outdoor consumption of food and beverages. Permitted by granting of a Conditional Use Permit, subject to all of the following requirements:

(1) The maximum number of outdoor seats shall be 150.

(2) Hours of Outdoor Operation limited to 6 am to 11 pm daily.

(3) Any outdoor noise, including live music and voices, shall comply with all Village noise regulations. Amplified sound is not permitted, except within or adjacent to the Lake Street right-of-way between Kinzie Avenue and Fontana Beach, where it is permitted 10 am to 11 pm daily.

(4) Any outdoor lighting shall comply with all Village lighting regulations. In addition, the maximum intensity of any outdoor light element shall be a maximum of 100 watts incandescent or its equivalent with another form of lighting. All outdoor lighting fixtures shall have a full 90 degree cutoff and shall be oriented straight down. The maximum fixture mounting height of all outdoor lighting shall be 12 feet above grade directly under the fixture.

(5) A bufferyard with an opacity of at least 0.3 shall be provided around the perimeter of the activity area except where adjacent to an on-site building or if located within or adjacent to a right-of-way.

(6) The entire area used for Outdoor Food and Beverage Seating shall be located a minimum of 200 feet from any parcel within a Residential Zoning District as defined in Section 18-21 of the Zoning Ordinance, including the LR-0, SR-1, SR-2, SR-4, SR-5, AR-6, MR-8, and MR-12 zoning districts; or from any parcel containing only residential units within a Planned Development zoning district. The separation requirement between an Outdoor Food and Beverage Seating area and residential dwelling units within the same Planned Development zoning district shall be subject to the provisions of the Planned Development.

(7) Alcohol service or consumption is permitted per the limitations of a Village license.

(8) Any other requirements or limitations approved during the conditional use process.

(ggg) *Minor Outdoor Commercial Entertainment.* Land uses which provide entertainment services partially or wholly outside of an enclosed building. Such activities may have the potential to be associated with nuisances related to noise, lighting, dust, trash, and late operating hours. Examples of Minor Outdoor Commercial Entertainment land uses include but are not limited to: Outdoor consumption of food and beverages with beer

gardens and similar areas oriented to outdoor drinking more than outdoor dining; and outdoor assembly areas for public and private ceremonies and performance with more than 150 seats that are not otherwise considered Major Outdoor Commercial Entertainment land uses. Permitted by granting of a Conditional Use Permit, subject to all of the following:

- (1) There is no limitation on the number of Outdoor seats, unless imposed by the requirements of the conditional use permit.
- (2) Hours of Outdoor Operation limited Hours of Outdoor Operation limited to 6 am to 11 pm daily.
- (3) Any outdoor noise, including live music and voices, shall comply with all Village noise regulations. Amplified sound is permitted after 10 am until 11 pm, daily.
- (4) Any outdoor lighting shall comply with all Village lighting regulations.
- (5) A bufferyard with an opacity of at least 0.5 shall be provided around the perimeter of the activity area except where adjacent to an on-site building or if located within or adjacent to a right-of-way.
- (6) The entire area used for Outdoor Commercial Entertainment shall be located a minimum of 300 feet from any parcel within a Residential Zoning District as defined in Section 18-21 of the Zoning Ordinance, including the LR-0, SR-1, SR-2, SR-4, SR-5, AR-6, MR-8, and MR-12 zoning districts; or from any parcel containing only residential units within a Planned Development zoning district. The separation requirement between a Minor Outdoor Commercial Entertainment activity area and residential dwelling units within the same Planned Development zoning district shall be subject to the provisions of the Planned Development.
- (7) Alcohol service or consumption is permitted per the limitation of a Village license.
- (8) Any other requirements or limitations approved during the conditional use process.

(gggg) *Major Outdoor Commercial Entertainment.* Land uses which provide entertainment services partially or wholly outside of an enclosed building and that generate regional traffic and may likely generate lighting and noise impacts well beyond property lines. Examples of Major Outdoor Commercial Entertainment land uses include, but are not limited to: race tracks, amusement parks, water parks or outdoor commercial swimming pools, fair grounds, outdoor stadiums and arenas, outdoor theaters oriented to high-impact performances, drive-in theaters, driving ranges, miniature golf facilities, go-cart tracks, and tournament-oriented athletic facilities with more than 250 parking spaces. Permitted by granting of a Conditional Use Permit, subject to all of the following:

- (1) There is no limitation on the number of seats, unless imposed by the requirements of the conditional use permit.

- (2) Hours of Operation limited to 6 am to 11 pm daily.
- (3) Any outdoor noise, including live music and voices, shall comply with all Village noise regulations. Amplified sound is permitted after 10 am until 11 pm, daily.
- (4) Any outdoor lighting shall comply with all Village lighting regulations.
- (5) A bufferyard with an opacity of at least 1.0 shall be provided around the perimeter of the activity area except where adjacent to an on-site building or if located within or adjacent to a right-of-way.
- (6) The entire area used for Outdoor Commercial Entertainment shall be located a minimum of 500 feet from any parcel within a Residential Zoning District as defined in Section 18-21 of the Zoning Ordinance, including the LR-0, SR-1, SR-2, SR-4, SR-5, AR-6, MR-8, and MR-12 zoning districts; or from any parcel containing only residential units within a Planned Development zoning district. The separation requirement between a Major Outdoor Commercial Entertainment activity area and residential dwelling units within the same Planned Development zoning district shall be subject to the provisions of the Planned Development.
- (7) Any other requirements or limitations approved during the conditional use process.

SECTION 2. Section 18-57 is hereby amended, as follows:

- (a) Section 18-57(d) is hereby repealed and replaced with the word "Reserved".

SECTION 3. Section 18-27 is hereby amended, as follows:

- (a) Section 18-27(b) is hereby repealed and recreated to read as follows:

- (11) Minor outdoor food and beverage seating (see subsection 18-56(g)).

- (b) Section 18-27(c)(5) is hereby repealed and replaced with the word "Reserved".

- (c) Section 18-27(c)(10) is hereby repealed and replaced with the word "Reserved".

- (d) Section 18-27(c) is hereby created to read as follows:

- (29) Major outdoor food and beverage seating (see subsection 18-56(gg)).

- (e) Section 18-27(c) is hereby created to read as follows:

- (30) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

(f) Section 18-27(c) is hereby created to read as follows:

(31) Major outdoor commercial entertainment (see subsection 18-56(gggg)).

SECTION 4. Section 18-36 is hereby amended, as follows:

(a) Section 18-36(b) is hereby repealed and recreated to read as follows:

(7) Minor outdoor food and beverage seating (see subsection 18-56(g)).

(b) Section 18-36(c)(2) is hereby repealed and replaced with the word “Reserved”.

(c) Section 18-36(c) is hereby repealed and recreated to read as follows:

(12) Major outdoor food and beverage seating (see subsection 18-56(gg)).

(d) Section 18-36(c) is hereby repealed and recreated to read as follows:

(13) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

(e) Section 18-36(c) is hereby repealed and recreated to read as follows:

(14) Major outdoor commercial entertainment (see subsection 18-56(gggg)).

SECTION 5. Section 18-37 is hereby amended, as follows:

(a) Section 18-37(b) is hereby repealed and recreated to read as follows:

(13) Minor outdoor food and beverage seating (see subsection 18-56(g)).

SECTION 6. Section 18-38 is hereby amended, as follows:

(a) Section 18-38(b) is hereby repealed and recreated to read as follows:

(13) Minor outdoor food and beverage seating (see subsection 18-56(g)).

(b) Section 18-38(b) is hereby repealed and recreated to read as follows:

(14) Major outdoor food and beverage seating (see subsection 18-56(gg)).

(c) Section 18-38(c)(11) is hereby repealed and replaced with the word “Reserved”.

(d) Section 18-38(c) is hereby repealed and recreated to read as follows:

(11) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

SECTION 7. Section 18-39 is hereby amended, as follows:

(a) Section 18-39(b) is hereby repealed and recreated to read as follows:

(11) Minor outdoor food and beverage seating (see subsection 18-56(g)).

(b) Section 18-39(c)(11) is hereby repealed and replaced with the word “Reserved”.

(c) Section 18-39(c) is hereby repealed and recreated to read as follows:

(17) Minor outdoor food and beverage seating (see subsection 18-56(gg)).

(d) Section 18-39(c) is hereby repealed and recreated to read as follows:

(18) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

(e) Section 18-39(c) is hereby repealed and recreated to read as follows:

(19) Major outdoor commercial entertainment (see subsection 18-56(gggg)).

SECTION 8. Section 18-41 is hereby amended, as follows:

(a) Section 18-41(b) is hereby repealed and recreated to read as follows:

(11) Minor outdoor food and beverage seating (see subsection 18-56(g)).

(b) Section 18-41(c)(2) is hereby repealed and replaced with the word “Reserved”.

(c) Section 18-41(c) is hereby repealed and recreated to read as follows:

(9) Major outdoor food and beverage seating (see subsection 18-56(gg)).

(d) Section 18-41(c) is hereby repealed and recreated to read as follows:

(10) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

SECTION 9. Section 18-42 is hereby amended, as follows:

(a) Section 18-42(b) is hereby repealed and recreated to read as follows:

(13) Minor outdoor food and beverage seating (see subsection 18-56(g)).

(b) Section 18-42(c)(5) is hereby repealed and replaced with the word “Reserved”.

(c) Section 18-42(c) is hereby repealed and recreated to read as follows:

(19) Major outdoor food and beverage seating (see subsection 18-56(gg)).

(d) Section 18-42(c) is hereby repealed and recreated to read as follows:

(20) Minor outdoor commercial entertainment (see subsection 18-56(ggg)).

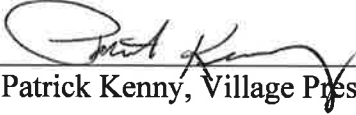
SECTION 10. Section 18-54, Table of Land Uses, is hereby amended to reflect the terms of Sections 1 through 9 of this Ordinance.

SECTION 11. Effective Date.

This Ordinance shall be in full force and effect upon 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 3rd day of May, 2021.

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

By: 
Patrick Kenny, Village President

Attest: 
Theresa Loomer, Village Clerk