

ORDINANCE NO. 071023-02

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

WHEREAS, Abbey Provident Venture, LLC (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, 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. 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 18-240 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. Mixed use buildings pursuant to GDP, comprised of 17 residential units and two commercial units.
3. Permitted Accessory Uses
 - A. Any use normally accessory to a permitted use.
4. General Size, Shape and Arrangement of Lots/Units

The general size, shape and arrangement of 19 total 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 17 units for the entire Subject Property, as set forth in the GDP and in the locations and in the arrangement set forth more specifically in the GDP.
6. Landscape Surface Ratio.

That the landscape surface ratio shall be 18.2% as set forth in the GDP.
7. Utility Easement.

That a utility easement shall be conveyed to the Village of Fontana in the location depicted in Addendum "C", attached hereto and incorporated herein by reference.
8. One Phase.

The project shall be built in up to one phase.
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. Tree Removal Off-Site.

That any trees to be removed any replaces shall be pursuant to a separately issues tree permit or as otherwise required by the Village Ordinances.

SECTION 4. FLEXIBLE DEVELOPMENT STANDARDS.

The Following flexible development standards are approved:

1. **Land Use-** The Applicant requests three all-residential multi-family buildings (buildings #3-5), which are not otherwise permitted in the VC zoning district. (Buildings #1 and #2 are mixed use, which is permitted in the VC district.)
2. **Density-** The Applicant requests a higher residential density of 12.9 dwellings units per acre as compared to the maximum density of 5 dwelling units per acre.
3. **Minimum Landscape Surface Ratio-**The Applicant requests a lower 18.2% Landscape Surface Ratio as compared to a minimum of 20% Landscape Surface Ratio.
4. **Building Setback-** The Applicant requests a reduced side setback of 5 feet as compared to the minimum side setback of 10 feet. This is requested only for the west side of building #5.
5. **Pavement Setback-** The VC 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:
 - North property line – 6 lines requested
 - West property line- 11 inches requested
 - West property line – 2 feet 9 inches requested

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 10th day of July, 2023.

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

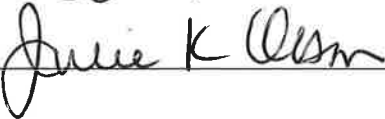
By: 
Pat Kenny, Village President

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.”

Abbey Provident Venture, LLC

By: 

Attest: 

ADDENDUM "A"

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.

ADDENDUM “B”

GENERAL DEVELOPMENT PLAN (“GDP”)

Project Known As: “Residences of Lake Geneva”

Submitted By: The Abbey Provident Venture, LLC.

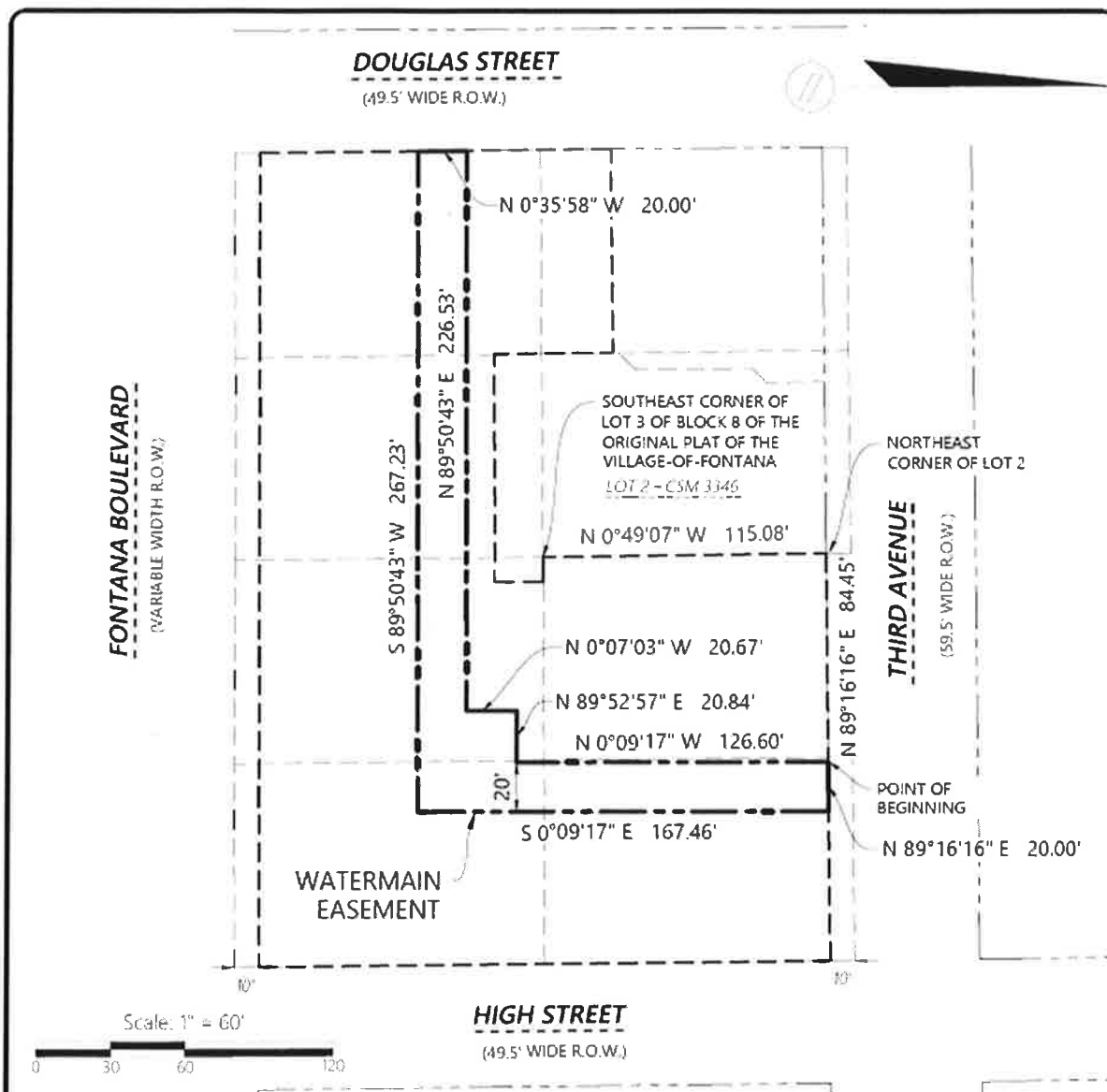
Petition Dated Received: May 26, 2023

COMPONENTS OF GDP

- 1) Application by Abbey Provident Venture, LLC dated September 30, 2021 (two pages)
- 2) Narrative in support of application for Planned Development Zoning dated April 27, 2023 (three pages)
- 3) GIS Map of area (one page)
- 4) Survey and Topographical map dated March 7, 2023 (one page)
- 5) Architectural Site Plan by Johnson Design and comprised of the following pages:
 - a. A000, dated 6/20/23
 - b. 5100, dated 6/20/23
 - c. A101-1R, dated 4/27/23
 - d. A102-1R, dated 4/27/23
 - e. A103-1R, dated 4/27/23
 - f. A200-1R, dated 4/27/23
 - g. A201-1R, dated 4/27/23
 - h. A101-2, dated 4/27/23
 - i. A102-2, dated 4/27/23
 - j. A103-2, dated 4/27/23
 - k. A200-2, dated 4/27/23
 - l. A201-2, dated 4/27/23
 - m. A101-3, dated 6/19/23
 - n. A102-3, dated 6/19/23
 - o. A103-3, dated 6/19/23
 - p. A200-3, dated 6/19/23
 - q. A201-3, dated 6/19/23
 - r. A600, dated 5/4/23

- s. A601, dated 5/4/23
 - t. A602, dated 5/4/23
 - u. A603, dated 5/4/23
 - v. A604, dated 5/4/23
 - w. A605, dated 4/27/23
 - x. A700, dated 5/4/23
 - y. A701, dated 4/27/23
6. Landscape Plan by Holler and Associates dated 5/5/23 (six pages) (L1.0 thru L1.5)
 7. Engineering Plans by Batterman, last revised May 4, 2023 (29 pages)
 8. Stormwater Management Plan by Batterman, last revised March 29, 2023 (511 pages)
 9. Declaration of Condominium By laws, Rules, unsigned (53 pages)
 10. GIS Print of nearby property identification.

ADDENDUM C



LEGAL DESCRIPTION (WATERMAIN EASEMENT):

COMMENCING AT A FOUND CONCRETE MONUMENT AT THE SOUTHEAST CORNER OF LOT 3 OF BLOCK 8 OF THE ORIGINAL PLAT OF THE VILLAGE-OF-FONTANA; THENCE NORTH 0°49'07" WEST ALONG THE EAST LINE OF LOT 2 OF CERTIFIED SURVEY MAP NO. 3346 A DISTANCE OF 115.08 FEET TO A FOUND 3/4" IRON REBAR AT THE NORTHEAST CORNER OF AFOREMENTIONED LOT 2; THENCE NORTH 89°16'16" EAST ALONG THE SOUTHERLY RIGHT-OF-WAY OF THIRD AVENUE A DISTANCE OF 84.45 FEET TO THE POINT OF BEGINNING; THENCE CONTINUE NORTH 89°16'16" EAST A DISTANCE OF 20.00 FEET; THENCE SOUTH 0°09'17" EAST A DISTANCE OF 167.46 FEET; THENCE SOUTH 89°50'43" WEST A DISTANCE OF 267.23 FEET TO THE EAST LINE OF THE DOUGLAS STREET RIGHT-OF-WAY; THENCE NORTH 0°35'58" WEST ALONG THE AFOREMENTIONED EAST RIGHT-OF-WAY LINE OF DOUGLAS STREET A DISTANCE OF 20.00 FEET; THENCE NORTH 89°50'43" EAST A DISTANCE OF 226.53 FEET; THENCE NORTH 0°07'03" WEST A DISTANCE OF 20.67 FEET; THENCE NORTH 89°52'57" EAST A DISTANCE OF 20.84 FEET; THENCE NORTH 0°09'17" WEST A DISTANCE OF 126.60 FEET TO THE POINT OF BEGINNING.

<p>ORDER NO: 34045 DATE: 04/08/2023 FIELD CREW: ANK & BMR DRAWN BY: DGM SHEET 1 OF 1</p>	<p>WATERMAIN EASEMENT EXHIBIT</p>	<p>Batterman engineers surveyors planners 2857 Bartells Drive Beloit, Wisconsin 53511 608.365.4464</p> <p>1040 N Wisconsin Street Elkhart, Wisconsin 53121 262.379.2250</p>	
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File Name: 233400-34999-34045 - Lake Geneva Architects/SURVEY/SHB DRAWING FILES