

ORDINANCE NO. 12-01-14-01

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

WHEREAS, The Shodeen Family Property Company, 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 required findings and a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; and

WHEREAS, the Petitioner has submitted a General Development Plan (but not a Precise Implementation 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. Single-family dwellings constructed as multi-dwelling buildings as set forth in the GDP.
3. Permitted Accessory Uses
 - A. Private garages as set forth in the GDP.
 - B. Any other use normally accessory to a permitted use.
4. General Size, Shape and Arrangement of Lots/Units

The general size, shape and arrangement of 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 up to 18 residential units in the locations and in the arrangement set forth more specifically in the GDP.
6. That the landscape surface ratio shall be set at a minimum of 38%. Furthermore, the driveway apron area shall use permeable pavers instead of other forms of paving.
7. That a five (5) feet sidewalk easement shall be conveyed to the Village of Fontana in that location depicted in Addendum "C", attached hereto and incorporated herein by reference.
8. The project shall be built in up to four phases (with a minimum of one building per phase) over not more than five years from the effective date of this ordinance.
9. Signage requirements shall be included in an approved Precise Implementation Plan.

SECTION 4. 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 5. 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 1st day of September, 2014.

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

By: 

Arvid Petersen, Village President

Attest: 

Theresa Linneman, 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.”

The Shodeen Family Property Company, LLC

by: Shodeen Group, L.P.C., its Manager

By: 

David A. Patzelt, Senior Vice President

Attest: 

Lisa K. Smith, Assistant Secretary

ADDENDUM "A"

LEGAL DESCRIPTION:

Parcel One: Tax Key SOP 00020

Lots 3 and 10, and a strip, piece or parcel of land 40 feet wide off the West side of Lot 11, all in Block 4, of the Original Plat of Fontana on Geneva Lake, Walworth County, Wisconsin, as recorded in Volume 5 of Plats on Page 94

Parcel Two: Tax Key SOP 00019

Lots 1, 2, 11 and 12 of Block 4 of the Original Plat of Fontana, in the Town of Walworth, County of Walworth, State of Wisconsin, excepting and reserving therefrom a strip, piece or parcel of land 40 feet wide off the West side of said Lot 11.

ADDENDUM "B"

GENERAL DEVELOPMENT PLAN ("GDP")

Project Known As: "Fontana Townhomes"

Submitted By: The Shodeen Family Property Company, LLC.

Petition Dated Received: October 7, 2014

COMPONENTS OF GDP

- 1) **Petition to Amend Zoning Map dated received October 7, 2014 (11 pages)**
- 2) **General Development Plan (1 page)**
- 3) **Exterior Elevations (1 page)**
- 4) **Correspondence dated October 27, 2014 from Petitioner and signed by Daveid Patzelt, President (2 pages)**
- 5) **Color rendering of building exterior (1 page)**

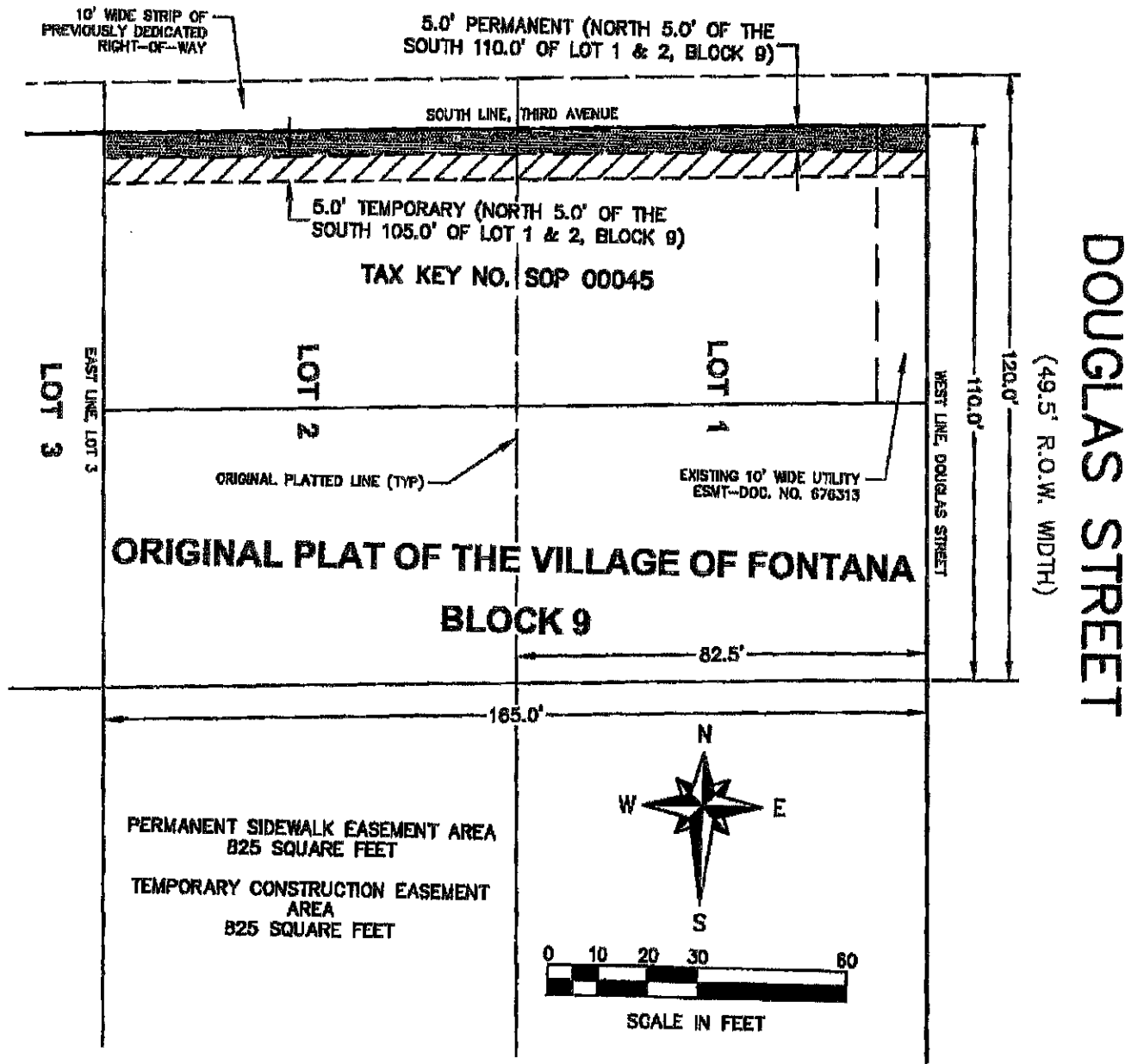
ADDENDUM "C"

5.0' WIDE PERMANENT SIDEWALK EASEMENT

Being part of Lots 1 & 2, Block 9, Original Plat of the Village of Fontana, located in the Northwest 1/4 of the Northwest 1/4 of Section 14, Town 1 North, Range 16 East, Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin.

THIRD AVENUE

(59.5' R.O.W. WIDTH)



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PREPARED FOR:
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Fontana, WI 53125

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