

**ORDINANCE NO. 12-09-19-02**

**AN ORDINANCE REPEALING AND RECREATING SECTION 18-13  
AND CREATING SECTION 18-172(8) REGARDING  
THE USE OF PERMEABLE SURFACES**

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

**SECTION 1.**

Section 18-13., Definitions, shall be amended, as follows:

*The definition of "Impervious Surface" shall be repealed and recreated to read as follows:*

*Impervious Surface:* A surface that has been compacted or covered with a layer of material so that is it resistant to infiltration by water. It includes all surfaces such as compacted sand, aggregate clay, gravel, pavers (other than permeable surface per Section 18-172(8)) and pavement, as well as most conventionally surfaced streets, roofs, sidewalks, driveways, parking lots, or parking spaces, and other similar structures, including appurtenances and protrusions, such as, but not limited to, eaves, decks, balconies, stairways, porches and bay windows; all either at grade level or above.

**SECTION 2.**

Section 18-172(8), Permeable Surface Allowed, is hereby created to read as follows:

- (a) A Permeable surface for use such as for driveways or patio areas or other similar paved areas shall be permitted as an exception to the calculation of Impervious Surface for purposes of the definition at Section 18-13 and the Impervious Surface Ratio set forth in Sections 18-13, 18-245 and each of the limits on Impervious Surface Ratios set forth in individual zoning districts, subject to the remaining requirements of this ordinance.
- (b) Subject to the limit set forth herein at Section 18-172(8)(c), in order to not be counted as an Impervious Surface per 18-13, the permeable surface shall be designed and engineered and thereafter maintained so as to allow water from any source to pass through the permeable surface to and into the ground beneath the paved surface. A Zoning Permit shall be obtained before installation of said permeable surface by submitting an application, the engineering drawings for the proposed permeable surface installation, a proposed maintenance plan, together with an application fee as determined

by the Village Board from time to time and a cost recovery certificate. The Village Engineer may be asked to render an opinion as to the applied for paving and permit.

- (c) The permeable paver exception to the calculation of Impervious Surface as set forth herein shall be limited to the lesser of 2,500 square feet or 15% of the lot area.
- (d) If approved and thereafter installed, said permeable surface shall be maintained as necessary, and according to the approved maintenance plan, in order to maintain the current and uninterrupted functionality of the permeable surface, but not less than every five (5) years. The Village Engineer may be asked to render an opinion as to the adequacy of the maintenance. Proof of said required maintenance shall be provided as requested by the Village of Fontana.

**SECTION 3. 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 9<sup>th</sup> day of December, 2019.

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

By: Pat Kenny  
Pat Kenny, Village President

Attest: Theresa Loomer  
Theresa Loomer, Village Clerk