

ORDINANCE NO. 01-10-11-03

**An Ordinance Further Amending Ordinance No. 12-15-04-01
Related to the Planned Development Zoning
For The Abbey Springs Development.**

WHEREAS, the Village Board did previously adopt Ordinance No. 12-15-04-01, which said Ordinance is incorporated herein by reference as if set forth at length herein, whereby the entirety of the therein described Abbey Springs Resort/Commercial Development (the “Subject Property”) was converted to Planned Development Zoning; and

WHEREAS, the Village Board did thereafter adopt amendments to the terms of said Ordinance No. 12-15-04-01 and the terms and restrictions set forth therein, which said earlier amendments are incorporated herein by reference as if set forth at length herein; and

WHEREAS, subsequently, Abbey Springs, Inc. (the “Petitioner”) did again petition (the “Petition”) the Village of Fontana-on-Geneva Lake for a further amendment to the existing ordinances controlling the Planned Development Zoning for the Subject Property and an amendment to the Precise Implementation Plan (“PIP”) portion of the Development Plan, which said term is defined by Ordinance No. 12-15-04-01; and

WHEREAS, the Petition was referred to the Plan Commission for the Village of Fontana-on-Geneva Lake for recommendation as a proposed amendment to the Precise Implementation Plan component of the Development Plan as required by the Village Code and by §62.23 Wis. Stats.; and

WHEREAS, the Plan Commission did make a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; 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 submittals made by the Petitioner, does 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.

The Recitals set forth above are incorporated herein by reference as if set forth at length herein.

SECTION 2.

That the Precise Implementation Plan portion of the Development Plan for the Subject Property shall be further amended to include the area and structure depicted in the documents outlined more specifically in Exhibit "A", attached hereto and incorporated herein by reference. Specifically, this amendment is designed to allow for expansion of the footprint of a structure located at 803A and 803C Country Club Drive and contained within Abbey Springs Condominium no. 9. To the extent the Exhibit "A" documents are inconsistent with the existing Development Plan, the Exhibit "A" documents shall control.

SECTION 3.

All other terms and conditions of Ordinance No. 12-15-04-01, as amended, not inconsistent herewith shall remain in full force and effect. To the extent this Ordinance conflicts with the terms of Ordinance No. 12-15-04-01 or earlier amendments thereto, this Ordinance shall control.


SECTION 4.

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 this 10th day of January, 2011.

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

By:


Arvid Petersen, Village President


Attest:


Dennis Martin, Village Clerk

“The undersigned do hereby consent to the terms of this Ordinance as required by Section 62.23(7)(b) Wis. Stats. and by the Fontana Municipal Code.”

ABBEE SPRINGS, INC.

By: _____


Jerry Mortier, Executive Director

Attest: _____



Dennis Martin, Village Clerk

EXHIBIT "A"

1. Drawings and renderings prepared by Farris Hanson & Associates and filed with the Village of Fontana on December 3, 2010 and bearing project number 1915.09.08, and compromised of the following pages:
 - a. Addendum 2 to Abbey Springs Condominium no. 9 and bearing a date of 6/20/2008.
 - b. Page 2 of Addendum 2 to Abbey Springs Condominium no. 9, and entitled diagrammatic floor plans for building 852 bearing a date of 6/20/2008.

2. Drawings and renderings prepared by Wyntree Construction, Inc. and comprised of the following pages:
 - a. Existing elevations bearing a last revision date of September 5, 2007.
 - b. New elevations bearing a last revision date of September 5, 2007
 - c. First floor plan bearing a last revision date of September 5, 2007.
 - d. Second floor plan bearding a last revision date of September 5, 2007.
 - e. Abbey Springs map (undated).

3. Application for Planned Development amendment received by the Village of Fontana on December 3, 2007 and signed by the builder and thereafter joined in by Abbey Springs Condominium Association, Inc.