ORDINANCE NO. 04-20-06-02

An Ordinance Amending the Village of Fontana-on-Geneva Lake Zoning Ordinance and Accompanying Zoning Map.

WHEREAS, Tracy Group, Inc. ("Tracy") has petitioned the Village of Fontana-on-Geneva Lake (the "Village") to amend the Village's Zoning Ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum "A", attached hereto and incorporated herein by reference as if set forth at length herein (the "Subject Property"); and

WHEREAS, by said Petition, Tracy has requested that the Subject Property be rezoned to the Planned Development Zoning District pursuant to the process described more specifically in Sec. 18-89 of the Village Municipal Code and those additional procedures set forth at Sec. 18-330 through Sec. 18-336 of the Village Municipal Code; and

WHEREAS, the Plan Commission, after due notice, did conduct a public hearing on the petition and the proposed amendment to the Zoning Ordinance (and accompanying zoning map) set forth therein and did thereafter make a favorable recommendation to the Village Board; and

WHEREAS, Tracy has submitted a General Development Plan (the "GDP") in conformity with the procedures and requirements set forth at Sec. 18-89 of the Village Municipal Code; and

WHEREAS, the components of the GDP have been listed on the index attached hereto as Addendum "B", which said Addendum "B" and the GDP are 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 recommendation of the Village Plan Commission, the petition by Tracy, the GDP, and such other information made available to the Village Board, 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 I. 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 GDP is consistent with the spirit and intent of the Village Redevelopment Plan, Master Plan and the applicable Village zoning

regulations, and produces significant benefits to the Village in terms of improved environmental design sufficient to justify the application of the "planned development" concept.

b. That the general character of the GDP produces an attractive environment appropriate to the intensity of the mixed uses proposed and which is compatible with existing developments in the surrounding area, and with general community development plans and policies.

c. That the GDP provides for appropriate municipal services or their equivalent in private services.

d. That the GDP includes design standards which adequately provide for practical operation and maintenance of vehicle and pedestrian circulation, parking, emergency services, delivery services, and snow plowing.

e. That the GDP serves to adequately preserve and protect existing natural environmental or ecological resources.

f. That the mixed uses permitted pursuant to this Ordinance are determined to be appropriate to the location and environmental character of the Subject Property.

SECTION II. ZONING ORDINANCE (AND MAP) AMENDMENT.

The Zoning Ordinance, and accompanying zoning map, of the Village of Fontana-on-Geneva Lake are hereby amended in the following respects:

The Subject Property described in Addendum "A" is hereby changed from its current zoning district to the PD, Planned Development, Zoning District pursuant to Sec. 18-89 of the Village Municipal Code and subject to all terms and provisions of this Ordinance.

SECTION III. USE AND AREA REGULATIONS.

A. The use of the Subject Property shall be at all times in compliance with the GDP, an index for which is attached hereto as Addendum "B" and incorporated herein by reference, and those additional regulations set forth in this Ordinance. To the extent the GDP is inconsistent with the terms of this Ordinance, this Ordinance shall control.

In addition, the Residential Use Area and Conservation Use Area, as those terms are used in this Ordinance, shall be those areas depicted more specifically in the GDP (the "Use Area Map"). A copy of the Use Area Map is attached hereto as Addendum "C" and incorporated herein by reference.

B. <u>Specific Use Areas and Specific Use Regulations.</u>

(1) Residential Use Area.

a. The residential use area for the Subject Property shall be that area depicted and described as the "Residential Use Area" on the Use Area Map attached hereto as Addendum "C".

b. Permitted Uses By Right In The Residential Use Area.

i. 52 Single-Family Dwellings constructed on the 52 lots depicted as such in the Use Area Map attached hereto as Addendum "C".

ii. 54 Condominium Dwellings constructed in the Condominium Areas depicted more specifically in the Use Area Map attached hereto as Addendum "C", and according to the following dwelling unit distribution:

Outlot 6 = 14 dwelling units arranged as one four unit and two five unit buildings.

Outlot 7 = 10 dwelling units arranged as one four unit and two three unit buildings.

Outlot 8 = 16 dwelling units arranged as eight two unit buildings.

Outlot 9 = 14 dwelling units arranged as seven two unit buildings.

c. Area Regulations In The Residential Use Area.

i. As set forth in the GDP.

(2) Conservation Use Area.

a. The conservation use area for the Subject Property shall be that area depicted and described as the "Conservation Use Area" on the Use Area Map attached hereto as Addendum "C".

b. Permitted uses by right in the Conservation Use Area.

i. Except as provided at (2)b.ii. herein, only conservation uses, including hiking and biking, may be undertaken in the conservation use area. All other uses are prohibited.

ii. Outlot 10 may be used for conservation uses, including hiking and biking, and recreational uses, including picnic shelters and a parking lot sufficient to utilize said Outlot 10.

c. Area Regulations in the Conservation Use Area.

i. As set forth in GDP.

SECTION IV. ADDITIONAL ZONING REQUIREMENTS.

All other terms and conditions of the municipal code of the Village of Fontana-on-Geneva Lake not inconsistent herewith, including future amendments thereto, are incorporated herein by reference as if set forth at length herein.

SECTION V. 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-Geneva Lake, Walworth County, Wisconsin this 20th day of April, 2006.

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

By: _____
Thomas Whowell, 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."

TRACY GROUP, INC., a Wisconsin Corporation

By: _____
JOHN C. TRACY, PRESIDENT

~~Attest~~: _____

ADDENDUM "A"

A PART OF THE NORTHEAST 1/4, SOUTHEAST 1/4 AND SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SECTION 15, TOWN 1 NORTH, RANGE 16 EAST, VILLAGE OF FONTANA-ON-GENEVA LAKE, WALWORTH COUNTY, WISCONSIN, INCLUDING LOT 1 OF CERTIFIED SURVEY MAP NO. 1817 RECORDED IN VOLUME 8 ON PAGE 301 AS DOCUMENT NO. 177236, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTH 1/4 CORNER OF SAID SECTION 15 (T1N, R15E); THENCE S 01DEG 30MIN 55SEC E, 1216.12 FEET ALONG THE EAST LINE OF THE NORTHWEST 1/4 TO THE EASTERLY LINE OF THE FORMER LAKE GENEVA LAKE DELAVAN ELECTRIC COMPANY RIGHT OF WAY; THENCE S 04DEG 26MIN 23SEC W, 474.53 FEET ALONG SAID RIGHT OF WAY; THENCE 292.62 FEET ALONG THE ARC OF A CURVE TO THE RIGHT HAVING A RADIUS OF 3379.08 FEET AND A CHORD WHICH BEARS S 06DEG 55MIN 14SEC W, 292.52 FEET; THENCE S 89DEG 14MIN 35SEC W, 1230.41 FEET; THENCE S 01DEG 21MIN 26SEC E, 660.30 FEET TO THE SOUTH LINE OF SAID NORTHWEST 1/4; THENCE ALONG SAID SOUTH LINE, S 89DEG 12MIN 36SEC W, 65.86 FEET TO THE SOUTHEAST CORNER OF CERTIFIED SURVEY MAP NO. 3540; THENCE ALONG SAID CERTIFIED SURVEY MAP NO. 3540, N 01DEG 23MIN 46SEC W, 290.93 FEET TO THE NORTHEAST CORNER OF SAID CERTIFIED SURVEY MAP NO. 3540; THENCE ALONG THE NORTHERLY LINE OF SAID CERTIFIED SURVEY MAP NO. 3540 AND THE NORTHERLY LINE OF CERTIFIED SURVEY MAP NO. 2097, S 89DEG 54MIN 50SEC W, 912.94 FEET; THENCE CONTINUE ALONG THE NORTHERLY LINE OF SAID CERTIFIED SURVEY MAP NO. 2097, S 88DEG 06MIN 10SEC W, 344.74 FEET TO THE WEST LINE OF SAID NORTHWEST 1/4 AND THE SOUTHWEST CORNER OF CERTIFIED SURVEY MAP NO. 1817; THENCE ALONG SAID WEST LINE, N 01DEG 11MIN 59SEC W, 407.48 FEET TO THE SOUTHWEST CORNER OF CERTIFIED SURVEY MAP NO. 425; THENCE ALONG SAID CERTIFIED SURVEY MAP NO. 425, N 88DEG 48MIN 17SEC E, 214.87 FEET TO THE SOUTHEAST CORNER OF SAID CERTIFIED SURVEY MAP NO. 425; THENCE CONTINUE ALONG SAID CERTIFIED SURVEY MAP NO. 425, N 01DEG 05MIN 54SEC W, 220.15 FEET TO THE NORTHEAST CORNER OF SAID CERTIFIED SURVEY MAP NO. 425; THENCE CONTINUE ALONG SAID CERTIFIED SURVEY MAP NO. 425, S 88DEG 48MIN 46SEC W, 215.26 FEET TO THE NORTHWEST CORNER OF SAID CERTIFIED SURVEY MAP NO. 425 AND THE WEST LINE OF SAID NORTHWEST 1/4; THENCE ALONG SAID WEST LINE, N 01DEG 11MIN 59SEC W, 398.95 FEET TO THE NORTHWEST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE N 89DEG 16MIN 34SEC E, 1320.75 FEET TO THE NORTHEAST CORNER OF THE SOUTHWEST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE N 01DEG 21MIN 26SEC W, 1320.60 FEET TO THE NORTHWEST CORNER OF THE NORTHEAST 1/4 OF THE NORTHWEST 1/4 OF SAID SECTION 15; THENCE N 89DEG 20MIN 33SEC E, 1317.13 FEET TO THE POINT OF BEGINNING. CONTAINING 89.71 ACRES OF LAND, MORE OR LESS.

ADDENDUM "B"
Index of General Development Plan

1. Correspondence from Attorney Tim Swatek dated February 20, 2006 comprised of four pages and 39 attached pages.

2. A complete text of the "Improvement Plans" described in the Development Agreement, incorporated herein by reference as set forth at length herein, and comprised of the following sheets, sheet titles, and bearing a last revision date, as follows:

SHEET NO.	SHEET TITLE	LAST REVISION DATE
EC-1.00	EROSION CONTROL PLAN	03/24/2006
EC-1.01	EROSION CONTROL DETAILS	03/24/2006
GR-1.00 - GR.1.11	GRADING PLAN	03/24/2006
C1.00 - C1.10	PAVING PLAN & PROFILE	03/24/2006
C2.00 - C2.04	ACCESS DRIVE CROSS SECTIONS	03/24/2006
ST1.00 - ST1.04	STORM SEWER PLAN	03/24/2006
SS0.00	OVERALL SANITARY SEWER SHEET LAYOUT	03/24/2006
SS1.00 - SS1.08	SANITARY SEWER PLAN & PROFILE	03/24/2006
WM0.00	OVERALL WATER MAIN SHEET LAYOUT	03/24/2006
WM1.00 - WM1.10	WATER MAIN PLAN & PROFILE	03/24/2006
D1.00	TYPICAL PAVING CROSS SECTIONS AND DETAILS	03/24/2006
D1.01	SANITARY AND STORM SEWER DETAILS	03/24/2006
D1.02	WATER MAIN DETAILS	03/24/2006
L1.00	OUTLOT 10 LANDSCAPE PLAN	03/24/2006
L1.01	LANDSCAPE SEEDING PLAN	03/24/2006
L2.00	LANDSCAPE DETAILS & PLANT MATERIAL SCHEDULE	03/24/2006

3. A draft document entitled "Declaration of Restrictions and Covenants For the Highlands of Fontana and the Highlands of Fontana Community Association".

4. A draft document entitled "Declaration of Condominium Ownership of Easements, Restrictions and Covenants for Prairie Crossing Condominium".

5. A draft document entitled "Declaration of Condominium Ownership of Easements, Restrictions and Covenants for Hawthorne Commons Condominium".

6. Correspondence from Don Rudat of McCormack and Etten/Architects dated March 16, 2006 and comprised of one page and four pages of attachments, each page dated March 16, 2006 and comprised of

building elevations for structures to be located in "Hawthorne Commons at Fontana Highlands".

7. Such additional information as is set forth in a document entitled "The Highlands of Fontana, Located in the Village of Fontana-on-Geneva Lake" as presented by the Tracy Group and dated January 19, 2006 and comprised of seventeen pages.

ADDENDUM "C"

Use Area Map

Village of Fontana Comprehensive Plan

Map 2

Existing Land Use

Adopted: September 24, 2001

Vandewalle & Associates
Madison & Milwaukee, Wisconsin
Planning · Designing · Implementing

Sources:
Village of Walworth, ESRI
US Census, Wisconsin DOA,
Village of Fontana, Strand Associates,
Cargill Snyder, SEWRPC