

ORDINANCE NO. 06-04-07-02

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

WHEREAS, Lake Geneva Yacht Club, Inc. (“LGYC”) 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, LGYC 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, LGYC 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 LGYC, 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 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 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.
- 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 use 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 assigned permanent zoning in 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 Yacht Club Use Area, as that term is used in this Ordinance, shall be that area 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. Specific Use Areas and Specific Use Regulations.

(1) Yacht Club Use Area.

- a. The Yacht Club Use Area for the Subject Property shall be that area depicted and described as the “Yacht Club Use Area” on the

Use Area Map attached hereto as Addendum "C".

- b. Permitted Uses By Right In The Yacht Club Use Area.
 - i. Operation of a commercial yacht club.

- c. Area Regulations In The Public Use Area.
 - i. As set forth in the 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.

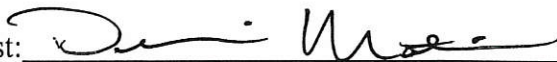
This Ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Geneva Lake, Walworth County, Wisconsin this 4th day of June, 2007.

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

By: 

Ron Pollitt, Village President

Attest: 

Dennis Martin, City 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.”

LAKE GENEVA YACHT CLUB, INC.

By:  _____

Attest:  _____

ADDENDUM "A"

A parcel of land located in the Northwest 1/4 of Section 18, T1N, R17E, Town of Linn, Walworth County, Wisconsin, described as follows: Beginning at the Southwest corner of Government Lot 3 of said Section 18; which point is also the Southwest corner of Lot 9 of the unrecorded plat of said Government Lot 3; thence East along the South line of said Government Lot 3, 171.66 feet to the Southeast corner of said Lot 9 of the unrecorded plat, which point is also the Southwest corner of the plat of Shore Oaks Subdivision (now vacated); thence North along the East line of said Lot 9, 1,081.51 feet; thence West 20.01 feet to a concrete monument; thence North parallel to the East line of all said Lot 9, 198.85 feet to the shore of Geneva Lake; thence Southwesterly along the shore 147.50 feet to the West line of Government Lot 3; thence South along the West line of said Government Lot 3, 1,267.47 feet to the place of beginning.

PARCEL II

A parcel of land located in the Northwest fractional 1/4 of Section 18, T1N, R17E, and consisting of parts of Lots 8 and 9 of the unrecorded plat of Government Lot 3 of Said Section described as follows: Commencing at the Southwest corner of Government Lot 3 of said Section; thence East along the East-West 1/4 Section line 171.66 feet to the place of beginning, which point is the Southwest corner of Lot 8 of said unrecorded plat of Government Lot 3; thence North along the West line of said Lot 3, 1081.51 feet to an iron pipe; thence West 20.01 feet to a concrete monument; thence North parallel to the West line of said Lot 8, 198.85 feet, more or less, to the shore of Geneva Lake; thence Northeasterly along the shore 112.5 feet to a point; thence South 85.69 feet to a concrete monument; thence continue Southerly 110 feet to a concrete monument; thence East 19.85 feet to a concrete monument; thence South 1107.25 feet to the East-West 1/4 Section line of said Section 18; thence West 96.37 feet to the place of beginning.

Tax Key No. I L 1800013 AND I L 1800013A

ADDENDUM "B"

Index of General Development Plan

1. Correspondence from Attorney Tim Swatek dated January 19, 2007 (3 pages)
2. Exhibits "A" and "B" to correspondence dated January 19, 2007 from Attorney Tim Swatek, which said Exhibits are comprised of 13 Pages.
3. Correspondence dated February 22, 2007 from Attorney Tim Swatek (1 Page) which, at paragraphs 1. and 2. amends the previously submitted draft General Development Plan outlined at Items 1. and 2. above.