

Ordinance 06-07-10-03

An Ordinance Amending Sections 17-7 (7), 18-17, 18-33 (c) and (d), 18-80 (c), and 18-90 (f) of the Village of Fontana Municipal Code Re. Prohibition of new boat houses.

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

Section 1. Section 17-7 (7) shall be amended to read as follows:

Sec. 17-7. Design standards.

(7) *Building setback lines.*

(a) Where they are not controlled by the zoning code, building setback lines appropriate to the location and type of development shall be established by the plan commission.

(b) Where lots abut navigable waters or state or federally designated wetlands, building setback lines for all buildings and structures except piers, marinas, ~~boathouses~~ and similar uses shall be shown on the plat and shall not be less than ~~75~~ 50 feet from the ordinary high water mark line or surveyed wetland boundary, as measured in a horizontal plane.

Section 2. Section 18-17 shall be amended to read as follows:

Sec. 18-17. Specific words and phrases.

Boathouse means, as defined in § 30.121(1), Wis. Stats., a permanent structure located in the shoreyard setback, used for the storage of watercraft and associated marine equipment and materials, which shall not be used for either temporary or permanent dwelling purposes, and includes all structures which are totally enclosed, have roofs or walls, or any combination of structural parts. As of June 7, 2010, the Village of Fontana-on-Geneva Lake shall prohibit the construction of new boathouses located within the Shoreyard Setback (see §18-33(c)).

Section 3. Section 18-33 (c) and (d) shall be amended as follows:

Sec. 18-33. Shoreland regulations.

In addition to any other applicable use, site, or sanitary restrictions and regulations, the following regulations shall apply to all shorelands, as defined in article II of this Ordinance, ~~which were annexed to the village after May 7, 1982:~~

(c) *Shoreyard setback.* All structures except piers, boat hoists, ~~boathouses~~, wharves, patios, bridges, dams, walkways, and stairways which are necessary to provide pedestrian access to the shoreline shall be set back 50 feet from the ordinary high water mark of navigable waters, unless an existing pattern of development exists which is less than the 50-foot requirement, in which case the average of the existing principal structure shore setback on either side of the principal structure within a distance of 100 feet may be used to compute the setback for the principal building only, but shall not be reduced to less than 40 feet. The method of computation shall be as follows:

1. If there is a building which is nonconforming with respect to shoreyard setback with a similar use as the proposed building located on an adjacent parcel on one side of the proposed building or within 100 feet of the proposed building, the average of the shoreyard setback of

that building of similar usage and the required minimum shoreyard setback shall apply.

2. If there are two buildings which are nonconforming with respect to shoreyard setback with similar uses as the proposed building located on adjacent parcels on each side of said building or within 100 feet of the proposed building, the average of the shoreyard setbacks of those buildings of similar usage shall apply.

3. In the case of a proposed addition to an existing building which has less than the required shoreyard setback, the shoreyard setback of such existing building may be used to determine the required shoreyard setback for the proposed building addition, as set forth above.

~~(d) Boathouses. Boathouses shall not extend below the ordinary high water mark and shall be designed exclusively for the storage of watercraft and related marine equipment and shall not be used for human habitation or commercial purposes. A boathouse with rooms above or within, used for purposes other than the storage of watercraft and related marine equipment, shall not be deemed to be a boathouse. Fireplaces, patio doors, plumbing, heating, cooking facilities, or any features inconsistent with the use of the structure exclusively as a boathouse shall not be permitted in or on boathouses. The highest point of the roof elevation of the boathouse shall not be more than 14 feet measured vertically above the ordinary high water mark, shall not exceed 400 square feet in horizontal area, and shall not be closer than three feet to any side lot line. Railings shall not be placed on top of the boathouse, nor shall boathouse roofs be designed to provide general outdoor living space, i.e. as a deck. Only one boathouse is permitted on a lot as an accessory structure. As of June 7, 2010 the Village of Fontana-on-Geneva Lake shall prohibit the construction of new boathouses located within the Shoreyard Setback (see §18-33(c)). Existing boathouses located within the Shoreyard Setback shall be deemed existing non-conforming structures. The maintenance and repair of nonconforming boathouses shall comply with the requirements of Wis. Stats. §30.121.~~

Section 4. Section 18-80 (c) shall be amended to read as follows:

Sec. 18-80. RS-1 Single-Family Residential District.

(c) *Permitted uses by conditional grant (conditional uses).*

1. Private commercial and private noncommercial group outdoor recreational facilities.
2. More than one principal building on a lot, provided that the buildings comply with the density regulations set forth in section 18-79.
3. ~~Buildings closer than 50 feet to the ordinary high water line of a pond or natural surface water drainage channel or watercourse.~~
4. Buildings with less than the required minimum floor area.
5. Accessory buildings not meeting the building location, height, or open area requirements of the district.
6. Solar collectors.
7. Reduced parking area requirements.
8. Public facilities for organized athletics, field houses, natatoriums, swimming pools, and similar major recreational facilities.
9. Golf courses.

10. Accessory living quarters, provided that such quarters comply with the regulations set forth in subsection 18-27(b)(4).
11. Clear cutting of parcel in accordance with section 18-28 of the Municipal Code of the Village of Fontana-on-Geneva Lake.

Section 5. Section 18-90 (f) shall be amended to read as follows:

Sec. 18-90. RC Restricted Conservancy District.

(f) *Prohibited uses.*

- (1) Any use not specifically permitted is prohibited.
- (2) The use of a boathouse for human habitation, and the construction or placement of a boathouse or fixed houseboat within the Shoreyard Setback or below the ordinary high water mark of any navigable waters are prohibited.

Section 6. Effective Date: 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 on Geneva Lake, Walworth County, WI this 7th day of June, 2010.

Village of Fontana on Geneva Lake

By: 

Arvid Petersen, President

Attest: 

Dennis L. Martin, Clerk

