

Ordinance 090407-02
An Ordinance Amending the first paragraph of Section 18-65 and 18-135

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

Section I.

Section 18-65, the first paragraph, of the Municipal Code of the Village of Fontana on Geneva Lake is hereby amended as follows:

Sec. 18-65. Building, Site, and Operational Plans.

In the case of groupings of more than one principal building on a lot, commercial uses, or any other use specified in any zoning district where the submittal of building, site, or operational plans is deemed necessary to apply performance standards, the approval of such plans shall be based upon reasonable application of the general criteria set forth in section 18-63, and shall be subject to the following regulations as may be deemed necessary. All building, site, and operational plans shall be submitted to the plan commission for their recommendation to the Village board for final action.

Section II.

Section 18-135, 18-136, 18-137, and 18-140 of the Municipal Code of the Village of Fontana on Geneva Lake is hereby amended as follows:

Sec. 18-135. Permits.

The village plan commission may recommend to the Village Board for final action ~~authorize~~ conditional use permits for conditional uses listed as permitted within zoning districts after review and a public hearing and subject to the approval of the commission of building, site and operational plans and to such other conditions as hereinafter designated.
(Ord. of 2-7-2000, § 18.0601)

Sec. 18-136. Basis of approval.

(a) *General basis.* The plan commission shall base its recommendation ~~determination~~ on general consideration as to the effect of such approval on the health, general welfare, safety, and economic prosperity of the village and specifically on the immediate neighborhood in which such use would be located, including such considerations as the effect on the established character and quality of the area, its physical attractiveness, the movement of traffic, the demand for related services, the possible hazardous, harmful, noxious, offensive, or nuisance effect as a result of noise, dust, smoke, or odor and such other factors as would be appropriate to carrying out the intent of conditional grants.

(b) *Requirements.*

(1) *Application of standard zoning district requirements.* Except as may be specifically otherwise provided, any conditional use shall conform to the building location, height, density, and lot size regulations of the district in which it is located. Uses and structures accessory to a principal conditional use shall be subject to appropriate regulations in the same manner as set forth for the principal conditional use.

(2) *Modification of standard zoning district requirements.* Requirements applicable to uses permitted by right or as accessory uses in any district may be modified or waived by the plan commission in their application to a conditional use if, in the commission's opinion, they are not appropriate or necessary to the proper regulation of the conditional use, and where such modification or waiver would not, in the commission's or the Village Board's opinion, result in adverse effect upon the surrounding properties.

(3) [*Submission for plan commission approval.*] Building, site and operational plans of the proposed use shall be submitted for ~~recommendation approval by~~ the plan commission to the Village Board for final action. Such plans shall be in sufficient detail to enable the commission to evaluate the suitability of architectural and landscape treatment; the proper siting of the building or buildings on the lot; the satisfactory provision for parking and circulation needs, for drainage and sewage disposal, for adequate planting screen where necessary and for operational control devices where necessary, to eliminate noise, dust, odor, smoke, or other objectionable operating conditions; and the general compatibility of the proposed use with the area in which it is located.

(4) *Performance standards.* Conditional uses shall be subject to more specific standards and requirements appropriate to the particular use and circumstances, as may be determined by the plan commission and the Village Board, pursuant to the general provisions governing the application of performance standards as set forth in article IV.

(Ord. of 2-7-2000, § 18.0602)

Sec. 18-137. Procedure.

(a) *Petition.* A request for a conditional use shall be submitted in writing to the village clerk who shall promptly refer such petition to the plan commission for determination. Such petition shall be accompanied by appropriate data and information necessary for proper evaluation of the request.

(b) *Hearing.* Upon referral of the petition, the plan commission shall schedule a public hearing thereon as soon as practical and in accordance with article XIV.

(c) *Determination.* Following the public hearing and necessary study and investigation which may, in the discretion of the plan commission, include at least three members of the plan commission physically viewing the site, the plan commission shall recommend approval, approval with conditions, or denial to the Village Board for final action ~~shall approve, approval with conditions, or deny the proposed conditional use within 60 days following the public hearing.~~ The Village Board ~~plan commission~~ shall render its decision in writing and a copy thereof shall be made a permanent part of the ~~municipal commission's~~ records.

(d) *Effect of denial of conditional use.* No application for a conditional use which has been denied wholly or in part by the Village Board ~~plan commission~~ shall be resubmitted for a period of one year from the date of such decision of denial, except on the grounds of new evidence or proof of change of conditions found to be acceptable by the Village Board ~~plan commission~~.

(e) *Mapping and recording.* When the conditional use is approved, the building and zoning use permits shall be appropriately noted and such approval shall be applicable solely to the structures, use, and property so described. Indication of such approval shall also be made on the zoning map by appropriate ordinance number or symbol and the village clerk shall keep a record ledger of all conditional uses.

(Ord. of 2-7-2000, § 18.0603)

Sec. 18-140. Application to existing uses.

(a) A use which existed lawfully on a lot at the time said lot was placed in a district where such use would be permitted only as a conditional use shall automatically be granted conditional use status, provided the same has not or does not lapse and subject to the following:

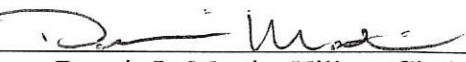
- (1) The conditional use approval in such case shall be based upon the existing conditions at that time and any expansion or change in use shall require changing of the conditional use approval.
- (2) Petition may be made at any time for expansion or other change of the conditional use approval and such petition shall not prejudice the existing approval as herein authorized. The procedure shall be the same as for an initial petition except that, at the discretion of the plan commission and the Village Board, minor changes may be permitted without a public hearing where such change does not significantly affect the character or intensity of the use.
- (b) An existing legal nonconforming building or use may be granted conditional use status as provided in section 18-154 and subject to building, site and operational plan approval.
- (c) In the case of either (a) or (b) above, it shall be the responsibility of the property owner to notify the plan commission and the Village Board of the appropriate facts in order that the conditional use status may be properly recorded.

Section III. Effective Date: This Ordinance shall be in full force and effect upon its passage, approval, and publication as required by law.

Approved and Adopted by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin this 4th day of September, 2007.

Village Board of the Village of Fontana on Geneva Lake

By: 
Ronald Pollitt, Village President

Attest: 
Dennis L. Martin, Village Clerk

