

**Ordinance 10-02-06-01**  
**An Ordinance Repealing and Recreating Section 18-21 of the Village of Fontana on Geneva Lake Municipal Code.**

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

**SECTION 1.**

Section 18-21 of the Municipal Code of Village of Fontana on Geneva Lake is hereby repealed and recreated to read as follows:

Sec. 18-21. Site and locational regulations.

It is the intent of these regulations to ensure the provision of adequate access to any use, limit the number of principal buildings on a lot, and regulate the location, mass, and bulk of buildings on a lot.

- (a) *Adequate access required.* No principal building or use may be hereafter erected, located or relocated on a lot or ownership parcel which does not abut on a public street or way or on an approved private street as approved by the plan commission or which does not have assured access to such street or way by a permanent and adequate easement providing safe and convenient access for servicing and for police and fire protection.
- (b) *Limit of principal buildings on a lot.* Only one principal building may be permitted on a lot except in the following cases:
  - 1. Planned development districts;
  - 2. Whenever building, site, and operational plan approval is required as provided herein; and
  - 3. Conditional uses where specified as provided herein.
- (c) *Building location.* No building shall be hereafter erected, structurally altered, reconstructed, or relocated on a lot except in conformity with the following locational regulations:
  - 1. *Building setbacks.* No building shall hereafter be erected, structurally altered, reconstructed, or relocated so that any roofed or enclosed portion thereof is closer to the shore of Geneva Lake or to a street right-of-way line than the setback distance specified by the regulations for the district in which it is located, with the following exceptions.
    - a. Where the nearest existing building on one side of said building is within 200 feet and has less than the required setback, the average between such existing setback and the required setback for the district shall apply, but in no case shall be located closer than 15 feet from a road right of way or front property line.
    - b. Where the nearest existing buildings on both sides of said building are within 200 feet of said building but not closer than 100 feet to each other and have less than the required setback for the district, the average of such existing



setbacks and the required setback shall apply, but in no case shall be located closer than 15 feet from a road right of way or front property line.

- c. Where the nearest existing buildings on both sides of said building are within 100 feet of each other and have less than the required setback, the average between such existing setbacks shall apply, but in no case shall be located closer than 15 feet from a road right of way or front property line.
  - ~~d. In the case of a proposed addition to an existing building which has less than the required setback for the district, the average of the existing building setback and the required setback for the district shall apply to the proposed addition.~~
  2. Buildings shall be located in conformance with the vision triangle regulations in section 18-180 and with regard to accessory buildings as regulated in section 18-27.
  3. The only structures permitted within the setback area shall be necessary highway and traffic signs, public utility lines and poles, rural mail boxes, those signs permitted in a residential district and those setback exceptions set forth at section 18-27 (and in the case of lake shore setbacks, piers and dock walls).
- (d) *Offsets.* No building shall hereafter be erected, structurally altered, reconstructed, or relocated so that any roofed or enclosed portion thereof is closer to any lot line other than a street right-of-way line than the offset distance specified by the regulations for the district in which it is located, except as follows:
1. Where a lot abuts a district boundary line, the offset from such line in the district of less restrictive use shall not be less than that required for the district of more restrictive use.
  2. Two or more buildings on adjoining lots may be erected with common or directly adjoining walls provided the requirements of the state industrial ordinance relative to such construction are complied with and provided that the buildings are in compliance with the applicable offset requirements for the exposed facades of such attached buildings.
  3. The required offset may be reduced on one side of a building provided the offset on the other side is increased by an equivalent amount and provided the owners of any property adjoining the area of reduced offset shall file with the village a copy of a recorded deed restriction stipulating that no building shall be erected on said property so as to reduce the combined offset in such case to a distance less than that resulting from the normal application of the minimum offset requirements to both properties, except as permitted under paragraph 2. above.
- (e) *Distance between buildings.* The proximity of any building to any other building on the same lot is regulated as follows:
1. *Principal buildings.* More than one principal building on a lot may be permitted only in situations as provided under subsection ~~18-20(b)~~ 18-21(b). The distance between such buildings is, therefore, a matter to be determined as part of such approval process subject to the following specific criteria:
    - a. Consideration shall be given to the physical degree of proximity involved resulting from the height and horizontal length of the building walls in such proximity.







- b. Consideration shall be given to the fenestration of the walls in proximity to one another and the resulting impact upon light, air, privacy, and view.
  - c. Consideration shall be given to the overall environmental effect within the subject property and upon the surrounding neighborhood resulting from the proposed building proximity.
  - 2. *Accessory buildings.* No accessory building shall be located so that any roofed or enclosed portion is closer than ten feet to any other building.
  - (f) *Building size.*
    - 1. *Minimum required.* Any building intended in whole or part for residential purposes shall provide a minimum floor area for residential use as hereinafter specified by the regulations for the district in which such building is located. Such minimums are stated in terms of the minimum total floor area required for a building and that portion of the total which must be provided on the first floor level. Such minimum shall be increased by 200 square feet for any building not having a basement of at least 300 square feet in area.
    - 2. *Maximum lot area coverage.* The maximum total area of a lot to be covered by impervious surface shall not exceed that limit permitted under the maximum lot area coverage percentage as hereinafter specified by the regulations for the district in which such building is located.
- (Ord. of 2-7-2000, § 18.0304)

**Section II.** 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 2<sup>nd</sup> day of October, 2006.

Village Board of the Village of Fontana-on-Geneva Lake

By:   
Thomas W. Whowell, President

Attest:   
Dennis L. Martin, Clerk

