

ORDINANCE NO. 10-07-13-02

An Ordinance Amending Ordinance Sections 18-110(d)(3), 18-110(d)(6)e., and 18-92 of the Municipal Code of the Village of Fontana-on-Geneva Lake.

WHEREAS, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana-on-Geneva Lake Municipal Code so as to allow, subject to appropriate conditions, the limited expansion of substandard structures so as permit the construction of a sunshade in support of permitted commercial uses.

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

SECTION 1.

Recitals Incorporated. The Recitals set forth above are incorporated herein by reference as if set forth at length herein.

SECTION 2.

Section. 18-110(d)(3). Shoreyard Setback. Shall be repealed and recreated to read as follows:

Section. 18-110(d)(3). Shoreyard Setback. All structures except piers, boat hoists, wharves, patios, bridges, dams, walkways, and stairways which are necessary to provide pedestrian access to the shoreline and such other exceptions as may be set forth in this Section 18-110(d) shall be set back 75 feet from the ordinary high water mark of Geneva Lake and 50 feet from the ordinary high water mark of other navigable waters, unless an existing pattern of development exists which is less than the 75 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:

- a. 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.
- b. 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.

- c. 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.

SECTION 3.

Section 18-110(d)(6)e. Shall be repealed and recreated to read as follows:

Section. 18-110(d)(6)e. Canopies (except as allowed herein), roofs, and closed railings/walls on such structures are prohibited; provided, however, that one canopy constructed as an attachment or enlargement to an existing structure shall be permitted in the shoreyard so long as said canopy is constructed in support of a permitted use by right or approved conditional use, is less than 150 square feet in total area, is less than one foot in vertical width at its widest point, is completely removed, including all supporting substructure, between September 15 and the following May 15 and is limited to one such canopy per tax parcel; and

SECTION 4.

Section 18-92(a): Blanket Conforming Status. Is hereby repealed and recreated to read as follows:

Section 18-92(a) Blanket Conforming Status. Blanket conforming status for any and all requirements of this Chapter is hereby granted to any principal or accessory structure lawfully existing upon the effective date of this Chapter. However, after the effective date of this Chapter, such structures may not be enlarged, expanded, or extended without bringing the enlargement, expansion, or extension into compliance with the provisions of this Chapter (see also subsection (d), below) or unless permitted as a shoreyard commercial canopy within the meaning of Section 18-110(d)(6)e. or unless a variance is granted by the Zoning Board of Appeals under Section 18-253.

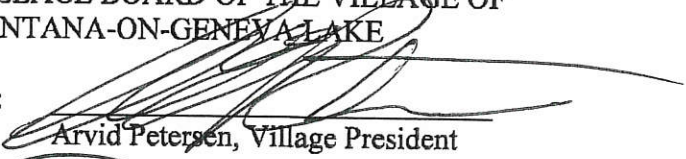
SECTION 5.

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

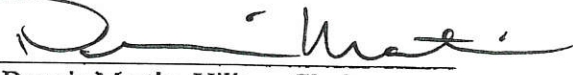
PASSED AND ADOPTED by the Village Board of the Village of Fontana this 7th day
of ~~August~~, 2013.
October,

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

By:


Arvid Petersen, Village President

Attest:


Dennis Martin, Village Clerk

