

ORDINANCE NO. 10-24-05-01

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

WHEREAS, Par Development, Inc. (the “Petitioner”) has petitioned the Village Board of the Village of Fontana-on-Geneva Lake to amend the Village Zoning Ordinance (and accompanying zoning map) with regard to the property described more specifically in Addendum “A”, which said Addendum “A” is attached hereto and incorporated herein by reference as if set forth at length herein (the “Property”); and

WHEREAS, the Petition filed by the Petitioner was filed on behalf of the owner of the property, which said owner has signed this Ordinance so as to give their consent to both petition and the terms of this Ordinance; and

WHEREAS, the Petitioner has requested a rezone of the Property from the current underlying zoning district(s) to PD, Planned Development District, pursuant to Section 18.0514 of the Village Code of the Village of Fontana-on-Geneva Lake; and

WHEREAS, said petition was referred to the Plan Commission for the Village of Fontana-on-Geneva Lake for a public hearing and recommendation as required by the Village Municipal Code and by Section 62.23 Wis. Stats.; and

WHEREAS, the Plan Commission, after due notice, did conduct a public hearing on the proposed amendment to the zoning ordinance (and accompanying zoning map) and did make a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; and

WHEREAS, the Petitioner has submitted a General Development Plan (but not a Precise Implementation Plan) a summary of which is set forth on Addendum “B”, which said Addendum “B” is attached hereto and incorporated herein by reference as if set forth at length herein, in conformity with the procedures of the Village of Fontana-on-Geneva Lake, which said General Development Plan is 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 Plan Commission and the submittals made by the Petitioner and the General Development Plan, 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 1. 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. That the General Development Plan is consistent with the spirit and intent of 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 Development Plan reflects proper consideration of the natural features of the Property, with particular concern for preservation of open space and careful grading to ensure proper drainage and conservation of natural features.
- C. That the general character of the General Development Plan produces an attractive environment appropriate to the intensity of the residential use proposed and which is compatible with existing developments in the surrounding area, and with general community development plans and policies.
- D. That the General Development Plan provides for appropriate municipal services or their equivalent in private services.
- E. That the General Development Plan includes design standards which adequately provide for practical operation and maintenance of vehicle and pedestrian circulation, parking, emergency services, delivery services, and snow plowing.
- F. That the General Development Plan serves to adequately preserve and protect existing natural environmental or ecological resources.
- G. That the residential use permitted pursuant to this Ordinance is determined to be appropriate to the location and environmental character of the Property.

SECTION 2.

The Zoning Ordinance (and accompanying zoning map) of the Village of Fontana-on-Geneva Lake is hereby amended in the following respects:

With regard to the lands described in Addendum “A”, attached hereto and incorporated

herein by reference, said Village Zoning Ordinance (and accompanying zoning map) is hereby amended from its underlying district(s) to the PD, Planned Development District, pursuant to Section 18.0514 of the municipal code of the Village of Fontana-on-Geneva Lake.

SECTION 3. USE REGULATIONS

1. Compliance With The General Development Plan. The use of the Property shall be subject to and in compliance with, the General Development Plan (“GDP”) on file with the Village and incorporated herein by reference as if set forth at length herein and those additional regulations set forth in this Ordinance. A summary of said GDP components is set forth on Addendum “B”, attached hereto and incorporated herein by reference. To the extent the GDP is inconsistent with the terms of this Ordinance, this Ordinance shall control.

2. Permitted Uses by Right

A. Single-family dwellings or two family dwellings as set forth in the GDP.

3. Permitted Accessory Uses

A. Private garages as set forth in the GDP.

B. Any other use normally accessory to a permitted use.

4. General Size, Shape and Arrangement of Lots/Units

The general size, shape and arrangement of lots/units shall be as set forth more specifically in the GDP.

5. Approved Residential Density

As set forth more specifically in the GDP, the approved residential density for this project shall be 66 residential units in the locations and in the arrangement set forth more specifically in the GDP.

6. That a future PIP shall include review of landscaping along State Highway 67, not withstanding the landscaping component of the GDP.

7. That Building 21 shall be a one-story building, notwithstanding anything set forth to the contrary in the GDP or in a subsequent PIP or set forth elsewhere in this ordinance.

SECTION 4. ADDITIONAL ZONING REQUIREMENTS.

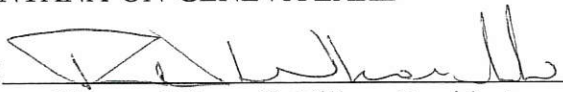
All terms and conditions of the Village of Fontana municipal code and the Village of Fontana zoning code and subdivision code not inconsistent herewith are incorporated herein by reference as if set forth at length herein, including future amendments thereto.


SECTION 5. 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-Lake Geneva, Walworth County, Wisconsin, this 24th day of October, 2005.


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

By: 
Thomas Whowell, Village President

Attest: 
Dennis Martin, Village Clerk

“The undersigned do hereby consent to the terms of the Petition and this Ordinance as required by Section 62.23(7)(b) Wis. Stats. and by the Fontana Municipal Code.”

PAR DEVELOPMENT, INC.

By: 

Attest: 

ADDENDUM "A"

LEGAL DESCRIPTION:

PROPOSED PARCEL "B"

BEING PART OF OUTLOT 13 THRU 15 OF ASSESSOR'S PLAT #1 TO C.L. ADDITION TO THE VILLAGE OF FONTANA, WALWORTH COUNTY, WISCONSIN. BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE NE CORNER OF THE NE $\frac{1}{4}$ SECTION 15, TOWN 1 NORTH, RANGE 16 EAST; THENCE S09°46'50"E, A DISTANCE OF 202.54' TO THE POINT OF BEGINNING; THENCE N89°21'10"E, A DISTANCE OF 459.00' TO A POINT ON A CURVE, SAID POINT BEING ON THE WESTERLY RIGHT OF WAY LINE OF S.T.H. "67"; THENCE ALONG SAID CURVE TO THE RIGHT 342.35' SAID CURVE HAVING A RADIUS OF 845.00' A CHORD THAT BEARS S22°37'49"W FOR A LENGTH OF 340.01' TO A POINT; THENCE S55°46'07"E, A DISTANCE OF 45.00' TO A POINT; THENCE S34°13'53"W, A DISTANCE OF 503.90' TO A POINT; THENCE S89°11'38"W, A DISTANCE OF 87.37' TO A POINT; THENCE S88°24'50"W, A DISTANCE OF 64.77' TO A POINT; THENCE S01°49'02"E, A DISTANCE OF 26.09' TO A POINT; THENCE S81°48'07"W, A DISTANCE OF 44.00' TO A POINT; THENCE N02°06'01"W, A DISTANCE OF 33.00' TO A POINT; THENCE S81°57'26"W, A DISTANCE OF 850.96' TO A POINT; THENCE N01°44'33"W, A DISTANCE OF 52.71' TO A POINT; THENCE S81°53'32"W, A DISTANCE OF 201.00' TO A POINT; THENCE S01°37'48"E, A DISTANCE OF 225.09' TO A POINT; THENCE S81°53'32"W, A DISTANCE OF 24.00' TO A POINT; THENCE N01°37'48"W, A DISTANCE OF 862.05' TO A POINT; THENCE N77°11'32"E, A DISTANCE OF 250.39' TO A POINT; THENCE N87°49'55"E, A DISTANCE OF 590.34' TO A POINT; THENCE N58°59'29"E, A DISTANCE OF 192.53' TO A POINT; THENCE N79°25'44"E, A DISTANCE OF 203.58' TO THE POINT OF BEGINNING. SAID PARCEL CONTAINS 24.14 ACRES MORE OR LESS.

ADDENDUM "B"

GENERAL DEVELOPMENT PLAN ("GDP")

Project Known As: "The Cliffs of Fontana"

Submitted By: Par Development, Inc.

Dated: September 16, 2005

COMPONENTS OF GDP

- 1) Proposed Condominium Plat dated September 15, 2005, as prepared by RSV Engineering, Inc. as project number 040208.
- 2) General Landscape Plan, including:
 - a. Two page landscape plan as prepared by "Williams Design Group" as project number 1705, dated 09/15/05.
- 3) Outline of covenants, including:
 - a. Proposed Declaration of Condominium for "The Cliffs of Fontana Condominium" dated 09/01/05.
- 4) Proposed Grading Plan (two pages) dated 07/25/05 as prepared by RSV Engineering, Inc. as project no. 04208.
- 5) Proposed Site Improvement Plan (11 pages) dated 07/25/05 as prepared by RSV Engineering, Inc. as project no. 04208.