

**Ordinance No. 12-06-05-03**

**An Ordinance Amending Ordinance No. 12-15-04-1  
Related to the Planned Development Zoning  
in Place for the Abbey Springs Development.**

**WHEREAS**, the Village Board did previously adopt Ordinance No. 12-15-04-01, which said ordinance is incorporated herein by reference as if set forth at length herein, whereby the entirety of the therein described Abbey Springs Resort/Commercial Development (the “Subject Property”) was converted to Planned Development Zoning; and

**WHEREAS**, subsequently, Abbey Springs, Inc. (the “Petitioner”) did petition the Village (the “Petition”) for an amendment to the Ordinance No. 12-15-04-01 and the General Development Plan and the Precise Implementation Plan (together the “Development Plan”) approved by said Ordinance whereby the residential portions of the Subject Property shall continue to be governed by the building location regulations for the zoning districts which regulated specified portions of the Subject Property prior to the adoption of Ordinance 12-15-04-01; 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 Code and by §62.23 Wis. Stats.; and

**WHEREAS**, the Plan Commission, after due notice, did conduct a public hearing on the proposed amendment described herein and did make a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; and

**WHEREAS**, the Village Board for 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, does 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.**

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

**SECTION 2.**

That the provision of Ordinance No. 12-15-04-1 at Section 3.B.(1)(c)(i). Building Location and Height, shall be deleted in its entirety and recreated to read as follows:

- a. That portion of the Subject Property previously in the RS-1 Zoning District shall be regulated by the building location and height regulation set forth for said district according to the text of the Village Zoning Ordinance in place as of 12-15-04.

- b. That portion of the Subject Property previously in the RSA-1 Zoning District shall be regulated by the building location and height regulation set forth for said district according to the text of the Village Zoning Ordinance in place as of 12-15-04.
- c. That portion of the Subject Property previously in the RS-3 Zoning District shall be regulated by the building location and height regulation set forth for said district according to the text of the Village Zoning Ordinance in place as of 12-15-04.
- d. That portion of the Subject Property previously subject to planned development building location and height regulations as set forth in the planned development ordinance for the Subject Property which existed prior to 12-15-04 shall continue to be regulated by said building location and height regulations.

**SECTION 3.**

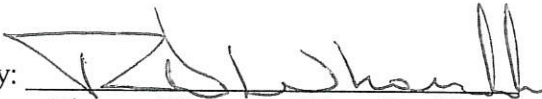
All other terms and conditions of Ordinance No. 12-15-04-01 not inconsistent herewith shall remain in full force and effect. To the extent this Ordinance conflicts with the terms of Ordinance No. 12-15-04-01, this Ordinance shall control.


**SECTION 4.**

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-Geneva Lake this 6<sup>th</sup> day of December, 2005.

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

By:   
Thomas Whowell, Village President

Attest:   
Dennis L. Martin, Village Clerk

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

ABBHEY SPRINGS, INC.

By:   
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Attest:   
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