

ORDINANCE NO. 11-20-06-02

**An Ordinance Amending Ordinance No. 12-15-04-01 and
Ordinance No. 12-06-05-03 Related to the Planned Development Zoning
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, the Village Board did thereafter adopt Ordinance No. 12-06-05-03, which said Ordinance is incorporated herein by reference as if set forth at length herein, whereby an amendment was made to certain of the residential area restrictions set forth in Ordinance No. 12-15-04-01; and

WHEREAS, subsequently, Abbey Springs, Inc. (the “Petitioner”) did again petition (the “Petition”) the Village of Fontana-on-Geneva Lake for an amendment to the existing ordinances controlling the Planned Development Zoning for the Subject Property (Ordinance Nos. 12-15-04-01 and 12-06-05-03) and an amendment to the Precise Implementation Plan (“PIP”) portion of the Development Plan, which said term is defined by Ordinance No. 12-15-04-01, it being the intent of Petitioner to bring about renovations to the existing yacht club, boat house and guard houses located on the Subject Property; and

WHEREAS, the Petition was referred to the Plan Commission for the Village of Fontana-on-Geneva Lake for recommendation as a proposed amendment to the Precise Implementation Plan component of the Development Plan as required by the Village Code and by §62.23 Wis. Stats.; and

WHEREAS, the Plan Commission 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 Precise Implementation Plan portion of the Development Plan for the Subject Property shall be amended to include those documents outlined more specifically in Exhibit “A”, attached hereto and incorporated herein by reference. To the extent the Exhibit “A” documents are inconsistent with the existing Development Plan, the Exhibit “A” documents shall control.

SECTION 3.

Ordinance 12-15-04-01, as previously amended by Ordinance 12-06-05-03, shall be further amended at Section 3. B.(2)(b) by the addition of subsection vi. to read as follows:

- vi. Guard House Facilities, which said use may be undertaken in those areas depicted more specifically in the Development Plan.

SECTION 4.

Ordinance 12-15-04-01, as previously amended by Ordinance 12-06-05-03, shall be further amended at Section 3. B.(2)(c) by the addition of subsection vi. to read as follows:

- vi. For the Guard House Facilities permitted by Section 3.B.(2)(b)vi. herein, the building area, lot area, lot width, and other requirements with regard to locating said use shall be as set forth in the Development Plan.

SECTION 5.

Ordinance 12-15-04-01, as previously amended by Ordinance 12-06-05-03, shall be further amended at Section 3.B.(2)(b) by the addition of subsection vii. to read as follows:

- vii. Limited Food Service at Boat House, which said use may be undertaken only within the “Yacht Club Parcel” on the Map of Non-Residential Use Areas in and around the “Boat House” structure in the areas so designated in the Development Plan. However, said use of the Boat House area for food service shall be limited to warming of pre-prepared foods at the Boat House and shall not include food preparation or food cooking at said Boat House.

SECTION 6.

Ordinance 12-15-04-01, as previously amended by Ordinance 12-06-05-03, shall be further amended at Section 6. by the addition of subsection D. to read as follows:

- D. Natural Resource Conservation Ordinance. The Property shall at all times be used and maintained in compliance with the Village’s then current Natural

Resource Conservation Ordinance.

SECTION 7.

All other terms and conditions of Ordinance No. 12-15-04-01 and Ordinance No. 12-06-05-03 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 or Ordinance No. 12-06-05-03, this Ordinance shall control.

SECTION 8.

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 20th day of November, 2006.

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 this Ordinance as required by Section 62.23(7)(b) Wis. Stats. and by the Fontana Municipal Code.”

ABBHEY SPRINGS, INC.

By:

Attest:

EXHIBIT "A"

1. Correspondence from McCormack & Etten/Architects, LLP, signed by Ronald H. McCormack, 3 pages, dated October 16, 2006 and stamped received by the Village October 16, 2006 and entitled "Abbey Springs application for Revision to the General Development Plan and application for a Precise Implementation Plan for certain portions of the GDP".
2. Plat of survey prepared by Farris, Hansen & Associates, Inc. dated June 15, 1998 as Project No. 1915.TIT, 1 page in length, and bearing an unsigned certification dated July 30, 1998 and entitled "Abbey Springs Plat of Survey".
3. Drawings and renderings prepared by McCormack & Etten/Architects, LLP and comprised of the following pages:

AS-111	Yacht Club Site Plan
A-111	Yacht Club Lower Floor Plan
A-112	Yacht Club Upper Floor Plan
AR-111	Yacht Club Rendered Elevation
L-111	Yacht Club Entrance Landscape Plan
AS-121	Boathouse Site Plan
A-121	Boathouse Lower Floor Plan
A-122	Boathouse Upper Floor Plan
AR-121	Boathouse Photo Elevation
L-121	Boathouse Landscape Plan
AS-131	CH Guard House Site Plan
A-131	CH Guard House Composite
L-131	CH Guard House Landscape Plan
AS-141	YC Guard House Site Plan
A-141	YC Guard House Composite
L-141	YC Guard House Landscape Plan