ORDINANCE NO. 09-04-18-01

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

WHEREAS, Wallace and Kathleen Perkins (together, the "Petitioners") have petitioned the Village Board of the Village of Fontana-on-Geneva Lake (the "Petition") 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 Petitioners have requested in their Petition a rezone of the Property from the current underlying zoning district(s) to the PD, Planned Development District, pursuant to Sections 18-43 and 18-247 of the Fontana Municipal Code; 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 Fontana 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 required findings and a favorable recommendation to the Village Board for the Village of Fontana-on-Geneva Lake; and

WHEREAS, the Petitioners have, in their Petition, submitted a General Development 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 substantial conformity with the procedures set forth in the Fontana Municipal Code. 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 findings and recommendation of the Plan Commission and the submittals made by the Petitioner and the General Development Plan, do make the findings and 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.

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 and approval of the General Development Plan:

A. The proposed planned development project on the Property is consistent with the overall purpose and intent of the Fontana Municipal Code, including the Fontana Zoning Ordinances.

B. The proposed planned development project on the Property is consistent with Fontana's Comprehensive Plan.

C. The proposed planned development project on the Property would maintain the desired relationships between land uses, land use densities and intensities, and land use impacts in the environs of the Property.

D. Adequate public infrastructure is or will be available to accommodate the range of uses being proposed for the planned development project on the Property, including but not limited to public sewer and public water and public roads.

E. The proposed planned development project on the Property will incorporate appropriate and adequate buffers and transitions between areas of difference land uses and development densities/intensities.

F. The proposed planned development project on the Property design does not detract from areas of natural beauty surrounding the Property.

G. The proposed architecture and character of the proposed planned development project on the Property is compatible with adjacent/nearby development.

H. The proposed planned development project on the Property will positively contribute to the physical appearance and functional arrangement of development in the area surrounding the Property.

I. The proposed planned development project on the Property will produce significant benefits in terms of environmental design and significant alternative approaches to addressing development performance that relate to and more than compensate for any requested exemption or variation of any normal standard of the Fontana Municipal Code and as set forth in the Village Center (VC) Zoning District.

J. The Petitioner has provided a clear timeline for development and can demonstrate that the project would be successful even if all phases, if more than one, were not or could not be completed.

K. The Petitioner has substantially complied with the submitted requirements of the Fontana Municipal Code, including Sections 18-43 and 18-247, and that an adequate basis exists for the Plan Commission to waive any filing requirements not

included in Petitioner's Petition, as supplemented, pursuant to Section 18-247(3)a.8. and Section 18-247(4)b. of the Fontana Municipal Code. Said Plan Commission waiver pursuant to Section 18-247(3)a.8. and Section 18-247(4)b. of the Fontana Municipal Code is hereby approved and ratified by the Village Board.

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 18-43 and 18-247 of the Fontana Municipal Code.

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. Said GDP is hereby approved. 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
   A. All Principal Land Uses by Right as set forth in the Village Center (VC) District at Section 18-38(b) of the Fontana Municipal Code.
   B. Tourist Rooming House uses in the residential units depicted in the GDP, subject to all the requirements and processes of the Fontana Municipal Code.
   C. Vacation House Rental uses in the residential units depicted in the GDP, subject to all the requirements and processes of the Fontana Municipal Code.

3. Permitted Accessory Uses
   Accessory uses by right are set forth in the Village Center (VC) District at Section 18-38(d) of the Fontana Municipal Code.

4. General Size, Shape and Arrangement
   The general size, shape and arrangement of the commercial and residential units shall be as set forth more specifically in the GDP and a subsequently approved Precise Implementation Plan. The building and structure location and setbacks and size shall be as set forth in the GDP and a subsequently approved Precise Implementation Plan.

5. Approved Residential Density
As set forth more specifically in the GDP, the approved residential density for this project shall be five (5) residential units in the locations and in the arrangement set forth more specifically in the GDP.

6. Landscape Surface Ratio
That the landscape surface ratio shall be as set forth in the GDP.

7. Parking
Parking shall be constructed and maintained as depicted and pursuant to the GDP, with one parking stall at all times committed and assigned to each of the five residential units.

8. Phases of Development
The project shall be built in a single phase.

9. Signage
Signage requirements shall be separately regulated and approved pursuant to the Fontana sign ordinance requirements in the Fontana Municipal Code for the Village Center (VC) District.

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.

That non-substantive deviations from the details set forth in the GDP or PIP for the Property, herein defined, and as previously approved, may be reviewed and approved by the Village of Fontana, acting through the Village Administrator, without the need for additional review of said non-substantive changes by the Village Plan Commission or the Village Board.

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 4 day of Sept., 2018.

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

By: _____
Patrick Kenny, Village President

Attest: _____
Theresa Loomer, Village Clerk

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

_____
Wallace Perkins

_____
Kathleen Perkins

PASSED AND ADOPTED by the Village Board of the Village of Fontana-on-Lake Geneva, Walworth County, Wisconsin, this _____ day of _____, 2018.

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

By:_____
Patrick Kenny, Village President

Attest:_____
Theresa Loomer, Village Clerk

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

_____
Wallace Perkins

_____
Kathleen Perkins

ADDENDUM "A"
Legal Description

Lots 14 and 15 in Block 9 of the Plat of Fontana, sometimes knows as the Original Plat of the Village of Fontana, Walworth County, Wisconsin, less a strip ten feet wide off South end for Highway.

Said parcel also having been previously described as:

Lots Fourteen (14) and Fifteen (15) in Block Nine (9) less a strip ten feet wide off South end for highway, in Fontana, Wisconsin, a plat of which subdivision is part of Section 14, Township 1 North, Range 16 East of 4th P.M. is recorded in the office of the Register of Deeds for Walworth County, Wisconsin in Vol. 5 of Plats on page 94.

ADDENDUM "B"

GENERAL DEVELOPMENT PLAN ("GDP")

Project Known As: "Fontana 158"

Submitted By: Wallace and Kathleen Perkins

Petition Dated Received: August 10, 2018, supplemented August 24, 2018

COMPONENTS OF GDP

1. Updated Application dated received August 10, 2018 (35 pages) and supplemented on August 24, 2018 (1 page) for a single phase Planned Development, comprised of:

    a. Application form (3 pages)
    b. Exhibit "A" to Application (3 pages)
    c. Project Plan entitled "Fontana 158" by Lake Geneva Architects dated 8/8/18 and "Perkins Site" by Cardinal Engineering dated 7/30/18 (together, 14 pages), and together marked as Exhibit "B" to Application
    d. Substitute page (undated) depicting revised and substituted front entrance sidewalk and received 8/24/18 in email from John Melby (1 page)
    e. Exhibit "C" to Application (14 pages)

2. Two page building elevation (undated)