

Ordinance No. 09-02-08-00

An Ordinance Amending Sections 18-17, 18-27(b)(4) and 18-80(c)(10) of the Village of Fontana on Geneva Lake Municipal Code Regarding accessory living quarters.

The Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do hereby ordain as follows:

Section I. Section 18-17 of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby amended as follows:

Sec. 18-17. Specific words and phrases.

When used in this chapter, the following words and phrases shall have the specific meaning as hereinafter defined:

Accessory living quarters means a residential accommodation accessory to the principal residence located within the primary structure or within an accessory building. Accessory living quarters must be incidental and subordinate in size, impact and purpose to the principal dwelling, and may be no more than 50% of the square footage of the principal residential structure or 1,500 square feet, whichever is smaller in size.

~~Guest house means a residential accommodation accessory to the principal residence and intended solely for the accommodation of guests, and not for lease or rent.~~

Section II. Section 18-27(b)(4) of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby amended as follows:

Sec. 18-27. Accessory uses and structures.

(b) Permanent accessory structures.

(1) Any permanent roofed structure serving an accessory use, if structurally attached to the principal building, shall be considered as part of such principal building for all regulatory purposes.

(2) Any permanent accessory structure classified as a building or structure shall conform to the building location and height requirements of the district in which it is located except as may be otherwise provided.

(3) Garages, sheds, storage units and other like-use accessory structures in a residence district or on a lot where the principal use is residential shall conform to the following in addition to the above stated requirements:

a. The total of all detached garages, sheds, storage units and other like-use accessory structures shall not exceed a combined total floor area greater than 60 percent of the floor area of the principal building on the lot.

b. The total number of structures shall be limited to one detached garage and one other like-use accessory structure in addition to the principal structure. In districts where multiple family dwellings are allowed, the number of detached garages plus other like-use accessory structures may not exceed the number of buildings on the lot.

(4) Accessory Living Quarters (ALQs) when allowed in a residential zoning district must be incidental and subordinate in size, impact and purpose to the principal dwelling, and shall conform to the following in addition to the above stated requirements:

a. Only one (1) ALQ shall be allowed on any one site, when allowed by that zoning district.

- b. Accessory Living Quarters shall be no more than 50 percent of the square footage of the principal residential structure or 1,500 square feet, whichever is smaller in size.
- c. May be located within a principal structure, provided that all other zoning requirements are met (i.e., setbacks, offsets, building height, impervious surface area, parking, etc.) May be located within an existing nonconforming principal structure provided the nonconformity is not enlarged to accommodate it. Residential Density Factors do not need to be met if located in a principal structure.
- d. May be located in an existing conforming accessory structure, so long as accessory use is still present, such as a garage or storage, and provided Residential Density Factors have been met. Shall not be located in a nonconforming accessory structure.
- e. Shall not be considered an additional principal structure on a lot.
- f. Shall not be located in a boat house or in a structure less than 50 feet from the ordinary high water mark.
- g. ALQs shall not be sold separately from the remainder of property.
- h. The presence of an ALQ shall not prohibit the application of more than one principal structure on a lot. (All procedures and requirements of applying for and allowing more than one principal structure on a lot shall be followed.)

Section III. Section 18-80(c)(10) of the municipal code for the Village of Fontana on Geneva Lake Municipal Code is hereby amended as follows:

Sec. 18-80. RS-1 Single-Family Residential District.

This district is intended to preserve and provide for low-density, estate-type or lakefront neighborhoods.

(c) *Permitted uses by conditional grant (conditional uses).*

1. Private commercial and private noncommercial group outdoor recreational facilities.
2. More than one principal building on a lot, provided that the buildings comply with the density regulations set forth in section 18-79.
3. Buildings closer than 50 feet to the ordinary high water line of a pond or natural surface water drainage channel or watercourse.
4. Buildings with less than the required minimum floor area.
5. Accessory buildings not meeting the building location, height, or open area requirements of the district.
6. Solar collectors.
7. Reduced parking area requirements.
8. Public facilities for organized athletics, field houses, natatoriums, swimming pools, and similar major recreational facilities.
9. Golf courses.
- ~~10. Quarters for household employees or caretakers, provided that such quarters shall be occupied only by individuals employed full time on the premises and their families, and provided that the quarters comply with the density regulations set forth in section 18-79.~~ Accessory living quarters, provided that such quarters comply with the regulations set forth in section 18-27(b)(4).
11. Clear cutting of parcel in accordance with section 18-28 of the Municipal Code of the Village of Fontana-on-Geneva Lake.

Section IV. 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 Trustees of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, this 2nd day of September, 2008.

By: _____
Ron Pollitt, President

Attest: _____
Dennis Martin, Clerk