

**ORDINANCE NO. 09-07-09-00**

**An Ordinance Amending Sections 18-102 (f)(2), 18-102 (ff)(d) & (e), and 18-102 (hh)(3)(c) Regarding the Floodplain Zoning Ordinance of the Municipal Code for the Village of Fontana-on-Geneva Lake.**

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

**SECTION I.**

Section 18-102 (f)(2) of the municipal code of the Village of Fontana-on-Geneva Lake is hereby amended as follows:

2. Official Maps and Revisions.

The boundaries of all floodplain districts are designated as floodplains or A-Zones on the maps listed below and the revisions in the Village of Fontana-on-Geneva Lake Floodplain Appendix. Any change to the base flood elevations (BFE) in the Flood Insurance Study (FIS) or on the Flood Insurance Rate Map (FIRM) must be reviewed and approved by the DNR and FEMA before it is effective. No changes to regional flood elevations (RFE's) on non-FEMA maps shall be effective until approved by the DNR. These maps and revisions are on file in the office of the Zoning Administrator, Village of Fontana-on-Geneva Lake. If more than one map or revision is referenced, the most current approved restrictive information shall apply.

Official Maps. Based on the FIS:<http://store.msc.fema.gov>

~~a. Flood Insurance Rate Map (FIRM), (panel number 5505920001A.DI), dated December 23, 1977; with corresponding profiles that are based on the Flood Insurance Study (FIS) dated December 23, 1977, applicable only to the Lake Geneva shoreline of the Village of Fontana-on-Geneva Lake;~~

~~b. a. Flood Hazard Boundary Map (FHBM), (panel number 5505920001A), dated December 23, 1977;~~

~~e. b. Floodplain map for Potawatomi and Van Slyke Creeks prepared by Montgomery Associates dated October 12, 2006, approved by the DNR and FEMA.~~

~~Official Maps. Based on other studies~~

~~a. (100 Year Dam Failure) Floodplain Map, dated March 4, 1993, prepared by ABC Engineering, Inc., approved by the DNR and FEMA.~~

~~b. (Silver Creek) Floodplain Map, dated August 10, 1993, prepared by ABC Engineering, Inc., approved by the DNR and FEMA.~~

~~c. Floodplain Study Appendix: All DNR and FEMA approved floodplain maps, flood profiles, floodway data tables, regional or base flood elevations and other information located in the appendix of this ordinance. The community shall provide the most up to date appendix to the DNR and FEMA regional offices.~~

**SECTION II.**

Sections 18-102 (ff)(d) and (e) of the municipal code of the Village of Fontana-on-Geneva Lake are hereby amended as follows:

d. No modification or addition to any nonconforming structure or any structure with a nonconforming use, which over the life of the structure would equal or exceed 50% of its present equalized assessed value, shall be allowed unless the entire structure is permanently changed to a conforming structure with a conforming use in compliance with the applicable requirements of this ordinance. Contiguous dry land access must be provided for residential and commercial uses in compliance with Sec. 18-102(t), herein. The costs of elevating a nonconforming building or a building with a nonconforming use to the flood protection elevation are excluded from the 50% provisions of this paragraph;

e. 1. Except as provided in subd. 2., if any nonconforming structure or any structure with a nonconforming use is destroyed or is substantially damaged, it cannot be replaced, reconstructed or rebuilt unless the use and the structure meet the current ordinance requirements. A structure is considered substantially damaged if the total cost to restore the structure to its pre-damaged condition equals or exceeds 50% of the structure's present equalized assessed value.

**SECTION III.**

Section 18-102 (hh)(3)(c) of the municipal code of the Village of Fontana-on-Geneva Lake is hereby amended as follows:

c. In combination with other previous modifications or additions to the building, does not equal or exceed 50% of the present equalized assessed value of the building.

**SECTION IV.**

**Effective Date:** 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 on Geneva Lake, Walworth County, WI this 7<sup>th</sup> day of September, 2009.

Village of Fontana on Geneva Lake

By: \_\_\_\_\_  
Arvid Petersen, President

Attest: \_\_\_\_\_  
Dennis L. Martin, Clerk