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**VILLAGE OF FONTANA-ON-GENEVA LAKE,  
WISCONSIN**

**CHAPTER 17: LAND DIVISION REGULATIONS**

**DRAFT 1: JUNE 1, 2011**

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# VILLAGE OF FONTANA LAND DIVISION REGULATIONS

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## Section 17-1: Title

This ordinance shall be known as Land Division Regulations, Village of Fontana-on-Geneva Lake, Wisconsin.

## Section 17-2: Jurisdiction

The jurisdiction of this Chapter includes all territory located within the corporate limits of the Village of Fontana-on-Geneva Lake, hereinafter referred to as the “Village” or “Village of Fontana,” and all territory within the Village of Fontana’s extraterritorial plat approval jurisdiction.

## Section 17-3: Intent and Purpose

This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Fontana-on-Geneva Lake in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of buildings placed upon the land by: furthering the orderly layout and use of land; insuring proper legal description and proper monumenting of land; preventing overcrowding of land and avoiding undue concentration of population; lessening congestion in the streets and highways; securing safety from fire, flooding, water pollution and other hazards; providing adequate light and air; facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, stormwater drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements; facilitating further re-subdivision of larger parcels into smaller parcels of land; insuring enforcement of the development concepts, policies and standards delineated in the Comprehensive Plan and related components, Downtown Master Plan, Park and Open Space Plan, the Official Map, the Zoning Code, ~~and erosion control~~ the Stormwater Management Ordinance, and the Building Code of the Village of Fontana-on-Geneva Lake.

## Section 17-4: General Requirements

- (1) Conformance with Policies. It is the intent of the Village that land be developed in harmony with the following policies agreed to in the Comprehensive Plan, Downtown Master Plan, Park and Open Space Plan, Official Map, and other plans adopted by the Village of Fontana.
  - (a) To create a visually attractive and distinctive community;
  - (b) To achieve a rational and orderly Village development pattern that fosters the community's planned residential character;
  - (c) To achieve a mix of commercial development that meets the needs of Village residents and visitors to the community while being compatible with the planned residential character of the Village;
  - (d) To preserve and enhance the community’s environmental resource base;
  - (e) To develop a Village street system that facilitates safe, convenient, and efficient traffic flow that is compatible with the planned residential character of the Village;
  - (f) To provide park and recreational facilities that are accessible to all Village residents and visitors;
  - (g) To establish a pedestrian and bikeway trail system through the Village.

- (2) Land Suitability. No land shall be divided or subdivided for a use which is held unsuitable by the Plan Commission for reason of flooding or potential flooding, soil limitations, inadequate drainage, steep topography, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety, or welfare of the future residents or users of the area, or harmful to the community, as determined by the Plan Commission or Village Board.
- (a) Except as provided herein, the Plan Commission shall determine land suitability prior to the time the preliminary plat or certified survey map is considered for approval, following review and recommendations by the appropriate Village commissions and committees. The Plan Commission may impose special conditions on the plat or certified survey map deemed necessary to protect the health, safety or welfare of future residents of the area. Those areas found to be environmentally sensitive shall be considered for preservation as open space. The determination of land suitability will be evaluated through the environmental assessment procedures [Subsection 17-~~56~~(1)]. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability.
- (b) Should the Plan Commission determine that the land is unsuitable for the intended use or development, it shall state its reasons in writing to the subdivider within 30 days of initial Plan Commission action. The subdivider may present additional evidence to support the proposed subdivision. Upon review of the additional evidence, the Plan Commission shall affirm, modify, or withdraw its determination of unsuitability.
- (c) The subdivider may appeal the determination of unsuitability as provided in Section 17-~~910~~.
- (3) Determination of Adequacy of Public Facilities and Services.
- (a) A certified survey, condominium plat, preliminary plat, or final plat shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services are available to meet the needs of the proposed subdivision.
- (b) The applicant shall furnish any data requested by the Village Engineer who shall transmit this information to appropriate Village commissions, committees and boards for review and shall act as coordinator for their reports to the Plan Commission and the Village Board on the adequacy of water, sanitary and storm sewers, fire rescue, police, parks, open space, recreation facilities, and transportation facilities.
- (c) Public facilities and public services for a proposed subdivision may be found to be adequate when the following conditions exist:
1. The proposed subdivision is located in an urban service area where mainline interceptor sewer service is presently under construction, or designated by the Village Board for extension of sewer service. The Plan Commission and the Village Board shall also consider the recommendations of the Village Engineer and the Public Works Committee on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
  2. The proposed subdivision is located within an urban service area serviced by an arterial transmission water main with adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction. The Plan Commission and the Village Board shall

consider the recommendations of the Village Engineer and the Public Works Committee on line capacities, water sources and storage facilities as well as any other information presented.

3. The Village Engineer and Public Works Committee recommend to the Plan Commission and the Village Board that adequate facilities are available to ensure the proper stormwater management.
  4. The Park Commission recommends that future residents of the proposed subdivision can be assured park, recreation and open space areas, facilities and services that meet the standards of the Park and Open Space Plan.
  5. The appropriate police department, fire district and rescue district verify that timely and adequate service can be provided to the residents.
  6. The proposed subdivision is accessible by existing publicly maintained, all-weather roads adequate to accommodate both existing traffic and traffic to be generated by the proposed subdivision, or necessary additional roads and road improvements are budgeted for construction with public or private financing. The Plan Commission and the Village Board shall consider the recommendations of the regional transportation plans of Walworth County and the Southeast Wisconsin Regional Planning Commission and such factors as level of service, average and peak use, and any other information presented.
  7. Where the Plan Commission and the Village Board determine that one or more public facilities or services is not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
  8. In areas officially deemed appropriate by the Village for development not on the Village's central water and sewer system, the provisions of Subsections (3)(c)1. and (3)(c)2. shall be waived. This exception shall be officially granted by explicitly listing the exception in the development approval resolution of a plat of subdivision, condominium plat, certified survey map, or site plan.
- (3) Lot Sizes. In the case of all subdivisions, including minor subdivisions, lot sizes shall conform to the area and width requirements of the Zoning Ordinance.
- (4) Dedication and Reservation of Land.
- (a) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Comprehensive Plan or Official Map, the subdivider shall plat said public way in the locations and dimensions indicated on said comprehensive plan or official map. The Plan Commission shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
  - (b) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Comprehensive Plan, Park and Open Space Plan, or Official Map, said

- public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Plan Commission in the locations and dimensions indicated on said plans or map in accordance with the requirements of Subsection 17-~~67~~(3)(k).
- (c) Once a certified survey, condominium plat, or preliminary plat is approved, any lands proposed for public use above shall not be altered without the written approval of the Plan Commission, the Park Commission, and Public Works Committee.
- (5) Penalties.
- (a) Failure to comply with the requirements of this ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of §236.31(3), Wis. Stats.
  - (b) Any subdivider or agent of same who violates or fails to comply with these regulations shall be subject to penalties prescribed in the enforcement provisions of the Municipal Code of the Village of Fontana.
  - (c) A building permit shall be refused for any site violation of this ordinance.
- (6) Exceptions. The provisions of this ordinance shall not apply to:
- (a) Transfers of interests in land by will or pursuant to court order;
  - (b) Leases for a term not to exceed 10 years, mortgages or easements;
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by the Zoning Ordinance or other applicable laws or ordinances unless the parcels have been part of a prior land division or subdivision.
  - (d) Where sale or exchange of parcels involves only a change of lot lines within a previous plat or certified survey map, that the land division may be approved by the Zoning Administrator after a staff review to determine conformance with Village of Fontana ordinances.

### Section 17-5. Procedure for Dividing Land

No person, firm, or corporation shall divide any land located within the corporate limits of the Village or within the 1 ½ mile extraterritorial plat approval jurisdiction thereof which shall result in a land division as defined by this Chapter without first filing an application for land division with the Village Clerk for approval by the Village, and subsequently recording said land division with the County Register of Deeds.

In planning and developing a subdivision or minor subdivision within the Village or its 1 ½ mile extraterritorial area, the subdivider or agent shall, in every case, pursue the following course:

- (1) Pre-Application Procedure. Before filing an application for approval of a certified survey map, condominium plat, or preliminary plat, the subdivider shall consult with Village of Fontana administrative staff and shall prepare the following:
  - (a) A preliminary sketch for review and concept approval of the Plan Commission.
  - (b) An environmental assessment checklist, or when required, an expanded environmental assessment report, as required by Subsection 17-~~56~~(1).

- (c) Written requests to the Public Works Committee and to the Plan Commission for any water main and sanitary sewer extensions necessary to serve the proposed plat or certified survey map.
  - (d) A signed statement listing development projects for which the applicant has received Village approval in the last five years and indicating any outstanding performance or financial obligations on such projects that derive from application of Village land use regulations. If this statement is found to contain information that is contrary to fact or to omit the listing of such projects or obligations or to describe obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is cured.
  - (e) On completion of the above documents (a., b., c., d.), a pre-application consultation shall be held with Village administrative staff to assist the subdivider in appraising the objectives of these regulations, the Comprehensive Plan, the Official Map and any pertinent ordinances and to reach conclusions regarding the objectives and general program for the development.
- (2) Development Impact Study. A development impact study shall be submitted in connection with any proposed certified survey map, condominium plat, or preliminary plat. The development impact study shall be in writing, shall address the impacts of the proposal on the Village infrastructure, on municipal services, and on the respective school district, and such topics as listed in Appendix A. The Village recognizes that the size and type of developments will result in differing impacts and mitigation depending on the particular development and its demands. The Plan Commission will adjust the scope of the study accordingly to reflect those specific considerations.
- (a) Generally, the development impact study shall:
    1. Contain such text, charts, tables, and maps as may be required to identify the impacts of the proposal;
    2. Discuss how the impacts may be mitigated; and
    3. Estimate both the public and private costs of mitigation.
  - (b) The development impact study may be submitted prior to or together with the preliminary plat, certified survey map, or condominium plat as the land divider may choose.
- (3) Preliminary Plat Procedure.
- (a) Pre-Application Procedure. Refer to Subsection 17-~~45~~(1).
  - (b) Development Impact Study. Refer to Subsection 17-~~45~~(2).
  - (c) Request for Approval. Prior to submitting a final plat for approval, the subdivider shall prepare a preliminary plat and file a written request for its approval with the Village Clerk. A preliminary plat shall not be submitted prior to approval of the environmental assessment checklist, or when required, the environmental assessment report, as required in Subsection 17-~~65~~(1). The request for approval shall be submitted at least 14 days prior to the date of the meeting of the Plan Commission at which the request is to be considered and shall include all data required by this Section and shall be accompanied by 15 copies of the preliminary plat. The Village Clerk shall forward a copy of the plat to

the Wisconsin Department of Transportation (when Trans 233 review is applicable), Walworth County, applicable school districts, utility companies, and appropriate Village staff, consultants, and committees for review and comment.

(d) Preliminary Plat Finding. The applicant shall include a statement, and the Plan Commission shall state in its minutes, the following findings:

1. The preliminary plat is consistent with this Chapter;
2. The preliminary plat is consistent with the Zoning Ordinance;
3. The preliminary plat is consistent with the Comprehensive Plan; and
4. The preliminary plat is consistent with the Official Map.

(d)(e) Preliminary Plat Information. The preliminary plat shall include the entire area owned or controlled by the subdivider. The Plan Commission may waive this requirement to allow the subdivider to submit a comprehensive development plan (CDP) meeting the requirements of Subsections 17-45(4) and 17-56(4) for that portion of the land which is not to be included in the final plat when the subdivider owns or controls 80 acres or more. The subdivider shall in all cases submit a preliminary plat for the lands to be included in the final plat.

(f) Plan Commission Deadline. The Plan Commission shall, within 90 days from the date submitted, approve, conditionally approve or reject the preliminary plat and when included, the development plan, based on its determination of conformance with the intent and provisions of this Chapter and all related plans and ordinances, and recommendations of appropriate Village committees and commissions. In all cases, the time period within which action is required shall not commence until the Village has received all maps, plans, drawings and related data necessary for plat review as outlined herein. Such time may be extended by a written request from the subdivider, Plan Commission, Village Board or Village President that is executed by the Village President and filed by the Village Clerk. Failure of the Plan Commission to act within such 90 days or extension thereof shall constitute an approval of the preliminary plat and development plan. The reasons for conditional approval or rejection shall be stated in the minutes of the meeting and a letter stating such reasons shall be sent to the applicant. Approval of a preliminary plat shall be valid for six months from the date of the last required approval of the preliminary plat.

(f)(g) Noting of Plan Commission Action. The action of the Plan Commission shall be noted on three copies of the preliminary plat, one copy of which shall be returned to the subdivider with the date and action endorsed thereon.

(g)(h) Statutory Requirement. Replats are to be processed in accordance with the provisions of §236.36, Wis. Stats., Replats.

(h)(i) Private Roads. If the preliminary plat, condominium plat, or certified survey map contains private road(s), the following note shall be added to the plat or certified survey map when it is presented for approval as a final plat:

1. Notice of Possible Limitation of Public Services.
2. This plat or certified survey map contains private road(s), and, as a result, certain Village services may be limited. The extent of these limitations is spelled out in a

document called a Village/developer agreement; or, if this is a condominium plat, in a document called a general development plan (GDP), which directly relates to this plat or certified survey map CSM and is filed as a public document in the offices of both the Village Clerk and the Director of Public Works.

(4) Final Plat Procedure.

- (a) Pre-Application Procedure. Refer to Subsection 17-~~45~~(1).
- (b) Development Impact Study. Refer to Section 17-~~45~~(2).
- (c) Approval Required. The subdivider shall submit the final plat and written request for approval to the Village Clerk and the State in accordance with §236.12, Wis. Stats. The subdivider shall provide 15 copies of the plat for review by the Village at least 14 days prior to the scheduled Plan Commission review. The Village Clerk shall forward a copy of the plat to the appropriate Village staff, consultants, and committees for review and comment.
- (d) Limitations. The final plat may constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time.

(e) Professional Review. A professional engineer, planner, or other person charged with the responsibility to review plats shall provide the Plan Commission with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

(f) Final Plat Finding. The applicant shall include a statement, and the Plan Commission shall state in its minutes, the following findings:

1. The final plat is consistent with the approved preliminary plat;
2. The final plat is consistent with this Chapter;
3. The final plat is consistent with the Zoning Ordinance;
4. The final plat is consistent with the Comprehensive Plan; and
5. The final plat is consistent with the Official Map.

(e)(g) Plan Commission Action. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. The Plan Commission shall examine the final plat as to its conformance with the preliminary plat; the requirements set forth in Subsection 17-~~43~~(2) of this Chapter, and shall recommend approval, conditional approval or rejection of the plat. The Plan Commission shall transmit the plat, together with its recommendations to the Village president and Village Board within 30 days of its submission to the Plan Commission.

(f)(h) Village Board Deadline. The Village Board shall approve or reject the final plat within 60 days of its submission to the Plan Commission, unless the time is extended by a written request from the subdivider, Plan Commission, Village Board or Village president that is executed by the Village president and filed by the Village Clerk. The Village Board shall review the final plat for conformity with all conditions of approval, if any, and

- Subsection 17-~~34~~(2) of this Chapter and shall base approval or disapproval on these requirements. If the final plat meets the requirements of this Chapter, and has been submitted within ~~36~~six months from the last required approval ~~date~~ of the preliminary plat, and the conditions have been met in the case of a preliminary plat given conditional approval, the Village Board~~council~~ shall approve the final plat.
- ~~(e)~~(i) Contract for improvements. Following approval of the final plat by the Village Board, the developer shall enter into a contract for improvements as required by Section 17-~~76~~. Prior to the signing of said contract by the Village president and the Village Clerk, the developer shall pay to the Village all required fees, area charges and deposits, and provide any required performance bonds.
- ~~(h)~~(j) Village Copies. Upon recording of the final plat by the subdivider, two copies of the recorded document shall be furnished to the Village.
- ~~(i)~~(k) Failure to Act Within 60 Days. If the Village Board fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk.
- (5) Comprehensive Development Plan Procedure.
- (a) Pre-Application Procedure. Refer to Subsection 17-~~45~~(1).
- (b) Development Impact Study. Refer to Subsection 17-~~54~~(2).
- (c) Comprehensive Development Plan. When the subdivider has 80 acres or more of land under his control, he may, where authorized by the Plan Commission, elect to file a comprehensive development plan (CDP) in lieu of a preliminary plat for that land not to be included in the final plat.
- (d) Required Exhibits. The applicant shall file 15 copies of all required exhibits with the Village Clerk.
- (e) Review Process. The CDP and its exhibits shall be reviewed by the Village Engineer, Village Planner, Fire Chief, Rescue Chief, Police Chief, Public Works Director, the Public Works Committee, and Park Commission, for conformity with the provisions of this and other pertinent ordinances, the Comprehensive Plan, the Official Map, and the Park and Open Space Plan. Their comments shall be forwarded to the Plan Commission for review.
- (f) Plan Commission Deadline. The Plan Commission shall approve, conditionally approve or reject the CDP within 60 days of the filing of the CDP and exhibits. One copy shall be returned to the applicant notifying him in writing of any conditions of approval or reasons for rejection.
- (g) Approval of Changes. Any subsequent change to the CDP and exhibits shall require filing with the Village Clerk. Within 30 days of filing, the Plan Commission shall approve, conditionally approve or reject the revised CDP.
- (6) Minor Subdivision (Certified Survey) Procedure.
- (a) Pre-Application Procedure. Refer to Subsection 17-~~45~~(1).
- (b) Development Impact Study. Refer to Subsection 17-~~45~~(2).

- (c) File Copies. The applicant shall file 15 copies of the application and certified survey map with the Village Clerk. The Village Clerk shall forward a copy of the certified survey map to the appropriate Village staff, consultants, and committees for review and comment. The certified survey map shall comply fully with §236.34, Wis. Stats., and with all applicable requirements of this Chapter.
- (d) Minor Subdivision Finding. The applicant shall include a statement, and the Plan Commission shall state in its minutes, the following findings:
1. The certified survey map is consistent with the approved preliminary certified survey map, if applicable;
  2. The certified survey map is consistent with this Chapter;
  3. The certified survey map is consistent with the Zoning Ordinance;
  4. The certified survey map is consistent with the Comprehensive Plan; and
  5. The certified survey map is consistent with the Official Map.
- (d)(e) Plan Commission Action. The Plan Commission shall within ~~45~~60 days approve, conditionally approve or reject the certified survey map, unless the time is extended by a written request from the subdivider, Plan Commission, Village Board or Village President that is executed by the Village President and filed by the Village Clerk. The reason for conditional approval or for rejection shall be recorded in the minutes and a letter detailing the action taken shall be sent to the applicant. After the conditions of approval have been satisfied, the resolution of approval and of acceptance for any land dedications shall be presented to the appropriate governmental body for action and if approved shall be placed on the face of the map with non-fading ink. If the Plan Commission fails to act within 60 days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the certified survey map shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the certified survey map by the Village Clerk.
- (e)(f) Compliance.
- The applicant shall comply with the provisions of Sections 17-~~3-4~~ (general requirements), 17-~~45~~(2)(f), 17-~~6-7~~ (required improvements), and 17-~~7-8~~ (design standards) of this Chapter.
  - Where streets or other areas are dedicated to the public, the certified survey map shall contain an owner's and a mortgagee's certificate which are in substantially the same form as required by §236.21(2)(a), Wis. Stats.
  - Before an approved certified survey map is recorded, the applicant must pay to the Village or other appropriate unit of government, any accrued real estate taxes and special assessments owing on any land dedicated by the survey and to the county treasurer any delinquent taxes on the dedicated land.
  - Upon recordation by the developer, two copies of the recorded document shall be furnished to the Village.
- (7) Criteria for the Division of Land Within the Extraterritorial Plat Approval Jurisdiction of the Village. The following policies shall govern the Village in approving division of land within the 1 ½ mile extraterritorial area in order to protect the rural character.

- (a) All land divisions within the extraterritorial area shall follow the applicable procedures outlined in Subsections 17-~~45~~(1)-(6).
- (b) All land divisions within the extraterritorial area shall comply with the recommendations of the Village Comprehensive Plan and shall also comply with the applicable zoning district.
- (c) ~~The maximum density of development shall be no more than one dwelling unit per 35 acres, except where permitted by extraterritorial zoning. The standards used to review land divisions within the extraterritorial zoning area will be the same as the standards contained in the Village Zoning Ordinance [Chapter 18]. The standards used to review these land divisions outside the extraterritorial zoning area, but with the Village's extraterritorial jurisdiction will be the same as the standards contained in the county exclusive agricultural zoning district ordinance used for considering rezonings.~~ The only exception to this policy is that lots resulting in the infill of existing subdivisions may be permitted, or as otherwise determined by the Village Board, in accordance with Subsection 17-3(e)8.
- (d) The minimum lot size shall be one acre. A smaller lot size may be allowed if also approved by the respective Town Board.
- (e) ~~The Village will attempt to seek consistency with locally adopted town plans. To the extent that the planning and zoning policies and regulations of the Village Comprehensive Plan and zoning ordinance are more restrictive, the Village's policies shall prevail.~~ All land divisions within the extraterritorial area will be subject to the land reservation or dedication requirements of this Chapter. This specifically means the following:
  1. Any waterway or stormwater management area identified on the Village Comprehensive Plan or official map shall be dedicated in conformance with requirements of this Chapter.
  2. Any lands falling within the limits of an environmental corridor, as mapped by the Village will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village zoning ordinance.
- (f) All land divisions within the extraterritorial area shall be ~~required to meet all of the design standards contained in Section 17.07 [17-7] of this Chapter~~ consistent with the Village's Official Map.
- (g) All land divisions within the extraterritorial area will be required to follow erosion control plans in compliance with this Chapter.
- (h) All land divisions within the extraterritorial area shall pay the required review fees contained in Section 17-~~45~~(7) of this Chapter.
- (i) The Plan Commission may require placement of covenants or deed restrictions deemed necessary and appropriate by the Village Plan Commission to protect the purpose and intent of the Village's plans and ordinances. Any such restrictions shall be placed on the face of the certified survey map, preliminary plat, final plat, comprehensive development plan or on surrounding lands from which the lot or lots were created to verify the density standard established herein.

~~(f) If a variance is granted to the above provision the resulting division of land shall conform to all of the pertinent regulations of this Chapter.~~

- (8) Fee and Dedication Schedule. The following schedule is established to ensure that each land division, subdivision, planned development and development project pays its share of costs for public facilities and services.
  - (a) Park and open space fee or dedication. A dedication of land and/or the payment of a fee in accordance with the provisions of Subsection 17-~~67~~(3)(k) of this Chapter is required for each dwelling unit planned for development.
  - (b) Fees to defray administrative expenses. To defray administrative cost associated with the following applications, the subdivider shall pay to the Village of Fontana fees as established by the Village Board. Fee shall be paid at time of application submission.

Application	Base Fee	Per Lot Fee	Total
Preliminary plat	\$100.00	\$50.00 per lot	Base fee + per lot fee
Condominium plat	\$100.00	\$50.00 per lot or building site	Base fee + per lot/building site fee
Final plat	\$100.00	\$50.00 per lot	Base fee + per lot fee
Certified survey	\$100.00	\$25.00 per lot	Base fee + per lot fee

- (c) Payment for engineering, planning, or legal services. The subdivider shall pay to the Village of Fontana the actual cost of any engineering, planning, or legal work undertaken by the Village at the request of the developer or the Plan Commission.
  - (d) Area charge for stormwater management facilities. The subdivider shall pay to the Village of Fontana the apportioned cost for development of an area-wide stormwater drainage system where such a facility has been designed to serve the proposed subdivision.
  - (e) Sewerage fee. The subdivider shall pay to the Village of Fontana the apportioned cost, determined by the Village, for sanitary sewer connection fees.
- (9) Condominium Project Procedures. Each condominium project shall be reviewed on the basis of a condominium plat prepared pursuant to §703.11, Wis. Stats., and other applicable statutes, as well as these land division and subdivision regulations as a plat or certified survey map for the land development or subdivision elements of the project. Platting procedures in Subsections 17-~~45~~(3) and (4) shall apply to Village review of condominium plats.

**Section 17-~~56~~: Plat and Data Submission Requirements**

- (1) Environmental Assessment. A checklist shall be prepared by the subdivider for review at the pre-application conference.
  - (a) Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of §236.45(1), Wis. Stats. The Plan Commission will use these procedures in determining land

suitability under Subsection 17-~~34~~(2). The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.

- (b) Coverage. The environmental assessment checklist shall apply to all subdivisions, including minor subdivisions. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for minor subdivisions of less than five acres total area.
- (c) Preliminary checklist for environmental assessment of plats and land divisions and community development plans. All yes answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

Item #	Item of Information	Yes	No
I.	Land resources. Does the project site involve:		
A.	Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum two-foot contour intervals.)		
B.	A landform or topographical feature of local or regional interest		
C.	A floodplain (If "yes", attach two copies of a typical stream valley cross-section showing the channel of the stream, the 100-year floodplain limits and the floodway limits (if officially adopted), of each side of the channel and a cross section of the area to be developed.)		
D.	An area of soil instability greater than 18 percent slope and/or organic soils, peaks, or mucks at or near the surface		
E.	An area of bedrock within six feet of the soil surface		
F.	An area with groundwater table within 10 feet of the soil surface		
G.	An area with fractured bedrock within 10 feet of the soil surface		
H.	An area of gravel extraction		
I.	A drainageway for five or more acres of land		
J.	Lot coverage of more than 50 percent impermeable surfaces		
K.	Prime agricultural land		
L.	Wetlands and marshes		
M.	Land elevation below 870 or above 1,000 in the low zone, or land elevation below 934 or above 1,064 in the high zone (U.S.G.S. datum)		
N.	Mapped environmental corridors		
O.	Are there HazMat concerns about this site? If so, has a HazMat Phase I investigation been completed for this site?		

II.	Water resources. Does the project involve:		
A.	Location in an area traversed by a navigable stream or dry run		
B.	Greater than ten percent change in the capacity of a stormwater storage facility or flow of a waterway within one mile		
C.	The use of septic tank for on-site waste disposal.		
D.	Lowering of water table by pumping or drainage		
E.	Raising of water table by altered drainage		
F.	Lake frontage		
G.	Land use activity that may place the Village water supply at risk because of site proximity to a public water supply		
III.	Biological resources. Does the project site involve:		
A.	Critical habitat for plants and animals of community interest		
B.	Endangered, unusual or rare species as identified in the Wisconsin Natural Heritage Inventory		
C.	Removal of over 30 percent of the present trees on the site		
IV.	Human and scientific interest. Does the project site involve:		
A.	An area of archeological interest (as noted in State Historical Society Records or by an on-site survey)		
B.	An area of geological interest		
C.	An area of hydrological interest		
D.	An area of historical interest		
1.	Historic buildings or monuments		
2.	Buildings or monuments of unique architecture		
V.	Energy, transportation and communications		
A.	Does the development increase traffic flow on any street by more than ten percent?		
B.	Is the development traversed by an existing or planned utility corridor? (Gas, electrical, water, sewer, storm, communications)		
C.	Is the site subject to Trans 233 review for properties adjacent to state highways?		
VI.	Population		
A.	Does the development increase by more than ten percent the school population of any school serving the development?		
VII.	Comments on any of the above which may have significant impact		
VIII	Appendices and supporting material		

- (d) Determination of need for expanded environmental assessment. The environmental assessment checklist shall be reviewed by the Plan Commission at its next regular meeting following submittal. The Plan Commission may, at that time, for reasons stated

- in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the preliminary environmental assessment raises unusually significant questions on the effects on the environment and that review by other Village committees and commissions is required and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment. The listing of questions can include items that this Chapter already enables the commission to obtain, or it may include additional information that is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.
- (e) Hearing on environmental assessment report. Following the return to the Plan Commission of the data required in the resolution adopted under the section above, the Commission shall make such report available for scrutiny by the applicant or petitioner, by Village departments, commissions and committees and by other interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a class I notice under Chapter 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
  - (f) Review. The Plan Commission shall review the environmental assessment report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 45 days after submission to the Plan Commission of the final expanded environmental assessment report, the Plan Commission shall decide whether said land is suitable for development and proceed as required by Subsection 17-~~34~~(3)(c).
- (2) Preliminary plat. The preliminary plat shall be submitted in 15 copies at a scale of not more than 100 feet to one inch, and shall show correctly on its face:
- (a) Description.
    1. Name of the proposed subdivision;
    2. Name, address and telephone number of the owner, subdivider, engineer, land surveyor and land planner;
    3. Date, graphic scale and north point;
    4. Location of the proposed subdivision by government lot, quarter section, township, range and county, and a location map showing the relationship between the plan and its surrounding area.
  - (b) Existing conditions.
    1. Contours at vertical intervals of not more than two feet for a slope less than ten percent and five feet for a slope of ten percent or more;
    2. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby;

3. Location of existing property lines, buildings, drives, streams and water courses, dry runs, lakes, marshes, rock outcrops, wooded areas, environmental corridors, and other similar significant features within the parcel being subdivided;
  4. Location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements, and railroad and utility rights-of-way within or adjacent to the proposed subdivision;
  5. Type, width and elevation of any adjacent existing street pavements, together with any legally established centerline elevations, for streets located outside the Village limits;
  6. Water elevations of adjoining lakes or streams at the date of the survey, and known or determined high and low water elevations and boundaries of the 100-year floodplain and floodway;
  7. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table;
  8. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to the size of those nearest and the invert elevations of sewers shall be indicated;
  9. Location and names of adjacent subdivisions, parks, and cemeteries;
  10. Existing land use and zoning included within or adjacent to the proposed subdivision.
- (c) Proposed conditions.
1. Location, width and name of all proposed streets and walkways;
  2. Layout and scale dimensions of all lots and proposed lot and block numbers;
  3. Draft of proposed covenants (if any) to be imposed;
  4. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways or other public uses or which are to be used for group housing, shopping centers, church sites or other nonpublic uses;
  5. Plans and profiles for streets, walkways, greenways and public easements, showing existing ground surface and proposed grades, including extensions for reasonable distance beyond the limits of the proposed subdivision, when requested, shall be submitted with the preliminary plat for plats containing areas in excess of 5 percent slope and/or with areas containing wetlands, floodplains, or areas of closed drainage. Otherwise the plans and profiles shall be submitted with the final plat.
  6. When requested by the Village Engineer, because of concern about drainage, ground water and tree cover, a lot grading plan showing proposed contours at vertical intervals of not more than two feet.
- (3) Final Plat. The final plat of the proposed subdivision shall comply with the requirements of Chapter 236, Wis. Stats., and Subsection 17-45(3) of this Chapter. The plat shall be

- accompanied by plans and profiles required by Subsection 17-~~56~~(2)(c)6. if these were not submitted with the preliminary plat.
- (4) Comprehensive Development Plan. The CDP, as provided for in Subsection 17-~~45~~(4), shall be submitted in ten copies at a scale of not more than 200 feet to one inch and shall show all lands under the control of the applicant which are contiguous or separated only by existing public roads, or railroad rights-of-way. The plan shall show:
- (a) The items under required preliminary plat data in Subsections 17-~~56~~(2)(a), 17-~~56~~(2)(b) and 17-~~56~~(2)(c)4;
  - (b) All proposed collector and arterial streets;
  - (c) All proposed stormwater drainage facilities;
  - (d) Projected population broken down by single and multifamily units;
  - (e) A further breakdown of multifamily units by the number of bedrooms on a percentage basis;
  - (f) The development schedule indicating the approximate timing of the proposed development;
  - (g) A preliminary plat meeting the requirements of this ordinance may be submitted after a minimum of 20 days after submittal of the comprehensive development plan for that portion of land to be developed in the first stage.
- (5) Minor Subdivision (Certified Survey Map).
- (a) The certified survey map shall be prepared by a registered land surveyor and shall comply with the provisions of §236.34, Wis. Stats., and Subsections 17-~~56~~(2) and (3) of this Chapter.
  - (b) The certificate of approval shall be placed on the face of the map.
  - (c) When a dedication of land is required, the Village Board resolution accepting the dedication and approving the map shall be placed on the face of the map.

### Section 17-~~67~~: Required Improvements

- (1) Statement of intent. It is the intent of the Village to ensure the quality in land development and to ensure that each development pays its share of the cost of public facilities and services. The Village will encourage the use of planned developments employing innovative techniques for the design of functional and aesthetic neighborhoods and which maximize open space and preserve the natural environment. Subdivisions shall be serviced by public streets and by appropriate water and sewage treatment.
- (2) Monuments. The subdivision shall be monumented in accordance with the requirements of §236.15, Wis. Stats. If the topography is such that extensive grading is required, the subdivider may, with the permission of the Village Engineer, place the monuments after the grading is completed provided the subdivider executes a surety bond, in an amount required by the Village Engineer, to ensure that the monuments will be placed within the required time.
- (3) Improvements. Prior to final approval and acceptance of improvements, and prior to the issuance of any building permits in a subdivision located within the corporate limits and extraterritorial plat approval jurisdiction of the Village of Fontana, the subdivider shall install

public improvements as hereinafter provided. ~~These improvements may be installed in phases approved by the Plan Commission and Public Works Committee~~ Per §236.13(2)(a), and as subsequently amended, as a further condition of approval, the Plan Commission or Village Board may require that the subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he or she will make those improvements within a reasonable time. The subdivider may construct the project in such phases as the Plan Commission or Village Board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the governing body shall be limited to the phase of the project that is currently being constructed. ~~The governing body may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.~~ No building permit may be issued for construction outside of phases of the plat that has not had plans fully approved by the Village.

- (a) Water, sanitary sewer, and stormwater drainage facilities. Stormwater drainage facilities shall be developed in accordance with the requirements of the erosion control ordinance and Subsections 17-~~76~~(3)(h) greenways/environmental corridors; and 17-~~78~~(11) drainage easements, (12) erosion control, (13) intrablock drainage and (14) stormwater management of this Chapter.
- (b) Streets and pedestrianways. The developer shall construct streets and pedestrianways as outlined on the approved plans based on the criteria in Subsection 17-~~78~~(4).
  1. Street grading. With the submittal of the preliminary or final plat (per Subsection 17-~~56~~(2)(c)5.), the subdivider shall furnish standard drawings that indicate the existing and proposed grades of streets shown on the plat. After completion of design engineering work on the streets and approval of street grades by the Village Board and the approval of erosion control measures by the Village Engineer, the subdivider shall grade as required within the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots as required in the Zoning Ordinance. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots, where they abut principal and primary arterials, shall be graded to proposed street grade or to a grade approved by the Village Engineer prior to sale.
  2. Street and pedestrianway construction.
    - a. After sanitary sewer and water utilities have been installed, and after storm sewer trunklines, manholes and catch basins have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets and pedestrianways including those adjacent to platted lots in existing street rights-of-way abutting the plat, curbs and gutters, local storm sewer inlets, leads, manholes, catch basins and lines as deemed necessary by the public works committee and required by

- the Village Board. The subdivider shall surface roadways to the widths prescribed by the Plan Commission on recommendation of the public works committee and the Village Engineer. Construction shall be to Village standard specifications for street improvements.
- b. The Plan Commission shall have the option of not requiring the construction of pedestrianways within street rights-of-way in cases where it determines, after consultation with the public works committee, that pedestrianways are not necessary because of alternative pedestrian facilities on the same side of the street (such as developer-installed 8 foot wide asphalt pedestrian and bicycle paths), or because of a cul-de-sac street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.
  - c. Dedicated pedestrianways and bikeways shall be improved by the subdivider to a grade, width, and surfacing approved by the Village Plan Commission and public works committee based on the location and the amount and character of use. The subdivider shall only be responsible for the cost of such improvements internal to the development. The subdivider shall submit standard drawings indicating the existing and the proposed grades of all such improvements.
  - d. Street and pedestrianway construction must comply with Village standard specifications and be inspected by the Village Engineer. The maintenance responsibility for pedestrianways and bikeways not located in the public street right-of-way shall go to abutting property owners in the same manner as those in the public right-of-way.
- (b) Street lighting. The developer shall deposit with the Village of Fontana sufficient funds in escrow to allow for the construction of streetlights, as required by the Village Board. Street lighting must meet the Village's standard specifications.
  - (c) Street signs. The developer shall install all street name signs, all no parking signs, all traffic control signs, and temporary street dead-end barricades and signs, as required by Village standards, prior to acceptance of the subdivision, or submit a fee deposit in lieu.
  - (d) Street trees. Street trees are required under this Chapter for street terraces, parkways, boulevards, cul-de-sacs, and dedicated off-road pedestrian- and bike-ways. Trees should be planted every 60 feet on both sides of the street. A detailed Village-approved street tree-planting plan shall be required for street trees and/or other plantings proposed within public rights-of-way or on other public property within the plat. Prior to recording of the final plat, the developer shall submit a tree and shrub planting plan for street terraces, parkways, boulevards, cul-de-sacs, dedicated off-road pedestrian- and bike-ways approved by the Village Engineer, and approved by the Village Planner in conformance with the stated policies of the Park Commission. The tree types that may be included in the tree-planting plan are listed in Appendix B. Approved street trees shall be planted at the time and in the manner determined by the Village with the cost of the street terrace plantings to be borne by the subdivider or developer. The fees for such planting shall be deposited with the Village in an escrow account prior to approval of the final plat or made part of the subdivision agreements provided for herein.

- (e) Buffer strips. Where a plat, certified survey or planned development project contains a buffer strip required by Subsection 17-~~87~~(9) of this Chapter, the developer shall, prior to recording of a final plat or certified survey or prior to the issuance of a certificate of occupancy for a development project, install plantings in conformance with the municipal code or shall file with the Village Clerk a contract, guaranteed by bond in an amount determined by the Village Engineer, in which the developer agrees to provide such plantings. The plantings are to be trees and shrubs of the varieties required and shall be of sufficient density to accomplish visual screening.
- (f) Erosion control. The subdivider shall install all temporary and permanent erosion control and sediment control structural aid works as outlined in approved plans required by Subsection 17-~~078~~(12), erosion control.
- (g) Greenways/environmental corridors dedication and reservation. Greenways and environmental corridors included within land to be divided shall receive the following prescribed treatment by the owner of the subdivision.
  1. The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Village Engineer. The subdivider shall furnish the Village Engineer with a plan outlining the greenway/environmental corridor boundaries and the location of existing drainageways. Such areas shall be dedicated or reserved as required by Subsection 17-~~43~~(5). In addition, the subdivider shall furnish to the Village Engineer a set of cross-sections (on 50-foot stations) of the greenway based on Village datum oriented upon a base line as prescribed by the Village Engineer. Where a natural drainageway exists, which has acceptable hydraulic capacities including alignment and grade as determined by the Village Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agents, the subdivider shall be responsible for repairing the disturbed areas by returning them to the original condition by methods approved by the Village Engineer. If it is determined by the Village Engineer that the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to the cross-section specified by the Village Engineer.
  2. The subdivider shall install permanent pipes or culverts at a grade designated by the Village Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the State of Wisconsin specifications for road and bridge construction. Culverts required across intersections for temporary street drainage shall be furnished and installed by the developer. All temporary culverts installed by the developer shall be completely removed when the streets are constructed to Village standards and the area restored to as nearly original condition as possible, as determined by the Village Engineer.
  3. In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway/environmental corridor shall be to an elevation established by the Village Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway/environmental corridor limits is prohibited.
- (h) Public lands and open spaces.

1. Provision of public lands and open spaces. Where feasible and in furtherance of the Village's adopted Comprehensive Plan or Park and Open Space Plan, the subdivider or condominium developer shall provide and dedicate to the public adequate land to provide for park, recreation and open space needs of the land development within the Village and its extraterritorial area. The location of such land to be dedicated shall be determined by the Plan Commission. Where the dedication is not compatible with the Comprehensive Plan or Park and Open Space Plan, or for other reasons is not advised by the Plan Commission, the subdivider or condominium developer shall, in lieu thereof, pay a fee to the Village to meet this requirement in whole or on a pro-rata basis.
  - a. Land dedication requirement. After consultation with the Park Commission, the Plan Commission shall determine whether the dedication of land for parks or monies-in-lieu thereof will better serve the public interest. Where land is to be dedicated, (to be determined based on study) square feet of land shall be dedicated for each residential dwelling unit proposed. If no particular number of dwelling units is proposed, the requirements shall be based on the number of dwelling units permitted by right under the proposed subdivision or condominium development and the zoning in effect at the time of preliminary plat or condominium plat submittal. Lands dedicated for stormwater management shall not be credited towards a subdivision or condominium development's park land dedication requirements. Unless otherwise approved by the Plan Commission, the minimum size of the dedicated land shall not be less than one acre. All dedicated lands shall be accompanied by an environmental assessment indicating that such lands present no environmental hazard and will not require environmental mitigation or remediation measures. Said environmental assessment shall be paid for at the subdivider or condominium developer's expense.
  - b. Monies in lieu of land dedication. Where, after consultation with the Park Commission, the Plan Commission determines that money in lieu of land is to be paid, the amount shall be on a basis of \$ (to be determined based on impact fee study) dollars per residential unit permitted by right under the proposed subdivision and zoning in effect at the time of preliminary plat or condominium plat submittal. This fee amount shall be adjusted during the first quarter of each year by a percentage equal to that of the rate of consumer inflation based on the percent of yearly change for the previous year for the Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics.
  - c. Park improvement fee. Regardless of whether land dedication or monies in lieu of land dedication are required, a park improvement fee of \$ (to be determined based on impact fee study) dollars shall be paid for each dwelling unit proposed. If no particular number of dwellings units is proposed, the requirements shall be based on the number of dwelling units permitted by right under the proposed subdivision or condominium development and zoning in effect at the time of preliminary plat submittal. This fee amount shall be adjusted during the first quarter of each year by a percentage equal to that of the rate of consumer inflation based on the percent of yearly change for the previous year for the

Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics.

2. Specifications for dedicated land.
  - a. Unity. The dedicated land shall form a single parcel of land except where the Plan Commission determines that two parcels or more would be in the public interest.
  - b. Shape. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended.
  - c. Location. The dedicated land shall be located so as to serve the recreation and open space needs of the subdivision or condominium development from which the dedication was made. Where the amount of land dedicated is less than one acre, the Plan Commission may require that the recreation area be located in a suitable place on the edge of the proposed plat area so that additional land may be added at such time adjacent land is subdivided.
  - d. Access. Public access to the dedicated land shall be provided by adjoining street frontage of sufficient width to assure safe, comfortable access to the dedicated land with a minimum public street frontage of no less than square root of the area of the park as measured in square feet. In unique situations, the Plan Commission and Park Commission may also permit access via public easement to the dedicated parcel. The easement shall be sufficiently wide so that maintenance equipment will have reasonably convenient access to the land.
  - e. Usability. The dedicated land shall be usable for recreation, as determined by the Park Commission. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the Park Commission. When usable land is dedicated for active recreational use, the subdivider or condominium developer shall grade, topsoil, and seed the land for its intended use before it will be accepted by the Village. When useable land is dedicated for passive recreational use, the balance of the land should be restored to a natural state to the extent practicable and necessary.
  - f. Plans. If specifically designated on the Comprehensive Plan, ~~comprehensive plan component~~, Official Map, or Park and Open Space Plan, such park areas shall be made a part of the plat to the extent allowed under this section. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds, natural prairies and ravines.
3. Allocation of monies in lieu of dedicated land and park improvement fees. The Village, when receiving monies in lieu of dedicated land and park improvement fees, shall hold these monies in separate reserve accounts to be used, respectively, for purchasing land for parks and other public open spaces and improving such lands. Where possible, these monies shall be spent to directly fill the needs of the subdivision or condominium development that generated the monies. However, where such a practice could result in insufficient funds for any one acquisition or improvement, then a set of priorities for improvements shall be established by

Village Board resolution. These priorities shall rank order the planned acquisitions and/or improvements. Each improvement or acquisition shall be identified by the general area it is to serve. Each subdivision or condominium development contributing to the general reserve funds shall be shown as planned to be benefitted by one of the projects in the list of priorities unless that subdivision or condominium development is already adequately served.

4. Land reservations. Whenever a proposed park or other public open space land designated on the Village's Comprehensive Plan, Park and Open Space Plan, or components thereof is within a proposed subdivision or condominium development, and the amount of public land suggested by said plan is in excess of the required park land dedication requirements set forth in this section, the Village may require the reservation of such land for a period not exceeding five years from the date of final plat approval, unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider or condominium developer. Over that period, the public agency having jurisdiction over said land shall have the ability to negotiate the purchase of said land at undeveloped land prices.
5. Park lands within extraterritorial jurisdiction. If public dedication is not required by another jurisdiction with authority, proposed public lands outside of the corporate limits of the Village but within the extraterritorial jurisdiction shall be reserved for acquisition by the town, county, or Village at undeveloped land costs for a period not exceeding five years.
6. Access to waterways.
  - a. A subdivision or condominium development abutting a navigable waterway shall, according to the provisions of §236.16(3) Wis. Stats., provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at one-half-mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the State of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided. A public hearing with notice of such hearing by publication of a class 2 notice and mailing by registered mail of such notice to adjoining landowners shall be held prior to Plan Commission approval of any land division required to include public access to a waterway.
  - b. The Village may require a public access easement along all navigable waterways. Where natural waterways traverse the subdivision or condominium development containing sufficient waterway area to contain the design discharge and where such natural waterways are endowed with significant natural beauty and have proven themselves reasonably stable, the subdivider or condominium developer shall leave such channels in their natural state and shall dedicate, or provide public access easements along, such waterways, together with a sufficient access, along the periphery of the swale as a separate parcel or parcels, unless otherwise allowed by the Village. Such dedication shall not be credited against the parkland dedication requirements specified in this section. Such easements shall require a public hearing with notice of such hearing by publication of a class 2 notice and

mailing by registered mail of such notice to adjoining landowners prior to Plan Commission approval.

- (2) Contract requirements for installation of improvements. Before final approval of any plat located within the corporate limits of the Village of Fontana, the subdivider shall be required to enter into a contract with the Village agreeing to install all required improvements. The subdivider shall file with said contract, subject to the approval of the Village attorney, a bond, certificate of deposit, irrevocable letter of credit, certified check or other security in an amount equal to the estimate of the cost prepared by the Village Engineer as a guarantee that such improvements will be completed by the subdivider or his contractors not later than 18 months from the date of recording of the plat. As a further guarantee that all obligations for work on the improvements are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on dedicated street rights-of-way, shall be listed as qualified for such work by the public works committee. Governmental units to which these bond and guarantee provisions apply may file in lieu of said contract or instrument of guarantee, a letter from officers authorized to act on its behalf, agreeing to comply with the provisions of this section. The contract shall also require the subdivider to pay all outstanding assessments for public improvements previously installed and all area charges for sanitary sewer interceptors, force mains, and pumping stations previously installed by the Village or any other sewerage district. The subdivider shall provide for connecting with water and sanitary sewer mains, stormwater drainage facilities, curb and gutter, pedestrianway and street improvements, walkways and bikeways on all abutting streets and on any street in the plat not included in the contract.
- (3) In those cases where the Village Board determines it is in the interest of the Village to install improvements by Village contract and at such time as the Village may designate, the subdivider shall petition the Village for water, sanitary sewer main, sanitary sewer laterals, curb and gutter, and pedestrianway and street improvements. The cost of such improvements shall be paid by assessments to the benefited properties. When improvements are partially installed by Village contract in lieu of the preceding contract, the subdivider shall provide a contract and bond for all other required improvements.
- (4) All improvements installed by the developer or the Village that are to be dedicated to the Village as public improvements shall be provided with a one-year guarantee/warranty that said improvements will have been installed in accordance with the approved plans and specifications and will be free of defects for one year from the date of the Village's acceptance of the improvements. The developer shall provide a performance bond for 100 percent of the cost of said improvements as security for the guarantee/warranty.
- (5) All improvements installed by the developer or the Village that are to be dedicated to the Village as public improvements shall be free of liens prior to acceptance by the Village. Final lien waivers shall be provided by all contractors, vendors and/or suppliers prior to Village acceptance. In lieu of lien waivers the developer may, at the Village's discretion, post a performance bond for 100 percent of the cost of said improvements as security that all obligations for the improvements have been paid.
- (6) Documentation. The subdivider shall furnish the Village with a reproducible "as built" set of plans showing all improvements for the plat. The subdivider shall also furnish an itemized cost for the improvements in the contract prior to Village approval and/or acceptance of the development.

**Section 17-87: Design Standards**

- (1) Conformity with the Comprehensive Plan, Park and Open Space Plan, utility plans and the Official Map. All proposed development shall conform to the Comprehensive Plan, Park and Open Space Plan, utility plans and the Official Map of the Village as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the official map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.
- (2) Relationship to existing and future development.
  - (a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
  - (b) Where adjoining areas are not subdivided or developed and the Comprehensive Plan indicates development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.
- (3) Access. Every lot or parcel created shall have a minimum frontage of 50 feet on a public or private right-of-way.
- (4) Streets.

Table 1: Minimum Public Street Design Requirements

Street type	Right-of-way width (feet)	Pavement width (back to back)	Min. radius of curvature	Maximum grade
Rural Section				
Arterial or highway	80-100 feet	24 feet with eight-foot shoulders	300 feet	6 percent
Collector	66 feet	24 feet with three-foot shoulders	200 feet	7 percent
Minor	60 feet	22 feet with three-foot shoulders	100 feet	10 percent
Private street and easements-- Right-of-way access strips	35 feet	20 feet	50 feet	10 percent
Urban Section				
Arterial or highway	80-100 feet	37 feet	300 feet	6 percent
Collector	66 feet	32 feet	200 feet	7 percent
Minor	50 feet	28 feet	100 feet	10 percent
Private street and easements-- Right-of-way access strips	35 feet	20 feet	50 feet	10 percent

All streets must meet the design standards in Table 1 as well as the following:

- (a) Additional right-of-way on existing streets. Developments that adjoin existing streets which have rights-of-way less than the minimum standard than the roadway as classified in the Comprehensive Plan and/or Official Map shall dedicate additional right-of-way to meet those minimum standards.
- (b) Temporary roadway termination. Where a street is terminated temporarily at the edge of a development and the street is longer than 240 feet or two lot widths, a temporary turnaround shall be provided by one of the following methods:
  - 1. If the subdivider owns the adjacent land, a temporary turnaround can be provided through a restriction (temporary easement) on said land. Such a turnaround shall be constructed to Village standards.
  - 2. The subdivider may provide the required turnaround on one of the last lots fronting on the temporary dead-end street through the use of a temporary easement running to the Village. Such a turnaround shall be constructed to Village standards.
- (c) Reserve strips. There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Village under conditions approved by the Plan Commission .
- (d) Half streets. Where an existing dedicated or platted half street is adjacent to a tract being subdivided, the other half of the street shall be dedicated by the subdivider. In new plats, the creation of half streets is prohibited.
- (e) Street jogs. Street jogs with centerline offsets of less than 150 feet shall not be allowed. On collectors and arterials, offsets of less than 600 feet shall not be allowed.
- (f) Intersections.
  - 1. No more than two streets shall intersect at one point.
  - 2. Such intersection shall be laid out so that the angle of intersection is as nearly as possible a right angle.
  - 3. No street shall intersect another street at less than a 75-degree angle.
  - 4. Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections shall be 1,200 feet.
- (g) Restriction of access (protection of arterial streets and highways). Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by:
  - 1. Reversed frontage with screen planting contained in a non-access reservation along the rear property line; or
  - 2. Marginal access street (frontage road).
- (h) Street names. A proposed street that is in alignment with or joins an existing and named street shall bear the name of the existing street. In no other case shall the proposed name of the street duplicate the name of an existing street within the Fontana Fire District. The use of the suffix "street", "avenue", "boulevard", "drive", "place", or "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.

- (i) Alleys. Alleys shall not be allowed in residential districts, except as approved as part of a planned unit development. In commercial, office and industrial districts, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed but not inconsistent with the operation and use of the abutting street. No dead-end alleys shall be allowed, nor shall any alley have its point of connection on an arterial street.
  - (j) Cul-de-sac streets. No more than 20 percent of the lots located within a land division shall be located adjacent to a cul-de-sac, including corner lots. However, this limit may be exceeded where necessary to provide a development solution (as determined by the Village Engineer) to a portion of the subject property otherwise undevelopable due to surrounding existing development or natural feature such as floodplain, wetland or steep slope. All cul-de-sac streets shall not be longer than 500 feet and shall terminate in a circular turnaround having a minimum 100-foot diameter right-of-way and a 70-foot paved surface.
  - (k) Parkways, greenways and environmental corridors. When parkways, greenways, and environmental corridors are to be provided within the proposed plat or certified survey, and they are not officially mapped in enough detail to determine exact dimensions, they shall generally have a minimum width of 200 feet and in no case shall they be less than 100 feet wide.
  - (l) Grades. The maximum street grades shall be those in ~~table-Table~~ Table I, subsection 17-~~75~~(4). Pedestrianways shall have a maximum grade of eight percent. Changes in street grades shall provide such sight distances as the Village Engineer determines are required according to AASHTO requirements. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of the topography.
  - (m) Pedestrianways and bikeways. In the design of the plat, the developer shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Plan Commission on recommendation of the public works committee and the Park Commission. The minimum width of an on-street bike lane shall be four feet. The minimum width of an off-street pedestrianway shall be five feet with a ten-foot right-of-way width. The minimum width of an off-street multiuse trail shall be ten feet with a 15-foot right-of-way. Where it is deemed necessary by the Plan Commission, and in conformance with the provisions of Subsection (5)(c) below, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance in accordance with Subsection 17-~~78~~(8).
  - (n) Street surfacing. One construction year after the installation of all utility and stormwater drainage improvements, including necessary lateral connections, the subdivider or condominium developer shall surface all roadways in streets proposed to be dedicated to the widths prescribed by Subsection 17-~~78~~(4). The surfacing shall be done in accordance with standard specifications approved by the Village Engineer.
  - (o) Construction standards. All roadway construction work shall be performed in accordance with the latest edition of the "State of Wisconsin Standard Specifications for Road and Bridge Construction" and any supplemental specifications.
- (5) Blocks.

- (a) The lengths, widths and shapes of blocks shall be compatible with the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. Block lengths in residential areas shall not be less than 600 feet, nor more than 1,000 feet, between street lines unless dictated by exceptional topography or other limiting factors of good design.
  - (b) Blocks shall be sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
  - (c) Pedestrianways or crosswalks, not less than ten feet in width, shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere where deemed essential, in the opinion of the Plan Commission and Park Commission, to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.
- (6) Lots.
- (a) The size, shape and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
  - (b) Lot dimensions and setback lines shall conform to the requirements of the Zoning Ordinance.
  - (c) Excessive depth in relation to width shall be avoided and a proportion of two to one shall normally be considered as a desirable maximum for lots.
  - (d) Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible. Lot lines shall have a minimum angle of 45 degrees to the right-of-way.
  - (e) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Ordinance. Lot corners at street intersections shall be curved to conform with the street radii.
  - (f) Every lot shall front or abut on a public or private street.
  - (g) Lot lines shall follow municipal boundary lines.
  - (h) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
  - (i) Residential lots fronting or backing on arterial streets shall be platted with extra depth as required in Section 17:~~807~~(9).
- (7) Building setback lines.
- (a) Where they are not controlled by the Zoning Ordinance, building setback lines appropriate to the location and type of development shall be established by the Plan Commission.
  - (b) Where lots abut navigable waters or state or federally designated wetlands, building setback lines for all buildings and structures except piers, marinas, boathouses and similar uses shall be shown on the plat and shall not be less than 75 feet from the

- ordinary high water mark line or surveyed wetland boundary, as measured in a horizontal plane.
- (8) Street lighting. Poles for street lighting shall be ornamental. The subdivider shall provide street, pedestrianway and bikeway lighting systems within locations as determined by the Village Board, upon consultation with the appropriate electric utility and as approved by the Village Engineer. Street lighting shall be installed by the subdivider, unless otherwise determined by the Village Board. All lighting shall comply with the provisions of ~~section 18-27(a)~~ Section 18-165 of the zoning ordinance.
- (9) Treatment of railroad rights-of-way and limited access highways. Whenever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, the subdivider shall proceed as follows:
- (a) In residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right-of-way of a limited access highway. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat: "This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
- (b) The Plan Commission may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.
- (c) Location of local streets immediately adjacent and parallel to railroad rights-of-way shall be avoided.
- (10) Utility easements.
- (a) Underground requirements.
1. All new electric distribution lines, all new telephone lines from which individual lots are served, all new telegraph lines, community antenna television cables and services, and gas utility services shall be underground unless the Plan Commission shall find upon study that:
    - a. The placing of such facilities underground would not be compatible with the development; or,
    - b. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable.
  2. Associated equipment and facilities such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
  3. The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of the State of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as

required by this section, as a condition prior to approval of the final plat, development plan or certified survey map.

4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

(b) Easement conditions.

1. Easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots, or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, communication lines and heat mains. The minimum width for utility easements shall be:

TABLE INSET:

Easement Type	Minimum Width
Water	20 feet
Storm and sanitary sewer	20 feet
Services	10 feet
Common/Shared easements	Determined by Village Engineer

Such easements shall be noted as "utility easements" on the final plat or certified survey map. Prior to approval of the final plat, the specific implementation plan for a planned ~~unit~~ development (PUD), the comprehensive development plan, or certified survey map, concurrence of the appropriate electric and communications companies as to the location and width of the utility easements shall be noted on the final plat, specific implementation plan for the PUD, comprehensive development plan, or certified survey map. All easements for storm and sanitary sewers, water and heat mains, pedestrian walks and other public purposes shall be noted thereon as "public easements for" followed by reference to the use for which they are intended.

2. Electric and communications facilities shall be installed underground. The utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements shall not disturb any monumentation in the plat. In cases where monumentation is disturbed, the utility shall bear the cost of replacement. Failure to comply will be subject to penalty as provided in §-236.32, Wis. Stats.
3. Where electric and communications facilities are to be installed, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six inches by the subdivider, his agent, or by subsequent owners of the lots, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to:

- a. Notify initial and future lot owners of the underground facilities at the time of purchase;
  - b. Establish responsibility in the event of damage to such facilities; and
  - c. Establish the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.
- (11) Drainage and greenway/environmental corridor easements. Where a subdivision is traversed by a waterway, drainageway, channel or stream, or mapped greenway/environmental corridor, an adequate drainageway or easement shall be provided as required by the Plan Commission conforming substantially with the line of such watercourse. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission. Parallel streets or parkways may be required. Stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100-year rainfall event of any duration, such sizes and design details to be subject to review and approval by the Village Engineer and the Park Commission. Setbacks from environmental corridor components shall be in accordance with the Village's zoning ordinance.
- (12) Erosion control. The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the subdivider or the contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding, and the construction of berms. Plans for erosion control may be submitted to the county for review and comments. These comments shall be available to the Village Engineer for review two weeks prior to submittal of the final plat and before any land surfaces are disturbed. Such plans shall meet the requirements of the Municipal Code relating to land grading and the erosion control ordinance. Guidelines, standards and specifications contained in the natural resource conservation service publication "Wisconsin Construction Best Management Practice Handbook," shall provide a framework for the development, review and implementation of the erosion control plan.
- (13) Intra-block drainage and foundation design.
  - (a) Two weeks prior to submittal of the final plat for review and approval, the subdivider shall submit to the Village Engineer a surface water drainage plan for the plat. This plan may be a part of the erosion control plan. The plan shall indicate but not be limited to the following: elevation of streets, existing topography of the block, proposed drainage swales, and indication of the direction of drainage.
  - (b) Upon approval of the plan, the developer shall place on the final plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note: "Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the Village Engineer."
  - (c) A minimum ten-foot wide drainage easement (five feet on each side of the property line) shall be retained along all joint property lines on the plat, or in other locations acceptable to the Village Engineer. Such easement shall be designated as a stormwater drainage easement, and shall conform to the drainage plan.

- (d) Where a subdivider's subsoil investigation indicates potential for groundwater less than ten feet from the proposed street center line elevation, the subdivider shall so note on the face of the plat and indicate the lots affected.
- (14) Stormwater management.
- (a) Goals and objectives:
    1. To prevent loss of life and property due to runoff from any foreseeable rainfall event;
    2. To encourage the design of systems which minimize potential erosion and sedimentation problems;
    3. To maintain the water quality of lakes, rivers, streams and ponds;
    4. To encourage the design of systems that respond to the need to maintain or enhance ground water resources, including ground water quality, except where land stability might be impaired;
    5. To encourage the design of systems that will reduce capital and environmental costs to the community.
    6. To encourage the consideration of subdivision design to accommodate higher degrees of upstream infiltration.
  - (b) At the time a preliminary plat, a certified survey, or a planned development is submitted to the Plan Commission for approval, the developer or subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing and estimated construction cost of a stormwater management system to serve the site and/or drainage basin of the area in which the proposed development is located.
  - (c) The proposed development shall not increase stormwater runoff (peak) from the subject property which would have resulted from the same storm occurring over the site with the land in its natural undeveloped state, for storms of a 24-hour duration and all reoccurrence intervals of less than or equal to 100 years. In the case of closed drainage basins, which have no outlets during normal rainfall, the basin must be designed to contain the volume of stormwater resulting from a 100-year storm of 24-hour duration.
  - (d) Land in its natural undeveloped state shall mean land that has runoff characteristics equivalent to runoff curb number (CN) 70, as used in the runoff methodology promulgated by the natural resource conservation service.
  - (e) Determination of storm volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the natural resource conservation service or the publication entitled "Urban Hydrology for Small Watersheds, TR-55," and accepted by the Village Engineer.
  - (f) Design of stormwater management facilities shall be in accordance with this Chapter and the erosion control ordinance and subject to the approval of the public works committee. Stormwater peaks and volumes shall be addressed either through onsite detention, retention, infiltration, or a combination. It is the intent of these provisions to encourage onsite detention and infiltration to the greatest extent possible.

- (g) Where on-site detention is found to be unfeasible by the Plan Commission or where adequate stormwater facilities have been provided by the Village downstream of the proposed development (with the approval of the Plan Commission and the public works committee), the subdivider or developer may be subject to a special assessment or other form of financial participation of providing such regional stormwater management facilities. The analysis to determine feasibility shall address all post-development land use as exhibited by current development plus the planned land use of undeveloped sites as indicated on the planned land use map of the Village's Comprehensive Plan.
- (h) Provisions for the ownership and maintenance of stormwater management facilities shall be addressed during the preliminary plat stage.

### Section 17-89: Variances

- (1) In cases where a subdivision or minor subdivision is part of a planned development district for which a specific implementation plan containing revised design standards is approved by the Plan Commission and the Village Board and recorded with the Walworth County Register of Deeds, the waiver of, or variance in, the design standards required by this Chapter shall be considered to have been granted.
- (2) Variances not related to a planned development district may be granted by the Plan Commission so that substantial justice may be done and that the public interest is secured when, in its judgment, it would be inappropriate to apply a provision of this ordinance or when such application would cause extraordinary hardship.
- (3) A variance may be granted by the Plan Commission to permit a parcel to be created by certified survey map in the extraterritorial review area when it is shown that the application satisfies the following standards:
  - (a) A finding of fact must be made that the purpose of the proposed parcel is to be a lot for a dwelling unit which is to be occupied by a person who, or a family at least one member of which, earns a substantial part of his or her livelihood from farm operations on the parcel, and/or contributes work which is substantially needed in the farm operation, and is the parent or child of the farm operator or the spouse of the farm operator; and
  - (b) A finding of public interest must be made that the proposed parcel and use is reasonable upon consideration of these factors:
    - 1. The potential for conflict with agricultural use;
    - 2. The need of the proposed use for a location in an agricultural area;
    - 3. The availability of alternative locations;
    - 4. Compatibility with existing or permitted use on adjacent lands;
    - 5. The productivity of the lands involved;
    - 6. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted;
    - 7. The need for public services created by the proposed use;
    - 8. The availability of adequate public services and the ability of affected local units of government to provide them without a reasonable burden;

9. The effect of the proposed use on water or air pollution, soil erosion and rare or irreplaceable natural resources.
10. When the site is zoned Exclusive Agricultural (A-1) under the Walworth County Zoning Ordinances, the commission shall defer to the county conditional use decision on the standards of ~~§~~Subsection (b), where such a county decision is needed to establish the dwelling unit.
- (c) The minimum parcel size allowable under ~~§~~Subsection (b)3. by variance is one acre, exclusive of any area dedicated to the public.
- (d) If a variance is granted under this subsection the division of land shall be subject to all other pertinent provisions of this and related ordinances.
- (4) Reasons and conditions for any waiver or variance granted shall be entered in the minutes of the Plan Commission-.

### Section 17-~~910~~: Appeals

- (1) The following decisions of the Plan Commission may be appealed to the Village Board:
  - (a) Rejection of a preliminary plat, a final plat or a certified survey map;
  - (b) A determination that land is unsuitable for subdivision;
  - (c) The requirement of a preliminary plat for a land division.
- (2) The procedure for the filing and handling of the appeal shall be that outlined in ~~section 18-374~~Section 18-256 of the Zoning Ordinance.

### Section 17-~~1011~~: Severability

If any section, subsection, sentence, clause or phrase of this Chapter is for any reason held to be invalid by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof. This Chapter shall be in force and effect from and after its adoption and publication.

### Section 17-~~112~~: Definitions

The following terms, whenever they occur in this ordinance, are defined as follows:

- (1) Act of division means the division of a lot or parcel of land into two or more parcels.
- (2) Bikeway is a general term describing any or all of the following defined types of facilities used for bikes. (A network of bikeways constitutes a bike route system.)
  - (a) Bike path means a bike route completely apart from a street used by motor vehicles and restricted to bicycles unless designated otherwise.
  - (b) Bike lane means a designated lane of a street restricted to bicycle usage and separated from motor vehicles by a painted line, raised divider or curb.
  - (c) Mixed traffic route means a route, designated by signs, along streets used by motor vehicles and bicycles.
- (3) Certified survey map means a map or plan of record of a minor subdivision meeting all the requirements of §-236.34, Wis. Stats., and of this Chapter.

- (4) Closed drainage basin means a drainage basin, which, during periods of normal rainfall, has no surface outlet.
- (5) Village Board means the Village of Fontana-on-Geneva Lake Village Board.
- (6) Comprehensive development plan means a site plan for an area of land 80 acres or more in size under the control of a developer(s) at the time of submission for review. Said plan specifies and illustrates the location, relationship and nature of all uses, easements, streets, pedestrian paths, bikeways and common open space.
- (7) Comprehensive plan. Comprehensive plan, also called a master plan, under §-62.27, Wis. Stats., means a document prepared and adopted by the Plan Commission and Village Board pursuant to §62.23 and/or §66.1001, Wis. Stats., including proposals for future land use, transportation, urban redevelopment and public facilities.
- (8) Condominium development means a real estate development, redevelopment or ownership regime conversion project involving establishment or alteration of the condominium form of ownership for all or part of the development.
- (9) Division of land means the division of a lot or parcel of land into two or more parcels.
- (10) Driveway means a vehicle access from private property to a public street.
- (11) Dwelling unit means a room or group of rooms, providing or intended to provide permanent living quarters for not more than one family.
- (12) Easement means a grant by a property owner of the use of land for a specific purpose.
- (13) Environmental corridors means continuous open space systems based on natural resources and environmentally important lands. The corridors are based primarily on streams, lakes, shorelands, floodplains, waterways, and wetlands.
- (14) Extraterritorial plat approval jurisdiction. As defined by §-236.02(2), Wis. Stats., one and one-half miles from corporate limits. Also referred to as extraterritorial area.
- (15) Final plat means the map or plan of record of a subdivision and any accompanying material as required in subsections 17-56(3) and 17-67(3).
- (16) Governing body means the Village of Fontana-on-Geneva Lake Village Board.
- (17) Greenway means an open area of land included under the definition of "parkway," the primary purpose of which is to carry stormwater on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including, but not limited to, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater retention basins, waterways, conservancy areas, environmental corridors, and park development.
- (18) Land division means the division of a lot or parcel of land into two or more parcels. Minor subdivisions (certified survey maps) and plats are considered forms of land division. Also referred to as division of land.
- (19) Land in its natural undeveloped state means land that has runoff characteristics equivalent to runoff curve number (CN) 70, as used in the runoff methodology promulgated by the United States Soil Conservation Service National Engineering Handbook.

- (20) Minor subdivision means the division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four or fewer parcels, lots or building sites, any one of which is 35 acres or less in area. A minor subdivision of a lot or parcel shall occur not more than once in five years.
- (21) Official map means the map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks, waterways, and playgrounds, as adopted by the Village Board pursuant to §-62.23(6), Wis. Stats.
- (22) Other. All other pertinent terms shall be as defined in the Zoning Ordinance of the Village of Fontana-on-Geneva Lake and in Chapter 236, Wis. Stats.
- (23) Parcel means contiguous lands under the control of a subdivider(s), not separated by streets, highways or railroad rights-of-way.
- (24) Parkway means any right-of-way for vehicular traffic including bicycles or pedestrian traffic, or both, with full or partial control of access and usually located within a part or a ribbon of park-like development. Said parkway may include greenways required for stormwater drainage purposes where the drainage improvement is to include park-like treatment and where pedestrian or vehicular travel, including bicycles, may be permitted.
- (25) Pedestrianway means a public sidewalk, pedestrian trail, or multiuse path.
- (26) Plan Commission means the Village of Fontana-on-Geneva Lake Plan Commission-.
- (27) Planned unit development means any zoning district that allows diversification and variation in land development to achieve an improved living environment and to preserve open space.
- (28) Plat means a map of a subdivision.
- (29) Preliminary plat means a map delineating the features of a proposed subdivision as described herein, submitted to the Plan Commission for preliminary consideration prior to the final plat.
- (30) Prime agriculture land means lands containing class I, II, III soils and other lands having a history of agricultural production.
- (31) Public lands means publicly owned and maintained properties that include but are not limited to, rights-of-way, parks and open space.
- (32) Replat and resubdivision mean the process of changing, or the map that changes, the boundaries of a recorded plat or a part thereof. The legal division of a larger block, lot or outlot within a recorded plat, without changing the exterior boundaries of said block, lot or outlot is not a replat. See §-236.36, Wis. Stats.
- (33) Street means a public way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, or however otherwise designated.
  - (a) Arterial streets and highways means those streets that provide for rapid movement of concentrated volumes of traffic over relatively long distances.
  - (b) Principal arterials means streets serving the major interstate and interregional traffic corridors and providing the highest mobility level and a high degree of access control.

- (c) Primary arterials means streets serving major regions or connecting important cities and major intracommunity corridors in the metropolitan area. These routes provide high mobility and a high degree of access control.
- (d) Standard arterials means those streets which more commonly provide for intermediate-length trips, thus serving through traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower activity areas not served by such routes.
- (e) Collector streets means streets that provide moderate-speed movement of persons and goods between major arterials and/or activity centers. They are basically local streets, which because of directness of routing and higher capacity, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
- (f) Local streets means streets designed for low speeds and low volumes that provide access from low traffic-generating areas to collector and arterial systems.
- (g) Industrial street means a local street serving an industrial, office or commercial area as defined in the Zoning Ordinance.
- (h) Residential streets.
  - 1. Residential [street] means a standard residential street.
  - 2. Residential lane means a very low-density cul-de-sac street having a maximum length of 500 feet or serving a maximum of 10 single-family dwellings (whichever is less), each dwelling of which would provide all necessary off-street parking.
  - 3. Marginal access streets (frontage roads) means streets parallel and adjacent to arterial streets and highways that provide access to abutting properties and separation from through traffic.
  - 4. Alley means a public right-of-way that affords a secondary means of access to abutting property.
- (i) Cul-de-sac streets means streets closed at one end with turnarounds.
- (j) Dead-end streets means streets closed at one end without turnarounds.
- (34) Structure means anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility facilities and appurtenances attached thereto.
- (35) Subdivider means any person, firm, partnership, corporation, association, estate, trust or other legal entity requesting review or action on a minor subdivision or condominium.
- (36) Subdivision means the division of a lot or parcel of land for the purpose of transfer of ownership or of building development, where:
  - (a) The act of division creates five or more parcels or building sites of 35 acres each or less in area; or
  - (b) The act of division creates 5 or more parcels or building sites of 35 acres each or less in area by successive divisions within a period of five years.
- (37) Urban service area means that area which the Village of Fontana-on-Geneva Lake Village Board has designated as the area within which it expects the provision of the full range of urban facilities and services. For purposes of this Chapter, the full range of services includes,

but is not limited to, sanitary sewer, storm sewer, water supply and distribution, fire rescue and police, parks and open space, recreation, schools and transportation. The designated urban service area may include areas in which other local governments will provide these services consistent with the land use plan for Walworth County and policies of the Village of Fontana-on-Geneva Lake.

- (38) Waterways means rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.
- (39) Zoning Ordinance means Chapter 18, Municipal Code of the Village of Fontana-on-Geneva Lake.

## Appendix A: Development Impact Study

The Village recognizes that the size and type of developments will result in differing impacts and mitigation depending on the particular development and its demands. The scope of the study will thus be adjusted accordingly to reflect those specific considerations. The following categories of study shall form the basis for determination of a specific scope for each proposed development:

- (1) Surface Transportation. Evaluate impact of proposed development on existing systems. Perform sufficient analysis to evaluate capacity of existing roadways and intersections and identify estimated cost of improvements necessitated by proposed development. Include impacts of vehicular, pedestrian, and bicycle traffic from proposed development on the existing systems. Describe and evaluate the impacts of the proposed development in terms of demand on the village staff time to maintain additional roadways constructed by the proposed development. Identify the need to add additional staff, the costs thereof, and the timing for any necessary staff additions. Describe and evaluate the probable additional annual cost to the village to maintain the additional roadways constructed by the proposed development.
- (2) Stormwater Management. Describe the stormwater management approach proposed by the development and identify any annual costs to the village for maintenance and operation of all control infrastructure proposed by the development.
- (3) Wastewater Collection and Treatment. Describe and evaluate demands on existing collection and treatment facilities; consult with village staff to identify methods to mitigate impacts to existing facilities including capital costs for upgrades to accommodate proposed development; analyze additional operation and maintenance costs; and identify impact of proposed development on life expectancy of treatment plant.
- (4) Potable Water Supply, Storage, and Distribution Systems. Describe and evaluate demands on existing water supply, storage, and distribution system; consult with village staff to identify methods to mitigate impacts to existing facilities including capital costs for upgrades to accommodate proposed development; and analyze additional operation and maintenance costs to include added meter reading/testing, valve exercising, and hydrant flushing.
- (5) Park/Recreation Facilities. Describe and evaluate demands of proposed development on existing village facilities and identify and discuss proposed development plans to provide land, fees in lieu of land, or a combination to meet village requirements. Describe and evaluate the costs of additional demands on village staff for operation and maintenance associated with additional parklands, athletic fields, shelters, recreational programming, etc., provided or required because of the proposed development.

- (6) Refuse Collection. Describe and evaluate the impacts and added costs for garbage collection and disposal, recyclable collection and disposal, and leaf/brush/yard waste collection and disposal resulting from the proposed development.
- (7) Impacts on Other Development. Describe and evaluate the impacts of the proposed development on other potential residential, commercial, and/or industrial developments known to be underway or in the process of village review at the time of the pre-application conference for this development.
- (8) Tree Survey/Impact Statement. Provide a statement of the proposed development's impact on existing trees. The statement shall include a tree survey of existing trees, i.e., types and dimensions and a replacement schedule, if needed.
- (9) Other Municipal Services. Describe and evaluate the impacts of this development on municipal functions including, but not limited to:
  - (a) Administration; including administrator, clerk, treasurer, economic development activities;
  - (b) Public works and utility staffing;
  - (c) Building inspection;
  - (d) Assessor;
  - (e) Utility management and billing;
  - (f) Library staffing and space;
  - (g) Police, fire, and EMS space and staffing;
  - (h) Emergency government planning and resources.
- (10) Other utilities. Describe and evaluate the impacts of this development on the following:
  - (a) Natural gas supply and distribution;
  - (b) Electricity supply and distribution;
  - (c) Telecommunications.
- (11) Community civic organizations. Describe and evaluate the impacts of the proposed development on the following:
  - (a) Civic organizations;
  - (b) Chamber of commerce.
- (12) Other community based organizations/services. Describe and evaluate the impacts of the proposed development on the following:
  - (a) Child-care providers;
  - (b) Community-based residential facilities;
  - (c) Nursing homes;
  - (d) Assisted-living facilities;
  - (e) Health care—both clinics located or needed in the community as well as in-home health care needs.

- (13) Education Institutions. Describe and evaluate the impacts of the proposed development on the respective school districts.
- (14) Other Units of Government. Describe and evaluate the impacts of the proposed development on such of the following communities as may be appropriate: the Villages of Walworth and Williams Bay and the Towns of Linn and Walworth.

**Appendix B: Detailed Plant Species List for Street Trees**

Botanical Name	Common Name	Growth Rate	Form	Adaptation and Remarks
* <i>Acer saccharum</i> RF	Sugar maple	S	Round	Rich soil; salt-sensitive; oval when young; yellow, orange or scarlet fall color.
"Green Mountain"				Scorch-resistant; leathery leaves.
* <i>Carya ovata</i> RF	Shagbark hickory			Native and very adaptable; salt-sensitive; fruit-nut; lawn tree.
Ginkgo biloba	Ginkgo	S	Pyramidal	Very urban; dioecious; females produce smelly fruits; golden yellow fall color.
"Fastigiata"	Sentry Ginkgo		Columnar	Seedless.
* <i>Quercus bicolor</i> RF	Swamp white oak	S	Round	<i>Very tolerant of urban conditions; moist to wet; intolerant of alkaline soil; tolerates poor drainage; difficult to transplant; yellow fall color.</i>
* <i>Quercus rubra</i> RF (also known as <i>Quercus borealis</i> )	Northern red oak Red oak	M	Round	<i>Sensitive to soil compaction; tolerant of urban conditions; pyramidal when young; red fall color; well-drained soil; fast-growing for oaks; excellent lawn, shade, and street tree.</i>
<i>Acer nigrum</i>	Black maple	M	Oval	<i>Does well in poor, dry soils; red to bright gold fall color, excellent for lawn, shade, or street.</i>
* <i>Acer rubrum</i> RF	Red maple Scarlet maple Swamp maple	F	Round	Moist, acid soil; tolerates poor drainage; smooth gray bark; yellow, orange, or red fall color; salt-sensitive.
"Armstrong"			Fastigate	No fall color; light gray bark.
"Autumn Flame"				Early scarlet fall color.
"Bowhall"			Oval	Orange fall color
"Red Sunset"				Late scarlet fall color.
"Schlesingeri"				Red-orange fall color.
<i>Aesculus bipprocas tanum</i>	Horse chestnut	M	Round	<i>Urban; coarse; showy, white May flowers; litter problem; no fall color; difficult to transplant; pest or disease problems may limit use.</i>

<i>Alnus glutinosa</i>	<i>European alder</i> <i>Black alder</i>	F	Oval	<i>Rich or wet soils; produces catkins; possible winterkill.</i>
* <i>Celtis occidentalis</i> RF	Common hackberry	M	Vase	Tolerates alkaline soils; "pebbled" bark; yellowish fall color; pest or disease problem may limit use.
* <i>Fraxinus americana</i> RF	White ash	M	Round	Moist soil; tolerates poor drainage; dioecious; orange to purple fall colors; tolerates urban conditions.
"Autumn Purple"			Round	Seedless; superior fall color.
"Rosehill"			Oval	Seedless; superior fall color.
<i>Fraxinus nigra</i> RF	Black ash	M	Irregular	Deep, rich, moist soils; tolerates wet soils; yellow fall color; scaly bark.
<i>Fraxinus pennsylvanica</i> =RF	Green ash Red ash	F	Oval; irregular	Dry to wet soils; tolerates poor drainage; salt-tolerant; twiggy and weak-wooded; yellow fall color; pest or disease problem may limit use; tolerates urban conditions.
"Marshall's Seedless"			Oval	Seedless; glossy, dark green foliage; improved habit of growth.
"Summit"			Upright	Finer textured foliage.
* <i>Gleditsia triacanthos inermis</i>	<i>Thornless honey locust</i>	F	Vase	<i>Tolerates poor drainage; thornless, as are all of the following; pest or disease problem may limit use; salt-tolerant; yellow fall color.</i>
"Imperial"			Round	<i>Podless; low-growing; flat-topped; pest or disease problem may limit use.</i>
"Shademaster"			Irregular	<i>Podless; vase shape in age; pest or discase problem may limit use.</i>
"Skyline"			Upright	<i>Podless; tends to form central leader; good golden fall color; pest or disease problem may limit use.</i>
"Sunburst"			Irregular	<i>Podless; yellow new foliage; poor branch structure; pest or disease problem may limit use.</i>
* <i>Gymnocladus dioica</i>	<i>Kentucky coffee tree</i>	M	Upright	<i>Moist, rich soil; coarse and rugged; dioecious; yellowish fall color.</i>
<i>Liriodendron tulipifera</i>	<i>Tulip tree</i>	F	Upright	<i>Rich, moist soil; unique leaves and interesting June flowers; yellow fall color, purchase from northern source.</i>
* <i>Tilia americana</i> RF	American linden Basswood Linden tree	M	Round	Sensitive to soil compaction; salt-sensitive; coarse; rich soils.

	Linn tree			
<i>Tilia cordata</i>	<i>Littleleaf linden</i>	<i>S</i>	<i>Pyramidal</i>	<i>Urban; moist soil; fragrant flowers; poor branch structure, needs training while young; yellow fall color.</i>
"Chancellor"				<i>Uniform, upright habit.</i>
"Greenspire"				<i>Improved branching habit.</i>
<i>Tilia x euchlora</i> "Redmond"	Redmond linden	<i>M</i>	Pyramidal	Urban; dark green foliage.
<i>Aesculus x carnea</i> "Briotii"	Ruby horse chestnut	<i>S</i>	Round	Rich, moist soil; red flowers.
<i>Aesculus glabra</i>	<i>Ohio buckeye</i>	<i>S</i>	<i>Round</i>	<i>Rich, moist soil; yellow-green flowers; orange fall color.</i>
<i>Alnus glutinosa</i>	<i>European alder</i>	<i>F</i>	<i>Oval</i>	<i>Wet; tolerates poor drainage; catkins; cone fruits; no fall color.</i>
<i>Cercidiphyllum japonicum</i>	<i>Katsura tree</i>	<i>M</i>	<i>Columnar</i>	<i>Moist soil; dioeious; form controlled by pruning, wide spreading if multitrunked; yellow to red fall color.</i>
<i>Ulmus parvifolia</i>	<i>Chinese elm</i>	<i>M</i>	<i>Vase</i>	<i>Disease resistant; exfoliating bark.</i>
<i>KEY: *Wisconsin native S=Slow M=Medium F=Fast</i>				