

**Ordinance 03-07-16-04**

**An Ordinance Creating Section 18-83(c), Amending Sec. 18-249(b), and Creating Sec. 78-41 of the Municipal Code for the Village of Fontana-on-Geneva Lake regarding Utility setbacks and Easements for public lines.**

**WHEREAS**, the Village Board does intend by this Ordinance to make certain amendments to the Village of Fontana on Geneva Lake Municipal Code.

**NOW, THEREFORE**, the Village Board of the Village of Fontana on Geneva Lake, Walworth County, Wisconsin, do ordain as follows:

**SECTION 1.**

Sec. 18-83 (c) of the Village Code of the Village of Fontana-on-Geneva Lake is hereby created to read as follows:

**Sec. 18-83. - Yard setback adjustments.**

- (c) *Utility Setbacks.* In addition to any other setback required by this Chapter or Ordinance, no building shall hereafter be erected, structurally altered, reconstructed, or relocated so that any roofed or enclosed portion, including any footings, is closer than 10 feet to any public utility line. The Zoning Administrator may require said public utility lines to be surveyed in advance of issuing a zoning permit so as to verify compliance with this section.

**SECTION 2.**

Sec. 18-249(b) of the Village Code of the Village of Fontana-on-Geneva Lake is hereby amended to read as follows:

**Sec. 18-249. - Zoning permit.**

- (b) *Application.* An application for a zoning permit shall be prepared on a printed form provided for the purpose and filed with the village clerk. Said application shall be accompanied by a fee in accordance with the village fee schedule. In addition to all information required on the application form, the applicant shall supply the following:
- (1) Name and address of the applicant, owner of the site, architect, professional engineer and contractor.
  - (2) Description of the subject site by lot, block, and recorded subdivision or by metes and bounds.
  - (3) Address of the subject site.
  - (4) Type of structure.
  - (5) Existing and proposed operation or use of the structure or site.
  - (6) Number of employees.
  - (7) Zoning district within which the subject site lies.
  - (8) Plat of survey prepared by a land surveyor registered in Wisconsin showing:

- a. Location, boundaries, dimensions, uses and size of the following:
    - 1. Subject site.
    - 2. Existing and proposed structures.
    - 3. Existing and proposed easements.
    - 4. Streets and other public ways.
  - b. Off-street parking, loading areas and driveways.
  - c. Existing highway access restrictions.
  - d. High water, channel floodway, and floodplain boundaries.
  - e. Existing and proposed street, side and rear yards.
  - f. Type, slope and boundaries of soils shown in the Walworth County Soils Survey prepared by the U.S.D.A. Soil Conservation Service.
- (9) In situations where it is known that the subject property has a public utility line located on said property but there is not an easement at the public utility line location in favor of the Village of Fontana, then the Plan Commission or Zoning Administrator may require that such an easement, in a form approved by the Village, be recorded in advance of a permit being issued.
- (910) Additional information as may be required by the plan commission or zoning administrator.

**SECTION 3.**

Sec. 78-41 of the Village Code of the Village of Fontana-on-Geneva Lake is hereby created to read as follows:

**Chapter 78 - Utilities**

Sec. 78-41

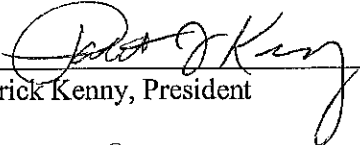
*Easements for Public Lines.* All Public Water, Sewer or Storm Sewer lines located on private property shall at all times be located within an easement in favor of the Village of Fontana, on such terms and conditions deemed acceptable to the Village and approved by the Village in advance of recording. Said easements shall be no less than 20 feet in width and located over the center of said lines and shall prohibit construction of a structure within the easement area.

**SECTION 4.**

Effective Date: This ordinance shall be in full force and effect upon and from its passage, approval and publication as required by law.

**PASSED AND ADOPTED** by the Village Board of the Village of Fontana on Geneva Lake, Walworth County, WI this 7<sup>th</sup> day of March, 2016

Village of Fontana on Geneva Lake

By:   
Patrick Kenny, President

Attest:   
Theresa Loomer, Clerk