

Chapter 46

SUBDIVISIONS AND PLATTING*

Article I. In General

- Sec. 46-1. Introduction; purpose.
- Sec. 46-2. Abrogation and greater restrictions.
- Sec. 46-3. Interpretation.
- Sec. 46-4. Severability.
- Sec. 46-5. Repeal.
- Sec. 46-6. Definitions.
- Sec. 46-7. Requirements generally.
- Sec. 46-8. Land suitability.
- Sec. 46-9. Variations and exceptions.
- Sec. 46-10. Violations; penalties; appeals.
- Secs. 46-11--46-40. Reserved.

Article II. Plats

- Sec. 46-41. Preliminary consultation.
- Sec. 46-42. Preliminary plat submission.
- Sec. 46-43. Preliminary plat review, approval and amendment.
- Sec. 46-44. Final plat submission, review and approval.
- Sec. 46-45. Administrative fees.
- Sec. 46-46. Replat.
- Sec. 46-47. Technical requirements for preliminary plats.
- Sec. 46-48. Technical requirements for final plats.
- Sec. 46-49. Technical requirements for certified survey land divisions.
- Secs. 46-50--46-80. Reserved.

Article III. Required Improvements

- Sec. 46-81. Payment; installation.
- Sec. 46-82. Required agreement providing for proper installation of improvements.
- Sec. 46-83. Required construction plans; village review; inspections.
- Sec. 46-84. Street improvements.
- Sec. 46-85. Curbs and gutters.
- Sec. 46-86. Sidewalks.
- Sec. 46-87. Sanitary sewerage systems.
- Sec. 46-88. Water supply facilities.
- Sec. 46-89. Stormwater drainage facilities.
- Sec. 46-90. Other utilities.

***Cross reference** – Any ordinance dedicating or accepting any plat or subdivision in the village saved from repeal, § 1-9(12); buildings and building regulations, ch. 10; floods, ch. 14; streets, § 38-141 et seq.; sewer and water main installations in platted subdivisions, § 54-2.

SPRING VALLEY CODE

- Sec. 46-91. Streetlamps.
- Sec. 46-92. Street signs.
- Sec. 46-93. Street trees.
- Sec. 46-94. Erosion control.
- Sec. 46-95. Partition fences.
- Sec. 46-96. Easements.
- Sec. 46-97. Street design standards.
- Sec. 46-98. Specifications for preparation, construction and dedication of streets and roads.
- Sec. 46-99. Block design standards.
- Sec. 46-100. Lot design standards.
- Sec. 46-101. Drainage system.
- Sec. 46-102. Nonresidential subdivisions.
- Sec. 46-103. Park and public land dedication.
- Sec. 46-104. Land dedication.
- Sec. 46-105. Reservation of additional land.
- Sec. 46-106. Development of park area.
- Sec. 46-107. Fees in lieu of land.

ARTICLE I. IN GENERAL**Sec. 46-1. Introduction; purpose.**

(a) *Introduction.* In accordance with Wis. Stats. § 236.45, and for the purposes listed in Wis. Stats. §§ 236.01 and 236.45, the village board ordains as follows:

- (1) The provisions of this chapter shall be held to be the minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the village.
- (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except this chapter shall apply whenever it imposes stricter restrictions on land use.

(b) *Purpose.* The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the village. The regulations set forth in this chapter are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the village's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations of this chapter are made with the reasonable consideration of, but not limited to, the present character of the village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the village.

(Code 1988, § 10-6-1)

Sec. 46-2. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

(Code 1988, § 10-6-2)

Sec. 46-3. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be the minimum requirements and shall be liberally construed in favor of the village and shall not be deemed a limitation or repeal of any other power granted by statute.

(Code 1988, § 10-6-3)

Sec. 46-4. Severability.

If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid

or unconstitutional provision or application.
(Code 1988, § 10-6-4)

Sec. 46-5. Repeal.

All other ordinances of the village, or parts thereof, which are inconsistent or conflict with this chapter, to the extent of such inconsistency only, are repealed.
(Code 1988, § 10-6-5)

Sec. 46-6. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public right-of-way which normally affords a secondary means of vehicular access to abutting property.

Arterial street means a street which provides for the movement of relatively heavy traffic to, from or within the village, and has a secondary function of providing access to abutting land.

Block means an area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision and streams or water bodies.

Collector street means a street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets, and provides access to abutting property.

Commission means the plan commission created by the village board pursuant to Wis. Stats. § 62.23.

Comprehensive development plan means a comprehensive plan prepared by the village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the village, and includes any unit or part of such plan separately adopted and any amendment to such plan, or parts thereof.

Cul-de-sac means a short street having only one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

Division of land means where the title, or any part thereof, is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed or a certified survey.

Easement means the area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

Extraterritorial plat approval jurisdiction means the unincorporated area within 1 1/2 miles of a fourth-class city or village and within three miles of all other cities.

Final plat means the final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval, and which, if approved, will be submitted to the county register of deeds.

Frontage street means a minor street auxiliary to and located on the side of an arterial street for control of access and service to the abutting development.

Improvement, public, means any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

Local street means a street of little or no continuity, designed to provide access to abutting property and leading into collector streets.

Lot means a parcel of land having frontage on a public street, or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and chapter 58, pertaining to zoning.

Lot area means the area contained within the exterior boundaries of a lot, excluding streets, and land under navigable bodies of water.

Lot, corner, means a lot abutting intersecting streets at their intersection.

Lot lines means the peripheral boundaries of a lot, as defined in this section.

Lot, reversed corner, means a corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

Lot, through, means a lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed as front lot lines.

Lot width means the width of a parcel of land, measured along the front building line.

Major thoroughfare means a street used, or intended to be used, primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

Minor street means a street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."

Minor subdivision means the division of land by the owner or subdivider, resulting in the creation of not more than four parcels or building sites.

Owner includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or any combination thereof.

Pedestrian pathway means a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only, and which may also provide a public right-of-way for utilities.

Plat means the map, drawing or chart on which the subdivider's plat of a subdivision is presented to the village for approval.

Preliminary plat means the preliminary plat map, drawing or chart indicating the proposed layout of a subdivision to be submitted to the village board for their consideration as to compliance with the comprehensive development plan and the regulations set forth in this chapter, along with the required supporting data.

Protective covenants means contracts entered into between private parties, or private parties and public bodies, pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

Replat means the process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of such block, lot or outlot is not a replat.

Shorelands means the lands within 1,000 feet from the high water elevation of navigable lakes, ponds and flowages, or 300 feet from the high water elevation of navigable streams or the landward side of the floodplain, whichever is greater.

Subdivider means any person, firm or corporation, or any agent thereof, dividing, or proposing to divide, land resulting in a subdivision, minor subdivision or replat.

Subdivision means the division of a lot, outlot, parcel or tract of land by the owner thereof or his agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres or less in area, or where the act of division creates five or more parcels or building sites by successive division within a period of five years, whether done by the original owner or a successor owner.

Wetland means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation, and which has soils indicative of wet conditions. (Wis. Stats. § 23.32(1))

Wisconsin Administrative Code means the rules of administrative agencies having rule-making authority in the state, published in a looseleaf, continual revision system, as directed by Wis. Stats. § 35.93 and Wis. Stats. ch. 227, including subsequent amendments to such rules. (Code 1988, § 10-6-10)

Cross reference – Definitions generally, § 1-2.

Sec. 46-7. Requirements generally.

(a) *Compliance.* No person shall divide any land located within the jurisdictional limits of the

regulations set forth in this chapter which results in a subdivision, land division or a replat as defined in section 46-6; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (1) The provisions of Wis. Stats. ch. 236 and Wis. Stats. § 80.08.
- (2) The rules of the division of health, state department of commerce, contained in Wisconsin Administrative Code for subdivisions not served by public sewer.
- (3) The rules of the division of highways, state department of transportation, contained in Wisconsin Administrative Code for subdivisions which abut a state trunk highway or connecting street.
- (4) The rules of the state department of natural resources contained in the Wisconsin Administrative Code for the floodplain management program.
- (5) Comprehensive plans, or components of such plans, prepared by state, regional, county or municipal agencies and duly adopted by the village board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The village master plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the village.
- (8) All applicable rules contained in the Wisconsin Administrative Code and not listed in this subsection.

(b) *Jurisdiction.* The jurisdiction of the regulations set forth in this chapter shall include all lands within the corporate limits of the village. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for terms not to exceed ten years, mortgages or easements;
- (3) 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 this chapter or other applicable laws or ordinances.

(c) *Certified survey.* Any division of land, other than a subdivision, as defined in Wis. Stats. § 236.02(12), shall be surveyed and a certified survey map prepared as provided in Wis. Stats. § 236.34.

(d) *Building permits.* The village shall not issue any building permit relating to any parcel of land forming all, or any part of, lands included in a subdivision, land division, replat or certified survey originally submitted to the village on or after the effective date of the ordinance from which this chapter is derived until the applicant has complied with all of the provisions and requirements of this chapter.

(Code 1988, § 10-6-20)

Sec. 46-8. Land suitability.

(a) *Required.* No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the village board for the reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community. In applying the provisions of this section, the village board shall recite in writing the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter, the village board may affirm, modify or withdraw its determination of unsuitability.

(b) *Existing flora.* The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees, shrubbery, vines and grasses are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

(Code 1988, § 10-6-21)

Sec. 46-9. Variations and exceptions.

(a) In the judgment of the village board, where it would be inappropriate to literally apply the provisions of this chapter because an exceptional or undue hardship would result, the village board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time the preliminary plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the village board in the analysis of the proposed project.

(b) The village board may not grant variations or exceptions to the regulations of this chapter unless it shall make findings, based upon the evidence presented to it in each specific case, that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not generally applicable to other property;
- (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(c) If the village board approves the variance, it shall do so by motion or resolution and instruct the village administrator to notify the subdivider.

- (d) Such relief shall be granted without detriment to the public good, without impairing the intent

and purpose of this chapter or the desirable general development of the village in accordance with any village comprehensive plan, or a component thereof, this chapter or applicable zoning ordinances. A majority vote of the entire membership of the village board shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the village board.

(e) The village board may waive the placing of monuments, as required under Wis. Stats. § 236.15(1)(b, c, d), for a reasonable time, on the condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required.
(Code 1988, § 10-6-90)

Sec. 46-10. Violations; penalties; appeals.

(a) *Violations.* It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or statute, and no person shall be issued a building permit by the village authorizing the building on, or improvement of, any subdivision, land division or replat within the jurisdiction of this chapter which is not of record as of the effective date of the ordinance from which this chapter is derived until the provisions and requirements of this chapter have been fully met. The village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable statutes.

(b) *Penalties.*

- (1) Any person who fails to comply with the provisions of this chapter shall, upon conviction, forfeit not less than \$50.00, nor more than \$500.00, and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (2) The penalty for an improperly made recordation shall be as provided in Wis. Stats. § 236.30.
- (3) The penalty for the conveyance of lots in unrecorded plats shall be as provided for in Wis. Stats. § 236.31.
- (4) The penalty for monuments disturbed or not placed shall be as provided for in Wis. Stats. § 236.32.
- (5) An assessor's plat made under Wis. Stats. § 70.27 may be ordered by the village, at the expense of the subdivider, when a subdivision is created by successive divisions.

(c) *Appeals.* Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in Wis. Stats. §§ 236.13(5) and 62.23(7)(e)10, 14 and 15 within 30 days of notification of the rejection of the plat. Where such failure to approve the plat is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

(Code 1988, § 10-6-91)

Secs. 46-11--46-40. Reserved.

ARTICLE II. PLATS

Sec. 46-41. Preliminary consultation.

Before filing a preliminary plat or certified survey, the subdivider is encouraged to consult with the village board for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the village administrator. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. The consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purposes and objectives of the regulations set forth in this chapter, the comprehensive plan and its components, and duly adopted plan implementation devices of the village and to otherwise assist the subdivider in planning his development. By conducting such consultation, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures.

(Code 1988, § 10-6-30)

Sec. 46-42. Preliminary plat submission.

(a) *Submission.* Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 12 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this article, and the subdivider shall file copies of the preliminary plat and the application as required by this subsection with the village administrator at least 15 days prior to the meeting of the village board at which action is desired. The village administrator shall submit a copy of the preliminary plat to the village engineer for review and a written report of his recommendations and reactions to the proposed plat.

(b) *Public improvements, plans and specifications.* Simultaneously with the filing of the preliminary plat or map, the owner shall file with the village administrator five complete sets of engineering reports, plans and specifications for the construction of any public improvements required by this article, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.

(c) *Property owners association; restrictive covenants.* A draft of the legal instruments and rules for proposed property owners associations, and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the preliminary plat with the village administrator when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the village pursuant to Wis. Stats. § 236.293. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the village.)

(d) *Affidavit.* The surveyor preparing the preliminary plat shall certify on the face of the plat that it is

a correct representation of all existing land divisions and features, and that he has fully complied with the provisions of this article.

(e) *Supplementary data.* The following shall also be filed with the preliminary plat:

- (1) *Use statement.* A statement of the proposed use of lots, stating the type of residential buildings, with the number of proposed dwelling units, and types of businesses or industries, to reveal the effect of the development on traffic, fire hazards and congestion of population;
- (2) *Zoning changes.* If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
- (3) *Area plan.* Where the subdivider owns property adjacent to the property which is being proposed for the subdivision, the village board may require that the subdivider submit a preliminary plat of the remainder of the property to show the possible relationship between the proposed subdivision and the future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

(f) *Street plans and profiles.* The subdivider shall provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested.

(g) *Soil testing.* At the request of the village board, the subdivider may provide a preliminary soil report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in section 46-8, the village board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including the depths to bedrock and the groundwater table.

(h) *Referral to other agencies.*

- (1) Within two days after filing the preliminary plat, the village administrator shall transmit four copies to the county planning agency, two copies to the director of the planning function in the state department of development, additional copies to the director of the planning function for retransmission of two copies each to the state department of transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and the state department of commerce if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the village board. The county planning agency, the state department of development, the state department of transportation and the state department of commerce shall be referred to in this article as "objecting agencies."
- (2) Within 20 days of the date of receiving the copies of the preliminary plat, any state or county agency having authority to object under subsection (h)(1) of this section shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return such copy to the approving authority from which it was received. The plat shall not be approved or

deemed approved until any objections have been satisfied. If the objecting agency fails to act within the 20-day limit, it shall be deemed to have no objection to the plat. Municipal utilities within the village may file objections with the village board at any time prior to, and including, the village board's public hearing on the land division.

- (3) In lieu of the procedure set forth in subsection (h)(1) of this section, the subdivider or his agent may submit the original preliminary plat to the department of local affairs and development, which shall forward two copies to each of the agencies authorized to object. Such department shall have the required number of copies made, at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return such copy to the department of development. After each agency and the department of development have certified that they have no objection or that their objections have been satisfied, the department of development shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the department of development fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the department of development.

(i) *Drafting standards.* The subdivider shall submit to the village administrator and the agencies having the authority to object to plats under Wis. Stats. ch. 236, copies of a preliminary plat (or certified survey), based upon an accurate exterior boundary survey by a registered land surveyor, which shall clearly show the proposed subdivision at a scale of not more than one inch per 100 feet, having two-foot contour intervals, and shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and indicate, by an accompanying letter, when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

(Code 1988, § 10-6-31)

Sec. 46-43. Preliminary plat review, approval and amendment.

(a) *Village board review; public hearing.* The village administrator shall schedule a public hearing before the village board on the preliminary plat. The village administrator shall give notice of the village board's review and public hearing on the preliminary plat or certified survey by listing it as an agenda item in the village board's meeting notice published in the official village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 200 feet of the proposed land division shall receive written notice of the public hearing.

(b) *Village board action.* Within 90 days of the date the preliminary plat was filed with the village administrator, the village board shall approve, approve conditionally or reject such plat or survey map, and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the village board to act within 90 days, or an extension thereof, shall constitute an approval of the preliminary plat, unless other authorized agencies object to

the plat. The village administrator shall communicate the action of the village board to the subdivider. If the plat or map is approved, the village administrator shall endorse the approved plat or map for the village board.

(c) *Effect of approval.* Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of the preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the village board at the time of its submission.

(d) *Amendment.* Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless, in the opinion of the village board, the amendment is of such scope as to constitute a new plat, in which case it shall be refiled.

(Code 1988, § 10-6-32)

Sec. 46-44. Final plat submission, review and approval.

(a) *Filing requirements.*

- (1) The subdivider shall prepare a final plat and letter of application in accordance with this article, and shall file 12 copies of the plat and the application with the village administrator at least 15 days prior to the meeting of the village board at which action is desired. The owner or subdivider shall file eight copies of the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void, unless an extension is requested in writing by the subdivider and for good cause granted by the village. The owner or subdivider shall also submit at such time a current certified abstract of title or registered property report and such other evidence as the village attorney may require showing title or control in the applicant.
- (2) Within two days after filing the final plat, the village administrator shall transmit four copies to the county planning agency, two copies to the director of the planning function in the state department of development, additional copies to the director of the planning function for retransmission of two copies each to the state department of transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, and the state department of commerce if the subdivision is not served by a public sewer and provision for service has not been made, and the original final plat and adequate copies to the plan commission. The county planning agency, the state department of development, the state department of transportation and the state department of commerce shall be referred to in this article as "objecting agencies."
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and law, and shall be submitted for certification of the agencies having the authority to object to the plat as provided by Wis. Stats. § 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the village administrator five copies of the final plans and specifications of public improvements required

by this article.

- (5) The village administrator shall refer two copies of the final plat to the village engineer, and a copy each to the telephone and power companies and other utility companies. The abstract of title or registered property report may be referred to the village attorney for his examination and report. The village administrator shall also refer the final plans and specifications of public improvements to the village engineer for review. The recommendations of the village engineer shall be made within 30 days of the filing of the final plat. The village engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds they are satisfactory, he shall so certify in writing to the village board. If the plat or map or the plans and specifications are not satisfactory, the village engineer shall return them to the owner and advise the village board of such action.
- (b) *Village board review and approval.*
- (1) Within 60 days of the date of filing the original final plat with the village administrator, the village board shall approve or reject such plat, unless such time is extended by agreement with the subdivider. If the plat is rejected, the reasons for such rejection shall be stated in the minutes of the meeting and a written statement of such reasons shall be forwarded to the subdivider. The village board may not inscribe its approval on the final plat, unless the village administrator certifies on the face of the plat that the copies were forwarded to objecting agencies as required in this section, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.
 - (2) When the village board determines to approve a final plat, it shall give at least ten days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.
 - (3) The final plat shall be deemed to be approved upon the failure of the village board to act within 60 days, when the time has not been extended and no unsatisfied objections have been filed.
 - (4) After the final plat has been approved by the village board and required improvements either installed or a contract and sureties ensuring their installation is filed, the village administrator shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the plat, unless it is offered within six months from the date of the last approval.
 - (5) The subdivider shall file eight copies of the final plat with the village administrator for distribution to the approving agencies, affected municipal utilities and other affected agencies for their files.
- (c) *Partial platting.* If permitted by the village board, the final plat may constitute only the portion of the approved preliminary plat which the subdivider proposes to record at that time.
(Code 1988, § 10-6-33)

Sec. 46-45. Administrative fees.

(a) *Payment required.* The subdivider shall pay the village all fees required in this section and at the times specified before being entitled to recording of a plat or certified survey map.

(b) *Engineering fee.* The subdivider shall pay a fee equal to the actual cost to the village for all engineering work incurred by the village in connection with the plat or certified survey map, including inspections required by the village. The subdivider shall pay a fee equal to the actual cost to the village for such inspection as the village board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the village or any other governmental authority.

(c) *Administrative fee.* The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the village in connection with the plat or certified survey map.

(d) *Preliminary plat review fee.*

(1) The subdivider shall pay a fee as set by the village board from time to time and on file in the village offices, plus a fee as set by the village board from time to time and on file in the village offices for each dwelling unit within the preliminary plat or certified survey map to the village administrator at the time of the first application for approval of any preliminary plat or certified survey map to assist in defraying the cost of review.

(2) A reapplication fee as set by the village board from time to time and on file in the village offices shall be paid to the village administrator at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

(e) *Final plat review fee.*

(1) The subdivider shall pay a fee as set by the village board from time to time and on file in the village offices, plus a fee as set by the village board from time to time and on file in the village offices for each dwelling unit within the final plat to the village administrator at the time of the first application for final plat approval of the plat to assist in defraying the cost of review.

(2) A reapplication fee as set by the village board from time to time and on file in the village offices shall be paid to the village administrator at the time of a reapplication for approval of any final plat which has previously been reviewed.

(Code 1988, § 10-6-34)

Sec. 46-46. Replat.

(a) Except as provided in Wis. Stats. § 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. § 236.40--236.44. The subdivider or person wishing to replat shall then proceed, using the procedures for preliminary and final plats.

(b) The village administrator shall schedule a public hearing before the village board when a preliminary plat of a replat of lands within the village is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and all properties within 200 feet of the exterior boundaries of the proposed replat.

(c) Where lots are more than double the minimum size required for the applicable zoning district, the village board may require that such lots be arranged to allow resubdivision of such parcels into normal lots in accordance with the provisions of this article.

(Code 1988, § 10-6-35)

Sec. 46-47. Technical requirements for preliminary plats.

(a) *Generally.* A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and prepared on mylar or paper of good quality at a scale of not more than 100 feet to the inch, and shall correctly show on its face the following information:

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
- (3) Date, scale and north point.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) The entire area contiguous to the proposed plat which is owned or controlled by the subdivider, even though only a portion of such area is proposed for immediate development. The village board may waive such requirement where it is unnecessary to fulfill the purposes and intent of this article and an undue hardship would result from strict application thereof.

(b) *Required data.* All preliminary plats shall show the following:

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision, referenced to a corner established in the U.S. Public Land Survey, and the total acreage encompassed thereby.
- (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Locations, rights-of-way widths and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Locations and names of any adjacent subdivisions, parks and cemeteries and the owners of record of abutting unplatted lands.

- (5) Types, widths and elevations of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) Locations, sizes and invert elevations of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards, based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent benchmarks shall be located in the immediate vicinity of the plat; the location of the benchmarks shall be indicated on the plat, together with their elevations referenced to mean sea level datum, and the monumentation of the benchmarks clearly and completely described. In the judgment of the village engineer, where an undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (12) Floodland and shoreland boundaries, and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or located within 100 feet therefrom.
- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with the Wisconsin Administrative Code and delineation of areas with three-foot and six-foot groundwater and bedrock levels where the subdivision will not be served by a public sanitary sewer service.
- (15) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with the Wisconsin Administrative Code where the subdivision will not be served by a public sanitary sewer service.

- (16) Locations, widths and names of all proposed streets and public rights-of-way, such as alleys and easements.
- (17) Approximate dimensions of all lots, together with proposed lot and block numbers. The area of each lot, in square feet, shall be provided.
- (18) Locations and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public uses, or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (19) Approximate radii of all curves.
- (20) Any proposed lake and stream access, with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (21) Any proposed lake and stream improvement or relocation, and notice of application for approval by the division of environmental protection, department of natural resources, when applicable.

Where the village board or village engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request, in writing, such information from the subdivider.

(c) *Additional information.* The village board may require a proposed subdivision layout of all, or part of, contiguously owned land, even though division is not planned at such time.
(Code 1988, § 10-6-40)

Sec. 46-48. Technical requirements for final plats.

(a) *Generally.* A final plat prepared by a registered land surveyor shall be required for all subdivisions, and shall comply in all respects with the requirements of Wis. Stats. § 236.20, and this article.

(b) *Additional information.* In addition to the information required by Wis. Stats. § 236.20, the final plat shall correctly show on its face the following:

- (1) Exact length and bearing of the centerline of all streets.
- (2) Exact street width along the line of any obliquely intersecting street.
- (3) Exact location and description of streetlighting and lighting utility easements.
- (4) Railroad rights-of-way within and abutting the plat.
- (5) All lands reserved for future public acquisition or the common use of property owners within the plat.
- (6) Special restrictions required by the village board relating to access control along public ways or

to the provision of planting strips.

(c) *Deed restrictions.* Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the final plat.

(d) *Property owners association.* The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.

(e) *Survey accuracy.*

(1) *Examination.* The village board shall examine all final plats within the village, and may check for the accuracy and closure of the survey, the proper kind and location of monuments and legibility and completeness of the drawing.

(2) *Maximum error of closure.* Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor four seconds of arc per interior angle in azimuth. If field measurements exceed such maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained. The survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(3) *Street, block and lot dimensions.* All street, block and lot dimensions shall be computed as closed geometric figures, based upon the control provided by the closed exterior boundary survey. Necessary corrections shall be made if checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000, or an error in the measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, in any case, such error shall not exceed five minutes of arc.

(4) *Location.* Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the village, the tie required by Wis. Stats. § 236.20(3)(b) shall be expressed in terms of grid bearing and distance, and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in this subsection (e) for the survey of the exterior boundaries of the subdivision.

(f) *Surveying and monumenting.* All final plats shall meet all of the surveying and monumenting requirements of Wis. Stats. § 236.15.

(g) *State plane coordinate system.* Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the state coordinate

system, south zone, and adjusted to the village's control survey.

(h) *Certificates.* All final plats shall provide all of the certificates required by Wis. Stats. § 236.21, and in addition, the surveyor shall certify that he has fully complied with all of the provisions of this chapter.

(Code 1988, § 10-6-42)

Sec. 46-49. Technical requirements for certified survey land divisions.

(a) *Generally.* When it is proposed to divide land into at least two but not more than four building sites, any one of which is less than 40 acres, or when it is proposed to divide a block, lot or outlot into not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Wis. Stats. § 236.34 and this article.

(b) *Submission and review.* The subdivider is encouraged to first consult with the village board regarding the requirements for certified surveys before submission of the final map. Following such consultation, two copies of the final map shall be submitted to the village in the form of a certified survey map. The certified survey shall be reviewed, approved or disapproved by the village board pursuant to the procedures used for preliminary plats in sections 46-41--46-43, including notice and hearing requirements.

(c) *Additional information.* In addition to the information required by Wis. Stats. § 236.34, the certified survey map shall correctly show on its face the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (2) Setbacks or building lines required by the village board and applicable zoning ordinances.
- (3) All lands reserved for future acquisition.
- (4) Date of the map.
- (5) Graphic scale.
- (6) Name and address of the owner, subdivider and surveyor.
- (7) Square footage of each parcel.
- (8) Present zoning for the parcels.

(d) *State plane coordinate system.* Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied

shall be indicated on the map. All distances and bearings shall be referenced to the state coordinate system, south zone, and adjusted to the village's control survey.

(e) *Certificates.* The surveyor shall certify on the face of the certified survey map that he has fully complied with all of the provisions of this chapter. After a recommendation by the reviewing agencies, the village board shall certify its approval on the face of the map.

(f) *Street dedication.* Dedication of streets and other public areas shall require, in addition, the owner's and mortgagee's certificates in substantially the same form as required by Wis. Stats. § 236.21(2)(a).

(g) *Recordation.* The subdivider shall record the map with the county register of deeds within 30 days of its approval by the village board and any other approving agencies, and failure to do so shall necessitate a new review and reapproval of the map by the village board.

(h) *Compliance required.* To the extent reasonably practicable, the certified survey shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot involved is less than 1 1/2 acres or 300 feet in width.
(Code 1988, § 10-6-42)

Secs. 46-50--46-80. Reserved.

ARTICLE III. REQUIRED IMPROVEMENTS*

Sec. 46-81. Payment; installation.

(a) *Required for approval; payment.* The improvements prescribed in this article are required as a condition of approval of a land division. The required improvements described in this article shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may be financed through special assessments, at the sole discretion of the village board.

(b) *Installation standards and specifications.* The required improvements in this article shall be installed in accordance with the engineering standards and specifications which have been adopted by the village board. Where such standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved by the village engineer prior to the start of construction.
(Code 1988, § 10-6-50)

Sec. 46-82. Required agreement providing for proper installation of improvements.

(a) *Contract.* Prior to the installation of any required improvements and approval of the final plat, the subdivider shall enter into a written contract with the village requiring the subdivider to furnish and

***Cross reference** – Streets, § 38-141 et seq.; trees and shrubs, § 38-221 et seq.; utilities, ch. 54.

construct the improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the village engineer.

(b) *Financial guarantees.*

- (1) The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond, the amount of the deposit and the penal amount of the bond to be equal to 1 1/4 times the village engineer's estimate of the total costs of the improvements to be furnished under the contract, including the costs of inspection.
 - (2) Upon request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat and, in such event, the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under the performance bond shall be turned over and delivered to the village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. At the option of the village board, it may extend the bond period for additional periods not to exceed two years each.
 - (3) The time for completion of the work, and the several parts thereof, shall be determined by the village board, upon recommendation of the village engineer after consultation with the subdivider. The completion date shall be a component of the contract.
 - (4) The subdivider shall pay the village for all costs incurred by the village for review and inspection of the subdivision, which would include review, and preparation at the village board's discretion, of plans and specifications by the village engineer, planner and attorney, as well as other costs of a similar nature.
- (Code 1988, § 10-6-52)

Sec. 46-83. Required construction plans; village review; inspections.

(a) *Engineering reports, construction plans and specifications.* As required by section 46-42, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements, conforming in all respects with the standards of the village engineer and ordinances, shall be prepared at the subdivider's expense by a professional engineer who is registered in the state, and such plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the village engineer for his approval and estimate of the total cost of the required improvements and, upon approval, they shall become a part of the required contract. Simultaneously with the filing of the final plat with the village administrator, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:

- (1) Street plans and profiles, showing existing and proposed grades, elevations and cross sections of

the required improvements.

- (2) Sanitary sewer plans and profiles, showing the locations, grades, sizes, elevations and materials of the required facilities.
- (3) Storm sewer and open channel plans and profiles, showing the locations, grades, sizes, cross sections, elevations and materials of the required facilities.
- (4) Water main plans and profiles, showing the locations, sizes, elevations and materials of the required facilities.
- (5) Erosion and sedimentation control plans, showing the structures required to retard the rate of runoff water and the grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with any village erosion control ordinance (chapter 10, article III, of this Code).
- (6) Planting plans, showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (7) Additional special plans or information as required by village officials.

(b) *Action by the village engineer.* The village engineer shall review, or cause to be reviewed, the plans and specifications for conformance with the requirements of this article and other pertinent ordinances and design standards recommended by the village engineer and approved by the village board. If the village engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications, or both, accordingly. When the plans and specifications are corrected, the village engineer shall approve the plans and specifications for transmittal to the village board. The village board shall approve the plans and specifications before the improvements are installed and construction is commenced.

(c) *Construction and inspection.*

- (1) Prior to starting any of the work covered by the plans approved as set forth in subsection (b) of this section, written authorization to start the work shall be obtained from the village engineer upon receipt of all necessary permits and in accordance with the construction methods of this article. Building permits shall not be issued until all improvements required by this article are satisfactorily completed.
- (2) Construction of all improvements required by this article shall be completed within two years from the date of approval of the preliminary plat by the village board, unless good cause can be shown for the village board to grant an extension.
- (3) During the course of construction, the village engineer shall make such inspections as the village board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual costs incurred by the village for such inspections. Such fee shall be the actual costs to the village of inspectors, engineers and other parties necessary to ensure satisfactory work.

(d) *Record plans.* After completion of all public improvements and prior to final acceptance of such improvements, the subdivider shall make, or cause to be made, three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the village engineer shall require. The plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in the state. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two copies of the record plans shall be retained by the village and one copy shall be forwarded to the appropriate sanitary district/utility department.
(Code 1988, § 10-6-52)

Sec. 46-84. Street improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this section.

- (1) *Design and construction standards.* The design and construction of all roads, streets and alleys in the village shall fully comply with the requirements and specifications of sections 46-97 and 46-98.
- (2) *Grading.*
 - a. With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.
 - b. Proposed grades will be reviewed by the village engineer for conformance with village standards and good engineering practices. Street grades require the approval of the village board after receipt of the village engineer's recommendations.
 - c. After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots.
 - d. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade the portion of the right-of-way between the existing pavement and the property line.
 - e. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.
 - f. The village engineer shall approve all grading within rights-of-way, and such grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved.
 - g. Where electric and other communication or utility facilities are to be installed underground, the utility easements shall be graded to within six inches of the final grade by the subdivider, prior to the installation of such facilities. Earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

- (3) *Construction.* After sanitary sewer, storm sewer, water and other necessary utilities have been installed, the subdivider shall construct and dedicate, as part of the subdivision, streets, curbs and gutters. The subdivider shall surface roadways to the widths prescribed by sections 46-97 and 46-98. Construction shall be to village standard specifications for street improvements.
- (4) *Completion of street and sidewalk construction.*
- a. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the village engineer and accepted by the village board.
 - b. The village board may issue a waiver of such requirements in unusual or special circumstances, such as excessively severe weather conditions, heavy construction temporarily in the area or construction material shortages (i.e., cement or asphalt). The issuance of a waiver shall be at the discretion of the village board.
 - c. The subdivider requesting a waiver shall make such request in writing, presenting such information and documentation as required by the village board. The waiver shall be in written form, and shall detail which improvement requirements are temporarily waived and for what period of time.

(Code 1988, § 10-6-53)

Sec. 46-85. Curbs and gutters.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the village board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

(Code 1988, § 10-6-54)

Sec. 46-86. Sidewalks.

Sidewalks may be required by the village board in high traffic areas and areas in the vicinity of schools, commercial areas and other places of public assemblage. The village board may require the construction of sidewalks if such sidewalks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(Code 1988, § 10-6-55)

Sec. 46-87. Sanitary sewerage systems.

(a) A sanitary sewerage system shall be provided in conformity with the master plan of sewers as approved by the village board and/or sanitary district.

(b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey parcel or land division.

(c) Subdivisions and certified survey parcels in the urban service area shall be served by public

sewer facilities. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district.

(d) Land divisions created by a certified survey outside of the urban service area may be served by private sewage disposal systems, if public sewer facilities are not available. Private sewage disposal systems shall comply with the Wisconsin Administrative Code. Service laterals shall be provided to all lots.

(e) The subdivider shall pay all of the costs of all sanitary sewer work, including bringing of the sanitary sewer from where it exists to the subdivision in question, as well as providing all sanitary sewer work within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the appropriate sanitary district/utility serving the area.

(Code 1988, § 10-6-56)

Sec. 46-88. Water supply facilities.

(a) The subdivider shall make adequate domestic water supplies available and pay for such improvements for each lot within the subdivision or land division.

(b) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or land division. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the appropriate sanitary district and/or utility. Water service laterals shall be provided to all lots.

(Code 1988, § 10-6-57)

Sec. 46-89. Stormwater drainage facilities.

Pursuant to section 46-101, the subdivider shall provide stormwater drainage facilities, which may include curb and gutter, catchbasins and inlets, storm sewers, road ditches and open channels, as may be required. Storm sewers are to be of an adequate size and grade to hydraulically accommodate the ten-year storm. Culverts shall be designed to accommodate the ten-year storm and shall be sized so that the 25-year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the village engineer, stormwater swales and ditches may be sized for from 25-year to 100-year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be designed to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the village board, upon the recommendation of the village engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider; however, the cost of oversizing above a 24-inch diameter storm sewer shall be paid by other users connecting to the system.

(Code 1988, § 10-6-58)

Sec. 46-90. Other utilities.

(a) The subdivider shall cause gas, electric power and telephone facilities to be installed in a manner to make adequate service available to each lot in the subdivision, certified survey or land division. All

new electrical distribution television cables and telephone lines from which lots are individually served shall be underground, unless the village board specifically allows overhead poles for the following reasons:

- (1) Topography, soil, water table, solid rock, boulders or other physical conditions would make underground installation unreasonable or impractical; or
- (2) The lots to be served by such facilities can be served directly from existing overhead facilities.

(b) Plans indicating the proposed location of all gas, electric power and telephone distribution and transmission lines required to service the plat shall be approved by the village board, and such map shall be filed with the village administrator.

(Code 1988, § 10-6-59)

Sec. 46-91. Streetlamps.

Along all streets proposed to be dedicated, the subdivider shall install streetlamps of a design compatible with the neighborhood and type of development proposed. Such streetlamps shall be placed at each street intersection and at such interior block spacing as may be required by the village board, upon the recommendation of the village engineer.

(Code 1988, § 10-6-60)

Sec. 46-92. Street signs.

At the intersections of all streets proposed to be dedicated, the subdivider shall install a street name sign of a design and installation specified by the village engineer.

(Code 1988, § 10-6-61)

Sec. 46-93. Street trees.

(a) The subdivider shall plant in the terrace area at least one tree of a species acceptable to the village board and of at least six feet in height for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in accordance with plans and specifications approved by the village board.

(b) No person shall plant or maintain in the terrace area any tree of the species *Populus deltoides* (commonly called the cottonwood), black locust, the seedbearing box elder or *Acer negundo*, which may become infested with box elder bugs, white poplar, lombardy poplar, any evergreen or fir tree, any fruit or nut tree, or any other species which, in the opinion of the village board, will constitute a nuisance to the public or adjoining property owners or interfere with the safety of the public. Required terrace trees shall be a minimum of three feet in height at the time of planting.

(c) For the purposes of this section, the term "terrace areas" means the land between the normal location of the street curbing and sidewalk. Where there is no sidewalk, the area six feet from the curblines shall be deemed to be a terrace for the purpose of this article.

(Code 1988, § 10-6-62)

Sec. 46-94. Erosion control.

Pursuant to chapter 10, article III, of this Code, the subdivider shall cause all gradings, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

(Code 1988, § 10-6-63)

Sec. 46-95. Partition fences.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep and maintain partition fences, satisfying the requirements of statute for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors and assigns to erect and maintain such fences, without cost to the adjoining property owners, as long as the land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

(Code 1988, § 10-6-64)

Sec. 46-96. Easements.

(a) *Utility easements.* Upon the recommendation of appropriate agencies serving the village, the village board shall require utility easements for poles, wires, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this section to protect all established easements to assure proper grade and maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installations and prevent the planting of trees in the easement area.

(b) *Drainage easements.* Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

- (1) There shall be a stormwater easement or drainage right-of-way provided conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this chapter.
- (2) The watercourse, drainageway, channel or stream may be relocated in a manner so that the maintenance of adequate drainage will be assured, and shall be provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this chapter.
- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the village engineer, the easement will be for a major drainage swale, the easement shall be of a sufficient width to contain a 100-year frequency storm. If the drainage easement is located in an established floodway or flood

fringe district, the entire floodplain area shall be included within the drainage easement.

(c) *Locations.* Such easements shall be at least 12 feet wide, or wider where recommended by the village engineer, and may run across lots or alongside rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the village board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
(Code 1988, § 10-6-65)

Sec. 46-97. Street design standards.

(a) *Compliance with statutes.* In laying out a subdivision, the owner shall conform to the provisions of Wis. Stats. ch. 236, and all applicable village regulations. In all cases where the requirements of this article are different from the requirements of Wis. Stats. ch. 236, the more restrictive provision shall apply.

(b) *Dedication.* The subdivider shall dedicate land and improve streets as provided in this article and section 46-84. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the village board. The subdivision, certified survey parcel or land division shall be designed to provide each lot with satisfactory access to a public street or road.

(c) *Compliance with comprehensive plan.* The arrangement, character, extent, width, grade and location of all streets shall conform to any village comprehensive development plan and this article, and shall be considered in their relation to existing and planned streets, reasonable circulation of traffic, topographical conditions, runoff of stormwater, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(d) *Areas not covered by official map.* In areas not covered by a village comprehensive plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

(e) *Classifications.* Streets shall be classified as follows:

- (1) *Arterial streets.* Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
- (2) *Collector streets.* Collector streets shall be arranged to provide ready collection of traffic from commercial and residential areas and conveyance of such traffic to the major street and highway system, and shall be properly related to special traffic generators, such as schools, churches and shopping centers and other concentrations of population, and to the major streets into which they feed.

- (3) *Minor streets.* Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems and require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) *Proposed streets.* Proposed streets shall extend to the boundary lines of the tract being subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the village board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) *Reserve strips.* Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the village under conditions approved by the village board.
- (g) *Alleys.* Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in non-multiple-family residential districts. Dead end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (h) *Continuations and extensions.* Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the village board, upon the recommendation of the plan commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.
- (i) *Minor streets.* Minor streets shall be laid out to discourage their use by through traffic.
- (j) *Number of intersections.* The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.
- (k) *Frontage roads.* Where a subdivision abuts or contains an existing or proposed arterial highway, the village board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) *Private streets.* Private streets shall not be approved, nor shall public improvements be approved for any private street. All streets shall be dedicated for public use.
- (m) *Visibility.* Streets shall afford maximum visibility and safety, and shall intersect at right angles, where practicable. As required by the village engineer, sufficient vision clearance triangles shall be provided at intersections.
- (n) *Tangents.* A tangent at least 100 feet long shall be required between reverse curves on arterial

and collector streets.

(o) *Street grades.*

- (1) Unless necessitated by exceptional topography, subject to the approval of the village board, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial streets, six percent.
 - b. Collector streets, eight percent.
 - c. Minor streets, alleys and frontage streets, ten percent.
 - d. Pedestrianways, 12 percent, unless steps of acceptable design are provided.

The grade of any street shall not exceed 12 percent, in any case, or be less than one-half of one percent.

- (2) Street grades shall be established, wherever practicable, to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of the topography.

(p) *Radii of curvature.* When a continuous street centerline deflects at any one point by more than ten degrees, a circular curve shall be introduced, having a radius of curvature on such centerline of not less than the following:

- (1) Arterial streets and highways, 500 feet.
- (2) Collector streets, 300 feet.
- (3) Minor streets, 100 feet.

Curves should be provided when centerline deflections exceed one degree in rural areas, and three degrees in urban areas.

(q) *Half streets.* Where an existing dedicated or platted half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider. The platting of half streets should be avoided, where possible.

(r) *Intersections.*

- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet, or greater where the village engineer considers it necessary.
- (2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (3) The number of streets converging at one intersection shall be reduced to a minimum,

preferably not more than two.

(s) *Names.* New street names shall not duplicate the names of existing streets, but streets that are continuations of other streets already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the village board.

(t) *Culs-de-sac; temporary dead ends and culs-de-sac.*

(1) *Culs-de-sac.* Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum inside curb radius of 40 feet. The use of culs-de-sac should be avoided, where possible.

(2) *Temporary dead ends or culs-de-sac.* All temporary dead ends shall have a maximum length of 800 feet and a temporary cul-de-sac shall have a minimum right-of-way radius of 66 feet and a minimum inside curb radius of 40 feet.

(u) *Limited access highways, arterial streets and railroad rights-of-way treatment.* Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

(1) *Subdivision lots.* When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. Such strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

(2) *Commercial and industrial districts.* Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(3) *Parallel streets.* Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Where desirable and practicable, such distance shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) *Minor streets.* Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and the location of minor streets immediately adjacent to arterial streets and highways and railroad rights-of-way shall be avoided in residential areas.

(Code 1988, § 10-6-70)

Sec. 46-98. Specifications for preparation, construction and dedication of streets and roads.

- (a) *General requirements.*
- (1) *Construction methods.* All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction, its supplements and this article, whichever is more restrictive. The design requirements of this section and section 46-97 shall be applicable to all streets and roads that are to be dedicated to the village, regardless of whether such streets or roads are part of a new subdivision or land division.
 - (2) *Project costs.* All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant, including any expense incurred by the village in the preparation of plans and review and inspection of plans and construction.
 - (3) *Preliminary consultations.* The applicant shall notify the village administrator prior to the design, preparation and construction of any roadway to be dedicated to the village. An on-site meeting will then be arranged to be attended by the village engineer and the applicant. Plans must be provided in order for the village engineer to check the design and drainage of the roadway.
 - (4) *Material slips.* Copies of material slips for all materials furnished for road construction projects shall be delivered to the village before the village approves the final construction.
 - (5) *Required inspections.* Although the village engineer may conduct inspections, as necessary, at any stage of construction, the village engineer shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Bituminous surface course; and
 - d. Shouldering.

Any deficiencies found by the village engineer shall be corrected before proceeding to the next phase of construction.
 - (6) *Test of materials.* The village reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
 - (7) *Pavement samples.* Samples of bituminous concrete will be taken by the village during pavement construction operations for the purpose of determining that the material meets specifications.
- (b) *Construction standards.* All streets and highways constructed in the village, or to be dedicated to the village, shall fully comply with the following construction standards:

- (1) *Right-of-way width.* The right-of-way width shall be as follows:
 - a. Arterial streets, minimum of 80 feet.
 - b. All other streets and roads, minimum of 66 feet.
 - c. Culs-de-sac, minimum of 66 feet.
- (2) *Ditches.* Roadway ditches shall have a minimum ditch slope of 0.50 percent.
- (3) *Base thickness.* Roadway base thickness shall be as follows:
 - a. Residential and rural roads and streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - b. On commercial, arterial or other heavy-use roads, as determined by the village board, a base course of ten inches, compacted, shall be constructed upon an inspected and approved subgrade, either well graded crushed gravel from a state-approved pit, with a maximum stone of 1 1/2 inches, and no greater than ten percent by weight, passing a No. 200 sieve, or No. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either three-fourths inch crushed gravel, well graded, with no greater than ten percent, passing a No. 200 sieve, or three-fourths inch traffic-bound crushed rock.
 - c. In the case of commercial, arterial or other heavy-use roads, the village board may, in the alternative to the standards set forth in subsection (b)(3)b of this section, have the village engineer provide specifications for such roads after researching the site and conducting a soil analysis.
 - d. In any case, the village board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. In all cases, the base course shall be compacted to the extent necessary to produce a condition that there will be no appreciable displacement of material laterally and longitudinally under traffic, and shall conform to the line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) *Roadway subbase.* Stable and nonorganic material shall be required for the roadway subbase. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the village engineer.
- (5) *Pavement width.* Pavement width shall be a minimum of 36 feet gutter edge to gutter edge for urban service area minor streets, 40 feet gutter edge to gutter edge for collector streets or streets serving commercial or industrial areas, 22 feet for rural roads, and wider when required by this chapter, the more restrictive of which shall apply. Rural roads shall comply with the

specifications for urban service area minor streets if they are located in an area that, in the village board's opinion, might be annexed to the urban service area within five years.

- (6) *Pavement thickness.* Residential and rural roads shall have a minimum of 2 1/2 inches thick compacted bituminous concrete pavement, placed in two layers, a binder course 1 1/2 inches thick and a surface course one inch thick. On commercial, arterial or other heavy-use roads, there shall be a minimum of 3 1/2 inches of bituminous concrete pavement, placed in two layers, a binder course two inches thick and a surface course 1 1/2 inches thick. In the case of commercial, arterial or other heavy-use roads, the village board may, in the alternative to the standards set forth in this subsection, have the village engineer provide specifications for paving such roads after researching the site and conducting a soil analysis. In any case, the village board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - (7) *Shoulder width.* Roadway shoulders shall be a minimum of two feet wide on each side, and wider when required by this chapter.
 - (8) *Shoulder thickness.* Roadway shoulders shall have a minimum of 2 1/2 inches of compacted in-place crushed aggregate base course, gradation No. 2 or No. 3, over a minimum of eight inches of compacted in-place crushed aggregate base course.
 - (9) *Culverts and bridges.* Roadway culverts and bridges shall be constructed as directed by the village engineer and sized utilizing the methods listed in chapter 13, entitled "drainage," of the facilities development manual of the state department of transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
 - (10) *Driveway culverts.* Driveway culverts shall be sized by the village engineer. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls.
 - (11) *Topsoil, grass, seed, fertilizer and mulch.* All disturbed areas (ditches and backslopes) within the road right-of-way which are not provided with pavement and shouldering material shall be restored, utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5 percent slope shall be protected by erosion control materials, such as hay bales, sod, erosion control mats, etc.
 - (12) *Drainage improvements.* In the case of all new roads and streets, the village board may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
- (c) *Statutory requirements.* The laying out of highways and roads shall be as provided in Wis. Stats. chs. 80 and 86, except that in the case of subdivisions and certified surveys, the provisions of Wis. Stats. § 236.29(2) shall apply.
(Code 1988, § 10-6-71)

Sec. 46-99. Block design standards.

(a) *Lengths, widths and shapes; arrangement.* The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,200 feet, nor have less than a sufficient width to provide for two tiers of lots, of an appropriate depth, between street lines. As a general rule, blocks shall not be less than 500 feet in length. Blocks shall be designated to provide two tiers of lots, unless a block adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.

(b) *Pedestrian pathways.* Pedestrian pathways, not less than ten feet wide, may be required by the village board through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(Code 1988, § 10-6-72)

Sec. 46-100. Lot design standards.

(a) *Size, shape and orientation.*

(1) The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by chapter 58, pertaining to zoning.

(2) Residential lots within each block shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided, and a proportion of two to one shall be considered a desirable ratio under normal conditions.

(3) Every lot shall front or abut for a distance of at least 30 feet on a public street.

(4) The width of lots shall conform to the requirements of chapter 58, pertaining to zoning, but in no case shall a lot be less than 66 feet in width at the building setback line. Each lot shall be located only within one zoning district.

(b) *Commercial lots.* The depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by chapter 58, pertaining to zoning.

(c) *Where abutting major highways.* Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.

(d) *Corner lots.* Corner lots for residential use shall have an extra width of ten feet to permit building setback from both streets.

(e) *Butt lots.* Butt lots will be permitted by the village board only in exceptional cases. Permitted butt lots shall be platted at least five feet wider than the average width of interior lots in the block.

(f) *Side lots.* Side lot lines shall be substantially at right angles to or radial to abutting street lines.

Lot lines shall follow village boundary lines.

(g) *Double and reversed frontage lots.* Double frontage and reversed frontage lots shall be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

(h) *Natural features.* In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(i) *Land remnants.* All remnants of lots below minimum size which are left over after subdividing of a larger tract must be added to adjacent lots or a plan shown as to the future use of such remnants, rather than allowing them to remain as unusable parcels.

(Code 1988, § 10-6-73)

Sec. 46-101. Drainage system.

(a) *Required.* As required by section 46-89, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the village board, upon the recommendation of the village engineer.

(b) *Plans and engineering reports.*

(1) At the time of filing a preliminary plat, the subdivider shall submit to the village a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- a. Estimates of the quantity of stormwater entering the subdivision naturally from areas outside of the subdivision.
- b. Quantities of flow at each inlet or culvert.
- c. Locations, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

(3) The design criteria for storm drainage systems shall be based upon information provided by the

village engineer.

- (4) Material and construction specifications for all drainage projects (i.e., pipes, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the village board, upon the recommendation of the village engineer.
- (c) *Grading.* The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography, as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines, which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted, provided that drainage onto adjoining properties is skillfully controlled.
 - (d) *Requirements.* The subdivider shall install all of the storm drainage facilities indicated on the plans required in subsection (a) of this section.
 - (1) *Street drainage.* All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) *Off-street drainage.* The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch which is adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the village to provide for the future maintenance of such system. Easements shall be a minimum of 20 feet, but the village may require larger easements if more area is needed due to the topography, size of the watercourse, etc.
 - (e) *Protection.* The subdivider shall adequately protect all ditches to the satisfaction of the village board and village engineer. Ditches and open channels shall be seeded, sodded or paved, depending upon grades and soil types. (Generally ditches or channels with grades up to one percent shall be seeded; those with grades up to four percent shall be sodded and those with grades over four percent shall be paved.)

(Code 1988, § 10-6-74)

Sec. 46-102. Nonresidential subdivisions.

(a) *Generally.*

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the village may require.
- (2) A nonresidential subdivision shall also be subject to all of the requirements of site plan approval set forth in chapter 10. A nonresidential subdivision shall be subject to all of the requirements of this article, as well as such additional standards required by the village, and shall conform to the proposed land use standards established by any village comprehensive plan or official map, or chapter 58, pertaining to zoning.

(b) *Standards.* In addition to the principles and standards in this article, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the village board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereon.
- (3) Special requirements may be imposed by the village board with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the village board with respect to the installation of public utilities, including water, sewer and stormwater drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary.
- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

(Code 1988, § 10-6-75)

Sec. 46-103. Park and public land dedication.

(a) *Required.* In order that adequate open spaces and sites for public uses may be properly located and reserved, and the cost of providing public areas, such as, but not limited to, parks, recreation areas and public schools, may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to dedicate land, or fees in lieu of land, for parks or other public uses.

(b) *General design.* In the design of a subdivision, land division, planned unit development or

development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat, and shall comply with the village master plan, or component thereof. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(Code 1988, § 10-6-80)

Sec. 46-104. Land dedication.

(a) *Calculation.* All subdividers shall be required to dedicate developable land to the village for park, school or other public uses, other than streets or drainageways, at a rate of 0.04 acres (1,742 square feet) per dwelling unit. Whenever a proposed playground, park or other public area, other than streets or drainageways, designated in the village master plan, or component thereof, is embraced, in whole or in part, in the tract of land to be subdivided, such lands shall be made part of the required land dedication. The village board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.

(b) *Shoreland.*

(1) *Lake and stream shore plats.* All subdivisions abutting on a navigable lake or stream shall provide public access, at least 60 feet wide, providing access to the low water mark, so that there will be public access, which is connected to existing public roads, at not more than one-half-mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the state department of natural resources and the state department of development, and excluding shore areas where public parks or open space streets or roads on either side of a stream are provided. No public access established under this article may be vacated, except by circuit court action. This subsection does not require the village to improve land provided for public access.

(2) *Unplattable lands.* The lands lying between the meander line, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge, shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

(c) *Unknown number of dwelling units.* Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by chapter 58, pertaining to zoning, and this article.

(d) *Deed to the village.* Land dedicated for public purposes shall be deeded to the village at the time the final plat is approved.

(e) *Access.* All dedicated land shall have frontage on a public street and shall have unrestricted

public access.

(f) *Utility extensions.* The subdivider shall install, or provide for the installation of, water and sanitary sewer lines to the property line of all dedicated land where such services are to be provided to the adjacent properties.

(Code 1988, § 10-6-81)

Sec. 46-105. Reservation of additional land.

When public parks and sites for other public areas as shown on the master plan, or component thereof, lie within the proposed area for development and are greater in area than required by section 46-104, the owner shall reserve for acquisition by the village, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after final plat approval, unless such period of time is extended by mutual agreement.

(Code 1988, § 10-6-82)

Sec. 46-106. Development of park area.

(a) When parklands are dedicated, the subdivider is required to:

- (1) Properly grade and contour such land for proper drainage;
- (2) Provide a surface contour suitable for the anticipated use of such area; and
- (3) Cover areas are to be seeded with a minimum of four inches of quality topsoil, seed as specified by the village board, fertilized with 16-6-6 at a rate of seven pounds per 1,000 square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life and such topsoil shall be neither excessively acidic, nor excessively alkaline.

(b) The village board may require certification of compliance by the village engineer. The cost of such certification shall be paid by the subdivider.

(c) Development of parklands is to be completed as soon as ten percent of the planned lots in the subdivision are sold, as determined by the village board.

(d) If the subdivider fails to satisfy the requirements of this section, the village board may contract such completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(Code 1988, § 10-6-83)

Sec. 46-107. Fees in lieu of land.

(a) *Method of calculation.* Where, in the opinion of the village board, there is no land suitable for parks within the proposed subdivision, or the dedication of land would not be compatible with the village's comprehensive development or park plan, or village officials determine that a cash contribution

would better serve the public interest, the village board may require the subdivider to contribute cash payment in lieu of land in accordance with the following:

- (1) *Established.*
 - a. The fee in lieu of land shall be on the basis of the value of the required acreage of parklands as if dedication were to occur.
 - b. The fee is to be calculated and is payable as soon as ten percent, and not later than 15 percent, of planned lots are sold, as determined by the village board, or when occupancy occurs in 15 percent of the dwelling units when the subdivider retains ownership of some or all of the parcels. To guarantee performance, the subdivider shall post a bond in an amount as determined by the village board.
 - c. The total price paid for developed lots sold prior to payment of the fee, divided by the total acreage of such lots, will be used to determine the required fee per acre. The fee per acre times the acres that would have been required in a land dedication will determine the total fee in lieu of land.
 - d. In the event of nonperformance, no additional building permits will be issued until the fee is paid in full.
 - (2) *Alternate method of calculation.* The subdivider may elect to calculate and pay the fee at the time of final plat acceptance, the calculation of which shall be based on the value per acre of total acreage of the subdivision prior to development and including costs the subdivider would have otherwise incurred for access, utility extensions and development of the park area as otherwise outlined in this article, if the methods and amounts used for such calculations are acceptable to the village board. If such method of calculation is used, no building permits shall be issued until the fee is paid in full.
 - (b) *Park fund.* Funds paid to the village under any fees in lieu of land provision, or contributed from other sources for park development and improvement, are to be placed in a separate account designated for park development and improvement projects. The village board shall have the final right to approve or reject such projects. Such account shall be a continuing account and shall not lapse at the end of a budget period.
- (Code 1988, § 10-6-84)

Chapters 47--49

RESERVED

