

VILLAGE OF LYNDON STATION

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 352, SUBDIVISION OF LAND

*RECITALS*

- A. The Village Board of the Village of Lyndon Station has the authority to amend Chapter 352, Subdivision of Land, of the Code of the Village of Lyndon Station pursuant to Wis. Stat. § 236.45.
- B. The Village of Lyndon Station Plan Commission has reviewed the proposed amendment to Chapter 352 and has recommended to the Village Board that it adopt the amendment pursuant to Wis. Stat. § 236.45(4).
- C. The Village Board held a public hearing at which citizens were provided an opportunity to comment on the proposed amendment to Chapter 352 pursuant to Wis. Stat. § 236.45(4).
- D. Copies of the proposed amendment to Chapter 352 were placed on file with the Village Clerk and have remained available for public inspection since that time.
- E. The Village Board has determined that it is in the public interest to adopt the proposed amendment to Chapter 352.

*ORDINANCE*

*NOW, THEREFORE, the Village Board of the Village of Lyndon Station do ordain that Chapter 352, Subdivision of Land, of the Code of the Village of Lyndon Station is amended to create section 352-8.5 to read as follows:*

**§ 352-8.5. 2009 Wisconsin Act 376.**

To the extent that Chapter 352 of this Code contains time limits, deadlines, notice requirements, or other provisions that are more restrictive than time limits, deadlines, notice requirements, or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes, the time limits, deadlines, notice requirements or other provisions that provide protections for a subdivider contained in Chapter 236 of the Wisconsin Statutes shall apply.

*The foregoing ordinance was duly adopted by the Village Board of the Village of Lyndon Station at a meeting held on \_\_\_\_\_, 2011.*

VILLAGE OF LYNDON STATION

\_\_\_\_\_  
Donald Coughlin, Village President

ATTEST:

\_\_\_\_\_  
Lori Scully, Village Clerk-Treasurer

## Chapter 352

### SUBDIVISION OF LAND

§ 352-1. Cost of improvements.

§ 352-3. Easements.

§ 352-2. Storm sewers.

§ 352-4. Land unsuitable for subdivision.

[HISTORY: Adopted by the Village Board of the Village of Lyndon Station 5-8-1978 by Ord. No. 64. Amendments noted where applicable.]

#### GENERAL REFERENCES

Plan Commission — See Ch. 101.

Shoreland-wetland zoning — See Ch. 325.

Building construction — See Ch. 162.

Water — See Ch. 381.

Mobile homes and mobile home parks — See Ch. 254.

Zoning — See Ch. 395.

Sewers — See Ch. 320.

#### § 352-1. Cost of improvements.

All subdividers of all lands within the Village of Lyndon Station shall pay for and install 100% of the cost of sewer mains and extensions, water mains and all lateral connections, curb and gutter, sidewalks and all road building materials, including base, gravel to grade, and blacktop or concrete surfacing.

#### § 352-2. Storm sewers.

If required by the Village of Lyndon Station after consultation with engineers, if any storm sewers are required separate and apart from the usual sanitary sewer, the subdivider shall pay for the total cost of the installation of said storm sewers.

#### § 352-3. Easements.

Any subdivider of lands in the Village of Lyndon Station shall also provide for the necessary easements required by the Village for working on any of the sewer or water lines after the same are accepted by the Village.

#### § 352-4. Land unsuitable for subdivision.

No land shall be subdivided for residential use which is held unsuitable for such use for 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 or likely to cause unreasonable costs to the community because of increased burden upon the Village's water and sewer system.

## Chapter 352

### SUBDIVISION OF LAND

[HISTORY: Adopted by the Village Board of the Village of Lyndon Station 8-9-10 by Ord. No. 2010-2; 5-8-1978 by Ord. No. 64. Amendments noted where applicable.]

#### GENERAL REFERENCES

Plan Commission — See Ch. 101.  
Building construction — See Ch. 162.  
Mobile homes and mobile home parks — See Ch. 254.  
Sewers — See Ch. 320.  
Shoreland-wetland zoning — See Ch. 325.  
Water — See Ch. 381.  
Zoning — See Ch. 395.

#### ARTICLE I. IN GENERAL

##### § 352-1. Introduction and purpose.

- A. *Introduction.* In accordance with the authority granted by 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 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 that it 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 community. This chapter is designed to lessen congestion on 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 community'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 in this chapter are made with the reasonable consideration of but not limited to the 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.

**§ 352-2. Abrogation and greater restrictions.**

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

**§ 352-3. Interpretation.**

In its interpretation and application, this chapter shall be held to be 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 state law.

**§ 352-4. Repeal.**

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this chapter, to the extent of the inconsistency only, are repealed.

**§ 352-5. Title.**

This chapter shall be known as, referred to, or cited as the “Village of Lyndon Station Subdivision Chapter/Ordinance” or “Village of Lyndon Station Land Division and Subdivision Chapter/Ordinance.”

**§ 352-6. Definitions.**

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

- (1) *Alley.* A public right-of-way that normally affords a secondary means of vehicular access to abutting property.
- (2) *Arterial street.* A street that provides for the movement of relatively fast or heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.
- (3) *Block.* 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.
- (4) *Collector street.* A street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
- (5) *Commission.* The Plan Commission created by the Village Board pursuant to Wis. Stats. § 62.23.
- (6) *Condominium.* A real estate development in which the condominium form of ownership pursuant to Wis. Stats. ch. 703 is utilized.

- (7) *Cul-de-sac.* A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (8) *Easement.* 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.
- (9) *Extraterritorial plat approval jurisdiction.* The unincorporated area within 1-½ miles of the village, except as modified by any legally binding boundary agreements entered into by the Village and other units of government.
- (10) *Final plat.* 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.
- (11) *Floodplain.* That land which has been or may be covered by floodwater during the 100-year regional flood as delineated by the flood hazard boundary maps prepared by the Federal Emergency Management Agency (FEMA) or area otherwise mapped and adopted as the 100-year floodplain by the Village. The floodplain includes the floodway and the flood fringe and general floodplain areas.
- (12) *Frontage street.* A local street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (13) *Improvement, public.* Any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (14) *Land division.* A general term for a division of land 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. Land divisions regulated by this chapter include either a subdivision plat or certified survey map.
- (15) *Local street.* A street designed to provide access to abutting property and leading into collector streets, but which is not designed to carry through traffic from outside the neighborhood in which it is located.
- (16) *Lot.* 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 any applicable zoning ordinance.
- (17) *Lot, area.* The area contained within the exterior boundaries of a lot, excluding streets and land under navigable bodies of water.
- (18) *Lot, corner.* A lot abutting intersecting streets at their intersection.
- (19) *Lot lines.* The peripheral boundaries of a lot as defined in this section.
- (20) *Lot, reversed corner.* A corner lot that 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.
- (21) *Lot, through.* 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 front lot lines.

- (22) *Lot width.* The width of a parcel of land measured along the front building line.
- (23) *Major thoroughfare.* 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.
- (24) *Master plan.* A comprehensive plan prepared by the Village, pursuant to Wis. Stats. § 62.23(3), 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.
- (25) *Owner.* Either a natural person, firm, association, partnership, private corporation, public or quasipublic corporation, or combination of these.
- (26) *Pedestrian pathway.* A public way, usually running at right angles to streets, that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (27) *Plat.* The map, drawing, or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (28) *Preliminary plat.* The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Village Board for its consideration as to compliance with the master plan, chapter 395, and this chapter, along with required supporting data.
- (29) *Protective covenants.* Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, that constitute a restriction on the use of all private or platted property within a land division created by a certified survey map or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development that would tend to impair stability of values.
- (30) *Replat.* The process of changing or a map or plat that 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 or certified survey map without changing exterior boundaries of such block, lot, or outlot is not a replat.
- (31) *Shorelands.* Those lands within the following distances: 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 to the landward side of the floodplain, whichever is greater.
- (32) *Subdivider.* Any person or any agent thereof dividing or proposing to divide land resulting in a subdivision plat, certified survey map, or replat.
- (33) *Subdivision.* The division of a lot, outlot, parcel, or tract of land by the owner thereof or the owner's 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 35 acres or less in area, or where the act of division creates five or more parcels of 35 acres or less by successive division within a period of five years, whether done by the original owner or a successor owner.
- (34) *Wetlands.* 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)).

- (35) *Wisconsin Administrative Code or Wis. Admin. Code.* The rules of administrative agencies having rule-making authority in this state, published in a loose-leaf, continual revision system, as directed by Wis. Stats. § 35.93 and Wis. Stats. ch. 227, including subsequent amendments to those rules.

**§ 352-7. Compliance.**

No person shall divide any land located within the jurisdictional limits of this chapter that results in a subdivision, land division created by certified survey map, condominium or a replat; no such land division or replat shall be entitled to recording; 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 Department of Commerce, contained in Wis. Admin. Code ch. COMM 83 for land divisions not served by public sewer if the Village Board, in its discretion, decides to permit land divisions not served by public sewer.
- (3) The rules of the Division of Highways, State Department of Transportation, contained in Wis. Admin. Code ch. TRANS 233 for subdivisions that 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) Master plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Village Board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) All applicable rules contained in the Wisconsin Administrative Code not listed in this section.

**§ 352-8. Jurisdiction.**

Jurisdiction of this chapter shall include all lands within the corporate limits of the Village and the extraterritorial jurisdiction of the Village. This chapter, as it applies 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 a term 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.
- (4) Cemetery plats under Wis. Stats. § 157.07.
- (5) Assessors' plats made under Wis. Stats. § 70.27, but such assessors' plats shall comply with Wis. Stats. §§ 236.15(1)(a)—(g) and 236.20(1, (2)(a)—(c).



**§ 352-9. Certified survey.**

Any division of land other than a subdivision, as defined in Wis. Stats. § 236.02(8), shall be surveyed and a certified survey map prepared, as provided in Wis. Stats. § 236.34.

**§ 352-10. 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 map originally submitted to the Village on or after the effective date of the ordinance from which this chapter derives until the applicant has complied with all of the requirements of this chapter.

**§ 352-11. Applicability to condominiums.**

This chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Wis. Stats. § 703.27(1). For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

**§ 352-12. Land suitability.**

- A. *Generally.* No land shall be subdivided for residential, commercial, or industrial use that is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for 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.
- B. *Specific requirements.* In addition to subsection A. of this section:
- (1) No lot served by public sanitary sewer facilities shall have more than 50 percent of its required lot area below an elevation at least two feet above the elevation of the 100-year recurrence interval flood. No lot one acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodplains. All lots more than one acre in area served by a septic tank system shall contain not less than 40,000 square feet of land that is above flood protection elevation at least two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the maximum flood of record.
  - (2) Lands made, altered, or filled with manmade materials within the preceding 20 years shall not be divided into building sites that are to be served by soil absorption waste disposal systems.
  - (3) Lands made, altered, or filled with earth within the preceding seven years shall not be divided into building sites that are to be served by on-site soil absorption sanitary sewage disposal systems.
  - (4) Lands having a slope of 12 percent or more shall be maintained in permanent open space use. No lot shall have more than 50 percent of its minimum required area in slopes of ten percent or greater.

- (5) Lands having bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (6) Lands having groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- (7) Lands covered by soils having a percolation rate slower than 60 minutes per inch or faster than ten minutes per inch shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (8) Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

C. *Determination of suitability by board.* The Village Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial, or institutional use and shall afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.

D. *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, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees 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.

### § 352-13. Condominium developments.

A. *Purpose.* The findings of the Village Board and the purpose of this section are as follows:

- (1) The Village Board finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The state legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The Village determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.

- (3) Thus, the Village Board finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
  - a. Additional population density.
  - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
  - c. Additional demands upon village parks, recreation areas, utility facilities, and schools.
  - d. Additional traffic and street use.

B. *Portions of chapter applicable to condominium developments.* The following sections of this chapter shall apply to condominium developments:

- (1) Section 352-12 relating to land suitability and construction practices.
- (2) Sections 352-101 through 352-103 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in section 352-136 shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. ch. 703.
- (3) Article IV of this chapter relating to required improvements.
- (4) Article V of this chapter relating to design standards for improvements.
- (5) Article VI of this chapter relating to dedication requirements.
- (6) Section 352-41 relating to fees for review.
  - (a) *Exemptions.* This section shall not apply to any condominium plat recorded prior to the effective date of this ordinance from which this chapter derives.

§§ 352-14—352-40. Reserved.

## ARTICLE II. ADMINISTRATION AND ENFORCEMENT

### DIVISION 1. GENERALLY

#### § 352-41. Administrative and other fees.

A. *Generally.*

- (1) *Fees for procedures requested by a private party.* Required fees shall be determined from time to time by the Village Board.
- (2) *Payment of fees.* Fees shall be payable at the time applications are filed with the appropriate officer of the Village (per the requirements of this title) and are not refundable.

B. *Engineering and plat review fee.* The subdivider shall pay a fee equal to the actual cost to the Village for all engineering or plat review 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 of such plat review, engineering work, and inspection as the Village Board and/or the Building Inspector and the Director of Public Works deem necessary to ensure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications, and administration of the engineering work.

- C. *Administration fee.* The subdivider shall pay a fee equal to the cost of any legal, plan review, administrative, or fiscal work that may be undertaken by the Village in connection with the plat or certified survey map.
- D. Reserved.
- E. Reserved.
- F. Reserved.
- G. Reserved.
- H. *Objecting agency review fees.* The subdivider shall transmit all fees required for state agency review to the Building Inspector at the time of application. Such review fees shall be retransmitted to the proper state review agency by the Building Inspector. Such fees shall be applicable, where appropriate, to review fees required by the State Department of Commerce, State Department of Transportation and the State Department of Natural Resources.
- I. *Digitizing and mapping fee.* Upon approval of a land division, the subdivider shall pay a fee equal to cost to the Village for digitizing the mapping of the approved land division and public improvements. The digitizing and mapping fee will apply to the following:
  - (1) All additions and changes to parcel boundaries.
  - (2) Public right-of-ways;
  - (3) Access, stormwater, and utility easements; and
  - (4) The following utility systems: sanitary sewer, public water supply, and stormwater.
- J. *Escrow for fees and administrative charges.* At such time as the subdivider submits a preliminary plat or certified survey map for review by the Plan Commission and Village Board, the subdivider shall deposit with the Village, in escrow, the sum required to guarantee the timely payment of all of the Village's fees. If the amount deposited with the Village falls below 25 percent of the amount required to be deposited, the Plan Commission or the Village Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required under this section. If the subdivider withdraws the plat or minor subdivision or the plat or minor subdivision is approved and

money remains in escrow over and above the Village's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of the subdivider. The Village Clerk, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the subdivider periodically. If the subdivider defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

**§ 352-42. Enforcement, penalties and remedies.**

- A. *Violations.* It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this chapter or state law, 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 not of record as of the effective date of the ordinance from which this chapter derives until the 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 state law.
- B. *Penalties.* Penalties for violation of this chapter shall be as follows:
- (1) Any person who fails to comply with this chapter shall, upon conviction, be subject to the penalties as provided in section 1-5.
  - (2) Recordation improperly made has penalties provided in Wis. Stats. § 236.30.
  - (3) Conveyance of lots in unrecorded plats has penalties provided for in Wis. Stats. § 236.31.
  - (4) Monuments disturbed or not placed have penalties as provided for in Wis. Stats. § 236.32.
  - (5) Assessor's plat made under Wis. Stats. § 70.27 may be ordered by the Village as a remedy 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 failure to approve 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.

§§ 352-43—352-70. Reserved.

## **DIVISION 2. VARIANCES AND EXCEPTIONS.**

### **§ 352-71. Authority; application.**

- A. Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper.
- B. Application for any such variance shall be made in writing by the subdivider at the time when 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 that may aid the Village Board in the analysis of the proposed project.

### **§ 352-72. Conditions for granting.**

The Village Board shall not grant variances or exceptions to 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 applicable generally 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 this chapter were carried out.
- (4) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

### **§ 352-73. Granting by board.**

- A. The Village Board, if it approves of the variance to this chapter, shall do so by motion or resolution and shall instruct the Village Clerk to notify the Plan Commission and the subdivider.
- B. 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 master plan or component thereof, this chapter, or chapter 395. 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.

**§ 352-74. Placement of monuments.**

The Village Board may waive the placing of monuments, required under Wis. Stats. § 236.15(1) (b), (c), and (d), for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required by the Village.

§§ 352-75—352-100. Reserved.

**ARTICLE III. PLATS AND SURVEY MAPS**

**§ 352-101. Preliminary consultation.**

Before filing a preliminary plat or certified survey map, the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines, and filing requirements may be obtained from the Village Clerk. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of this chapter, the master plan, master plan components, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning the subdivider's development. In so doing, 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. The subdivider will gain a better understanding of the subsequent required procedures.

**§ 352-102. Submission of preliminary plat.**

- A. *Generally.* Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 20 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file copies of the plat and the application as required by this section with the Building Inspector at least 21 days prior to the subdivider's requested meeting of the Plan Commission at which action is desired. The Building Inspector shall submit a copy of the preliminary plat to the Plan Commission and to the Director of Public Works for review and written reports of the Building Inspector and the Director of Public Works' recommendations and reactions to the proposed plat.
- B. *Property owners' association; restrictive covenants.* A draft of the legal instruments and rules for proposed property owners' associations, 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. § 236.29(3), and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the preliminary plat with the Building Inspector.

- C. *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 the surveyor has fully complied with this chapter.
- D. *Supplementary data filed with preliminary plat.* The following shall also be filed with the preliminary plat:
- (1) *Use statement.* A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and types of business or industry so as 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 that which is being proposed for the subdivision, the Plan Commission and Village Board may require that the subdivider submit a preliminary plat of the remainder of the property to show the possible relationships between the proposed subdivision and future subdivision. In any event all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- E. *Drafting standards.* The subdivider shall submit to the Building Inspector and to those 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 that shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals; shall identify the improvements (grading, tree planting, paving, installation of facilities, and dedications of land) and easements the subdivider proposes to make; and shall indicate by accompanying letter when the improvements will be provided. Proposed restrictive covenants for the land involved shall be submitted.

**§ 352-103. Preliminary plat review and approval.**

- A. *Administrative staff and Village reviews.* The Building Inspector shall provide copies of the preliminary subdivision plat to the Village Board and the Director of Public Works for their review and comment. The Village Board and Director of Public Works' comments will be forwarded to the Plan Commission for consideration during the review process.
- B. *Plan Commission recommendation.* After review of the preliminary plat and negotiations with the subdivider on changes and the kind and extent of public improvements that will be required, the Plan Commission shall recommend to the Village Board disapproval, approval, or conditional approval of the preliminary plat within 60 days of the filing date.
- C. *Public hearing.* The Village Clerk shall schedule a public hearing on the preliminary plat before the Village Board. The Village Clerk shall give notice of the Village Board's



review and public hearing on the preliminary plat by listing it as an agenda item in the board's meeting notice and posting it in the usual three places in the Village. The Village Clerk may also publish the notice in one or more of the newspapers in general circulation in the Village. 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.

- D. *Board action.* After receipt of the Plan Commission's recommendation, the Village Board shall, within 90 days of the date the plat was filed with the Building Inspector, approve, approve conditionally, or reject such plat and shall state, in writing, 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 extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Building Inspector shall communicate to the subdivider the action of the Village Board. If the preliminary plat is approved, the Building Inspector shall endorse it for the Village Board.
- E. *Effect of approval.* Approval of a preliminary plat shall be valid for six months from the date 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 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 Plan Commission and Village Board at the time of its submission.
- F. *Amendment.* If the subdivider desires to amend the preliminary plat as approved, the subdivider may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which case it shall be refiled.

#### **§ 352-104. Final plat review and approval.**

- A. *Filing requirements.* A final subdivision plat shall be filed in accordance with the following:
- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 20 copies of the plat and the application with the Building Inspector at least 21 days prior to the subdivider's requested meeting of the Plan Commission at which action is desired. The owner or subdivider shall file 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 this 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) The subdivider or the subdivider's agent shall submit the original plat to the Department of Commerce, Plat Review Section, which shall forward two copies to each of the agencies authorized to object. The 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 that 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 that copy to the Department of Commerce. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department 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 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.
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable Village ordinances and state laws and shall be submitted for certification of those 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 Building Inspector four copies of the final plans and specifications of public improvements required by this chapter.
- (5) The Building Inspector shall refer two copies of the final plat to the Plan Commission, one copy to the Director of Public Works, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Village Attorney for the Village Attorney's examination and report. The Building Inspector shall also refer the final plans and specifications of public improvements to the Director of Public Works for review. The recommendations of the Plan Commission and the Director of Public Works shall be made within 30 days of the filing of the final plat. The Director of Public Works shall examine the plat or map and final plans and specifications of public improvements for technical details and, if the Director of Public Works finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Director of Public Works shall return them to the owner and so advise the Plan Commission.

B. *Administrative staff and utility commission reviews.* The Building Inspector shall provide copies of the final plat to the Village Board and the Director of Public Works for their review and comment. The Village Board and Director of Public Works' comments will be forwarded to the Plan Commission for consideration during the review process.

C. *Plan Commission review.*

- (1) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter; and all applicable ordinances, rules, regulations, master plans, and master plan components that may affect it and shall recommend approval, conditional approval, or rejection of the plat to the Village Board.
- (2) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Department of Commerce has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- (3) If the final plat is not submitted within six months of the last-required approval of the preliminary plat, the Village Board may refuse to approve the final plat.
- (4) The Plan Commission shall, within 30 days of the date of filing of the final plat with the Building Inspector, recommend approval, conditional approval, or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

D. *Board review and approval.*

- (1) The Village Board shall, within 60 days of the date of filing the original final plat with the Building Inspector, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the final plat unless the Building Inspector 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) The Village Board shall, when it determines to approve a final plat, 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) For failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

E. *Recordation.* 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 Building Inspector 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 last approval.

- F. *Copies.* The subdivider shall file eight copies of the final plat with the Building Inspector for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- G. *Partial platting.* The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

**§ 352-105. Certified survey map.**

- A. *Use of certified survey map.* When it is proposed to divide land into at least two but no more than four parcels or building sites or when it is proposed to create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot, or outlot or when it is proposed to divide any number of parcels greater than 15 acres in size (thus not constituting a subdivision, as defined in this chapter), the subdivider shall prepare a certified survey map in accordance with this chapter and shall file eight copies of the map along with a location map showing the location of lots with respect to the nearest collector and arterial streets and the letter of application with the Building Inspector at least 21 days prior to the meeting of the Plan Commission at which action is desired.
- B. *Referral to Plan Commission.* The Building Inspector shall transmit the copies of the map and letter of application to the Plan Commission.
- C. *Review by other village agencies.* The Plan Commission shall transmit a copy of the map to the Director of Public Works and all affected Village Boards, Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, master plans, master plan components, and neighborhood plans.
- D. *Review and approval.* The Plan Commission shall, within 30 days from the date of filing of the certified survey map, recommend approval, conditional approval, or rejection of the map and shall transmit the map along with its recommendations to the Village Board. Following public hearing in the manner used for preliminary plats, the Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Building Inspector to so certify on the face of the original map and return the map to the subdivider.

- E. *Recordation.* The subdivider shall record the map with the County Register of Deeds within 30 days of the approval. If the subdivider fails to record the map as required in this section, the land division shall become null and void.
- F. *Copies.* The subdivider shall file five copies of the certified survey map with the Building Inspector for distribution to the Director of Public Works, Village Clerk, Village Assessor, and other affected departments for their files.

**§ 352-106. 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 Clerk shall schedule a public hearing before the Plan Commission 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 to the owners of 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 Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with this chapter.

§§ 352-107—352-135. Reserved.

**DIVISION 2. TECHNICAL REQUIREMENTS**

**§ 352-136. 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 the plat prepared on Mylar or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
  - (1) The title under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is in addition to a previously recorded plat and is so stated on the plat.
  - (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) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat, even though only a portion of such area

is proposed for immediate development. The Village Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

- (6) The location of the land division with respect to the nearest collector or arterial streets prepared on either an insert map or a separate map sheet at a scale of one inch equals 1,000 feet.

B. *Plat 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) Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of-ways, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and names of adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (5) Type, width, and elevation of existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) Location, size, and invert elevation of existing sanitary or storm sewers, culverts, and drainpipes; the location of manholes, catchbasins, hydrants, and electric and communication facilities, whether overhead or underground; and the location and size of existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains that 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) Type and number of dwelling units to be constructed on each lot.
- (10) 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. Where, in the judgment of the Building Inspector and Director of Public Works, undue hardship would result

because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

- (11) High water elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (12) 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.
- (13) Floodplain 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 within 100 feet therefrom.
- (14) Wetland delineation as shown on the state wetland inventory and a dashed line showing a 75-foot setback from such wetlands.
- (15) Location, width and names of all proposed streets and public right-of-ways such as alleys and easements.
- (16) Approximate dimensions of all lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (17) Location and approximate dimensions of sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public uses.
- (18) Approximate radii of all curves.
- (19) Proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (20) 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.
- (21) Preliminary utility plan showing the location and size proposed sanitary sewer and water utility lines, lift stations, or booster pumps.
- (22) Where the Plan Commission or Village Board finds that additional information is required 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. Such information may include the following:
  - a. Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Natural Resource Conservation Service.
  - b. Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Wis. Admin. Code ch. COMM 83 and delineation of areas with three-foot and six-foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.
  - c. Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Wis. Admin. Code ch. COMM 83 where the subdivision will not be served by public sanitary sewer service.

The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

- C. *Additional information.* The Plan Commission and Village Board may require a proposed subdivision layout of all or part of the contiguously owned land, even though division is not planned at the time.

**§ 352-137. Final plats.**

- A. *Generally.* A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. § 236.20 and this chapter.
- B. *Additional information.* The final plat shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.20, 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 lighting utility easements.
  - (4) Railroad right-of-ways within and abutting the plat.
  - (5) All lands reserved for future public acquisition or reserved for 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.
  - (7) Setback or building lines required by Village codes and ordinances.
  - (8) Utility and drainage easements.
- C. *Deed restrictions.* Restrictive covenants and deed restrictions 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 maintenance of common lands in the subdivision and bylaws or regulations established for such associations shall be filed with the final plat.
- E. *Surveying and monumenting.* All final plats shall meet all the surveying and monumenting requirements of Wis. Stats. § 236.15.
- F. *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.



- G. *Certificates.* All final plats shall provide all the certificates required by Wis. Stats. § 236.21; in addition, the surveyor shall certify that the surveyor has fully complied with all sections of this chapter.
- H. *Recording.* The final plat shall be recorded within 30 days of its approval by the Village Board.

**§ 352-138. Certified survey maps.**

- A. *Generally.* A certified survey map prepared by a registered land surveyor shall be required for all land divisions created by certified survey maps. It shall comply in all respects with the requirements of Wis. Stats. § 236.34.
- B. *Additional information.* The certified survey map shall show correctly on its face, in addition to the information required by Wis. Stats. § 236.34, the following:
- (1) All existing buildings, watercourses, drainage ditches, and other features pertinent to proper land division.
  - (2) Setbacks or building lines required by the Village Board and chapter 395.
  - (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.
  - (9) Utility and drainage easements.
  - (10) Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel created is fully developed.
  - (11) Entire area contiguous to the proposed certified survey map owned or controlled by the subdivider shall be included on the certified survey map, even though only a portion of such area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.
  - (12) Location of soil boring tests, where required by Wis. Admin. Code ch. COMM 83, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such test shall be submitted along with the certified survey map.

- (13) Location of soil percolation tests, where required by Wis. Admin. Code ch. COMM 83, conducted in accordance with Wis. Admin. Code § COMM 85.06(3), taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
- (14) The location of the land division with respect to the nearest collector or arterial streets prepared on either an insert map or a separate map sheet at a scale of one inch equals 1,000 feet.
- C. *State plane coordinate system.* Where the map is located within a U.S. Public Land Survey 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.
- D. *Certificates.* The surveyor shall certify on the face of the certified survey map that the surveyor has fully complied with all sections of this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- E. *Street dedication.* Dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Wis. Stats. § 236.21(2)(a).
- F. *Recordation.* The subdivider shall record the map with the County Register of Deeds within 30 days of its approval by the Village Board and other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.
- G. *Requirements.* To the extent reasonably practicable, the certified survey map shall comply with the sections 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 15 acres.

Secs. 352-139—352-165. Reserved.

## ARTICLE IV. REQUIRED IMPROVEMENTS

### § 352-166. Costs; general standards.

- A. *Payment for improvements.* The improvements prescribed in this chapter are required as a condition of approval of a land division. The required improvements described in this chapter shall be installed, furnished, and financed at the sole expense of the subdivider. However, for required improvements in a commercial, institutional, or industrial area, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments.
- B. *General standards.* The required improvements in this chapter shall be installed in accordance with the engineering standards and specifications that have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Building Inspector.

### § 352-167. Agreement providing for proper installation of improvements.

- A. *Contract.* Prior to installation of required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct such improvements at the subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Building Inspector.
- B. *Financial guarantees.*
- (1) The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond or letter of credit to be equal to 1-¼ times the Building Inspector's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
  - (2) On 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 or letter of credit shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under 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. The Village Board, at its option, may extend the bond period for additional periods not to exceed two years each period.
  - (3) The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Building Inspector

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. This would include review and preparation, at the Village Board's discretion, of plans and specifications by the Building Inspector, Plan Commission and Village Attorney, as well as other costs of a similar nature.

**§ 352-168. Required construction plans; village review; inspections.**

- A. *Engineering reports, construction plans, and specifications.* As required by section 352-104, engineering reports, plans, and proposed specifications shall be submitted simultaneously with the filing of the final plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the Building Inspector and the Village ordinances shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and such plans shall contain the professional engineer's seal. Such plans, together with the quantities of construction items, shall be submitted to the Building Inspector for approval and for an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the final plat with the Building Inspector, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
  - (1) Street plans and profiles showing existing and proposed grades, elevations, and cross sections of required improvements.
  - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
  - (3) Storm sewer and open channel plans and profiles showing the locations, direction of flow, grades, sizes, cross sections, elevations, and materials of required facilities.
  - (4) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
  - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with applicable erosion control regulations.
  - (6) Planting plans showing the locations, age, caliper, species, and time of planting of required grasses, vines, shrubs, and trees.
  - (7) Grading plan showing existing and proposed grades and spot elevations for the corners of all lots and the proposed top of foundation elevation for all proposed principal buildings.
  - (8) Additional special plans or information as required by Village officials.
- B. *Action by Building Inspector.* The Building Inspector shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this

chapter and other pertinent Village ordinances and design standards recommended by the Building Inspector and approved by the Village Board. If the Building Inspector rejects the plans and specifications, the Building Inspector shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Building Inspector 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 commenced.

C. *Other requirements.*

- (1) *Governmental units.* Governmental units to which these bond and contract sections apply may file, in lieu of such contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with this section.
- (2) *Plats outside corporate limits.* Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that the subdivider has complied with all street and utility requirements of the town in which the land platted is located.
- (3) *Survey monuments.* Before final approval of any plat with the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stats. ch. 236 and as may be required by the Building Inspector.

D. *Construction and inspection.*

- (1) Prior to starting any of the work covered by the plans approved in this section, written authorization to start the work shall be obtained from the Building Inspector upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued until all improvements required by this chapter are satisfactorily completed.
- (2) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the final 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 Building Inspector shall make or cause to be made such inspections as the Village Board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers, and other parties necessary to ensure satisfactory work.

E. *Record plans.* After completion of all public improvements and prior to final acceptance of such improvements, the subdivider shall make or shall 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 Building Inspector and Director of Public Works shall require. These 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 of Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond ensuring their completion.

**§ 352-169. Street improvements.**

- A. *Generally.* The subdivider shall construct streets, roads, and alleys as outlined on the approved plans based on the requirements of this chapter as follows:
- (1) *General considerations.* The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - (2) *Construction standards.* Construction of all streets shall conform to the State Department of Transportation's Standard Specifications for Road and Bridge Construction, the State Standard Specifications for Sewer and Water, and any other construction standards or specifications which have been adopted as the Village's construction specifications, including but not limited to the Village pavement standards, and shall be subject to approval of the Building Inspector and Director of Public Works before acceptance. Where the Village's standards may be more restrictive or require higher performance than the state standards, the Village standards shall prevail.
- B. *Conformation to official map.* The arrangement, width, grade, and location of all streets shall conform to the official map.
- C. *Grading.*
- (1) With the submittal of the final plat, the subdivider shall furnish drawings that indicate the existing and proposed grades of roads, streets, and alleys shown on the plat.
  - (2) Proposed grades will be reviewed by the Building Inspector for conformance with Village standards and good engineering practice. Street grades require the approval of the Village Board after receipt of the Building Inspector's and Director of Public Works' recommendations.
  - (3) 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.
  - (4) When an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.
  - (5) The bed for the roadways in the street right-of-ways shall be graded to subgrade elevation.
  - (6) The Director of Public Works shall approve all grading within right-of-ways, and such grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved.

- (7) Where electric and other communications 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.
- (8) Cut and filled lands shall be graded to a maximum slope of 1:4 or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

D. *Street 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 and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by Village specifications. Construction shall be to Village standard specifications for street improvements.

E. *Completion of street.*

- (1) No building permit shall be issued for the construction of any residential dwelling until sewer, water, grading, graveling, and the bituminous binder course necessary to service the property for which the permit is required are installed in the street.
- (2) The Village Board may issue a waiver of these 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, asphalt). The issuance of a waiver shall be at the discretion of the Village Board.
- (3) The subdivider requesting a waiver shall do so 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.

#### **§ 352-170. Curb and gutter.**

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct curbs and gutters in accordance with plans and standard specifications approved by the Village Board, on file with the Building Inspector. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

#### **§ 352-171. Sidewalks.**

A. In all land divisions, the Village Board shall require the subdivider to construct five-foot wide concrete sidewalks on both sides of all local, collector, and arterial streets. Where, in the opinion of the Plan Commission and Village Board, the land division would be better served by an alternative form of pedestrian access, the Village Board may grant an exception to the sidewalk requirements. The construction of all sidewalks or alternative pedestrian access shall be in accordance with plans and standard specifications approved by the Building Inspector.

- B. In addition, wider-than-standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas, and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under this Code if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.
- C. For all building permits issued between May 1 and October 15, sidewalks must be installed before an occupancy permit is issued. For permits issued after October 15 and before May 1, the sidewalks must be installed by the following June 15.

**§ 352-172. Sanitary sewer system.**

- A. In a subdivision, there shall be provided a sanitary sewer system in conformity with the master plan of sewers as approved by the Village Board. The design plans for such sewers shall be reviewed and approved by the Building Inspector and Director of Public Works. Upon construction, the installed sewers shall be inspected by the Director of Public Works and the sewer lines shall be visu-scanned by the subdivider, with the results of the scanning reviewed and approved by the Director of Public Works.
- B. The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision or certified survey map parcel. Any subdivider for land divisions of this jurisdiction not served by public sanitary sewer may petition the Village for a temporary variance or a temporary exception. The subdivider requesting the temporary variance or temporary exception shall present its case for review at a public meeting of the Plan Commission and the Director of Public Works. The Plan Commission shall make a recommendation to the Village Board outlining its reasons for its recommendation. If approved by the Village Board, then the subdivider shall make adequate sewage disposal systems available to each lot within the subdivision or certified survey map parcel.
- C. Subdivisions and certified survey map parcels 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 Village.
- D. The Village Board shall require the installation of sewer laterals to the street right-of-way line.
- E. The subdivider shall assume the cost of installing all sanitary sewers 12 inches in diameter or less in size, and a lift station, if needed, including the bringing of the sanitary sewer from where it exists to the land division in question, as well as providing all sanitary sewer work within the land division. If greater than 12-inch-diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ratio of the total area of the proposed subdivision or certified survey map to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.



**§ 352-173. Water supply facilities.**

- A. *Subdivider's responsibility.* The subdivider shall install water supply facilities as follows:
- (1) When public water supply and distribution facilities are available to the land division or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the land division. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the State Department of Industry, Labor and Human Relations. Any subdivider for land divisions of this jurisdiction not served by the public water system may petition the Village for a temporary variance or a temporary exception. The subdivider requesting the temporary variance or temporary exception shall present its case for review at a public meeting of the Plan Commission and the Director of Public Works. The Plan Commission shall make a recommendation to the Village Board outlining its reasons for its recommendation. If approved by the Village Board, then the subdivider shall establish a private water supply and distribution system in such a manner as to make adequate water service available to each lot within the subdivision or certified survey map parcel.
  - (2) The water pressure service standard for the Village is 2,000 gallons per minute (gpm) for lots platted for commercial and multifamily development and 1,000 gallons per minute (gpm) for lots platted for single-family and duplex residential development.
  - (3) The Village Board may require the installation of water laterals to the street right-of-way line, upon the recommendation of the Director of Public Works.
  - (4) The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision or minor land division, except for the added cost of installing water mains greater than 12 inches in diameter.
- B. *Approval of design specifications.* The size, type and installation of all water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Building Inspector and Director of Public Works. Subdividers shall submit for approval plans and specifications for water mains, complete with laterals and appurtenances, to the Building Inspector and Director of Public Works and, if required, to the State Department of Industry, Labor and Human Relations. After the Building Inspector, Director of Public Works and other reviewing authorities have approved the plans and specifications submitted by the subdivider, the subdivider shall, without cost to the Village, construct water mains throughout that serve the land division, complete with laterals and appurtenances thereto, in accordance with the approved plans and specifications.

C. *Water booster stations to serve plat.*

- (1) Where deemed necessary by the Director of Public Works, the subdivider shall install, at the subdivider's expense, a new water booster station, appurtenances, and access water mains, at a location approved by the Building Inspector and Director of Public Works. The Village Board, upon the recommendation of the Building Inspector and Director of Public Works, may require construction of the water booster station upon the completion of an authorized phase of the project.
- (2) Easements for water mains within and outside the plat and the site for the new booster station shall be obtained and dedicated to the Village by the subdivider. Easements for water mains shall have a minimum width of 20 feet, unless approved by the Building Inspector and Director of Public Works; however, any such easements located in the right-of-ways of planned future streets shall be 66 feet wide. The booster station shall be provided with reasonable access during construction and until permanent improvements are made to the streets abutting the site.

D. *Connection to public water mains.* The subdivider shall install water mains in accordance with this Code and specifications of the Building Inspector and Director of Public Works when it is determined that the proposed land division lies within a public sanitary sewer service area and water main facilities are programmed to be extended to the proposed subdivision within six years. Until such time as the public water mains within the land division can be connected to the larger community water supply system, they shall be temporarily capped. No private or public use shall be connected to the water mains within the land division until such water mains are connected to the larger community water supply system. The subdivider shall indicate on the face of the plat that the owner of private uses within the land division shall connect such uses to the water mains within the land division and that the Village is held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place and any costs associated with connection to the public water mains.

**§ 352-174. Other utilities.**

- A. The subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- B. The subdivider shall cause gas, electrical power, and telephone facilities to be installed in such a manner as 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.

- C. Plans indicating the proposed location of all gas, electrical 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 Building Inspector.

**§ 352-175. Streetlamps.**

The subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed, as determined by the Building Inspector. Such lamps 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 Building Inspector.

**§ 352-176. Street trees.**

The subdivider shall install street trees in the terrace area between the sidewalk and the street along all streets proposed to be dedicated. Such street trees shall be of a species and type compatible with the neighborhood and suitable for an urban environment, as determined by the Building Inspector. Street trees shall be placed so that there is an average of one tree for every 60 feet of street frontage, except in those locations where the Building Inspector determines such planting would be unfeasible or hazardous in terms of traffic visibility. Street trees shall be set back at least ten feet from driveways, 15 feet from nonarterial street intersections, and 30 feet from arterial street intersections. Street trees shall be no smaller than two inches in diameter at the time of planting.

**§ 352-177. Street signs.**

The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Building Inspector.

**§ 352-178. Erosion control.**

- A. The subdivider shall cause all grading, 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 ensure the minimization of erosion problems.
- B. The Village Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- C. Tree cutting and shrubbery clearing shall not exceed 40 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, to preserve and improve scenic qualities, and, during foliage, to substantially screen any development from stream or lake users.

- D. Paths and trails in wooded and wetland areas shall not exceed ten feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- E. Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.
- F. Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Building Inspector or Plan Commission as they deem appropriate.

**§ 352-179. Partition fences.**

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, at the request of the adjacent property owner, keep, and maintain the subdivider's portion of partition fences under state law, satisfying the requirements of the state statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, the developer's grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so 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.

**§ 352-180. Easements.**

- A. *Utility easements.* The Village Board, on the recommendation of appropriate departments and agencies serving the Village, shall require utility easements in subdivisions for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains, or other utility lines. It is the intent of this chapter to protect all established easements so as to ensure proper grade, ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation, 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 provided a stormwater easement or drainage right-of-way 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 section; or
  - (2) The watercourse, drainageway, channel, or stream may be relocated in such a manner that the maintenance of adequate drainage will be ensured and such 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 section.

- (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 Director of Public Works, the easement will be for a major drainage swale, the easement shall be of 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. *Easement locations.* Utility easements shall be located only on or adjacent to side or rear property lines unless physical conditions make such location impractical. Such easements shall be of a width, not less than 12 feet, reasonably determined by the Building Inspector and/or Director of Public Works to be necessary for the intended purpose or purposes. The Village shall be provided with evidence that all easement locations and provisions have been reviewed and approved by the utilities, companies or organizations whose facilities will be located in the easement.

#### **§ 352-181. Bicycle paths and trails.**

When required by the Village Board, the subdivider shall install required bicycle paths and trails in accordance with the plans and specifications approved by the Village. The subdivider shall assume the entire cost of such bicycle paths and trails, except for dual bicycle paths and streets. The added cost for streets wider than those required, in order to accommodate bicycle paths and trails, shall be the responsibility of the municipality charged with the maintenance of the proposed facility. If the subdivider wishes to install dual-lane facilities, which may not be required by the Village, the total cost of such improvements shall be borne by the subdivider.

#### **§ 352-182. Extension to limit of parcel.**

Any and all improvements or utility services required by this chapter for the land division of lands within the Village or within the Village's extraterritorial plat approval jurisdiction shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested, unless the owner is excused by the Village Board, the Plan Commission, or village utilities' officials. If the improvements are required to the end of the parcel, as defined in this section, the owner shall be required to post bond with the Village if improvements are not made.

§§ 352-183—352-210. Reserved.

## ARTICLE V. DESIGN STANDARDS

### § 352-211. General 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 chapter 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 section 352-169. 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 so designed as to provide each lot with satisfactory access to a public street or road.
- C. *Compliance with master plan.* The arrangement, character, extent, width, grade, and location of all streets shall conform to the Village's master plan and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to 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 master plan.* In areas not covered by the Village master 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 and 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. *Street 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 this traffic to the arterial 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 collector and arterial streets into which they feed.
  - (3) *Local streets.* Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems, and to 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 are prohibited unless they are approved and provided within planned unit developments and are owned and maintained by a private property owner or a neighborhood or condominium association.
- H. *Continuation.* 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 existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length may be approved when necessitated by the topography.
- I. *Local streets.* Local streets shall be laid out so as to discourage their use by through traffic.
- J. *Number of intersections.* The number of intersections of local streets with collector and arterial 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 on any private street; all streets shall be dedicated for public use, except within condominium developments or planned unit developments approved under this chapter. All private streets and planned unit development streets shall have a curb-to-curb pavement minimum width of 32 feet.

- M. *Visibility.* Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Building Inspector and Director of Public Works, 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:

Street Type	Maximum Grade (percent)
Arterial streets	6
Collector streets	7
Local streets	8
Pedestrian ways	12, unless steps of acceptable design are provided

The grade of any street shall in no case exceed 12 percent 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 the general leveling of the topography.
- P. *Radius of curvature at centerline.* 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:

Street Type	Minimum Radius of Curvature at Centerline (feet)
Arterial streets	500
Collector streets	300
Local streets	130

Curves should be provided when centerline deflections exceed three degrees.

- 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 of a greater radius where the Building Inspector and/or Director of Public Works consider 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. *Street names.* New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Village Board.
- T. *Cul-de-sacs.*
- (1) *Dimensions.* All cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way diameter of 120 feet and a minimum outside curb diameter of 92 feet in commercial and industrial areas and a minimum right-of-way diameter of 100 feet and minimum outside curb diameter of 72 feet in residential areas. The reverse curve on a cul-de-sac shall have a 50-foot minimum radius when the bulb is centered on the street and a 100-foot minimum radius when the bulb is offset.
  - (2) *Temporary termination of streets.* Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth in subsection (t)(1) of this section or by the construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.
- U. *Eyebrows and other circular streets.* Eyebrows and other circular street alignments that are designed to provide access to residential lots that are set back from the primary street shall have a circular turnaround having a minimum right-of-way diameter of 100 feet and a minimum outside curb diameter of 72 feet.
- V. *Planting islands.* Planting islands in cul-de-sacs or other public streets are only permitted when a neighborhood association or other private organization assumes responsibility for maintenance and replacement of vegetation, where the applicant submits and the Village approves legal documentation specifying the private party maintenance responsibilities, and where such planting islands are specifically approved by the Village Board after receiving a recommendation from the Building Inspector and/or Director of Public Works.
- W. *Limited access highway and railroad right-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 right-of-way in addition to the normal lot depth. This 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) *Streets parallel to limited access highway.* Streets parallel to a limited access highway or railroad right-of-way, when intersecting a collector or arterial street and highway or collector street that crosses such railroad or highway, shall be located at a minimum distance of 250 feet from such highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (3) *Local streets.* Local streets immediately adjacent and parallel to railroad right-of-ways shall be avoided, and location of local streets immediately adjacent to arterial streets and highways and to railroad right-of-ways shall be avoided in residential areas.

X. *Right-of-way and pavement width.* The right-of-way and pavement width of all streets shall be of the width specified on the official map or master plan or, if no width is specified there, they shall be not less than the following specified width:

<b>Street Type</b>	<b>Right-of-Way Minimum Width (feet)</b>	<b>Curb-to-Curb Pavement Minimum Width (feet)</b>
Arterial streets	120	44
Collector streets	80	36
Local streets	60	32

Where development densities adjoining a local street are less than five dwelling units per acre, the Village Board, upon recommendation of the Plan Commission, may allow minimum right-of-way widths of 56 feet and minimum pavement widths of 28 feet. Where local street widths are reduced to 28 feet, the Village Board may allow the outside diameter of cul-de-sacs to be reduced from 72 feet to 60 feet and the minimum cul-de-sacs' right-of-way radius to be reduced from 100 feet to 80 feet.

Y. *Radius of curvature at street right-of-way line.* The minimum radius of curvature at the street right-of-way line shall be as follows:

<b>Street Type</b>	<b>Minimum Radii of Curvature at Street Right-of-Way (feet)</b>
Arterial streets	300
Collector streets	200
Local streets	100

Z. *New and replacement bridges and culverts.* All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions that could accommodate the increased stage without

creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris. All new and replacement bridges shall be constructed in accordance with all applicable state statutes and codes and shall be submitted to the State Department of Natural Resources to ensure compliance therewith.

**§ 352-212. Block design standards.**

- A. *Length arrangement.* The lengths, widths, and shapes of blocks in a subdivision shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor shall they have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 500 feet in length.
- B. *Pedestrian pathways.* Pedestrian pathways, not less than ten feet wide, may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, parks, churches, playgrounds, shopping centers, transportation, and other community facilities.
- C. *Block width.* The width of blocks shall be wide enough to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- D. *Utility easements.* Utility easements for electrical power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

**§ 352-213. Lot design standards.**

- A. *Size.* The size, shape, and orientation of subdivision lots shall be appropriate for the topography of the subdivision, the type of sewerage or septic system to be utilized, and for 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 395.
- B. *Commercial lots.* 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 395.
- C. *Lots abutting state or county trunk highways.* Residential lots abutting state or county trunk highways shall be platted with extra depth or design to alleviate the effect of highway traffic on residential occupancy.

- D. *Corner lots.* Corner lots for residential use shall have an extra width of ten feet to permit full building setback from both streets.
- E. *Access to public streets.* Every lot shall front or abut for a minimum distance of at least 40 feet on a public street. The Village Board may waive the street frontage requirement where it determines that adequate access to the lot is provided by other means consistent with public safety, welfare, and convenience.
- 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 that, if preserved, will add attractiveness and stability to the proposed development.
- I. *Land remnants.* All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- J. *Large lots.* Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area.
- K. *Area and dimensions.* Area and dimensions of all lots shall conform to the requirements of chapter 395 for the subdivisions within the Village and to the applicable county zoning ordinance within the Village's extraterritorial jurisdictional limits.
- L. *Depth.* Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided, and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- M. *Width.* Width of lots shall conform to the requirements of chapter 395 or other applicable ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line.

**§ 352-214. Drainage system.**

- A. *Required.* A drainage and stormwater detention 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, that have been prepared by a registered professional engineer and approved by the Village Board, upon the recommendations of the Plan Commission, the Building Inspector and the Director of Public Works. The Village may require retention basins.

B. *Drainage system plans.*

- (1) The subdivider shall submit to the Village, at the time of filing a preliminary plat, 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 that 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 the following:
  - a. Estimates of the quantity of stormwater entering the subdivision naturally from areas outside 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 and detention systems shall be based upon information provided by the Building Inspector and the Director of Public Works.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Building Inspector and the Director of Public Works.

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 that provides for drainage onto the streets.
  - b. Parts of all lots may be graded to provide for drainage to the street or to 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.
- (3) The subdivider shall provide the Building Inspector and the Director of Public Works with spot elevations on property corners. Such elevations shall be shown on the final plat as specified in this chapter.

- D. *Drainage system requirements.* The subdivider shall install all 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 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 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 to 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 topography, size of watercourse, etc.
- E. *Protection of drainage systems.* The subdivider shall adequately protect all ditches to the satisfaction of the Village Board, Building Inspector and the Director of Public Works. 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.

**§ 352-215. Nonresidential subdivisions.**

- A. *Generally.* 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.
- B. *Site plan approval and additional requirements.* A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in chapter 395 and the Village Building Codes in chapter 162. A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established by any Village master plan or official map and chapter 395.
- C. *Standards.* In addition to the principles and standards in this chapter, 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 right-of-ways and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

- (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 to 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.

§§ 352-216—352-245. Reserved.

## ARTICLE VI. PARK AND PUBLIC LAND DEDICATION

### § 352-246. Requirements generally.

- A. In order that adequate open spaces and sites for other public uses may be properly located and reserved and in order that 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 reserve land, dedicate land, or pay fees in lieu of land for park or other public uses. Each subdivider of land in the Village and extraterritorial plat jurisdiction area shall, at the discretion and direction of the Village Board, either dedicate lands designated on the Village master plan or plan component or reserve such future public lands and pay a public site fee or, where no proposed public lands are directly involved, pay a public site fee.
- B. The Village Board shall, at the time of reviewing the preliminary plat or certified survey map, select the land dedication option, fees in lieu of land option, or reservation of additional land option and shall record such selection in the minutes of the meeting at which the preliminary plat is presented for approval. The Village Board shall designate the specific land area to be dedicated.
- C. In the design of a condominium development or land division, 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 of such plan. 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.

**§ 352-247. Land dedication.**

- A. *Dedication calculation.* All subdividers shall be required to dedicate developable land to the Village for park or other public open space or recreational uses, other than streets or drainageways, an amount of land equal to ten percent of the total area proposed to be subdivided, including lots, public street right-of-ways, detention basins, and drainageways. Whenever a proposed playground, park, or other public open space of recreation area, other than streets or drainageways, designated in the master plan or master plan component of the Village is embraced, all or in part, in the tract of land to be subdivided, these lands shall be made part of the required land dedication. The Village Board, upon the recommendation of the Plan Commission, shall have sole authority to determine the suitability and adequacy of lands proposed for dedication; drainageways, detention basins, 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 Commerce, 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 chapter may be vacated except by circuit court action. This subsection does not require the Village to improve land provided for public access.
- (2) *Lake and stream shore plats.* 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 that 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 that are contiguous to the lands proposed to be subdivided and abut a lake or stream.
- C. *Deed to village.* Land dedicated for public purposes shall be deeded to the Village at the time the plat, certified survey, or condominium is approved.
- D. *Access to dedicated land.* All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- E. *Utility extensions.* The subdivider shall install or provide for 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.



**§ 352-248. Reservation of additional land.**

When public parks and sites for other public areas as shown on the master plan or master plan component lie within the proposed area for development and are greater in area that required by section 352-247, 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 of final plat approval unless extended by mutual agreement.

**§ 352-249. Development of park and public land area.**

- A. When parklands or other public lands are dedicated, the subdivider is required to:
- (1) Properly grade and contour for proper drainage;
  - (2) Provide a surface contour suitable for anticipated use of the area; and
  - (3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Director of Public Works, 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 acid nor excessively alkaline.
- B. The Village Board may require certification of compliance by the Building Inspector. The cost of such report shall be paid by the subdivider.
- C. Development of public lands 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.

**§ 352-250. Fees in lieu of land.**

- A. *Method of calculation.* For the purposes of this article, the method of calculation of fees in lieu of land shall be as follows:
- (1) *Fees.* Where, in the opinion of the Village Board, there is no land suitable for parks or other public open space or recreation uses within the proposed land division or condominium plat or the dedication of land would not be compatible with the Village's master plan 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 a payment of \$475.00 per single-family dwelling and \$315.00 per duplex or multifamily dwelling until within the plat, certified survey map, or condominium development in lieu of land. If the number and type of dwelling units is not specified in a developer agreement between the subdivider and the Village, the total fee shall be computed on the basis of the

maximum residential use of each parcel permitted in the particular zoning district under chapter 395.

- (2) *Exemptions.* Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.
  - (3) *Time of payment.* Payment shall be made before certification of approval is affixed to the final plat, certified survey map, or condominium plat. As an alternative, payment of 50 percent of the fee may be made prior to certification, if the portion which is deferred is guaranteed by surety bond or other financial guarantee satisfactory to the Village.
- B. *Dedication criteria.* The Village Board shall determine whether the subdivider shall be required to dedicate land or pay a fees-in-lieu-of-land dedication. The Village Board shall also determine the location of sites dedicated to such public uses and the types of uses to which such sites shall be put. In making these determinations, consideration shall be given to the needs of the community in general and of the residents of the proposed subdivision or other land division, correlation with existing and planned sites and facilities dedicated for such public uses, feasibility and practicality of requiring dedication of land, zoning regulations, and compatibility with the Village's master plan.
- C. *Park fund for fees collected.* Funds paid to the Village under the fees-in-lieu-of-land dedication provision are to be placed in a separate account designated for park and public land acquisition. Such account shall be a continuing account and shall not lapse at the end of a budget period.

## ARTICLE VII. EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

### § 352-1. Procedures and Criteria for Land Divisions within the Extraterritorial Plat Approval Jurisdiction.

- A. *Statement of Purpose.* This section shall govern the division of lands lying within the extraterritorial plat approval jurisdiction of the Village in adjoining towns pursuant to sections 236.02(5), 236.10(1), and 236.45(3) of the Wisconsin Statutes. The purpose of this section is to promote the public health, safety and general welfare of the Village and the lands within its extraterritorial plat approval jurisdiction; to preserve farmland; to further the orderly layout and use of land by restricting development in rural areas; to preserve open space; to create a clear distinction between urban and rural areas; to limit additional burdens on Village police services resulting from residential development in the Village's extraterritorial plat approval jurisdiction; to promote the Village's planning and development goals as identified in the Village master plan; and to facilitate adequate provision of Village services to lands which may be annexed to the Village in the future.
- B. *Application Required.* No person, firm or corporation shall divide any land located within the extraterritorial plat approval jurisdiction of the Village of Lyndon Station

without first filing an application and the plat or certified survey map with the Village for approval by the Plan Commission.

C. *Pre-application Procedure.*

- (1) Before filing an application for approval of the plat or certified survey map, the subdivider shall consult with the Plan Commission and shall:
  - a. Prepare a preliminary sketch for review and approval.
  - b. Complete an Environmental Assessment Checklist.
- (2) This procedure will assist the subdivider in appraising the objectives of these regulations, the master plan, the official map, and other applicable Village regulations.
- (3) The pre-application information shall be submitted to the Plan Commission for review and approval at least twenty-one (21) days prior to when the application is to be considered.

D. *Land Division Procedure.* For land divisions by plat, the procedure for approval by the Village shall be as specified in Sections 352-102 through 352-104.

E. *Lot size.* Every lot within the Village's extraterritorial plat approval jurisdiction shall be a minimum of thirty-five (35) acres. Notwithstanding this provision, a lot which is at least thirty-five (35) acres may be divided one time to create an additional lot with a minimum lot size of one (1) acre.

F. *Exceptions.* The 35-acre minimum lot size requirement identified in subsection E. shall not apply to the following:

- (1) Land divisions or subdivisions by certified map that do not create additional building sites.
- (2) A complete land division or subdivision application that was submitted in conformity with the Village's existing land division regulations on or before the effective date of this ordinance.
- (3) Land divisions or subdivisions that are necessary to avoid a property owner from being denied all economic use of his or her land.
- (4) Land divisions or subdivisions necessary to correct a situation which immediately threatens the public health, welfare or safety.
- (5) Land divisions of less than five parcels as described in Wis. Stat. § 236.45(2)(a)1., 2., or 3.

G. *Request for Exception.*

- (1) Any property owner may apply for one of the exceptions identified in subsection F. The application shall be filed with the Village Clerk on a form approved by the Village Board. The property owner shall pay a fee as determined by the Village Board.
- (2) Upon receipt of the application and filing fee, the Village Clerk shall refer the application to the Plan Commission. After a hearing, the Plan Commission shall

make findings and a recommendation to the Village Board that an exception does or does not apply to the application.

- (3) Upon receipt of the Plan Commission's recommendation, the Village Board shall act upon the application. The Village Board shall have the authority to approve, deny, or conditionally approve the application. If the Village Board determines that the application satisfies one of the exceptions stated in subsection F., such action does not limit the Village's authority to approve, deny, or conditionally approve any proposed land division or subdivision under other applicable provisions of the Village's land division regulations.