

SEWRPC MODEL LAND DIVISION ORDINANCE

Updated May 2018

This model land division ordinance is intended to be used by counties, cities, villages, and towns within Southeastern Wisconsin as a point of departure and guide in preparing land division ordinances. While the model ordinance is sound with respect to organization, scope, and content, there are specific substantive provisions that should be carefully considered in any adaptation of the model to ensure that the recommended provisions are consistent with the objectives of the user, county or local government, as expressed in the adopted county or local comprehensive plan. And, as always in the use of model ordinances, competent legal, planning, and engineering assistance should be sought when developing or updating a county or local land division ordinance.

An earlier version of this model ordinance is included as Appendix B in SEWRPC Planning Guide No. 1, 2nd Edition, *Land Division Control Guide*, July 2001. The model ordinance has been updated to reflect changes to Chapter 236 of the *Wisconsin Statutes* enacted by the Legislature through May 2, 2018. Some key changes to Chapter 236 include:

- Revised deadlines for county and local review and approval or denial of plats and certified survey maps (CSMs), and for recording of approved plats and CSMs.
- A requirement that the Wisconsin Department of Administration (DOA) distribute plats to objecting agencies for review. Distribution to objecting agencies by DOA was formerly an option available to a subdivider, and was typically done by the clerk of the county or local government.
- Limits on the collection and use of fees for public park acquisition and improvements.

Section 236.34(1)(ar) now allows county and local governments that have a planning agency to enact an ordinance or adopt a resolution that specifies a maximum number of parcels greater than four into which land within the local government or county zoned for commercial, industrial, or mixed-use development may be divided by certified survey map (CSM). Language allowing the creation of up to 10 parcels to be created by CSM in commercial, industrial, multifamily residential, and mixed-use zoning districts is included in this model ordinance as an option; local governments can specify more than 10 or not include any maximum limit on the number of parcels created if they chose to include this option. Updates have also been made to address the review of proposed condominiums in accordance with Chapter 703 of the *Wisconsin Statutes*.

In recognition of the pending migration of land survey datums in the Region from NAD27 and NGVD29 to NAD83/2011 and NGVD88, references to the use of specific land survey datums have been replaced with language leaving the determination of the appropriate datum to each local government's engineer. It is recommended that a county or local government specify the reference datum to be used for plats and CSMs within its jurisdictional area when adopting or updating its land division ordinance.

In the following model ordinance, additional or alternative requirements a community may wish to consider adopting are shown in [brackets and *italics*]. Communities may also adjust or revise the regulations to reflect community preferences regarding design standards and other requirements. Where the word "*Village*" appears in italics, the word "City," "Town," or "County" may be substituted; and where the term "*Village Board*" appears in italics, the terms "Common Council," "Town Board," or "County Board" may be substituted. An exception would be those provisions governing the review and approval of plats and certified survey maps within the extraterritorial approval jurisdiction of a

municipality. Under the Wisconsin Statutes, only cities and villages have such extraterritorial review authority.

Please contact SEWRPC at (262) 547-6721 or sewrpc@sewrpc.org if you have any questions or would like a Microsoft Word version of this model ordinance. A version of this document showing changes between the model land division ordinance prepared in 2001 and the 2016 update and also between 2016 and this update is available on request.

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SEWRPC MODEL LAND DIVISION ORDINANCE

VILLAGE OF _____ LAND DIVISION ORDINANCE

CHAPTER __ OF THE VILLAGE OF _____ MUNICIPAL CODE
_____ COUNTY, WISCONSIN

ORIGINAL ADOPTION DATE

_____, 19__

REVISION DATE[S]

Includes amendments adopted through _____, _____

[Alternative: List identification number and date of ordinances adopting each amendment.]

NOTE: The *Village of _____ Land Division Ordinance* may be amended by the *Village Board* at any time. Please contact the *Village Zoning Administrator [Planning Director]* to verify current zoning, land division, and other regulations in effect on your property.

Inquiries about this Ordinance may be directed to:

Village of _____ Zoning Administrator [*Planning Director*]

_____ (Address)

_____, WI (Zip Code)

Phone Number: _____

Facsimile Number: _____

VILLAGE OF _____ OFFICIALS AND STAFF

Village Board of Trustees

President..... _____

Trustees _____

Plan Commission

Chair..... _____

Members..... _____

(Note: The Village President appoints all Commission members and may appoint herself or himself, but must include at least three nonofficial citizen members, preferably with recognized experience and qualifications such as, for example, a civil engineer, architect, and/or landscape architect or designer.)

Village Staff

Village Administrator..... _____

Village Clerk..... _____

Village Planning Director..... _____

Village Zoning Administrator..... _____

Village Building Inspector..... _____

Village Public Works Director/Engineer..... _____

Village Attorney _____

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SEWRPC MODEL LAND DIVISION ORDINANCE

SECTION 1.00 INTRODUCTION

1.01 TITLE

This Ordinance shall be known as the “*Village* of _____ Land Division Ordinance,” or as “Chapter ___ of the *Village* of _____ Municipal Code, _____ County, Wisconsin” and is referred to as the “Ordinance” in this Chapter.

1.02 STATUTORY AUTHORITY

These regulations are adopted under the authority granted by Sections 236.45 and 703.115 of the Wisconsin Statutes.

1.03 PURPOSE AND INTENT

The purpose of this Ordinance is to regulate and control all land divisions within the corporate limits of the *Village* of _____ [and within the extraterritorial land division (plats and certified survey maps) approval jurisdiction of the *Village*] in order to promote and protect the public health, safety, prosperity, aesthetics, and general welfare of the community. More particularly, and without limitation, it is also the purpose of this Ordinance to:

- A. **Implement the *Village*'s** comprehensive plan and components thereof and facilitate enforcement of community development standards as set forth in the *Village*'s land division ordinance, zoning ordinance, building code, and official map.
- B. **Promote the Wise Use**, conservation, and protection and proper development of the soil, water, wetland, woodland, and wildlife resources in the *Village*[and its area of extraterritorial approval jurisdiction], and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base.
- C. **Further the Orderly Layout** and appropriate use of land.
- D. **Avoid the Harmful Effects** of premature division or development of land.
- E. **Lessen Congestion** in the streets and highways and accommodate “complete streets”.
- F. **Provide for Proper Ingress** to and egress from development sites.
- G. **Secure Safety and Resiliency** from fire, flooding, disastrous storms, water pollution, disease, and other hazards to help minimize expenditures for disaster relief and flood mitigation projects.
- H. **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters.
- I. **Preserve Natural Vegetation** and cover to the extent practicable, and protect the natural beauty of the *Village*.

- J. **Preserve the Distinct Character** of neighborhoods, special planning districts, and the community.
- K. **Provide Adequate Light**, air, and water.
- L. **Prevent the Overcrowding** of land.
- M. **Facilitate the Division** of land into smaller parcels in accordance with the adopted comprehensive plan.
- N. **Facilitate and Ensure** the adequate provision of transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public facilities and services.
- O. **Further the Sustainability** of the *Village* by accommodating green development and infrastructure.
- P. **Ensure Adequate Legal Description** and proper survey monumentation of divided land.
- Q. **Provide Adequate, Affordable Housing**.
- R. **Restrict Building** in areas of unsuitable soils or other areas poorly suited for development.
- S. **Provide for the Administration** and enforcement of this Ordinance.
- T. **Provide Penalties** and other remedies for violation of this Ordinance.

1.04 ABROGATION AND GREATER RESTRICTIONS

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern. This Ordinance may not modify in a more restrictive manner time limits, deadlines, notice requirements, or other provisions of Chapter 236 of the Wisconsin Statutes that provide protections for a subdivider in accordance with Section 236.45(2)(ac).

1.05 INTERPRETATION

The provisions of this Ordinance shall be interpreted 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 the Wisconsin Statutes.

1.06 SEVERABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

1.07 REPEAL

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

1.08 DISCLAIMER OF LIABILITY

The *Village* does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps will be subject to periodic inundation, nor does the *Village* guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuitable soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the *Village Board*, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

1.09 EFFECTIVE DATE

This Ordinance and amendments thereto shall be effective after a public hearing, adoption by ordinance by the *Village Board*, and posting or publication as required by law.

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SECTION 2.00 GENERAL PROVISIONS

2.01 AREA OF JURISDICTION

This Ordinance shall apply to all land and water within the corporate limits of the *Village* of _____, _____ County, Wisconsin[, and to all lands within the extraterritorial land division approval jurisdiction of the *Village*].

2.02 APPLICABILITY

All proposed land divisions, except those exempted in accordance with Sections 2.02D and E, shall be subject to *Village* review and approval in which the *Village* shall approve, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps.

- A. **Subdivisions.** Any division of land within the *Village*[or the extraterritorial land division approval jurisdiction of the *Village*] that results in a subdivision as defined in Section 11.00 shall be surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 5.00 this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. **Minor Land Divisions.** Any division of land within the *Village*[or the extraterritorial land division approval jurisdiction of the *Village*] that results in a minor land division as defined in Section 11.00 shall be surveyed and a certified survey map of such division approved and recorded as required by Section 6.00 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- C. **Condominiums.** Any development within the *Village* that creates a condominium as defined in Section 11.00 shall be surveyed and a condominium plat thereof approved and recorded pursuant to Section 3.10 of this Ordinance and Chapter 703 of the Wisconsin Statutes. Any condominium that creates a new lot, parcel, or outlot shall also comply with the requirements of Chapter 236 of the Statutes and the requirements of this Ordinance as applicable to land divisions. It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any lot or parcel, except for condominium conversions of existing buildings where no additional units are being developed, provided such conversions comply with Chapter 703 of the Statutes. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the *Village* zoning ordinance if the parcel had been conventionally divided or developed [*unless a density bonus is allowed by the Village*].
- D. **The Provisions of this Ordinance**, as it applies to division of tracts of land into four or fewer lots or parcels, shall not apply to:
 - 1. Transfers of interest in land by will or pursuant to court order.
 - 2. Leases for a term not to exceed 10 years, mortgages, or easements.
 - 3. Sale or exchange of parcels of land between owners of adjoining property, subject to *Village* review and approval to ensure compliance with the requirements of this Ordinance and the *Village* zoning ordinance, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Zoning Ordinance, or other applicable laws or ordinances and the *Village*

approves the sale or exchange to ensure compliance with such requirements and ordinances.

E. **All of the Following Specific Uses** and activities are exempted from this Ordinance:

1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (e) of the Wisconsin Statutes, unless waived under Section 236.20(2)(L).
3. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.
4. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the *Village Board* and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

2.03 COMPLIANCE

No person, firm, or corporation shall divide any land located within the jurisdictional limits of the *Village* which results in a subdivision, minor land division, replat, or condominium as defined herein unless specifically exempted under Section 2.02D or E; and no such subdivision, minor land division, replat, or condominium shall be entitled to record without compliance with:

A. **All Requirements of this Ordinance.**

B. **The Village Comprehensive Plan** or any component thereof, the zoning ordinance, the official map ordinance, and the erosion control and stormwater management ordinance.

C. **The Provisions of Chapter 236** of the Wisconsin Statutes for proposed land divisions.

D. **The Provisions of Chapter 703** of the Wisconsin Statutes for proposed condominiums.

E. **The Rules of the Wisconsin Department of Safety and Professional Services** regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.

F. **The Rules of the Wisconsin Department of Transportation** and the _____ County highway department relating to provision for the safety of entrance upon and departure from County and State trunk highways or connecting highways and for the preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.

G. **The Rules of the Wisconsin Department of Natural Resources** setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.

H. **The Rules of the U.S. Army Corps of Engineers** and U.S. Environmental Protection Agency.

I. **All Other** applicable ordinances and State and Federal regulations.

2.04 LAND SUITABILITY

Lands shall not be divided that are held unsuitable for such use by the Plan Commission, upon recommendation of the *Village* Engineer or other agency as determined by 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 or occupants of the proposed land division, or the *Village*, or poses an imminent harm to the environment. In addition:

A. Floodplains.

1. No lots served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area, or 4,200 square feet, whichever is greater, above the elevation of the 1-percent-annual-probability (100-year recurrence interval) flood. No lots one acre or less in area served by a private onsite wastewater treatment system (POWTS) shall include floodplains. All lots more than one acre in area served by a POWTS shall contain not less than 40,000 square feet of land that is at least two feet above the 1-percent-annual-probability flood elevation identified by the Federal Emergency Management Agency (FEMA). Where such flood stage data are not available, the regulatory flood elevation shall be determined by a professional engineer or professional land surveyor and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be subject to review and approval by the *Village* Engineer.
2. Undeveloped lands that are or would be accessed from existing streets located within the 1-percent-annual-probability floodplain may not be subdivided for residential, commercial, manufacturing, or institutional uses unless an alternative access is provided through streets located outside of such floodplain or meets the provisions of Section 7.04J of this Ordinance or the floodplain provisions in the *Village* zoning [or floodplain] ordinance.

B. **Lands Altered or Filled** shall not be divided into building sites that are to be served by POWTS except where soil tests by a certified soil tester clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to bedrock, soil bearing capacity, soil compaction and depth to groundwater or seasonal water table determined by using redoximorphic features or other methods approved by the governing agencies having jurisdiction. To accomplish this purpose, a minimum of one test per acre shall be made initially where in-situ soils or altered sites dictate such frequency. The *Village* does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the *Village Board*, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

The POWTS evaluation requirements specified herein and any additional requirements specified in the _____ County sanitary code for POWTS shall be followed.

C. **A Soil and Site Evaluation** may be required, or an evaluation as determined by the POWTS regulatory staff, for any land proposed to be divided that contains an existing structure(s) being served by a POWTS installed before July 1, 1980, and/or is intended to continue operation in order to establish and designate a replacement area for a future POWTS, other than or except a holding tank. The evaluation report shall include a soil test at or near the existing POWTS.

Such existing POWTS, including holding tanks, that will continue to serve an existing structure and is a part of or a remnant parcel of a subdivision plat or certified survey map shall be evaluated by a Wisconsin licensed master or master restricted service plumber or POWTS inspector to document compliance with the requirements of Chapter SPS 383 of the Wisconsin Administrative Code. The evaluator shall provide to the POWTS regulatory staff a written report regarding its compliance. Any POWTS found not to be in compliance with Chapter 383 or other sections or chapters of the Wisconsin Administrative Code governing POWTS shall be in violation of the _____ County sanitary code for POWTS and must have a sanitary permit issued for a replacement POWTS prior to or at the time of application submittal to the *Village* for a land division approval. The *Village* will issue orders and require the owner/subdivider to enter into an installation agreement with the *Village* as part of the land division application. The owner/subdivider must install the permitted replacement POWTS within one (1) year from the date of sanitary permit issuance. [*The use of holding tanks to serve proposed land divisions for new residential development is prohibited in accordance with the provisions in the County sanitary code.*]

- D. **Lands Having a Slope** of 12 percent or more may be required by the Plan Commission to be maintained in natural open uses. A lot served by public sanitary sewer shall have at least 50 percent of its minimum required lot area or 4,200 square feet, whichever is less, in slopes of less than 12 percent. A lot served by a POWTS shall have at least 50 percent of its minimum required lot area or 20,000 square feet, whichever is less, in slopes of less than 12 percent.

Proposed POWTS area shall have slopes of 25 percent or less and, if the absorption area for POWTS contains slopes exceeding 18 percent, there shall be sufficient available area for both a primary and replacement POWTS absorption area. Where in situ soils exist and land slope reduction or modification (i.e. shaping, grading, cutting, filling, or other alteration from existing conditions) is proposed in the POWTS area, a soil test (morphological evaluation) shall be conducted to determine that sufficient suitable in situ soils remain for a proposed inground or subsurface POWTS system. The proposed use of pretreatment devices for POWTS shall not be allowed as an alternative or used in lieu of meeting the in situ soil standards stated in this Ordinance. The slope and altered area shall provide sufficient topography alteration to prevent surface or subsurface water ponding that may adversely affect the POWTS performance. Surface designed POWTS may be prohibited on such described soils.

- E. **Lands Having Bedrock** within seven feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the Wisconsin Department of Safety and Professional Services (SPS) most recent edition of the POWTS design component manuals. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The land division layout shall permit the infiltrative surfaces of dispersal cells to be located at least 36 inches above bedrock.
- F. **Lands Having Permanent Groundwater and/or Seasonal Water Table**, as determined by redoximorphic features or other approved methodology, within seven feet of the natural undisturbed surface shall not be divided into building sites to be served by POWTS unless the sites are compliant with standards set forth in Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of the POWTS design

component manuals. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44-3 of Chapter SPS 383. The land division layout shall permit the infiltrative surfaces of the dispersal cells to be located at least 36 inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six of the 36 inches of soil separation required shall be comprised of an in situ (original or natural glaciated form) soil type for which soil treatment capability is credited under the aforereferenced Table. Seasonal soil saturation shall be assumed to reach the ground surface where redoximorphic features are present within four inches of the bottom of the “A” horizon. Soils meeting this “A+4” criteria shall contain at least in situ soil formed in place, as described above, and at least 4 inches of unmottled soil of a “B”, “E”, or “C” soil characteristic horizon directly below the in situ “A” horizon or non-redoximorphic features.

- G. **Lands Covered by Soils Having Coarse Textures** such as sand, course sand, loamy sand, and loamy coarse sand with more than 35 percent coarse fragment content shall have “described” soils of five or more feet below proposed POWTS elevation. The described soils shall not contain limiting characteristics other than coarse fragment quantity to be deemed acceptable for POWTS. When at-surface POWTS are proposed on the aforementioned soils and soil conditions, the in situ surface soils must remain unaltered to preserve site suitability for accommodating a POWTS. A percolation rate slower than 120 minutes per inch or a soil load rate of less than 0.20 gallons per square feet per day shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of POWTS design component manuals can be demonstrated. The use of pretreatment devices in a POWTS design to make a proposed land division site suitable for POWTS in lieu of the site meeting the abovementioned soil standards shall be prohibited.
- H. **Land Drained by Farm Drainage Tile or Farm Ditch Systems** shall not be divided into building sites to be served by POWTS unless compliance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of the POWTS design component manuals can be demonstrated.
- I. **The Village Plan Commission**, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it based its conclusion that the land is not suitable for the intended use and afford the subdivider an opportunity to present evidence in rebuttal to the finding of unsuitability. The Plan Commission may thereafter affirm, modify, or withdraw its determination of unsuitability.

2.05 DEDICATION, RESERVATION, AND PROTECTION OF LAND

- A. **Streets, Highways, and Drainageways.** Whenever a proposed land division encompasses all or any part of an street, highway, drainageway, other public way or public access to navigable lakes, rivers, or streams, which has been designated in the comprehensive plan or component thereof or the official map of the *Village*, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the *Village*, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in Section 7.00.
- B. **Dedication or Reservation.** Park and school sites shall be dedicated or reserved as provided in Section 7.11.

C. **Protection of Open Space.** Whenever a proposed land division encompasses all or any part of open space lands, as defined in Section 11.00, such open space land shall be protected. Acceptable means of protection shall include, but not be limited to, the following:

1. Reservation or dedication to the *Village*, County, or State.
2. Donation to a nonprofit conservation organization.
3. Conservation easement.
4. Deed restriction or restrictive covenant. Common open space to be preserved in perpetuity shall be protected by providing a deed restriction or restrictive covenant that prohibits any land division or development of said open space, except limited recreational amenities as approved by the agency or organization having jurisdiction.

[D. **Proposed Public Lands Lying Outside the corporate limits of the Village but within the extraterritorial land division approval jurisdictional area of these regulations shall be reserved for acquisition by the Town or County. (Note: Should only be included in city or village ordinances.)**]

2.06 HOMEOWNER OR CONDOMINIUM ASSOCIATIONS

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

- A. **The Subdivider** shall provide the *Village* with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review by the Plan Commission[*and reviewed as to form by the Village Attorney*].
- B. **The Association** shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.
- C. **Membership** in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.
- D. **The Association** shall be responsible for maintenance and insurance of common areas and facilities.
- E. **A Land Stewardship Plan** for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- F. **The Members** of the association shall share equally the costs of maintaining, insuring, and operating common areas and facilities.
- G. **The Association** shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- H. **The Subdivider** shall arrange with the *Village* Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit within the land division or condominium a share of the total assessment for such common areas and facilities.

- I. **The Village** may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all members of the association and to the *Village* at least 30 days prior to such transfer.
- J. **In the Event** that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the *Village* may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the *Village* shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the *Village* shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

2.07 IMPROVEMENTS

Before approval of any final plat or, where applicable, certified survey map (CSM) located within the corporate limits of the *Village*, the subdivider shall install street, utility, and other improvements as hereinafter required. In the alternative, if such improvements are not installed by the time the final plat or CSM is submitted for approval, the subdivider shall, before the recording of the plat or CSM, enter into a development agreement with the *Village* agreeing to install the required improvements, and shall file with said agreement a bond or letter of credit with good and sufficient surety meeting the approval of the *Village* Attorney or a certified check in the amount equal to the estimated cost of the improvements. Said estimate shall be made by the *Village* Engineer as a guarantee that such improvements will be completed by the subdivider or the subdivider's subcontractors not later than the dates set forth in the development agreement and as a further guarantee that all obligations to subcontractors for work on the land division are satisfied. In addition:

- A. **Contracts** and contract specifications for the construction of street and utility improvements within public street rights-of-way, as well as contractors and subcontractors providing such work, shall be subject to approval of the *Village* Engineer.
- B. **Governmental Units** to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.
- C. **Survey Monuments.** Before final approval of any plat or CSM within the corporate limits of the *Village*, the subdivider shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes, and as may be required by the *Village* Engineer. The *Village* Engineer may waive the placing of monuments, as provided in Section 236.15(1)(h) of the Wisconsin Statutes, for a reasonable time, not to exceed one year, on the condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments to ensure the placing of such monuments within the time required by Statute. Additional time may be granted upon show of cause.

[D. Plats Outside Corporate Limits. Before final approval by the Village of any plat or CSM located outside the corporate limits of the Village but within the extraterritorial land division approval jurisdiction of the Village, the subdivider shall give evidence that he or she has complied with all street and utility improvement requirements of the Town in which of the land being platted is located. (Note: Should only be included in city and village ordinances.)]

2.08 DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the *Village Board* of any final subdivision plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 9.02 of this Ordinance, the subdivider shall sign and file with the *Village Board* a development agreement. The development agreement shall be approved as to form by the *Village Attorney*, and shall be subject to approval by the *Village Board* prior to approval of the final subdivision plat, condominium plat, or certified survey map.

2.09 EXCEPTIONS AND MODIFICATIONS

Where, in the judgment of the Plan Commission, it would be inappropriate to apply literally the provisions of Sections 7.00 and 8.00 of this Ordinance because exceptional or undue hardship would result, the Plan Commission may waive or modify any requirement to the extent deemed just and proper. Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community in accordance with an adopted comprehensive plan or component thereof. No exception or modification shall be granted unless the Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

- A. **Exceptional Circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this Ordinance should be changed.
- B. **Preservation of Property Rights.** That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- C. **Absence of Detriment.** That the exception or modification will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.
- D. **A Majority Vote** of the quorum of the Plan Commission shall be required to grant any exception or modification of this Ordinance, and the reasons shall be entered into the minutes of the Commission.

2.10 VIOLATIONS

No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a zoning, building, or sanitary permit by the *Village* authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance, until the

provisions and requirements of this Ordinance have been fully met. The *Village* may institute appropriate action or proceedings to enjoin violations of this Ordinance.

2.11 PENALTIES AND REMEDIES

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or Chapter 236 of the Wisconsin Statutes shall, upon conviction thereof, face penalties as set forth below plus any additional costs incurred by the *Village* for each violation. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- A. **Recordation** improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.
- B. **Conveyance** of lots in unrecorded plats carries penalties as provided ~~for~~ in Section 236.31 of the Wisconsin Statutes.
- C. **Monuments** disturbed or not placed carries penalties as provided ~~for~~ in Section 236.32 of the Wisconsin Statutes.
- D. **Dividing a Lot or Parcel**, or use if so divided, in a recorded plat or certified survey map for purposes of sale or building development not in compliance with the provisions of Chapter 236 of the Statutes, to any applicable ordinance of an approving authority, or to the rules of the Wisconsin Department of Safety and Professional Services carries penalties as provided in Section 236.335 of the Statutes.
- E. **An Assessor's Plat** made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the *Village*, at the expense of the subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.

2.12 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve, as provided in Sections 236.13(5) and 62.23(7)(e) of the Wisconsin Statutes, 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.

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SECTION 3.00 LAND DIVISION PROCEDURES

3.01 PRE-APPLICATION CONSULTATION

Prior to filing an application for approval of a preliminary subdivision plat, condominium plat, or certified survey map, the subdivider shall consult with the Plan Commission and/or its staff in order to obtain their advice and assistance. A conceptual plan of the proposed subdivision, condominium, or certified survey map shall be brought by the applicant to the meeting. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan or components thereof, and duly adopted plan implementation ordinances of the *Village* and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures.

3.02 PRELIMINARY PLAT REVIEW

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application and review checklist. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies and an electronic copy, in a digital format as determined by the *Village* Clerk, of the plat for distribution in accordance with this Section; the completed application and checklist; and the preliminary plat review fee with the *Village* Clerk at least 60 days prior to the meeting of the *Village Board* at which action is desired. The *Village* Clerk may accept an electronic copy of the plat in lieu of some or all of the paper copies, at the Clerk's discretion. In addition:

- A. **The *Village* Clerk** shall, within two normal working days after filing, transmit four copies of the preliminary plat to the County Planning Agency.
- B. **The *Village* Clerk** shall also transmit, within two normal working days after filing, 10 copies of the preliminary plat to the Plan Commission and one copy each to the *Village* Engineer, Director of Public Works, *Village* Planner, Fire Chief, Parks Director, and Land Information Officer for review and recommendations concerning matters within their jurisdiction. The recommendations of *Village* officials shall be transmitted to the Plan Commission within 20 days from the date the plat is received.
- C. **The *Village* Clerk** shall also transmit, within two normal working days after filing, one copy each of the preliminary plat to the Southeastern Wisconsin Regional Planning Commission, affected public and private utility companies, and the affected school district or districts for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the plat is received.
- D. **Wisconsin Department of Administration.** Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

3.03 PRELIMINARY PLAT APPROVAL

- A. **The Objecting Agencies** shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any 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 Wisconsin Department of Administration. The Department of Administration shall promptly notify the *Village Clerk* if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- B. **The Village Plan Commission** shall promptly review the preliminary plat, after objections and comments have been received by the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, rules, regulations, ordinances, and comprehensive plans and components of such plans. The Plan Commission shall comment and recommend action on the preliminary plat to the *Village Board*.
- C. **The Village Board** shall, within 90 days of the date of filing of the preliminary plat with the *Village Clerk*, approve, approve conditionally, or reject such plat, unless the time is extended by mutual written agreement with the subdivider. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Plan Commission's permanent file.
- D. **Failure of the Village Board** to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by written mutual consent.
- E. **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 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes. An approved preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used 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. The *Village Board* may extend the time for submission of the final plat. See Section 3.04D pertaining to partial platting or phasing.

3.04 FINAL PLAT REVIEW

A final plat shall be prepared in accordance with this Ordinance and the subdivider shall file an adequate number of copies and/or an electronic copy, as determined by the *Village Clerk*, of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee with the *Village Clerk* at least 25 days prior to the meeting of the *Village Board* at which action is desired. In addition:

- A. **The Village Clerk** shall, within two normal working days after filing, transmit four copies of the final plat to the County Planning Agency, 10 copies to the Plan Commission, and one copy to each of the affected public or private utilities and school district(s).
- B. **Wisconsin Department of Administration.** Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.
- C. **The Village Plan Commission** shall examine the final plat as to its conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the *Village Board*.
- D. **Partial Platting.** The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time; however, it is required that each phase be final platted and designated as a phase of the approved preliminary plat.

3.05 FINAL PLAT APPROVAL

- A. **Submission.** If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the *Village Board* may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Section 236.11(1)(b) of the Wisconsin Statutes.
- B. **The Objecting 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. 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 Wisconsin Department of Administration, and the Department of Administration who shall so certify on the face of the plat. The Department of Administration shall promptly notify the *Village Clerk* if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- C. **The Village Plan Commission** shall, within 45 days of the date of filing of the final plat with the *Village Clerk*, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendation to the *Village Board*.
- D. **Notification.** The Plan Commission shall, when it determines to recommend approval or rejection of a plat to the *Village Board*, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.
- E. **The Village Board** shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the *Village Clerk*, approve or reject such plat unless the review period is extended by written agreement with the

subdivider. The *Village Board* may act on the plat at the same meeting at which the Plan Commission makes its recommendation. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon. 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. One copy each of the plat and letter shall be placed in the *Village Clerk's* permanent file. The *Village Board* shall not inscribe its approval on the final plat unless the *Village Clerk* certifies on the face of the plat that no objections have been filed within 20 days or, if filed, that they have been satisfied, and the *Village Treasurer* certifies that there are no unpaid taxes or special assessments on any of the lands included in the plat.

- F. **Failure of the *Village Board*** to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- G. **Recordation.** After the final plat has been approved by the *Village Board* and required improvements either installed or a contract and sureties insuring their installation is filed, the *Village Clerk* 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 at the subdivider's expense. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.
- H. **Copies.** The subdivider shall file a digital file in a form acceptable to the *Village* and adequate copies of the recorded final plat with the *Village Clerk*. The Clerk shall distribute copies of the plat to the *Village Engineer*, Building Inspector, Assessor, Land Information Officer, *Village Planner*, and other affected *Village* and County departments for their files.

3.06 MINOR LAND DIVISION REVIEW (CERTIFIED SURVEY MAPS)

When Land is Proposed to be Divided into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a five-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of the subdivision plat, or the exterior boundaries of said block, lot, or outlot, and the division does not result in a subdivision, the subdivider may divide by use of a certified survey map. The Plan Commission may, for good reason, such reason being set forth in the minutes of the meeting concerned, accept for review and approval certified survey maps that consist of a single parcel. In addition:

[Optional: In accordance with Section 236.34(1)(ar) of the Wisconsin Statutes, a certified survey map may also be used for dividing land into not more than 10 parcels, lots, or outlots if the land being divided is zoned for commercial, industrial, multifamily residential, or mixed-use development. (Note: The Statutes do not include a maximum limit on the number of parcels that may be created using the option; each local government should determine if it wants to include this option and, if so, whether to specify a maximum number of parcels that may be created using a CSM.)]

- A. **A Pre-Application Consultation**, similar to the consultation described in Section 3.01 of this Ordinance, is required.
- B. **The Subdivider Shall Prepare** the certified survey map in accordance with this Ordinance and shall file sufficient copies of the map, together with the appropriate fee, and the completed application with the *Village* Clerk at least 10 days prior to the meeting of the Plan Commission at which action is desired. The *Village* Clerk may accept an electronic copy of the map in lieu of some or all of the paper copies, at the Clerk's discretion.
- C. **The Subdivider Shall Submit** two copies of the map to the Wisconsin Department of Administration for review if the provisions of Section 236.34(1m)(em) apply, and to the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply. Copies of the transmittal letters or emails to the Departments shall be provided to the *Village* at the time the map is filed with the *Village* Clerk.
- D. **The Village Clerk** shall, within two normal working days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- E. **The Village Plan Commission** shall transmit a copy of the map to all affected *Village* boards and commissions for their review and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the County Planning Agency and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Plan Commission within 20 days from the date the map is received. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, laws, rules, regulations, and comprehensive plans and components thereof as may be applicable.

3.07 MINOR LAND DIVISION APPROVAL (CERTIFIED SURVEY MAPS)

- A. **The Village Plan Commission** shall, within 60 days from the date of filing of the map, recommend approval, approval with conditions, or rejection of the map, and shall transmit the map along with its recommendations to the *Village Board*.
- B. **The Village Board** shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by mutual 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 *Village* Clerk to so certify on the face of the original map.
- C. **Failure of the Village Board** to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the map and, upon demand, a certificate to that effect shall be made on the face of the map by the *Village* Clerk.
- D. **Recordation.** After the certified survey map has been approved by the *Village Board*; the *Village* Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.

- E. **Copies.** The subdivider shall file a digital file in a form acceptable to the *Village* and adequate copies of the recorded certified survey map with the *Village* Clerk. The Clerk shall distribute copies of the map to the *Village* Engineer, *Village* Planner, Building Inspector, Assessor, Land Information Officer, and other affected *Village* and County officials for their files.

3.08 REVIEW AND APPROVAL OF EXTRATERRITORIAL LAND DIVISIONS

- A. **When the Land to be Divided** lies within the extraterritorial plat or CSM approval jurisdiction of the *Village* in accordance with Sections 236.10(1)(b) and 236.45(3) of the Wisconsin Statutes, the subdivider shall proceed as specified in Sections 3.01 through 3.07 where applicable except:
 - 1. An extraterritorial subdivision plat or certified survey map (CSM) shall, as a matter of courtesy, be first submitted to the Town Clerk concerned. The subdivider shall then submit the plat or CSM to the other approving authorities, including the *Village*.
 - 2. Approving authorities include the *Village Board*, Town Board, and the County Planning Agency (*Note: The County is an approving authority for all plats located in a town, and is also an approving authority if the County has a land division ordinance that applies to CSMs.*); and the subdivider must comply with the land division ordinances of the *Village*, Town, and County (*Note: If the Town and/or County have adopted such an ordinance*).
- B. **The Subdivider** may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat or CSM lies may require. Wherever connection to any utility of the *Village* or a special utility district (i.e. water, sewer, lighting, etc.) is desired, permission for such connection shall be subject to review and approval by the *Village Board* or special utility district.
- C. **All Improvement Requirements** specified by the Town Board, *Village*, or any special utility district in matters over which they have jurisdiction shall be met before the final plat or, if applicable, CSM is filed.

3.09 REPLATS AND RECONFIGURATIONS

- A. **Vacate or Alter.** When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or 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 Sections 236.36 through 236.445 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 3.01 through 3.06 of this Ordinance.
- 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 a Class 2 notice of the proposed replat and public hearing to be published and mailed to the owners of record 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. **Reconfigure.** An applicant wishing to reconfigure a recorded certified survey map (CSM) shall create a new CSM and proceed as specified in Sections 3.06 and 3.07 of this Ordinance, provided the reconfiguration does not result in a subdivision, no additional parcels are created, and no changes are made to areas previously dedicated to the public or to a restriction or easement placed on the land concerned.
- D. **Change Boundaries.** A certified survey map (CSM) may be used to change the boundaries of lots and outlots within a recorded plat or a recorded assessor's plat under Section 70.27 of the Wisconsin Statutes if the reconfiguration does not result in a subdivision. A CSM used to reconfigure lots within a recorded plat may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner; or change the exterior boundaries of a plat.
- E. **Changes to Condominium Instruments,** including condominium plats, shall comply with the requirements of Chapter 703 of the Wisconsin Statutes.

3.10 REVIEW AND APPROVAL OF CONDOMINIUM INSTRUMENTS

Condominium instruments, including condominium plats, prepared by a professional land surveyor are required to create a condominium or any amendments or expansions thereof, and are subject to *Village* review and approval in accordance with Section 703.115 of the Wisconsin Statutes. Condominiums and associated plats shall comply with the requirements of Chapter 703 of the Statutes and the design standards, improvements, and all other requirements, as applicable, of this Ordinance that would otherwise apply to conventional subdivision plats, with the exception of Sections 3.02 through 3.06 if no new lots, parcels, or outlots will be created as part of the condominium. Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public. Changes to recorded condominium instruments to create, alter, or remove any condominium units, easements, restrictions, or other encumbrances on the land included in a condominium shall require *Village* review and approval of a correction instrument prepared in accordance with Section 703.095 of the Statutes. In accordance with Section 703.27 of the Statutes, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

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SECTION 4.00 PRELIMINARY PLAT

4.01 GENERAL REQUIREMENTS

A preliminary plat shall be required for all subdivisions and shall be based on a survey by a professional land surveyor and the plat prepared on paper of good quality, as well as in a digital form compatible with *Village* digital requirements, at a scale no smaller than one inch equals 100 feet and shall show correctly on its face the following information:

- A. **The Preliminary Plat** shall be clearly noted and labeled on its face “Preliminary Plat.”
- B. **Inset Map** of the area concerned showing the general location of the proposed subdivision in relation to U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways. The inset map shall be oriented on the sheet in the same direction as the main drawing.
- C. **Description of the Location** of proposed subdivision by quarter section, township, range, county, and state.
- D. **Title or Name** 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 an addition to a previously recorded plat and is so stated on the plat.
- E. **Date**, graphic scale, and north arrow.
- F. **Names** and addresses of the owner, subdivider, and professional land surveyor preparing the plat.
- G. **The 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 said area is proposed for immediate development. The Plan Commission may waive this requirement where it is deemed unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.

4.02 SITE ANALYSIS INFORMATION

In the absence of an adopted neighborhood unit development plan, the following site analysis information shall be inventoried and mapped at a scale no smaller than one inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map(s) shall include:

- A. **Existing and Proposed Lot Lines** and street and highway right-of-way lines.
- B. **Topographic Features**, including existing contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets or highways, with preferably one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no

more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the *Village* Engineer. Any rock outcrops, slopes of 12 percent or greater, ridge lines, and hilltops shall be noted.

- C. **Hydrologic Characteristics**, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The boundaries of wetlands shall be as delineated and mapped by the Wisconsin Wetland Inventory or more precise field identification. The boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain, reflecting flood stage elevations as determined under the effective FEMA (Federal Emergency Management Agency) Flood Insurance Study or other technical document, shall be shown.

Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the *Village* Engineer, the Wisconsin Department of Natural Resources (WDNR), and FEMA. When approved accordingly, the *Village* floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the *Village* floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile.

- D. **Delineations of Natural Resource Areas**, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), and the location and type of any rare or endangered species habitat.
- E. **Soil Types** and their boundaries, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- F. **Existing Vegetation**, including the boundaries and characteristics of woodlands, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees (i.e. large or distinct ornamental, mature, or rare old-growth trees such as beech, ginkgo, hornbeam, and bur oak trees) shall be located and identified by species, size, and health.
- G. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- H. **Scenic Vistas**, both into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision.
- I. **The Location and Classification** of existing streets and highways within or adjacent to the proposed subdivision and desirable or undesirable entry and exit points for the subdivision.
- J. **Existing Land Features or Uses** within the proposed subdivision and within 100 feet therefrom, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- K. **Public Parks and Open Space Areas** within or adjacent to the proposed subdivision, and potential open space connections between the proposed subdivision and adjacent lands.

- L. **Existing and, if Applicable, Proposed Zoning** on and adjacent to the proposed subdivision.
- M. **Any Additional Information** requested by the *Village* Engineer, Plan Commission, and other affected *Village* and County departments.

4.03 PRELIMINARY PLAT DATA

All preliminary plats shall show the following:

- A. **Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to at least two corners established in the U. S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- B. **Shoreland Boundaries** and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be submitted with the plat for review and approval by the *Village* Engineer, WDNR, and FEMA. When approved accordingly, the *Village* floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the *Village* floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. [*The contour line lying a vertical distance of two feet above the floodplain shall also be shown.*]
- C. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 100 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the *Village* Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by WDNR.
- D. **Lake and Stream Meander Lines** proposed to be established.
- E. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.
- F. **The Location of Woodlands** as mapped by SEWRPC and/or field surveyed, and existing vegetation to be retained within the proposed subdivision.
- G. **Location, Right-of-Way Width, and Names** of all existing and proposed streets, highways, alleys, or other public ways, bicycle and pedestrian/recreational ways, utility rights-of-way, active and abandoned railway rights-of-way, access-control and vision corner easements, deed restricted areas, conservation easements, and other easements within or adjacent to the exterior boundaries of the plat.

- H. **Type, Width, and Elevation** of any existing street pavements within or adjacent to the exterior boundaries of the plat, together with any legally established centerline elevations, referenced to a vertical datum approved by the *Village* Engineer.
- I. **Approximate Radii** of all curved lines within the exterior boundaries of the plat.
- J. **Location and Names** of any adjoining subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- K. **Location of All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, drives, watercourses, drainage ditches, wetlands, wooded areas, railroad tracks, and other similar significant natural or manmade features; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed plat and within 100 feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the plat, and within 100 feet of the exterior boundaries of the plat, shall be shown.
- L. **Locations** of all civil division boundary lines and U.S. Public Land Survey system section and one-quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
- M. **Existing and Proposed Lot Lines**, approximate dimensions and size of all lots, the minimum lot area required by the zoning district in which the plat is located, and proposed lot and block numbers. Lots and blocks shall be numbered consecutively.
- N. **Building or Setback Lines**, including those proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
- O. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.
- P. **Location, Approximate Dimensions, and Area** of any proposed common areas or facilities.
- Q. **Location, Approximate Dimensions, and Area** of any sites which are to be used for multifamily housing, shopping centers, church sites, or other non-public uses not requiring lotting.
- R. **Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within or adjacent to the plat. If no sewers or water mains are located on or immediately adjacent to the proposed subdivision, the nearest such sewers or water mains that might be extended to serve the proposed subdivision shall be indicated by their direction and distance from the nearest exterior boundary of the plat, and by their size and invert elevations. All elevations shall be referenced to a vertical datum approved by the *Village* Engineer.

- S. **Any Proposed Lake and Stream Access**, and the width of the proposed access, to be provided within the exterior boundaries of the plat.
- T. **Any Proposed Lake and Stream Improvement** or relocation, and notice of application for approval by the WDNR, when applicable.
- U. **The Approximate Location** of any existing or proposed POWTS.
- V. **Location of Soil Borings and, if Applicable, Percolation Tests** within the exterior boundaries of the plat.
- W. **Existing and, if Applicable, Proposed Zoning** on and adjacent to the proposed subdivision.
- X. **Any Additional Information** requested by the *Village* Engineer, Plan Commission, and other affected *Village* and County Departments.

4.04 STREET PLANS AND PROFILES

The *Village* Engineer or Plan Commission may require that the subdivider provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be referenced to a datum and the datum, plans, and profiles shall meet the approval of the *Village* Engineer.

4.05 SOIL BORINGS AND TESTS

- A. **The Plan Commission**, upon recommendation of the *Village* Engineer, may, in order to determine the suitability of specific areas for the construction of buildings and supporting roadways, require that soil borings and tests be made in specified areas to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- B. **Where a Subdivision** will not be served by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. Such borings and tests shall meet the requirements of Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the *Village* Engineer may require additional soil borings and tests be made to determine the suitability of specific areas for POWTS. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of POWTS, shall be set forth in a separate report submitted with the plat.

4.06 STORMWATER MANAGEMENT AND EROSION AND SEDIMENTATION CONTROL

Following approval of the preliminary plat and prior to approval of the final plat, stormwater and sedimentation control plans and specifications shall be submitted for review and approval in accordance with the *Village* stormwater management and erosion and sedimentation control ordinance.

4.07 COVENANTS AND HOMEOWNERS OR CONDOMINIUM ASSOCIATION DOCUMENTS

- A. **A Draft Copy of Any Proposed Homeowners or Condominium Association** declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 2.06. The proposed documents shall be subject to review by the *Village* [*and reviewed as to form by the Village Attorney*].
- B. **A Draft Copy of Any Proposed Land Stewardship Plan** and/or documents for proper management of the common open space in condominiums or subdivisions shall accompany the preliminary plat. The proposed stewardship plan and/or documents shall be subject to review and approval by the *Village* [*and reviewed as to form by the Village Attorney*].

4.08 AFFIDAVIT

The professional land surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Chapter 236 and, if applicable, Chapter 703 of the Wisconsin Statutes.

SECTION 5.00 FINAL PLAT

5.01 GENERAL REQUIREMENTS

A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes.

5.02 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- A. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and bearings to the nearest one second of arc. The arc, chord, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- B. **Street Width** along the line of any obliquely intersecting street to the nearest 0.01 foot.
- C. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the plat.
- D. **Building or Setback Lines** required by the Plan Commission or other approving or objecting agency, including those that are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the subdivider to be included in recorded private covenants.
- E. **Easements for Any Public** sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.
- F. **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, the information required by Section 2.06 shall be submitted with the final plat, together with any associated deed or plat restrictions required by the Plan Commission.
- G. **Shoreland Boundaries** and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the *Village* Engineer, WDNR, and FEMA. When approved accordingly, the *Village* floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the *Village* floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. [*The contour line lying a vertical distance of two feet above the floodplain shall also be shown.*]

- H. **Location, Easements, and Rights-of-Way** of existing and proposed streets, utilities, and bicycle and pedestrian/recreational ways.
- I. **Notations or Any Restrictions** required by the Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.
- J. **Any Additional Information** requested by the *Village* Engineer, Plan Commission, and other affected *Village* and County departments.

5.03 DEED RESTRICTIONS

The *Village* may require that deed restrictions be prepared by the owner or subdivider and filed and recorded with the final plat.

5.04 SURVEY ACCURACY

The *Village* Engineer shall examine all final plats within the *Village* and may make, or cause to be made by a professional land surveyor under the supervision or direction of the *Village* Engineer, field checks for the accuracy and closure of survey, proper type and location of monuments, and liability and completeness of the drawing. In addition:

- A. **The Maximum Error of Closure** before adjustment of the survey of the exterior boundary of the subdivision shall not exceed that which is permitted by Section 236.15(2) of the Wisconsin Statutes. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B. **All Street, Block, and Lot Dimensions** shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey.
- C. **The Village Board** shall receive the results of the *Village* Engineer's examination prior to approving the final plat. The *Village* Engineer may, however, in accordance with Section 2.07C of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one year, on condition that the subdivider provide a letter of credit, certified check, or surety bond equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the *Village* Engineer's examination required under this Section and any related field checks shall be made after the required monuments have been installed. The letter of credit, certified check, or surety bond concerned shall not be released until the *Village* Engineer is satisfied with the accuracy of the land surveying concerned.

5.05 SURVEYING AND MONUMENTING

All final plats shall meet all surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

5.06 WISCONSIN COORDINATE SYSTEM

The plat shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description of the

monuments marking the section or quarter-section corners to which the plat is tied, shall be shown on the plat. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the *Village* Engineer, and shall be adjusted to the control survey network.

5.07 CERTIFICATES AND AFFADAVIT

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify full compliance with all the provisions of this Ordinance and, if applicable, Chapter 703 of the Statutes.

5.08 RECORDING AND FILING

- A. **The Final Plat** shall be submitted for recording in accordance with Section 3.05G of this Ordinance.
- B. **The County Register of Deeds** shall record the plat as provided by Section 236.25 of the Wisconsin Statutes.
- C. **The Subdivider** shall file a copy of the final plat with the *Village* Clerk, as provided by Section 236.27 of the Wisconsin Statutes.

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SECTION 6.00 CERTIFIED SURVEY MAP (MINOR LAND DIVISION)

6.01 GENERAL REQUIREMENTS

- A. **A Certified Survey Map** prepared by a professional land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00 of this Ordinance.
- B. **Prior to Filing an Application** for review and approval of a certified survey map, the subdivider shall consult with the Plan Commission and/or its staff, similar to the provisions of Section 3.01, in order to obtain advice and assistance. A conceptual plan of the proposed certified survey map shall be brought by the subdivider to the meeting.

6.02 CERTIFIED SURVEY MAP DATA

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- A. **The Certified Survey Map** shall be clearly noted and labeled on its face “Certified Survey Map.”
- B. **Inset Map** of the area concerned showing the location of the proposed certified survey map in relation to the U. S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
- C. **Description of the Location** of the proposed certified survey map by quarter section, township, range, county, and state.
- D. **Date of Map**, graphic scale, and north arrow.
- E. **Name and Addresses** of the owner, subdivider, and professional land surveyor preparing the plat.
- F. **All Existing Structures**, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof, and any other features pertinent to proper land division. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed certified survey map, and within 100 feet of the exterior boundaries of the map, shall be shown.
- G. **Existing and, if Applicable, Proposed Zoning** within and adjacent to the proposed land division.
- H. **Existing and Proposed Lot Lines**, dimensions and size of all lots, and the minimum lot area required by the zoning district in which the land division is located.
- I. **Location, Approximate Dimensions, and Area** of any sites to be reserved or dedicated for parks, playgrounds, drainageways, open space preservation, or other public use.

- J. **Building or Setback Lines** required by the Plan Commission, or other approving or objecting agency, including those which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the subdivider to be included in recorded private covenants.
- K. **Location and Names** of any adjoining streets, highways, subdivisions, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- L. **Length and Bearing** of the centerline of all streets. The lengths shall be given to the nearest 0.01 foot and the bearings to the nearest one second of arc. The arc, chord, and radius lengths, and the chord bearing, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- M. **Street Width** along the line of any obliquely intersecting street line to the nearest 0.01 foot.
- N. **Active and Abandoned Railway** rights-of-way within and abutting the exterior boundaries of the proposed certified survey map.
- O. **Notations or Any Restrictions** required by the Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.
- P. **Location, Size, and Invert Elevation** of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground; and the location and size of any existing water and gas mains within the exterior boundaries of the certified survey map or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the land division, the nearest such sewers or water mains that might be extended to serve the land division shall be indicated by their direction and distance from the nearest exterior boundary of the certified survey map, and by their size, and invert elevations. All elevations shall be referenced to a vertical datum approved by the *Village* Engineer.
- Q. **Easements for Any Public** sanitary sewers, water supply mains, stormwater management facilities, drainageways, or access ways.
- R. **Easements or Rights-of-Way** for any existing and proposed streets, utilities, and bicycle and pedestrian/recreational ways.
- S. **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by SEWRPC. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- T. **Shoreland Boundaries** and boundaries of the 1-percent-annual-probability (100-year recurrence interval) floodplain and related floodplain regulatory stages, as determined under

the effective FEMA Flood Insurance Study or other technical document. Where such floodplain data are not available, the floodplain boundaries and related stages shall be determined by a professional engineer retained by the subdivider and the sealed engineer's report providing the required data shall be subject to review and approval by the *Village* Engineer, WDNR, and FEMA. When approved accordingly, the *Village* floodplain zoning map shall be revised in accordance with the amendment provisions set forth in the *Village* floodplain zoning ordinance to incorporate the new approved 1-percent-annual-probability flood profile. [*The contour line lying a vertical distance of two feet above the floodplain shall also be shown.*]

6.03 ADDITIONAL INFORMATION

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the proposed land division:

- A. **Topographic Features**, including existing and, if applicable, proposed contours, with preferably one-foot intervals but not more than two-foot intervals for slopes less than 12 percent and at no more than five-foot intervals for slopes 12 percent and greater. Elevations shall be marked on such contours, referenced to a vertical datum approved by the *Village* Engineer. The requirement to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
- B. **Soil Types** and their boundaries, as shown on the soil survey maps prepared by the U. S. Natural Resources Conservation Service.
- C. **The Square Footage** and elevation of the first floor of all buildings proposed to remain on the site or sites included in the certified survey map.
- D. **The Village Plan Commission**, upon recommendation of the *Village* Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil borings and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
- E. **The Approximate Location** of existing and proposed POWTS, if applicable.
- F. **Where the Site is Not to be Served** by public sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of POWTS. Such borings and tests shall meet the requirements of Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the map and the findings, with respect to suitability for the use of POWTS, shall be set forth in a separate report submitted with the proposed certified survey map.
- G. **The Location of Woodlands**, as mapped by SEWRPC, within the proposed certified survey map.
- H. **Historic, Cultural, and Archaeological Features**, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

- I. **Location and Water Elevations** at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the proposed certified survey map and within 100 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to a vertical datum approved by the *Village* Engineer shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon a determination by the WDNR.
- J. **The Village Plan Commission** may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the subdivider be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and lot or parcel locations.
- K. **Any Additional Information** requested by the *Village* Engineer, Plan Commission, and other affected *Village* and County Departments.

6.04 DEED RESTRICTIONS

The *Village* may require that deed restrictions be filed and recorded with the final map.

6.05 SURVEYING AND MONUMENTING

All certified survey maps shall meet all surveying and monumenting requirements of Section 236.34 of the Wisconsin Statutes.

6.06 WISCONSIN COORDINATE SYSTEM

The map shall be tied directly to a minimum of two adjacent section or quarter-section corners defining a quarter section line located, monumented, and placed on a Coordinate System authorized under Section 236.18 of the Wisconsin Statutes. The grid bearing and distance of each tie shall be determined by field measurements. The coordinates, together with a description, of the monuments marking the section or quarter-section corners to which the map is tied shall be shown on the map. All distances and bearings shall be referenced to a Coordinate System and a horizontal datum approved by the *Village* Engineer.

6.07 CERTIFICATES AND AFFIDAVIT

All certified survey maps shall provide all of the certificates required for final plats by Section 236.21 of the Wisconsin Statutes. The *Village Board* shall certify its approval on the face of the map. In addition, the surveyor shall certify on the face of that map that all provisions of this Ordinance have been met.

6.08 RECORDING AND FILING

- A. **After the Certified Survey Map** has been duly approved by the *Village Board*, the *Village* Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded as provided for under Section 3.07D of this Ordinance.
- B. **The County Register of Deeds** shall record the final map as provided by Section 236.34(2) of the Wisconsin Statutes.
- C. **The Subdivider** shall file a copy of the final map with the *Village* Clerk.

SECTION 7.00 DESIGN STANDARDS

7.01 GENERAL REQUIREMENTS

All plans and specifications for land divisions and condominium developments shall comply with the design standards established herein and in other adopted *Village* ordinances, referenced Best Management Practices, and the *Village* comprehensive plan or components thereof while accommodating “complete street” design concepts and alternative sustainable or green-related design standards where appropriate and subject to Plan Commission and/or *Village* Engineer approval. Plans and specifications shall also comply with design related requirements in Section 8.00, “Required Improvements,” and Section 9.00, “Construction,” of this Ordinance.

7.02 STREET ARRANGEMENTS

- A. **General Requirements.** In any new land division or condominium, the street layout shall conform to the arrangement, width, type, and location indicated on the adopted County jurisdictional highway system plan, the adopted *Village* official map, or the adopted *Village* comprehensive plan or plan component. In areas for which such plans have not been completed, or are of insufficient detail, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and existing trees, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division or condominium shall be designed so as to provide each lot with satisfactory frontage on a public street.
- B. **Arterial Streets** shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and planned system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- C. **Collector Streets** shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the arterial streets to which they connect.
- D. **Land Access or Minor Land Access Streets** shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- E. **Proposed Streets** shall extend to the boundary lines of the lot, parcel, or tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the land division or condominium or for the advantageous development of adjacent lands.

- F. **Arterial Street and Highway Protection.** Whenever an existing or planned arterial street or highway is located adjacent to or within a proposed land division or condominium, adequate protection of residential lots, limitation of access to the arterial street or highway, and separation of through and local traffic shall be provided through the use of alleys, frontage streets, or cul-de-sac or loop streets. A restricted non-access easement along any property line abutting an arterial street or highway may be required (see Sections 7.03A and 7.09D). Permanent screening or landscape plantings may be required in any restricted non-access area.
- G. **Development Control or Reserve Strips** shall not be allowed on any plat or certified survey map to control access to streets or alleys, except where control of such strips is placed with the *Village* under conditions approved by the Plan Commission or the County or State highway department having jurisdiction.
- H. **Access** shall be provided in commercial, industrial, and mixed-use areas for off-street loading/unloading and service areas.
- I. **Street Names** shall be approved by the *Village* and shall not duplicate or be similar to existing street names elsewhere in the *Village*, unless the proposed streets are extensions or continuations of others already in existence and, therefore, shall bear the names of the existing streets. Where an adopted *Village* or County street address system plan exists, the street names shall be assigned in accordance with the recommendations of such plan or plans.

7.03 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENTS

Whenever a proposed land division or condominium contains or is adjacent to a limited access highway or railroad right-of-way the design shall provide the following treatment:

- A. **Non-Access Easement and Planting Area:** When lots within a proposed land division or condominium back upon the right-of-way of an existing or planned limited access highway or railroad, a non-access easement (see Section 7.09D) and planting area (sometimes called a landscaped buffer yard or strip) at least 50 feet in depth and/or width shall be provided adjacent to the highway or railroad right-of-way. The minimum lot depth and/or width required by the *Village* zoning ordinance shall be increased where applicable by 50 feet to accommodate the non-access easement and planting area. The design of the planting area, including fences and walls, shall be similar or compatible with the character of adjacent properties. This non-access easement and planting area shall be a part of all lots adjacent to applicable rights-of-way and shall have the following restriction lettered on the face of the plat or certified survey map: "This area is reserved for the planting of trees and shrubs. Pedestrian, bicycle, and other recreation trail facilities and access may be allowed. No motor vehicle access shall be permitted across this area, except those for personal assistance mobility devices for individuals with mobility disabilities. The building of structures, except fences or walls for screening or buffering purposes and public or private utility structures, is prohibited hereon."
- B. **In Commercial and Industrial Zoning Districts,** streets shall be provided on each side of a limited access highway or railroad right-of-way that are approximately parallel to and at a suitable distance from such highway or railroad. A distance of not less than 150 feet shall be

provided to allow for the appropriate use of the land between such streets and the highway or railroad.

- C. **Streets Parallel to a Limited Access Highway** or railroad right-of-way, when intersecting an arterial or collector street which crosses said highway, shall be located at a minimum distance of 250 feet from said street or railroad right-of-way or at a distance as determined by the *Village* Engineer. 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 desirable approach gradients.
- D. **Land Access Streets** immediately adjacent and parallel to arterial streets and railroad rights-of-way shall be avoided in residential areas.

[E. *Cross- and Shared-Accesses. See Section 7.09D.*]

7.04 STREET, BICYCLE, AND PEDESTRIAN/RECREATION WAY DESIGN STANDARDS

- A. **Cross-Sections.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan or component thereof, official map, neighborhood development plan, or County jurisdictional highway system plan, and in accordance with plans and specifications approved by the *Village* and, if applicable, County. If no dimensions are specified therein, the minimum right-of-way and roadway dimensions for arterial, collector, and land access streets shall be as shown on Table 1 for streets having an urban cross-section. If the Plan Commission determines that a permanent rural cross-section may be used, the minimum right-of-way and roadway dimensions set forth in Table 2 shall apply.

[Alternative for the above last two provisions: "If no dimensions are specified therein, the minimum right-of-way and roadway dimensions shall conform to the Village adopted street standards in consultation with and approval of the Village Engineer.]

(Note: Eventually a dimension may be selected from the range of dimensions provided in Tables 1 or 2 as decided on a case-by-case basis while considering various determining factors such as snow storage capability; site characteristics including locations of any floodplains, wetlands, or steep slopes; provision of areas for medians, utilities, street trees, and parking spaces; and accommodating bicycle, passing, or acceleration/decelerations lanes, among other factors. The standards in Tables 1 and 2 should not be used to require all streets to be built to the narrower or wider width while disregarding important factors, but should be applied properly by considering the site conditions, street features, and crucial design standards for the proposed street.)

- B. **Arterial Street and Highway Cross-Section Standards** shall not apply to freeways and expressways. Cross-sections for arterials streets, highways, freeways, and expressways shall be based on detailed preliminary engineering studies approved by the local, county, or State government agency having jurisdiction.

Table 1

**REQUIRED URBAN CROSS-SECTIONS
FOR STREETS AND OTHER PUBLIC WAYS^a**

Type of Street or Public Way	Minimum Right-of-Way Width to be Dedicated ^b	Minimum Roadway, Terrace, Sidewalk, and Related Widths
Arterial Streets ^c	90-130 feet for 4 travel lanes, 80-90 feet for 2 travel lanes, or as required by the <i>Village</i> Official Map or Comprehensive Plan	As determined by the <i>Village</i> Engineer
Collector Streets	60-80 feet	<ul style="list-style-type: none"> • 36 to 48-foot pavement^d (face of curb to face of curb) • 6 to 9-foot terraces • 5 to 6-foot sidewalks • 1-foot sidewalk buffers
Land Access Streets	60-66 feet	<ul style="list-style-type: none"> • 28 to 36-foot pavement^e (face of curb to face of curb) • 8 to 10-foot terraces • 5 to 6-foot sidewalks^f • 1-foot sidewalk buffers
Minor Land Access Streets	40-50 feet ^g	<ul style="list-style-type: none"> • 28-foot pavement^e (face of curb to face of curb) • 5-foot terraces • 4 to 5-foot sidewalks^f • 1-foot sidewalk buffers
Alley	25 feet	<ul style="list-style-type: none"> • 20-foot pavement • 2.5-foot buffers
Cul-de-Sac with Island	65-foot outside radius	<ul style="list-style-type: none"> • 48-foot outside curb radius • 24 to 30-foot radius for center island • 18 to 24-foot pavement (face of curb to face of curb) • 11 to 12-foot terraces • 4 to 5-foot sidewalks • 1-foot sidewalk buffers
[<i>Cul-de-Sac without Island</i>]	<i>60 to 65-foot outside radius</i>	<ul style="list-style-type: none"> • <i>45-foot outside curb radius</i> • <i>10 to 14-foot terraces</i> • <i>4 to 5-foot sidewalks</i> • <i>1-foot sidewalk buffers</i>
Pedestrian and Bicycle/Recreation Ways	20 feet ^h	<ul style="list-style-type: none"> • 10 to 12-foot pavementⁱ • 4 to 5-foot buffersⁱ

^aAn urban street is a street having a cross-section improved with vertical face curb and gutter and storm sewer, and may have curb cut openings and other green stormwater infrastructure features.

^bRight-of-way widths are only for “standard” streets-of-way. Streets to be located, for example, near steep terrain or intended to accommodate medians, parking spaces, pedestrian/recreation paths, or bicycle, auxiliary, passing, and acceleration/deceleration lanes may require wider street rights-of-way while providing sufficient terrace area for utilities (including green stormwater infrastructures), snow storage, and street tree root systems.

^cThe number of travel lanes and attendant roadway cross-sections for arterial streets are determined principally by their respective forecast future traffic volumes while considering many other factors.

^dA minimum 36-foot pavement width is recommended for collector streets that may be expected to carry fewer than 3,000 vehicles per average weekday, no transit routes, and limited truck traffic. A minimum 48-foot pavement is recommended for collector streets that would carry more than 3,000 vehicles per average weekday, routes for bus traffic, and designated access routes for truck traffic to neighborhood commercial areas. An intermediate pavement width of 38, 40, 42, or 44 feet may be provided on collector streets that do not clearly require the narrower or wider pavements widths, or to address concerns that, during periods of heavy snow, the effective width of the street may be reduced by two to four feet.

^eA minimum 28-foot pavement width is recommended for land access streets that would carry less than 1,500 vehicles per average weekday (i.e. low-density single-family residential areas), no fixed route bus traffic, and little truck traffic. A minimum 36-foot pavement is recommended for land access streets that may be expected to carry more than 1,500 vehicles per average weekday (i.e. higher density single- and multifamily residential, commercial, and industrial areas), routes for transit, and designated access routes for truck traffic to neighborhood commercial areas. An intermediate pavement width of 30, 32, or 34 feet may be provided on land access streets that do not clearly require the narrower or wider pavements widths, or to address concerns that, during periods of heavy snow, the effective width of the street may be reduced by two to four feet.

^fProviding sidewalks on one or both sides of the street may be optional for short loop and cul-de-sac streets, or subdivisions with internal pedestrian/recreation paths.

^gA 40 to 50-foot right-of-way and 28-foot pavement width for minor land access streets may be applicable on low traffic volume, short loop and cul-de-sac streets in areas of single-family homes with driveways, with adequate area available on each lot for off-street parking and snow storage, and where no bus or truck traffic other than occasional school buses and service or delivery trucks would be expected to operate over the street.

^hRecommended right-of-way width for combined pedestrian and bicycle/recreation ways separate from street rights-of-way.

ⁱThe pavement width of pedestrian and bicycle/recreation ways in areas of high use is recommended to be 12 feet or wider depending on the volume and type of users, and the buffer widths decreased accordingly. Buffers should include graded and “cleared” (i.e. gravel, mulch, low ground cover, or mowed grass)”strips” or shoulders about two to three feet wide along each side of pavement.

(Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.)

Table 2

**REQUIRED RURAL CROSS-SECTIONS
FOR STREETS AND OTHER PUBLIC WAYS^a**

Type of Street or Public Way	Minimum Right-of-Way Width to be Dedicated	Minimum Roadway and Related Widths
Arterial Streets ^b	120-150 feet for 4-travel lanes, 80-100 feet for 2-travel lanes, or as required by the <i>Village</i> Official Map or Comprehensive Plan	As determined by the <i>Village</i> Engineer
Collector Streets	80 feet	<ul style="list-style-type: none"> • 22 to 24-foot pavement • 5 to 6-foot shoulders^c • 22 to 24-foot terraces/drainage swales^d
Land Access Streets	66 feet	<ul style="list-style-type: none"> • 18 to 22-foot pavement • 3 to 4-foot shoulders^c • 18 to 21-foot terraces/drainage swales^d
Cul-de-Sac with Island	65-70-foot outside radius	<ul style="list-style-type: none"> • 48-foot outside pavement radius • 30-foot radius for center island • 18-foot pavement • 2 to 4-foot shoulders^c • 15 to 20-foot terrace/drainage swales^d
[<i>Cul-de-Sac without Island</i>]	<i>65 to 70-foot outside radius</i>	<ul style="list-style-type: none"> • <i>45-foot outside pavement radius</i> • <i>2 to 3-foot shoulders^c</i> • <i>18 to 22-foot terrace/drainage swales^d</i>
Pedestrian and Bicycle/Recreation Ways	20 feet ^e	<ul style="list-style-type: none"> • 8 to 12-foot pavement^f • 4 to 6-foot buffers^f

^a*A rural street is a street having a cross-section containing primarily roadside drainage swales with graded shoulders that may be paved or gravel and, in certain cases, may contain curb and gutter and storm sewer.*

^b*The number of travel lanes and attendant roadway cross-sections for arterial streets are determined principally by their respective forecast future traffic volumes while considering many other factors, including accommodating medians, pedestrian/recreation paths, or bicycle, passing, and acceleration/deceleration lanes, which may require wider street rights-of-way than “standard” streets.*

^c*Shoulders may be paved or gravel.*

^d*Concrete sidewalks or asphalt pedestrian/recreation paths on one or both sides of any street may be required by the Plan Commission to accommodate anticipated pedestrian/recreation traffic. Such sidewalks or paths shall be located at the outside edge of the terrace/drainage swale, with at least a one-foot wide buffer between the sidewalk or path and outside edge of the street right-of-way, unless otherwise directed by the Plan Commission upon the recommendation of the Village Engineer. Street trees shall not be planted on steep slopes, unless in walled plant beds, and at bottom of swales. Trees could be installed outside of, but within 5 to 20 feet, depending on species canopy size, of street rights-of-way [with adjoining lot owners consent] where steep slopes or other physical constraints exist.*

^e*Recommended right-of-way width for combined pedestrian and bicycle/recreation ways separate from street rights-of-way.*

^f*An 8-foot wide path is recommended depending on volume of use (i.e. low volumes where fewer than 50 users are anticipated during the peak-use hours), trail design features, and type of users. In areas of high use, a 10 to 12-foot wide path may be desirable depending on the type of recreational activities to be accommodated (i.e. movements, including passing, of bicyclists and skaters require more width than pedestrian/hikers). Buffers should include at least 2 to 3-foot wide graded and “cleared” (i.e. gravel, mulch, low ground cover, or mowed grass) “strips” or shoulders along each side of pavement.*

(Note: Refer to Section 82.50 of the Wisconsin Statutes for minimum street cross-sections for Town roads.)

- C. **Cul-de-Sac Streets** designed to have one end permanently closed shall not exceed 1,000 feet in length unless provisions are made for adequate emergency access and water main configuration. For lengths proposed to exceed 1,000 feet, the subdivider shall present extraordinary circumstances forcing the use of such lengths due to exceptional environmental constraints, the preservation of hilltops, irregular tract shape, or other limiting factors; however, provisions for adequate emergency access must still be provided.

Cul-de-sac streets shall terminate in a circular, “teardrop,” or comparable turnaround having the minimum right-of-way radius as specified in Tables 1 and 2, depending on the type of design configuration, if landscape islands or terrace/drainage swales are provided, and other factors. The design, size, construction, and maintenance of a cul-de-sac shall be determined by the Plan Commission [*Village Board*], after considering a recommendation from the *Village Engineer*, based in part on the minimum design standards specified in Tables 1 and 2. Turnarounds with landscape planting islands, including those in “eyebrow” turnarounds (half circular cul-de-sacs or looped streets), may be allowed [*and provided that the islands are maintained by private means such as a homeowners or condominium association*]. The *Village* may require curb and gutter around the perimeter of these islands, which may also contain curb openings (also see Section 8.06B).

- D. **Temporary Termination** of streets intended to be extended at a later date shall be accomplished with the construction of a temporary circular- or “T”-shaped turnaround contained within the street right-of-way. Temporary turnarounds must be connected and extended when the adjoining property is developed. If the right-of-way for the temporary turnaround is wider than 60 feet for urban streets and 66 feet for rural streets, then the wider “bump-out” portion shall be a temporary easement that shall eventually be removed or vacated when the subject road is extended and constructed in accordance with the provisions of Section 8.05 of this Ordinance. Required front yards or building setbacks would be measured from the street right-of-way that is to be permanently dedicated.
- E. **Pedestrian and Bicycle/Recreation Ways** with a right-of-way, outlot, or public access easement width of not less than 20 feet may be required where deemed necessary by the Plan Commission to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, parks, shopping centers, churches, or transportation facilities. Pedestrian and bicycle/recreational paths in wooded and wetland areas shall be so designed and constructed as to minimize the removal of noninvasive trees, shrubs, and other vegetation, and to preserve the natural beauty of the area. Also see Section 8.08 for requirements that may affect such facility design.

Design specifications should be determined during engineering studies for specific street and highway projects, and should be based on recommendations in the most recent edition of the “Guide for the Development of Bicycle Facilities,” published by the American Association of State Highway and Transportation Officials (AASHTO); the “Wisconsin Bicycle Facility Design Handbook,” and “Facilities Development Manual,” published by the Wisconsin Department of Transportation; and the adopted *Village* comprehensive and or component thereof, including bicycle plan components. Signing, traffic control devices, and striping configurations for bicycle facilities should be provided in accordance with the most recent edition of the “Manual on Uniform Traffic Control Devices,” also published by AASHTO.

- F. **Public Access to Navigable Stream or Lake Shores.** See Section 7.11C.

G. Grades

1. Street grades shall be established wherever practicable so as to avoid excessive grading, the indiscriminate removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades that exceed one percent shall be connected by vertical curves that meet the standards for “stopping” sight distance established in the American Association of State Highway and Transportation Official (AASHTO), “A Policy on Geometric Design of Highways and Streets.
2. Unless necessitated by exceptional topography and subject to the approval of the Plan Commission, the maximum centerline grade of any street or public way within public street rights-of-way shall not exceed the following:
 - a. Arterial streets: 6 percent.
 - b. Collector, land access, and frontage streets and alleys: 8 percent.
 - c. Sidewalks/Pedestrian ways: 8 percent. Where a sidewalk/pedestrian way runs along an existing roadway with a grade that exceeds 8 percent, the sidewalk/pedestrian way may also exceed 8 percent but shall be less than or equal to the existing roadway grade in accordance with the Americans with Disability Act Accessibility Guidelines (ADAAG).
3. The grade of any street shall in no case exceed 12 percent or be less than one-half of one (0.5) percent for streets with an urban cross-section or less than one percent for streets with a rural cross section.
4. See Section 7.05(G) for grades at street intersections.

H. **Crowns.** Unless otherwise approved, roadway pavements shall be designed with a centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the *Village* Engineer. Alley pavements shall be “V”-shaped, with a centerline gutter for drainage. The minimum grade of street crowns shall be two percent.

I. **Radii of Curvature.** When a continuous street centerline deflects at any one point by more than seven degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- | | |
|-----------------------------------|----------|
| 1. Arterial streets and highways: | 500 feet |
| 2. Collector streets: | 300 feet |
| 3. Land access streets: | 100 feet |

Minimum curve radii shall be further based on the consideration of traffic speed, sight distances, and other factors. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

J. **New or Reconstructed Streets** passing through floodplains shall be designed to not be flooded by overflow of streams, rivers, or lakes during a 1-percent-annual-probability (100-year recurrence interval) flood event where possible unless an alternative access is provided by streets located outside of such floodplains. Arterial streets and highways under County, State, or Federal jurisdiction shall meet the floodplain requirements of the government agency having jurisdiction.

- K. **Bridges and Culverts.** All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a 1-percent-annual-probability (100-year recurrence interval) flood event without raising the peak stage, either upstream or downstream, established by FEMA. Flood stage increases may be acceptable for reaches having topographic or land use conditions that could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, provided flood easements or other appropriate legal arrangements have been made with all affected units of government and property owners and local zoning ordinances affected by the increase in the flood stage are amended. Bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

New and replacement bridges shall be constructed in accordance with applicable State regulations and hydraulic analyses evaluating the effect, if any, of the bridge on 1-percent-annual-probability flood stages shall be submitted to the WDNR, excluding ordinary maintenance repair or resurfacing of such bridges, to assure compliance with floodplain zoning requirements.

- L. **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the proposed land division or condominium, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

- M. **Street Curbs and Gutters.** See Section 8.06.

[N. **Passing and Acceleration/Deceleration Lanes.** When the land to be subdivided is proposed to have a street connection to an arterial street or highway, the Plan Commission, after considering a recommendation from the Village Engineer, may require the subdivider to install a "passing" or "bypass" lane adjacent to the traffic lane opposite the intersection as well as an acceleration and a deceleration lane adjacent to the traffic lane nearest the intersection, all of which shall be approved by the Village Engineer.]

7.05 STREET INTERSECTIONS

- A. **Right Angle.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. **Hills.** The location of street intersections immediately below the crest of hills shall be avoided.
- C. **The Maximum Number** of streets converging at one intersection shall not exceed two.
- D. **The Number of Intersections** along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- E. **Continuation of Land Access and Collector Streets.** Land access and collector streets shall not necessarily continue across arterial streets; but, if the centerlines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land

- access streets shall be adjusted so that the approach or separation distance is increased or the alignment across said intersecting streets is continuous to create a single intersection. Such jogs for land access/minor land access and collector streets intersecting other land access/minor land access or collector streets shall not be less than 125 feet, otherwise the distance shall be increased or said streets shall be adjusted to be continuous in alignment.
- F. **Corner Curves.** Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet or a greater radius if required by the *Village* Engineer, or shall be cut off by a straight-line through the points of tangency of an arc having a radius of 15 feet or greater.
 - G. **Grades.** Intersections shall be approached on all sides by grades not to exceed three percent for a distance of no less than 100 feet from property/right-of-way lines of said intersection, unless exceptional topography would prohibit these grades.
 - H. **Vision Corner or Clearance Easements** shall be provided at street and highway intersections as may be required by the *Village* zoning ordinance and by any approving or objecting authority concerned.
 - I. **Curb Ramps** or openings to accommodate people with disabilities shall be provided in accordance with Section 66.0909 of the Wisconsin Statutes and Americans with Disabilities Act Accessibility Guideline requirements on all public streets where sidewalks or other pedestrian paths are required by the Plan Commission.
 - J. **Street Signs and Signals.** See Sections 7.02I and 8.14 of this Ordinance.

7.06 BLOCKS

- A. **General Requirements.** The widths, lengths, shapes, and orientation of blocks shall be suited to the planned use of the land; zoning requirements; the need for convenient bicycle, pedestrian, and motor vehicle access; traffic control and safety; and the limitations and opportunities of topography and other natural resource features.
- B. **The Length of Blocks** in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by preservation of natural resource features, including exceptional topography, or other limiting factors of good design.
- C. **Pedestrian and Bicycle/Recreation Ways** of at least 20 feet in width may be required where deemed necessary by the Plan Commission to provide safe and convenient pedestrian, bicycle, or other recreational circulation or access between lots, streams, lakeshores, park lands, or other public areas or may be required near the center and entirely across any block, where deemed essential by the Plan Commission, to provide adequate pedestrian, bicycle, and other recreational circulation or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities. The final plat, CSM, or condominium plat shall contain a special restriction addressing by whom these ways will be maintained.
- D. **The Width of Blocks** shall be sufficient to provide for two tiers of lots of appropriate depth except where a single tier of lots may be necessary to separate development from railroad rights-of-way or through traffic, such as with double or reverse frontage lots, or to protect natural resources.

- E. **Utility Easements.** See Section 7.09A.

7.07 LOTS

- A. **General Requirements.** The size, shape, and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated. Lot lines shall follow municipal boundary lines rather than cross them.
- B. **Side Lot Lines** shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Plan Commission.
- C. **Double or Reverse Frontage Lots** shall be prohibited except where necessary to provide separation of residential development from arterial streets or to overcome specific disadvantages of topography and orientation.
- D. **Public Street Frontage.** Every lot shall front or abut for a distance of at least 30 feet on a public street for access or as required in the *Village* zoning ordinance. (Also see Section 7.09D pertaining to cross- and shared-accesses.)
- E. **The Area and Dimensions of Lots** shall conform to the requirements of the *Village* zoning ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the *Village* zoning ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit the use of a POWTS designed in accordance with Chapters SPS 383, 384, and 385 of the Wisconsin Administrative Code and the SPS most recent edition of POWTS design component manuals.
- F. **Re-divisions.** Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot or parcel is located, the Plan Commission may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of this Ordinance and the zoning ordinance.
- G. **Depth.** Lots shall have a minimum average depth of 100 feet. The typical lot depth in a land division should be increased relative to the width of any buffer strips required along abutting arterial streets, highways, and railways. Where applicable, the minimum lot depth shall also be increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a front or rear lot line (also see Section 7.03A). Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources or accommodate easements and buffers.
- H. **The Width of Lots** shall conform to the requirements of the *Village* zoning ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line, unless otherwise provided by the *Village* zoning ordinance. Where applicable, the minimum width shall be

increased relative to the width of any required drainage easement, bicycle way, pedestrian/recreation way, or landscaped buffer strip along a side lot line (also see Section 7.03A).

- I. **Corner Lots.** The width of corner lots shall be increased, *as determined by the Village Engineer*, beyond the minimum lot width required in the *Village zoning ordinance* for lot widths less than 100 feet to allow adequate yards or building setbacks from two street yards and to accommodate sufficient side and rear yards for the intended use and any required buffers and easements.
- J. **Depth and Width of Lots or Parcels** reserved or designed for commercial or industrial use shall be adequate to provide for off-street parking and service (loading/unloading) areas required by the use contemplated and the *Village zoning ordinance*.
- K. **The Shape** of lots shall be approximately square or rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnaround. Flag lots or easements or other lot stacking techniques shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
- L. **Lands Lying Between the Meander Line and the Water's Edge** and any other undeveloped lands that lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any subdivision plat, CSM, or condominium plat abutting a lake, river, or stream. The *Village* may require a restriction prohibiting development to be placed on unbuildable portions (wetlands and floodways, for example) of any lots, parcels, or units.
- M. **Restrictions Prohibiting Development.** Whenever a lot appearing on a subdivision plat or certified survey map, or on a condominium unit on a condominium plat, is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the *Village*, shall appear on the face of the plat or map.
- N. **Remnants of Lots** below minimum size remaining after subdividing a large tract or parcel shall be added to an adjacent lot, or a plan shall be submitted indicating future use of the remnant area rather than allowing them to remain as unusable parcels

7.08 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this provision would include requiring greater setbacks for lots on cul-de-sac or curved streets to achieve the necessary lot width at the setback line, conform to setbacks of existing adjacent development, accommodate a coving or other unique design, avoid placing buildings within buffers, easements, or vision clearance triangles, protect natural resources, or conform to greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

The yards and building envelope on a lot, which is determined by required building setbacks, shall be generally similar to those on adjacent lots and contain sufficient areas to accommodate the

intended use including any required buffers, easements, a principal building and any accessory structures, a driveway, and, if applicable, a private onsite wastewater treatment system (POWTS).

7.09 EASEMENTS

- A. **Utility Easements.** The Plan Commission may require utility easements of widths deemed adequate for the intended purpose as determined by the *Village* Engineer. Such easements shall be located as determined by the applicable utility company and subject to approval by the *Village* Engineer, but preferably should be located along rear and side lot lines or in mid-block easements and should be designed to avoid the location of such facilities as electric power transformers in the flow lines of drainage swales and ditches. All lines, pipes, cables and similar equipment shall be installed underground unless the Plan Commission finds that the topography, soils, depth to bedrock, woodlands, wetlands, or other physical barriers would make underground installation impractical, or that the lots to be served by said facilities can be served directly from existing overhead facilities and requiring underground installation would constitute an undue hardship upon the subdivider. Associated equipment and facilities that are appurtenant to underground electric power, communications, and gas facility systems, including but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, above-grade pedestal-mounted terminal boxes, junction boxes, meter points, and similar equipment may be installed at ground level. Such aboveground equipment shall be placed in a visually unobtrusive location from public view or a landscape screening plan shall be submitted by the subdivider to the affected utility and the Plan Commission for approval. All utility easements shall be noted on the final plat or certified survey map followed by reference to the use or uses for which they are intended.
- B. **Drainage Easements.** Where a land division or condominium is traversed by a drainageway or stream, an adequate easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the *Village* Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the *Village* Engineer.
- C. **Conservation Easements.** See Sections 2.05C.3 and 7.10 of this Ordinance.
- D. **Vision Clearance Easements and Cross-, Controlled-, and Shared-Access Easements.** The Plan Commission may require vision corner or clearance easements, cross-access easements, non- or controlled-access easements, and shared-access easements as a condition of plat or certified survey map approval in order to minimize potential traffic hazards. Access provisions shall be evaluated on case-by-case basis to determine the safety and practicability of cross- and shared-access (i.e. shared entryway or driveway entrance). *[If the location of cross-access is not known and is dependent on future development or site plan layout, then a note shall be added to the plat or certified survey map indicating that a cross-access shall be provided and the subject lot replatted accordingly when the cross-access location is determined.]*

7.10 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, woodlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Plan Commission may require that such areas be dedicated or that restrictions,

including conservation easements, be placed on the plat or certified survey map to protect such resources. The Plan Commission may further require that such areas in land divisions be included in outlots designated on the plat or certified survey map and restricted from development.

7.11 PARK, OPEN SPACE, AND OTHER PUBLIC SITES

A. **In the Design** of a subdivision or condominium plat or a certified survey map, due consideration shall be given to dedicating or reserving suitable sites of adequate size for future schools, parks, playgrounds, public access to navigable waters, and other public purposes. Accordingly, each subdivider of land in the *Village* shall dedicate or reserve park and open space lands designated on the *Village* official map or comprehensive plan or component thereof, and, where no park or open space lands are directly involved or are reserved rather than dedicated, pay a public park site fee. Proposed school sites shall be reserved by the subdivider for future acquisition by the School Board. The Plan Commission shall, at the time a preliminary plat or certified survey map is reviewed, select one of the following options and record such selection in the minutes of the meeting at which the plat or certified survey map is presented for approval.

1. Option 1: Dedication of public parks and open space sites. Whenever a proposed public playground, park, parkway, trail corridor, public open space site, or other public lands designated on the *Village's* official map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the public lands shall be made a part of the subdivision or condominium plat or certified survey map and shall be dedicated to the public by the subdivider. Should the value of the land to be dedicated be less than the value of the public site fee, the subdivider shall be required to pay the *Village* the difference between the value of the land dedicated and the public park site fee. Should the value of the land that would otherwise be dedicated exceed the public park site fee, the lands shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the *Village* at the price agreed upon and set forth in the Development Agreement, and the subdivider shall pay a public park site fee when submitting an application for final plat, condominium plat, or certified survey map review and approval at the rate and according to the procedures set forth in this Ordinance. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with Subsection 7.11B.
2. Option 2: Reservation of public sites. Whenever a proposed public school, playground, park, parkway, or other open space site designated on the *Village's* official map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed land division or condominium, the proposed public site shall be made a part of the plat and reserved at the time of final plat or certified survey map approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition by the School Board or unit of government having jurisdiction at a price agreed upon and set forth in the Development Agreement. The subdivider shall also pay a public park site fee at the time of application for final plat, condominium plat, or certified survey map approval at the rate and according to the procedures set forth in this Ordinance.
3. Option 3: Public park site fee option. If a proposed land division or condominium does not encompass a proposed public playground, park, parkway, or open space site or such lands are contained within the land division or condominium but are not dedicated to the

public, the subdivider shall pay a public park site fee to be used for the acquisition or improvement of land for public park sites to serve the future inhabitants of the proposed subdivision, minor land division, or condominium at the time of application for final plat or certified survey map approval at the rate and in accordance with the procedures set forth in Section 10.05. The improvement of land for public park sites means grading, landscaping, installation of utilities, construction of sidewalks, installation of playground equipment, and construction or installation of restroom facilities on land intended for public park purposes, in accordance with Section 236.45(6)(ac) of the Wisconsin Statutes.

- B. **The Value of Land** to be dedicated for park or open space purposes shall be agreed upon by the *Village* and the subdivider on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the *Village* and the developer, an appraisal board consisting of one appraiser selected by the *Village* and retained at the *Village's* expense, one appraiser selected by the subdivider and retained at the subdivider's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally by the *Village* and the subdivider, shall determine the value of the land.

- C. **Navigable Streams or Lakeshores** shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the *Village*, as required by Section 236.16(3) of the Wisconsin Statutes.

7.12 OTHER RELATED DESIGN REQUIREMENTS

Section 8.00, "Required Improvements," and Section 9.00, "Construction," of this Ordinance contain other design related requirements relevant to land division and condominium design. Such requirements or standards include those for curbs and gutters, street lights, street name signs, traffic control signs and signals, street trees, landscaping including for buffer yards, grading, erosion control, sedimentation control, stormwater management facilities, water supply facilities, sanitary sewerage disposal facilities, and other utilities. Even though some of these standards may not be shown on plats and certified survey maps, they are relevant to plans and specifications required for developing subdivisions and condominiums. The *Village* zoning [*and floodplain*] ordinance[s] and *Village* stormwater management and erosion and sedimentation control ordinance also contain requirements that may affect land division design or development.

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SECTION 8.00 REQUIRED IMPROVEMENTS

8.01 GENERAL REQUIREMENTS

All required improvements shall be constructed in accordance with plans and specifications approved by the *Village* Engineer. Such improvements may include those for green infrastructure subject to *Village* Engineer approval in accordance with accepted engineering practices to ensure proper functioning and monitoring of green stormwater infrastructure. Also see Section 7.00 for design standards.

8.02 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the *Village* Engineer.

8.03 GRADING

- A. **Cut and Filled Lands** shall be graded in accordance with grading plans and specifications approved by the *Village* Engineer. Slopes shall not be steeper than one vertical to four horizontal, or the soil's angle of repose, whichever is the lesser, and such slopes shall be covered with permanent vegetation. To the extent practicable, grading shall be minimized.
- B. **After the Installation** of temporary block corner monuments or other survey control points by the subdivider and establishment of street grades by the *Village* Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and specifications approved by the *Village* Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Any cut and filled lands immediately adjacent to street or highway rights-of-way shall be graded and restored in accordance with the approved plans and specifications.
- C. **Streets and Lots** shall be brought to finished grades as specified in a site grading plan approved by the *Village* Engineer.
- D. **Where Electric and Communication Facilities** are to be installed underground, the utility easements shall be graded to finished grade elevation, and no earth fill, mounds of dirt, or construction materials shall be stored on such easement areas.

8.04 STREET SURFACING

Following the installation, inspection, and approval by the *Village* Engineer of utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, the *Village* official map, comprehensive plan or component thereof, or neighborhood development plan. Said surfacing shall be done in accordance with plans and specifications approved by the *Village* Engineer. The cost of surfacing in excess of 48 feet in width that is not required to serve the needs of the land division or condominium will be borne by the *Village* or other unit or agency of government having jurisdiction over the street.

8.05 REMOVAL OF TEMPORARY TURNAROUNDS

Where a land division abuts an existing temporary circular cul-de-sac or “T” turnaround and the *Village* official map includes extending the street ended by said temporary turnaround, the subdivider shall be responsible for the removal of the turnaround, reconstruction of the drainage and roadside ditches or curb and gutter as applicable, reinstallation of culverts, reconstruction of driveways, and restoration of all disturbed areas, and removing or vacating any portion of the street containing a temporary easement if applicable (see Section 7.04D). The *Village* Engineer will determine if existing culverts, if any, may be salvaged and reused.

8.06 CURBS AND GUTTERS

- A. **After the Installation** and the *Village’s* inspection and approval of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and specifications approved by the *Village* Engineer. This requirement may be waived where a permanent rural street section has been approved by the Plan Commission. The cost of installation of all inside curbs and gutters for dual roadway pavements will be borne by the *Village* or the unit or agency of government having jurisdiction.
- B. **Curbs and Gutters** may be required on cul-de-sac landscape “islands” and on streets with steep topographical conditions. Openings in curbs for drainage may be allowed, upon approval of the *Village* Engineer, to accommodate green stormwater management measures such as drainage into street tree wells, rain gardens, infiltration trenches, or bioretention basins with underdrains. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts [*unless “butterfly”, “roll-face”, or “mountable” type curbs are installed then such curb cuts may not be necessary*].
- C. **Curb Ramps** or openings shall be installed, where applicable, in accordance with the Americans with Disabilities Act Accessibility Guidelines, Section 66.0909 of the Wisconsin Statutes, and as approved by the *Village* Engineer.

8.07 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Plan Commission, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and specifications approved by the *Village* Engineer.

8.08 SIDEWALKS AND PEDESTRIAN/RECREATIONAL PATHS

- A. **The Subdivider Shall Construct** a concrete sidewalk or asphalt path on one side of all frontage streets and on one or both sides of all other streets within the land division or condominium. Off-street paths may also be required by the *Village*. The construction of all sidewalks and paths shall be in accordance with plans and specifications approved by the *Village* Engineer. All such facilities shall be located within a dedicated public right-of-way or a public access easement. If located within a public access easement, said easement shall be at least 20 feet wide. The construction of all sidewalks and pedestrian/recreational paths, including bicycle facilities, shall be in accordance with plans and specifications approved by the *Village* Engineer and adopted pedestrian, bicycle, park, or recreational plans.

- B. **Wider than Standard Sidewalks** or asphalt paths may be required by the *Village* Engineer in the vicinity of schools, commercial areas, and other places of public assembly. The Plan Commission may waive the requirement for sidewalks or paths upon a finding that such walks or paths are not required because of the provision of a separate network of pedestrian/recreational ways, low vehicular or pedestrian traffic volumes, or lot arrangement.

8.09 SANITARY SEWAGE DISPOSAL FACILITIES

- A. **The Subdivider Shall Construct** sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot or unit within the land division or condominium. Where public sanitary sewer facilities are not available, the subdivider shall make provision for adequate POWTS specified by the *Village*, County, and State agencies concerned.
- B. **The Subdivider Shall Install** sewer laterals to the street right-of-way line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals as may be specified by the *Village* Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the *Village* Engineer.
- C. **The Subdivider Shall Assume** the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the land division or condominium development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers shall be prorated either in proportion to the ratio of the total area of the land division or condominium development to the total tributary drainage area to be served by such larger sewer, or in proportion to the contributing sewage flows, as may be agreed upon between the subdivider and the *Village*. The excess cost shall be either borne by the *Village* or assessed against the total tributary area.

8.10 STORMWATER MANAGEMENT FACILITIES

- A. **The Subdivider Shall Construct** stormwater management facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, infiltration facilities, storage facilities, and settling basins, including bioretention basins with underdrains, infiltration trenches, and other green stormwater infrastructure as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate potential volumes of flow. The type of facilities required and the design criteria shall be determined by the *Village* Engineer while considering the nature of the topography and discharge location within and adjacent to the land division. Stormwater management facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the plans and specifications approved by the *Village* Engineer.
- B. **The Subdivider Shall Assume** the costs entailed in constructing stormwater conveyances, infiltration facilities, and storage facilities necessary to serve the proposed development, to achieve the intended level of control of nonpoint source pollution, and to carry the existing

stormwater flows through the proposed development. If larger conveyance, infiltration, and storage facilities are required to accommodate flows originating from outside the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development but by preexisting development upstream, the cost of such facilities shall be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the *Village* or assessed against the tributary areas concerned.

8.11 WATER SUPPLY FACILITIES

- A. **The Subdivider Shall Construct** water mains in such a manner as to make adequate water service available to each lot or unit within the land division or condominium. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified by the *Village*, County, and State agencies concerned. The Plan Commission may require the installation of water laterals to the street lot line. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and specifications approved by the *Village* Engineer.
- B. **The Subdivider Shall Assume** the cost of installing all water mains eight inches in diameter or less in size. If water mains greater than eight inches in diameter are required to serve areas outside the proposed development, the excess cost shall be borne by the *Village*.

8.12 OTHER UTILITIES

- A. **The Subdivider Shall Cause** gas, electrical power, and telephone and other communication facilities to be installed, where available, in such a manner as to make adequate service available to each lot or unit in the land division or condominium, in accordance with Section 7.09A.
- B. **Plans Indicating** the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the land division or condominium shall be approved by the *Village* Engineer.

8.13 STREET LAMPS

- A. **The Subdivider Shall Install** public street lamps along all streets proposed to be dedicated. The Plan Commission shall approve the design and location of all street lamps, which shall be compatible with the neighborhood and type of development proposed. Shielded luminaries with downward reflection, luminaries with cutoff optics, LED or similar energy-saving luminaries, and careful fixture placement may be required by the Plan Commission.
- B. **In Lieu of or in Addition to the Installation** of public street lamps, the Plan Commission may permit the installation of private post lamps on each lot of a land division and at appropriate locations within a condominium. The type and location of such post lamps shall be approved by the *Village* Engineer and shall be maintained by the homeowners or condominium association.

8.14 STREET AND TRAFFIC CONTROL SIGNS AND SIGNALS

- A. **The Subdivider Shall Install** or pay for the fabrication and installation of a street name sign of a design specified by the *Village* Engineer at the intersection of all streets proposed to be dedicated.
- B. **The Subdivider Shall Install** or pay for the fabrication and installation of any traffic control signs or signals identified during the review and approval process needed to control traffic generated by the proposed land division. Traffic control signs and signals are subject to review and approval by the *Village* Engineer or the government agency having jurisdiction over a street or intersection.

8.15 STREET TREES

- A. **The Subdivider Shall Plant** street trees of a species approved by the Plan Commission of at least three inches in diameter at breast height (DBH), approximately 4.5 feet above grade level. The total number of trees to be planted shall be based on one tree for every 50 feet of frontage on all streets proposed to be dedicated and be spaced on average about 50 feet apart. The required trees shall be planted in the area between the sidewalk and curb in accordance with plans and specifications approved by the *Village* Engineer.

[Street trees shall not be planted on steep slopes, unless in walled plant beds, and at bottom of swales. Trees could be installed outside of, but within 5 to 20 feet, depending on species canopy size, of street rights-of-way[with adjoining lot owner's consent] where steep slopes or other physical constraints exist.]

- B. **The Requirement** for street trees may be waived by the Plan Commission if substantial alternative landscaping, including trees, is to be provided within the land division or condominium in accordance with a landscaping plan approved by the Plan Commission.

8.16 EROSION AND SEDIMENTATION CONTROL

- A. **The Subdivider Shall Prepare** an erosion and sedimentation control plan addressing the installation and maintenance of soil erosion and sedimentation control measures. Such plans shall meet the requirements set forth in the *Village* stormwater management and erosion and sedimentation control ordinance.
- B. **The Subdivider Shall Plant** those grasses, trees, and groundcover of species and size specified by the Plan Commission, upon recommendation of the *Village* Engineer, necessary to prevent soil erosion and sedimentation, in accordance with the approved erosion and sedimentation control plan.
- C. **The Subdivider Shall Install** those 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, set forth in the approved erosion and sedimentation control plan.

8.17 LANDSCAPING

- A. **The Subdivider Shall Install** landscaping in accordance with landscaping plans and specifications approved by the Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.
- B. **Maintenance of All Landscaping** included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions maintaining such landscaping shall be included in the homeowners or condominium association documents required under Section 2.06.

8.18 IMPROVEMENTS TO EXTEND TO LIMIT OF PARCEL OR LOT

Any and all improvements or utility services required by this Ordinance for land divisions and condominiums shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the Subdivider is exempted from meeting such requirement by the *Village Board* after considering a recommendation from the *Village Engineer*. In the event the improvements are required to the end of the parcel or lot, the Subdivider shall be required to post bond or other financial sureties with the *Village* if improvements are not installed.

SECTION 9.00 CONSTRUCTION

9.01 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed land division or condominium development until the preliminary plat or certified survey map has been approved, a development agreement has been executed, the *Village Engineer* has given written authorization to proceed upon receipt of all necessary fees, sureties, and required permits, and a preconstruction meeting of concerned parties, such as the utilities and contractors concerned, has been called by the *Village Engineer*.

9.02 PHASING

In accordance with Section 236.13(2)(a) of the Wisconsin Statutes, the *Village Board* may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat. The *Village Board* will require security to be provided before improvements required for each phase are commenced and in an amount only for the phase currently being constructed. The required security shall be calculated in accordance with Section 2.07 of this Ordinance.

9.03 BUILDING AND OTHER PERMITS

No zoning, building, sanitary, erosion control, stormwater management, or other permits shall be issued for a structure on any lot not of record on the date of adoption of this Ordinance until all the requirements of this Ordinance have been met.

9.04 PLANS AND SPECIFICATIONS

Each of the following plans and accompanying construction specifications shall, except for the landscaping plan, be approved by the *Village Engineer* and any other agency having relevant approving authority before construction or installation of improvements is authorized. The landscaping plan shall be approved by the Plan Commission.

- A. **Street Plans and Profiles** showing existing and proposed grades, elevations, cross-sections, materials, and other details of required improvements, including street lights, signs, and signals, and any sidewalks and pedestrian/recreational paths to be provided within a street right-of-way.
- B. **Sanitary Sewer Plans** and profiles showing the locations, grades, sizes, elevations, materials, and other details of required facilities.
- C. **Stormwater Management and Erosion and Sedimentation Control Plans**, calculations, and profiles meeting the requirements of Sections 8.10 and 8.16 of this Ordinance and the *Village* stormwater management and erosion control ordinance.
- D. **Water Supply and Distribution Plans** and profiles showing the locations, sizes, elevations, materials, and other details of required facilities.

- E. **Utility Plans** showing the locations and sizes, where applicable, of all gas, electric power, telephone, cable television, broadband, and other utilities and services.
- F. **Grading Plans** showing existing and proposed topographic contours, mass (“rough”) and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the *Village Engineer*.
- G. **Landscaping Plans** showing and describing in detail the locations, sizes, and species of proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; nonliving durable landscaping materials such as rocks, sand, gravel, decorative mulch, and hardscape features; and structures such as walls, fences, trellises, and entryway/gateway signs. Plants shall meet the American Standard for Nursery Stock. The use of drought-tolerant plants is encouraged where appropriate.
- H. **Additional Special Plans** or information required by the *Village* staff, Plan Commission, or *Village Board*, which may include street lighting plans, land Stewardship plans, hydraulic and hydrologic studies, additional design considerations, and data and computations involved in preparing required plans.

9.05 EARTH MOVING

Earth moving, such as grading, topsoil removal, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channeling, clearing, ditching, drain tile removal or laying, dredging, lagooning, and other land surface disturbances, shall be so conducted as to minimize erosion and sedimentation and disturbance of the natural fauna, flora, watercourses, water regimen, and topography and shall comply with the *Village* stormwater management and erosion control ordinance.

9.06 PRESERVING OF EXISTING VEGETATION

The subdivider shall make every effort to protect and retain all existing noninvasive trees, shrubs, grasses, and groundcover not actually lying in paved portions of public street rights-of-way, drainageways, building foundation sites, private driveways, POWTS areas, and pedestrian/recreational paths. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

9.07 INSPECTION

The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the *Village Engineer* to provide for inspection. The *Village Engineer* shall inspect and approve all completed work prior to release of the sureties. The *Village Engineer* shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the *Village Engineer* is refused entry after presentation of proper identification, he or she may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes, except in cases of emergency where immediate access is necessary.

9.08 COMPLETION OF IMPROVEMENTS

All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision plat, condominium plat, or certified survey map by the *Village Board*, except that in lieu of completion of construction, a certified check, surety bond, or letter of credit approved by the *Village Attorney* may be furnished as provided in Section 2.07.

9.09 AS-BUILT PLANS

Within 30 days following completion and acceptance by the *Village Engineer* of all improvements, the subdivider shall provide plans and profiles in a form (digital and/or paper) acceptable to the *Village Engineer* that accurately show the location, extent, and horizontal and vertical location and alignment of all improvements as actually constructed. Horizontal and vertical locations shall be expressed in terms of the Wisconsin Coordinate System and horizontal and vertical datums approved by the *Village Engineer*.

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SECTION 10.00 FEES

10.01 GENERAL REQUIREMENTS

The subdivider shall pay to the *Village* Treasurer all fees as hereinafter required and at the times specified before being entitled to record the plat or certified survey map concerned.

10.02 PLAT AND CERTIFIED SURVEY MAP REVIEW FEES

- A. **The Subdivider Shall** pay a fee as set forth in the *Village* fee schedule to the *Village* Treasurer at the time of first application for approval of any preliminary plat, final plat, condominium plat, or certified survey map to assist in defraying the cost of administration and review.
- B. **A Reapplication Fee** as set forth in the *Village* fee schedule shall be paid to the *Village* Treasurer at the time of reapplication for approval of any preliminary plat, final plat, condominium plat, or certified survey map that has previously been reviewed.

10.03 IMPROVEMENT REVIEW FEE

- A. **The Subdivider Shall** pay a fee or present a letter of credit or a bond equal to one percent of the cost of the required public improvements as estimated by the *Village* Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the *Village* for reviewing such plans and specifications.
- B. **The Fee May** be recomputed, upon demand of the subdivider or *Village* Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the *Village* Engineer.

10.04 CONSTRUCTION REVIEW/INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the *Village* for such inspection as the *Village* Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications, and ordinances of the *Village* or any other governmental authority.

10.05 PUBLIC PARK SITE FEE

- A. **If Required** by the Plan Commission under Section 7.11, a fee for the acquisition or improvement of public park sites, which include but are not limited to public parks, playgrounds, boat access sites, trail corridors, parkways, and open space sites, to serve the future inhabitants of the proposed land division or condominium shall be paid to the *Village* Treasurer at the time of first application for approval of a final plat, condominium plat, or certified survey map of said land division or condominium in the amount set forth in the *Village* fee schedule. Such fees shall be established in accordance with Section 236.45(6) of the Wisconsin Statutes.

- B. **Public Park Site Fees** shall be placed in a non-lapsing separate Service District Fund by the *Village* Treasurer to be used only for the acquisition or improvement of playground, park, parkway, or other open space site that will serve the proposed land division or condominium. Said fund shall be established on the basis of the service area of existing or proposed park or open space sites.

10.06 ENGINEERING FEE

- A. **The Subdivider Shall** pay a fee equal to the actual cost to the *Village* for all engineering work incurred by the *Village* in connection with the plat or certified survey map.
- B. **Engineering Work** shall include the preparation of construction plans and standard specifications. The *Village* Engineer may permit the subdivider to furnish all, some, or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

10.07 OTHER FEES

The subdivider shall pay a fee equal to the cost of any special legal, planning or fiscal work that may be undertaken by the *Village* in connection with the proposed land division or condominium plat. Legal work shall include the review, negotiation, and drafting of contracts between the *Village* and the subdivider and the review of land division-related documents by the *Village* Attorney. These fees may also include the cost of obtaining independent professional opinions of, but not limited to, attorneys, engineers, planners, and landscape architects requested by the Plan Commission or staff in connection with the review of the land division or condominium plat being considered.

10.08 APPEAL OF FEES

The Subdivider shall have the right to challenge the amount of any fees levied under Sections 10.03, 10.04, 10.06, and 10.07 of this Ordinance by an appeal to the *Village Board*. Upon receipt of such an appeal, the *Village Board*, upon due notice, shall hold a public hearing at which the Subdivider and the *Village* officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the *Village Board* shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees concerned.

SECTION 11.00 DEFINITIONS

11.01 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall apply. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular. The word "shall" is mandatory and not advisory, the word "should" is advisory, and the word "may" is permissive. Any words not defined in this Section shall be presumed to have their customary dictionary definitions.

11.02 SPECIFIC WORDS AND PHRASES

Agency, Advisory. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the *Village* and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not binding on the *Village Board* or Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission (SEWRPC), school districts, and local utility companies.

Agency or Authority, Approving. Each governmental body having authority to approve or reject a preliminary or final plat or certified survey map. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

Agency, County Planning. The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.

Agency, Objecting. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The *Village* may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Safety and Professional Services if the land to be subdivided will be served by POWTS, the Wisconsin Department of Transportation or the _____ County highway department if land to be subdivided abuts, respectively, a State or County trunk highway or connecting highway or street[, and the *County Planning Agency* (*Note: Only if the plat is located in a Village or City and the County has adopted a policy requiring submission of a plat to the County for review. The County is an approving agency for subdivisions located in a town*).

Alley. A public way providing secondary access to abutting properties.

Arterial Street. See "Street, Arterial."

Block. An area of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad rights-of-way, bulkhead lines, shorelines of waterways, and city, village, or town boundaries.

Buffer. An area separating land uses and may consist of open areas, existing natural vegetation, or new landscaping, such as trees, shrubs, and berms.

Building. Any structure having a roof supported by columns or walls.

Building Line. A line generally parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the *Village* zoning ordinance and the requirements of this Ordinance.

Building Setback Line. See “Building Line.”

Certified Check. A form of check in which a bank verifies that sufficient funds exist in an account to cover the check, and the bank certifies accordingly, at the time the check is written. The funds are then held in the bank’s internal account until the check is cashed or returned by the payee. Said check shall have sufficient funds, and its liquidity is similar to cash, absent failure of the bank.

Certified Survey Map. A map prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording a minor land division as defined by this Ordinance; or used to document, for recording purposes, survey and dedication data relating to single parcels. Certified survey maps are also referred to as minor land divisions.

Collector Street. See “Street, Collector.”

Common Open Space. See “Open Space, Common.”

Complete Streets. See “Streets, Complete.”

Comprehensive Plan. The extensively developed plan adopted by the *Village Board* pursuant to Section 66.1001 of the Wisconsin Statutes. Components of a comprehensive plan may include, but are not limited to, a land use, transportation system, park and open space, sanitary sewer, public water supply, and stormwater management system elements, and neighborhood unit development plans. Devices for the implementation of such plans include zoning, official mapping, land division control, and capital improvement programs.

Conceptual Plan. A plan of a proposed land division that is submitted for informal review and shows the proposed general layout of streets, lots, and other features in relation to existing conditions.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium. The association is responsible for maintaining the common facilities and grounds and delivering services, but does not own the common facilities.

Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

Condominium Instrument. Recorded documents relating the creation and subsequent modification of the condominium, including the declaration, plats, and plans of a condominium together with attached exhibits or schedules and addendums or amendments.

Condominium Plat. See “Plat, Condominium.”

Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

Connecting Street or Highway. See “Street or Highway, Connecting.”

Conservation Easement. The grant of a property right or interest from the property owner to another person, agency, unit of government, or other organization stipulating that the described land shall remain in its natural, scenic, open, or wooded state, precluding future or additional development.

County Planning Agency. See “Agency, County Planning.”

Covenant. A restriction on the use of land, usually set forth in the deed.

[Cross Access. A shared access drive or traffic aisle between adjoining or adjacent properties with compatible land uses that usually allows access between adjacent parking areas located on different lots without traveling on adjacent public streets or highways.]

CSM. Certified Survey Map.

Cul-de-sac Street. See “Street, Cul-de-sac.”

Datum. A system that serves as the basis for land survey measurements and calculations.

Deed Restriction. A restriction on the use of a property set forth in the deed.

Development Agreement. An agreement entered into by and between the *Village* and a subdivider whereby the *Village* and subdivider agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the *Village* by the subdivider.

Environmental Corridor. Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated by SEWRPC. These natural resources and resource-related elements include the following: 1) lakes, rivers, and streams, and their associated riparian buffers and floodplains; 2) wetlands; 3) forests and woodlands; 4) prairies; 5) wildlife habitat areas; 6) rugged terrain and high-relief topography; 7) wet, poorly-drained, and organic soils; 8) existing park and open space sites; 9) potential parks and open space sites; 10) historic sites; 11) significant

scenic areas and viewpoints; and 12) natural areas and critical species habitat sites. Also see “Environmental Corridor, Primary,” “Environmental Corridor, Secondary” and “Isolated Natural Resource Area.”

Environmental Corridor, Primary. A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by SEWRPC.

Environmental Corridor, Secondary. A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by SEWRPC.

Extraterritorial Plat and Certified Survey Map (Land Division) Approval Jurisdiction. The unincorporated area within 1.5 miles of a fourth class city or village and within three miles of all other cities. Where such jurisdictions overlap, the jurisdiction over the overlapping area is divided on a line, all points of which are equidistant from the boundaries of each municipality, so that not more than one municipality exercises extraterritorial authority over any area.

FEMA. The Federal Emergency Management Agency.

Final Plat. See “Plat, Final.”

Floodplains. Those lands, including the floodplains, floodways, and channels, subject to inundation by the 1-percent-annual-probability flood (also referred to as a 100-year recurrence interval flood) or, where such data are not available, the maximum flood of record.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

Frontage Street. See “Street, Frontage.”

Green Development. The integration of techniques that help conserve natural resources by arranging land uses and site features (i.e. lots, buildings, and infrastructure) to include or be close to services, employment centers and alternative transportation systems (i.e. public transit, sidewalks, and bicycle facilities); protecting existing natural resources; providing opportunities to practicably harness renewable energy sources, where possible (i.e. south-oriented buildings capturing passive solar radiation); utilizing sun, wind, and/or earth for natural lighting, ventilation, heating, cooling, and other purposes (i.e. solar panels, wind turbines, wind catchers/ventilation shafts, and geothermal systems); using green infrastructure; incorporating local, reused, recycled, recyclable, or eco-friendly construction materials and energy efficient appliances; and including other energy and water conservation and efficiency measures into site and building designs. The term is also sometimes referred to as “low impact development (LID).”

Green Infrastructure. Incorporating stormwater management systems (sometimes called “green stormwater infrastructure”) that mimic nature to improve water quality and recharge groundwater by storing, infiltrating, or evapotranspiring stormwater through the use of bioswales, infiltration trenches, bioretention basins with underdrains, curb openings into tree wells, rain gardens and barrels or cisterns, rooftop and wall or “vertical” gardens, porous or permeable pavements with restricted salt application for winter maintenance or the application of alternative winter maintenance techniques, drought-tolerant landscaping materials and techniques, and other energy

and water conservation and efficiency measures into site and building designs. It also means to include or use natural hydrologic features of an ecological system such as vegetation (wetlands and woodlands), soil, waterways and other natural processes often located in environmental corridors that provide habitat, flood protection, and cleaner air and water.

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. Mottling is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multicolored effect.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land division.

Isolated Natural Resource Area. An area containing significant remnant natural resources at least five acres in area and at least 200 feet in width, as delineated and mapped by SEWRPC.

Land Access Street. See “Street, Land Access.”

Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section. A land division can be legally created only by means of a subdivision plat or certified survey map, and not a condominium plat.

Landscaping. Living noninvasive plant material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

Letter of Credit. An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the *Village*, which secures a subdivider’s obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the minimum lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the *Village* zoning ordinance.

Lot, Corner. A lot abutting two or more streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less. (See Illustration 1.)

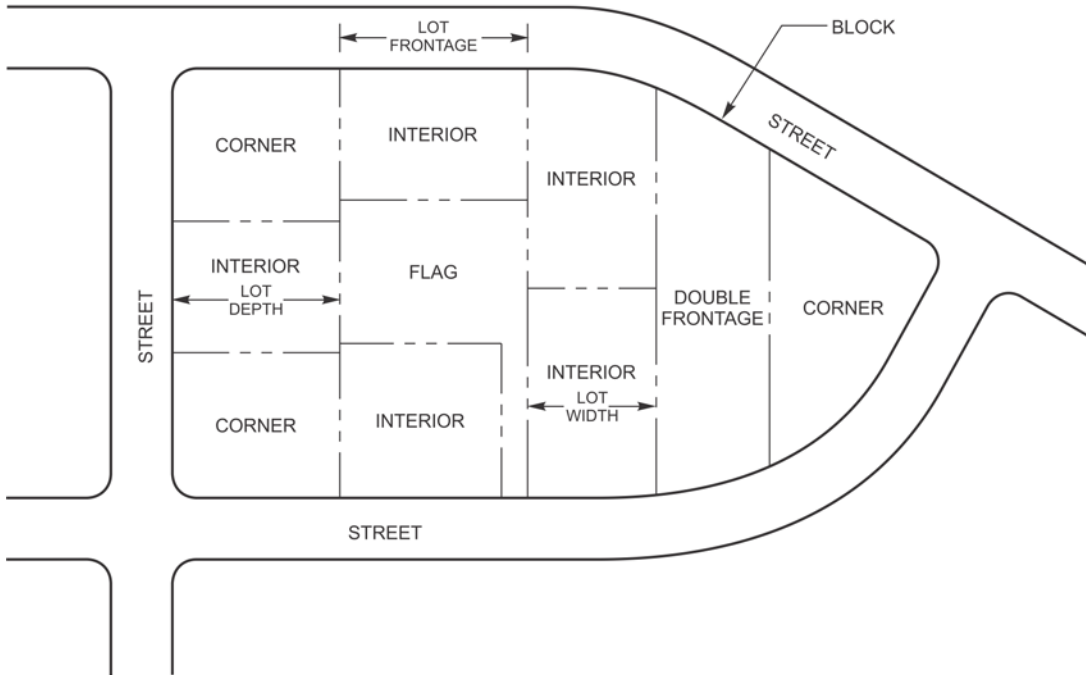
Lot, Double or Reverse Frontage. A lot, other than a corner lot, with frontage on more than one street. Such lots shall normally be deemed to have two front yards and two side yards and no rear yard. (See Illustration 1.)

Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land (sometimes called a “neck,” “narrow leg,” or “flag staff),

easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles. (See Illustration 1.)

Illustration 1

TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



Source: SEWRPC.

Lot, Interior. A lot with frontage on one street that is bounded by adjacent lots along each side and usually a lot behind it fronting on a different street. (See Illustration 1.)

Minor Land Division (Certified Survey Map). A minor land division is any division of land that:

1. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
2. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and the division does not result in a subdivision; or
3. *[Creates not more than 10 parcels, lots, or outlots, inclusive of the original remnant parcel, on land that is zoned for commercial, industrial, multifamily residential, or mixed-use development.]*

4. Minor land divisions require review and approval of a Certified Survey Map by the *Village*.

[Multifamily Residential (Dwelling) Development. *As specified in Section 101.971 of the Wisconsin Statutes, a development containing apartment buildings, rowhouses, town houses, condominiums, or modular homes (defined in Section 101.71(6) of the Statutes and does not mean mobile or manufactured homes defined in Sections 101.91(2) and (10)), that do not exceed 60 feet in height or 6 stories and that consist of 3 or more attached dwelling units in which the initial construction began on or after January 1, 1993. Such developments do not include facilities licensed under Chapter 50 of the Statutes, such as adult family homes, community-based residential facilities, nursing homes, and residential care apartment complexes.]*

Municipality. An incorporated city or village.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin that are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. See “Agency, Objecting.”

Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned street rights-of-way, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the *Village*. Open space may include, but is not limited to, floodplains, wetlands, woodlands, steep slopes, prairie remnants, natural areas, critical species habitat sites, and other natural resource features, including those within environmental corridors and isolated natural resource areas..

Open Space, Common. Privately-owned land within a land division or condominium that has been restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the land division or condominium. Common open space shall be substantially free of structures, but may be used for landscaping and contain recreational facilities approved by the *Village*.

Open Space, Public. Land within a land division or condominium that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the *Village*.

Ordinary High Water Mark (OHWM) or Elevations. The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the point or elevation on the bank or shore up to which the presence

and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized topographic, geologic, or vegetative characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot that is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space that may accommodate certain recreational amenities and stormwater management facilities. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land divisions in the future for the purpose of creating buildable lots. An outlot may be further created if a lot fails to meet requirements for a POWTS, but which may be buildable if public sewer is extended to the lot or land division.

Section 236.13(6) of the Wisconsin Statutes prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The *Village* will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Plat, Condominium. A map (not a certified survey map) prepared in accordance with Chapter 703 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording condominium units as defined herein. A “condominium plat” may be used to create condominium units along with specifying a condominium owner’s proportional share or ownership of common facilities and/or grounds and shall not be used to create lots or parcels. The creation of lots or parcels requires a “certified survey map” or “subdivision plat.”

Plat, Final. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a subdivision.

Plat, Preliminary. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots, streets, and other improvements.

Plat, Subdivision. A map prepared in accordance with Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating and recording a subdivision as defined by this Ordinance.

POWTS. Private Onsite Wastewater Treatment System.

Prairies. Open, generally treeless areas that are dominated by native grasses, as delineated and mapped by the SEWRPC.

Primary Environmental Corridor. See “Environmental Corridor, Primary.”

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle, or pedestrian/recreation way, or other facility for which the *Village* may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public street, highway, bicycle or pedestrian/recreation way, drainageway, or part thereof.

Recreation Path or Way. For the purpose of this Ordinance, a multi-use path that provides opportunities for hiking/pedestrians and may accommodate bicycling, rollerblading, skateboarding, and other recreational uses.

Redoximorphic Features. A feature formed in the soil matrix by the process of reduction, translocation, and oxidation of iron and manganese compounds in seasonally saturated soil that appears “mottled.”

Replat. The process of changing, or the plat or map which changes, the boundaries of a recorded subdivision plat, certified survey map, or a part thereof. The division of a large block, lot, or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat. Changes to condominium plats, such as merging or removal of condominium units, must meet the requirements of Chapter 703 of the Wisconsin Statutes, and condominium plats may not be used nor are considered a replat of a subdivision, certified survey map, or part thereof.

Reserve Strip. Any land that would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two abutting properties.

Resiliency. The ability to withstand or recover from social, economic, and environmental crises or disasters.

Secondary Environmental Corridor. See “Environmental Corridor, Secondary.”

Shorelands. Those lands lying within the following distances: 1,000 feet from the ordinary high water elevation or mark of a navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation or mark of a navigable stream, or to the landward edge of the floodplain, whichever distance is greater.

Soil. The naturally occurring pedogenically developed and undeveloped regolith overlying bedrock.

Soil, In Situ. Soil that is naturally formed or deposited in its present location or position and includes soil material that has been plowed using normal tillage implements and depositional material resulting from erosion or flooding.

Soil Horizon. A layer of soil material approximately parallel to the land surface and differing from adjacent genetically related layers in physical, chemical, or biologic characteristics.

Soil Horizon, “A”. A layer of mineral soil or soil material that formed at the surface or below an “O” horizon and 1) are characterized by an accumulation of humified organic matter intimately mixed with the mineral fraction and not dominated by properties characteristic of “E” or “B” horizons or 2) have properties resulting from cultivation, pasturing, or similar kinds of disturbance.

Soil Horizon, “A+4”. A layer of mineral soil or soil material located typically at ground surface and containing 4 inches of soil below the "A" horizon that is free of any redoximorphic soil features indicative of soil saturation and consist of soil diagnostic characteristics indicative of

"B", "C", or "E" horizons. *[For purposes of this Ordinance and the County sanitary code, this is the soil criteria used for all lands being subdivided.]*

Soil Horizon, "B". A layer formed below an A, E, or O horizon and is dominated by an obliteration of all or much of the original rock structure and by 1) illuvial concentration of silicate clay, iron, aluminum, humus, carbonates, gypsum, or silica, alone or in combination thereof; 2) evidence of removal of carbonates; 3) residual concentration of sesquioxides; 4) coatings of sesquioxides that make the horizon conspicuously lower in value, higher in chroma, or redder in hue than overlying and underlying horizons without apparent illuviation of iron; 5) alteration that forms silicate clay or liberates oxides or both and that forms granular, blocky, or prismatic structure if volume changes accompany changes in moisture content; or 6) any combination of these.

Soil Horizon, "C". A layer, excluding hard bedrock, that is little affected by pedogenic processes and lack properties of O, A, E, or B horizons. Most C horizons are mineral layers, but limnic layers, whether organic or inorganic, are included. The material of C layers may be either like or unlike that from which the solum presumably formed.

Soil Horizon, "E". A mineral horizon in which the main feature is loss of silicate clay, iron, aluminum, or some combination thereof, leaving a concentration of sand and silt particles of quartz or other resistant minerals.

Soil Horizon, "O". A layer dominated by organic material, except limnic layers that are organic. Some layers are saturated with water for long periods or were once saturated but are now artificially drained and others have never been saturated.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Natural Resources Conservation Service.

Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

Street, Arterial. A street used, or intended to be used, primarily for movement of through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets include freeways and expressways as well as standard arterial streets and highways. Certain arterial streets also provide appropriate access to abutting properties.

Street, Collector. A street used, or intended to be used, to carry traffic from land access streets to the system of arterial streets, including the principal entrance streets to residential developments and/or activity or employment centers. This street also provides access to adjacent properties.

Streets, Complete. Roadways designed and operated to enable safe, convenient, and comfortable access and travel for users of all ages and abilities crossing and traveling by various modes, such as walking, bicycling, transit, or automobile, within the roadway right-of-way.

Street, Cul-de-sac. A local street with only one outlet and having an appropriate turnaround for vehicular traffic.

Street, Frontage. A land access street auxiliary to and located parallel or adjacent to an arterial street for control of access and for service to the abutting development.

Street, Land Access. A street used, or intended to be used, primarily for access to abutting properties. Such streets may be called minor streets or minor land-access streets.

Street or Highway, Connecting. A marked route, not a State trunk highway per se, of the State trunk highway system over certain streets and highways in municipalities that the Wisconsin Department of Transportation has designated as a “connecting highway” (see Section 86.32 of the Wisconsin Statutes).

Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or the owner's agent for the purpose of sale, transfer of ownership, or building development, where:

1. The act of division creates five or more parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original property within a period of five years; or
2. The act of division creates six or more parcels or building sites, inclusive of the original remnant parcel, of any size by successive divisions of any part of the original property within a period of five years.

[Optional: In accordance with Section 236.34(1)(ar) of the Wisconsin Statutes, the word “subdivision” does not include a division of land that creates not more than 10 parcels, lots, or outlots, inclusive of the original remnant parcel, on land that is zoned for commercial, industrial, multifamily residential, or mixed-use development. (Note: The Statutes do not include a maximum limit on the number of parcels that may be created using the above option; each local government should determine if it wants to include this option and, if so, whether to specify a maximum number of parcels that may be created using a CSM.)]

Subdivision Plat. See “Plat, Subdivision.”

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Sustainability. The capacity to meet the needs of the present generation without compromising the ability of future generations to meet their own needs.

Unit. See “Condominium Unit.”

Village Engineer. A professional engineer who is a full time employee of the *Village*, or a consulting engineer who provides resident staff services to the *Village*, and who is duly appointed by the *Village Board* to the position.

Wetland. 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.

Wisconsin Administrative Code. Regulations, commonly referred to as rules, written and promulgated by State agencies to supplement, implement, or interpret laws enacted by the Wisconsin Legislature. The rules are referred to based on the agency that is responsible for administering the rules. For example, “SPS” refers to rules administered by the Department of Safety and Professional Services, “NR” refers to rules administered by the Department of Natural

Resources, and “Trans” refers to rules administered by the Department of Transportation. Portions of the Administrative Code that particularly affect planning include SPS 383 (requirements for private onsite wastewater treatment systems); NR 115 (requirements for shoreland areas and shoreland-wetlands in towns and counties); NR 116 (floodplain requirements); NR 117 (requirements for shoreland-wetlands in cities and villages); and Trans 233 (requirements for subdivisions abutting State highways). The Wisconsin Administrative Code is available on the Legislature’s web page at <https://docs.legis.wisconsin.gov/code>.

Wisconsin Statutes. The body of law enacted by the Wisconsin State Legislature. Portions of the Wisconsin Statutes that particularly affect planning include Chapter 236 (land division requirements); Chapter 703 (condominium plat requirements); Section 62.23 (zoning and master planning requirements for cities and villages, and towns that have adopted village powers); Section 66.1001 (comprehensive planning requirements); and Chapter 59 (zoning requirements for counties). The Wisconsin Statutes are available on the Legislature’s web page at <https://docs.legis.wisconsin.gov/statutes>.

Woodlands. Upland areas at least one acre in size having 17 or more deciduous trees per acre each measuring at least four inches in diameter at breast height and having at least 50 percent canopy coverage. In addition, coniferous tree plantations and reforestation projects are also classified as woodlands. Woodlands do not include lowland wooded areas classified as wetlands, such as tamarack swamps. Woodlands are delineated and mapped by SEWRPC.