

Village of Clayton

Chapter 11

Subdivision Code

July 2010

CHAPTER 11
SUBDIVISION REGULATIONS

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CHAPTER 11
SUBDIVISION REGULATIONS

ARTICLE A

Introduction, Purpose, and Intent

SEC. 11-1-1 Introduction

In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Clayton, Wisconsin, does hereby ordain as follows:

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

SEC. 11-1-2 General Purpose

The purpose of this Chapter is to regulate the subdivision of land within the corporate limits of the Village of Clayton and its extraterritorial plat approval jurisdiction in order to promote the public health, safety and general welfare of the community. These regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; the secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land, to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewage, schools, parks, playgrounds and other public requirements and to facilitate efficient attractive and coordinated development of land. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village in accordance with the Comprehensive Plan.

SEC. 11-1-3 through SEC. 11-1-9 Reserved for Future Use

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ARTICLE B

Definitions

SEC. 11-1-10 Defined Terms

- (a) The following definitions shall be applicable in this Chapter:
- (1) *Alley.* A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) *Arterial Street.* A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land and to collector and minor streets.
 - (3) *Bikeway.* A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (4) *Block.* An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (5) *Building Line or Building Setback Line.* A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
 - (6) *Collector Street.* A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (7) *Commission.* The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (8) *Comprehensive Plan.* The extensively developed plan, also called a master plan, adopted by the Village Plan Commission and certified to the Village Board pursuant to Sections 61.35 and 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
 - (9) *Concept Plan.* A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

- (10) *Condominium Development.* A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (11) *Consolidation.* Legally merging two (2) or more recorded parcels into a single parcel.
- (12) *Conveyance.* Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.
- (13) *Cul-de-sac.* A local street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (14) *Dead End Street.* A street permanently or temporarily closed at one end, with or without turnarounds.
- (15) *Development.* Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the alternating of land and land cover and have detrimental impact on the ground and surface waters.
- (16) *Division of Land.* A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.
- (17) *Drainageway.* An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as "greenways."
- (18) *Easement.* The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

- (19) *Extraterritorial Plat Approval Jurisdiction.* The unincorporated area within one and one-half (1 1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (20) *Floodlands.* Those lands, including the floodplain, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (21) *Final Plat.* The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (22) *Frontage Street.* A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (23) *Half Street.* A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (24) *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 multi-colored effect.
- (25) *High Water Elevation (Surface Water).* 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 elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (26) *Improvement, Public.* Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

- (27) *Local Street.* A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (28) *Lot.* A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (29) *Lot, Area.* The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (30) *Lot, Corner.* A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (31) *Lot Depth.* The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (32) *Lot, Double Frontage.* A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (33) *Lot Lines.* The peripheral boundaries of a lot as defined herein.
- (34) *Lot, Reversed Corner.* A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (35) *Lot, Through.* A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (36) *Lot Width.* The width of a parcel of land measured along the front building line.
- (37) *Major Thoroughfare.* A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (38) *Master Plan.* An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village

agency which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.

- (39) *Minor Land Division (Certified Survey Map)*. Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision.
- (40) *Minor Street*. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (41) *National Map Accuracy Standards*. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (42) *Navigable Stream*. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (43) *Official Map*. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Chapter 62, Wis. Stats.
- (44) *Outlot*. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
- (45) *Owner*. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (46) *Parcel*. Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.

- (47) *Person.* Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (48) *Planned Commercial Site.* A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village recorded in the office of the County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (49) *Planned Unit Development or PUD.* A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (50) *Pedestrian Pathway.* A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (51) *Plat.* The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (52) *Preliminary Plat.* The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (53) *Protective Covenants.* Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property

owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

- (54) *Public Way.* Any public road, street, highway, walkway, drainageway, or part thereof.
- (55) *Replat.* The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (56) *Residential Dwelling Unit or Dwelling Unit.* A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (57) *Right-of-Way.* A public way dedicated to the public for its intended use.
- (58) *Shorelands.* Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (59) *Soil Mapping Unit.* Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
- (60) *Street.* A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (61) *Structure.* Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (62) *Subdivider.* Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.

- (63) *Subdivision.* Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area are created by successive divisions within a period of five (5) years.
- (64) *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.
- (65) *Village.* The Village of Clayton, Polk County, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.
- (66) *Wisconsin Administrative Code.* The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SEC. 11-1-11 through SEC. 11-1-19 Reserved for Future Use

ARTICLE C

General Provisions

SEC. 11-1-20 General Compliance

- (1) Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in any subdivision as defined herein shall be and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and chapter 236, Wisconsin Statutes.
- (2) In addition to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes all subdivisions shall conform to the Zoning Ordinance and the Comprehensive Plan for the Village of Clayton and its extra-territorial planning area.
- (3) No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
 - (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H 85 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivision Hy 33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Village Board.
 - (6) All applicable local and county regulations, including zoning, sanitary building and official mapping ordinances.
- (4) For all subdivision improvements required to be installed by the subdivider, the subdivider shall provide satisfactory proof that he has contracted to install such improvements or shall file a performance bond ensuring installation of such improvements within the time required by the Plan Commission and Village Board.
- (5) The specifications for all improvements shall be approved by the Plan Commission. Prior to either acceptance of the improvement by the

Village Board or release of the subdivider's bond, all improvements shall be inspected and found to have been installed according to the specifications.

SEC. 11-1-21 Jurisdiction.

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Clayton as well as the unincorporated area within one and one-half (1-1/2) miles of the corporate limits as provided in Sec. 236.10 and 62.32, Wis. Stats. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court order;
- (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
- (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.

SEC. 11-1-22 Certified Survey.

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

SEC. 11-1-23 Permits.

No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.

SEC. 11-1-24 through SEC. 1-1-29 Reserved for Future Use

ARTICLE D

Procedure for Submitting Subdivisions

SEC. 11-1-30 Preliminary Meetings.

Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Village Board for advice regarding general subdivision requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

SEC. 11-1-31 Preliminary Plat Review Within the Village.

- (1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Village Board at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Village Engineer for review and written report of their recommendations and reactions to the proposed plat.
- (2) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Clerk-Treasurer five (5) sets of general preliminary plans and specifications for the construction of any public improvements required by this Chapter.
- (3) **Property Owners Association.** The Village Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (4) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land

divisions and features and that he has fully complied with the provisions of this Chapter.

- (5) Supplementary Data to be Filed with Preliminary Plat. The following shall also be filed with the preliminary plat:
 - a. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - b. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - c. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Village Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (6) Referral to Other Agencies. The Village Clerk-Treasurer shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.

- (7) Drafting Standards. The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be

provided. Any proposed restrictive covenants for the land involved shall be submitted.

SEC. 11-1-32 Preliminary Plat Approval Within the Village.

- (1) The Village Board shall, within forty (40) days of the date the preliminary plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the Village Board to act within forty (40) days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the plat or map is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
- (2) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Village Board at the time of its submission.
- (3) Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the hearing and fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

SEC. 11-1-33 Final Plat Review.

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file copies of the Plat and the application with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Village Board at which action is desired. The owner or subdivider shall file six (6) copies of the final plat not later than thirty-six (36) months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.

- (2) The Village Clerk-Treasurer shall, within two (2) days after filing, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
- (5) The Village Clerk-Treasurer shall refer two (2) copies of the final plat to the Village Board, one (1) copy to the Village Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the Village attorney for his examination and report. The Village Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Village Engineer for review to determine if the final plat substantially conforms to the preliminary plat. The recommendations of the Village Engineer shall be made within thirty (30) days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Village Board. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Village Board.
- (6) The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.

SEC. 11-1-34 Partial Platting.

The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

SEC. 11-1-35 Final Plat Approval.

- (1) The objecting agencies shall, within twenty (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 not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (2) If the Final Plat is not submitted within thirty-six (36) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
- (3) The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk-Treasurer certifies on the fact of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (4) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (5) 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-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within twelve (12) months from the date of last approval.
- (6) The subdivider shall file ten (10) copies of the Final Plat with the Village Clerk- Treasurer for distribution to the approving agencies and other affected agencies for their files.

SEC. 11-1-36 Engineering Fee.

The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map.

SEC. 11-1-37 Administrative Fee.

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

SEC. 11-1-38 through SEC. 11-1-39 Reserved for Future Use

ARTICLE E

Technical Requirements for Preliminary Plats

SEC. 11-1-40 General.

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

- (1) Title under which the proposed subdivision is to be recorded.
- (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
- (3) Date, Scale and North Point.
- (4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat.
- (5) 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 Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and under hardship would result from strict application thereof.

SEC. 11-1-41 Plat Data.

All preliminary plats shall show the following:

- (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Locations of all Existing Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Location, Right-of-way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Board, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

- (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (15) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (16) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (17) Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (18) Approximate Radii of all Curves.
- (19) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (20) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (21) Where the Village Board finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.

SEC. 11-1-42 Submission.

The subdivider may consult with the Village Board regarding the requirements for minor subdivisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the Village.

SEC. 11-1-43 Proposed Layout.

The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

SEC. 11-1-44 Requirements.

To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements.

SEC. 11-1-45 through SEC. 11-1-49 Reserved for Future Use

ARTICLE F

Replats

SEC. 11-1-50

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in Article D of this chapter.

SEC. 11-1-51

The Village Clerk-Treasurer shall schedule a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.

SEC. 11-1-52 through SEC. 11-1-59 Reserved for Future Use

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ARTICLE G

Certified Survey Land Divisions

SEC. 11-1-60 Certified Survey Land Divisions.

When it is proposed to divide or consolidate land into two (2) or no more than four (4) parcels or building sites, any one (1) of which is less than thirty-five (35) acres, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Sec. 236.34, Wis. Stats., and this Chapter.

SEC. 11-1-61 Submission and Review.

The subdivider is encouraged to first consult with the Village Board regarding the requirements for certified surveys before submissions of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the Village. The certified survey shall be reviewed, approved or disapproved by the Village Board pursuant to the procedures used for Preliminary Plats in Article D, including notice and hearing requirements. The Village Board shall approve, conditionally approve and thereby require the submission of a corrected certified survey map, or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the applicant.

SEC. 11-1-62 Additional Information.

The Certified Survey Map shall show correctly on its face, in addition to the information required by Sec. 236.34, Wis. Stats., the following:

- (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (2) Setbacks or Building Lines required by the Village Board and applicable zoning ordinances.
- (3) All Lands Reserved for future acquisition.
- (4) Date of the Map.
- (5) Graphic Scale.
- (6) Name and Address of the owner, subdivider and surveyor.
- (7) Square Footage of each parcel.

- (8) Present Zoning for the parcels.

SEC. 11-1-63 State Plane Coordinate System.

Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village control survey.

SEC. 11-1-64 Certificates.

The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this Chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

SEC. 11-1-65 Street Dedication.

Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Sec. 236.21(2)(a), Wis. Stats.

SEC. 11-1-66 Recordation.

The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.

SEC. 11-1-67 Requirements.

To the extent reasonably practicable, the certified survey shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements.

SEC. 11-1-68 through SEC. 11-1-69 Reserved for Future Use

ARTICLE H

Design Standards

SEC. 11-1-70 Requirements

(1) **STREETS AND LOTS**

- (a) The subdivider shall dedicate land for and improve streets as approved herein. Streets shall conform to the Comprehensive Plan of the Village. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities, land uses and public convenience and safety.
- (b) All lots shall have sufficient frontage on a public street to allow vehicular access.
- (c) Street locations shall be consistent with the Comprehensive Plan. The minimum right-of-way and road-way width of all proposed streets and alleys shall be the width specified in the Comprehensive Plan, comprehensive plan component, or the official map. Or if no width is specified therein, the minimum widths shall be as follows:

URBAN SECTION

Street Type	R.O.W. Width to Be Reserved	R.O.W. Width to Be Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Street			
4 Lane Divided	120 feet	100 feet	Dual: 34 feet (20 foot median)
Not Divided	70 feet	70 feet	48 feet
Collector Streets	66 feet	66 feet	44 feet
Street Type	R.O.W. Width to Be Reserved	R.O.W. Width to Be Dedicated	Pavement Width (Face of Curb to Face of Curb)

Minor Streets 1,000 Feet or more in Length	60 feet	60 feet	34 feet
Minor Streets less Than 1,000 feet in Length Cul-de-Sac and Frontage Streets	50 feet	50 feet	32 feet
Alleys	25 feet	25 feet	20 feet

The Plan Commission may require the subdivider to conform to urban section standards if the average lot width in the proposed subdivision is less than one hundred fifty (150) feet measured at the street setback line. If the average lot width is in excess of one hundred fifty (150) feet the subdivider may conform to the rural section standards.

RURAL SECTION

Street Type	R.O.W. Width to Be Reserved	R.O.W. Width to Be Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Streets 4 Lane Divided	150 feet	150 feet	Dual 24 feet: 10 feet outside shoulders/ 4 feet inside shoulders (60 foot median)
Not Divided	100 feet	100 feet	24 feet: 10 feet outside shoulders
Collector Streets	66 feet	66 feet	24 feet: 10 feet outside shoulders
Minor Streets	50 feet	50 feet	22 feet: 8 feet outside shoulders

- (d) Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: six (6) per cent
Collector streets: eight (8) per cent
Minor streets, alleys and frontage streets: ten (10) per cent
Pedestrian ways: twelve (12) per cent unless steps of acceptable designs are provided. The grade of any street shall in no case exceed twelve (12) per cent or be less than one half of one (0.5) per cent.

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

- (e) When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets and highways: 500 feet
Collector streets: 300 feet
Minor streets: 100 feet

- (f) Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit.
- (g) Minor streets shall be so laid out so as to discourage their use by through traffic.
- (h) The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (i) Where a subdivision abuts or contains an existing or proposed arterial highway, the Plan Commission shall require a frontage road, non-access reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (j) Reserve strips controlling access to streets shall be prohibited.
- (k) A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- (l) Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (m) Dedication of half-width streets shall be prohibited.

- (n) Permanent dead-end streets or cul-de-sacs shall not be longer than 1,000 feet, shall have a minimum width of 50 feet and terminate with a turnaround having an outside roadway diameter of at least 80 feet and a street property line of 100 feet.
- (o) Where possible, lot lines shall be perpendicular to the street line and to the tangent at the lot corner of curved streets.
- (p) Lots shall follow, rather than cross, municipal boundary lines whenever practicable.
- (q) No street names shall be used which will duplicate or may be confused with the names of existing streets. Street names shall be subject to the approval of the Plan Commission.

(2) BLOCK DESIGN

- (a) The lengths, width and shapes of blocks shall be appropriate for the topography and the type of development contemplated.
- (b) To provide access and circulation to community facilities sidewalks shall be provided by the subdivider and where a block exceeds 1,000 feet in length a crosswalk through the center of blocks shall be provided. Center crosswalks shall not be less than ten feet wide. These requirements may be waived by the Plan Commission as provided in Section 18.08 of this Chapter.
- (c) The Plan Commission may require that certain species of trees be planted on both sides of all streets.
- (d) Subdivision lots in the Village shall be in conformance with the area and width requirements of the Village Zoning Ordinance. Area and width requirements of subdivision lots in the extra-territorial plat approval jurisdiction shall conform to town zoning ordinances and Administrative Code H65 of the State Division of Health.

(3) DRAINAGE SYSTEM

- (a) Drainage System Required. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer.

- (b) Drainage System Plans.
 - (1) The subdivider shall submit to the Village Engineer and Village Board a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
 - (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.
- (c) Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by the subdivider, at his cost, by one (1) or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.

- b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
- (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No Subdivision Regulations storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

SEC. 11-1-71 through SEC. 11-1-79 Reserved for Future Use

ARTICLE I

Requirements for Public Improvements

SEC. 11-1-80 General Requirements.

The following required improvements shall be installed in accordance with the standards of this Chapter and any additional engineering standards and specifications which have been adopted by the Village Board and filed with the Village Clerk-Treasurer. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

SEC. 11-1-81 Guarantee for Installation of Required Improvements.

- (1) Payment for Installation of Improvements. The required improvements to be furnished and installed by the subdivider, which are listed and described in this Chapter, shall be the responsibility of, and paid by, the subdivider.
- (2) Required Agreement Providing for Proper Installation of Improvements.
 - (a) Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct designated improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Village Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the Village in the vicinity.
 - (b) The agreement shall require the subdivider to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to the Engineer's estimate of the total cost of the improvements to be furnished under the contract and/or this Chapter, including the cost of inspection.
 - (c) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be

turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the bond period for an additional period not to exceed two (2) years.

- (d) The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Engineer after consultation with the subdivider.
- (e) The subdivider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.

SEC. 11-1-82 Procedure.

- (1) Construction Plans and Specifications. Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the preliminary plat with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
 - (a) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (b) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (c) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (d) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

- (e) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - (f) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (g) Additional special plans or information as required by Village officials.
- (2) Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent Village design standards recommended by the Village Engineer and approved by the Village Board. If he rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (3) Construction and Inspection.
- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
 - (b) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the preliminary plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension.
 - (c) During the course of construction, the Village Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (4) "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a

condition of final acceptance of the improvements and release of the surety bond assuring their completion.

SEC. 11-1-83 Street, Alley and Sidewalk Improvements.

The Village shall construct streets and sidewalks pursuant to approved plans based on the requirements of this Code of Ordinances:

- (1) Grading. With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approved of the Village Board after receipt of the Village Engineer's recommendations. After approval of the street grades, the Village shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the Village shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the Village, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (2) Street and Side walk Construction.
 - (a) After sanitary sewer, storm sewer and water utilities have been installed by the subdivider, the Village shall construct, and the subdivider shall dedicate as part of the subdivision, streets and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The Village shall surface roadways to the widths prescribed by the Village Board on recommendation of the Village Engineer. Construction shall be to Village standard specifications for street improvements. The subdivider shall pay the cost of curbs and gutters.
 - (b) The Village Board shall have the option of not requiring the construction of sidewalks within street rights-of-way in cases where it determines, after consultation with the Village Engineer, that sidewalks are not necessary because of low density land use and low pedestrian volumes or for access to schools and bus routes

or for continuity of existing sidewalk or bicycle route systems or because of a cul-de-sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.

- (3) Completion of Street and Sidewalk Construction.
 - a. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall first be approved by the Village Engineer and accepted by the Village Board.
 - b. The Village Engineer may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Engineer and shall be based upon the written request of the subdivider.
- (4) Curb and Gutter. When required by the Village Board, after the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

SEC. 11-1-84 Construction Standards.

All streets and highways constructed by the subdivider or to be dedicated to the Village shall fully comply with the following construction standards:

- (1) Right-of-way and Pavement Width. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified as provided under the design standards provided in Article H of this chapter.
- (2) Roadway Ditches. Where curb and gutter is not required by the Village for rural cross-section streets, the minimum ditch slope shall be fifty one hundredths percent (0.50%).
- (3) Roadway Base Thickness.
 - a. Residential streets shall have a minimum roadway base thickness of eight (8) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.

- b. On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.
 - c. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
 - d. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- (4) Roadway Sub-Base. Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular of breaker-run material approved by the Village Engineer.
- (5) Pavement Thickness. Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers - a binder course and one and one-half (1 -1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous concrete pavement, placed in two (2) layers - a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inches thick. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.

- (6) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage", of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.
- (7) Driveway Culverts. Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, be provided with concrete, metal or landscape timber endwalls, and shall comply with all Village ordinances.

SEC. 11-1-85 Sanitary Sewerage System Design Standards.

There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board and/or sewerage district. The subdivider shall install adequate sanitary sewer facilities and connect them to sewer mains subject to specifications and inspection of the Village Engineer. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than required to serve the area shall be borne by the Village, as agreed upon between the land owner and the Village Board prior to approval of the preliminary plat or certified survey map, pursuant to this Chapter. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The subdivider shall be responsible for the cost of sewer and water utility improvements, including lift stations and grinder pumps; the Village shall be responsible for the cost of installing manholes and hydrants.

SEC. 11-1-86 Water Supply System Design Standards.

There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The subdivider shall construct watermains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The Village may require the installation of water laterals to the street lot line. The size, type and installation of all public watermains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The Village shall be responsible for the cost of hydrants and manholes.

SEC. 11-1-87 Storm Water Drainage Facilities.

Pursuant to Section 11-1-70(3), the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer. The subdivider shall pay all costs of all storm sewer work, except that the subdivider shall not be required to pay for any storm sewers that are required to bring the storm sewers to the subdivision nor shall they be required to install any storm sewers that are more than eighteen (18) inches in diameter.

SEC. 11-1-88 Miscellaneous Improvements.

- (1) **Other Utilities.** The subdividers shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.
- (2) **Street Lamps.** The Village shall install street lamps along the streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.
- (3) **Street Signs.** The Village shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Village Board.
- (4) **Material Standards.** All improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.

SEC. 11-1-89 Improvements Complete Prior to Approval of Final Plat.

Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer shall certify that he is satisfied that the existing improvements conform to applicable standards.

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ARTICLE J

Easements

SEC. 11-1-90 Utility Easements.

The Village Board, on the recommendation of appropriate agencies of the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

SEC.11-1-91 Drainage Easements.

Where a subdivision is traversed by a watercourse, drainage way, channel or stream:

- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
- (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
- (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet.

SEC. 11-1-92 Easement Locations.

Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SEC. 11-1-93 through SEC. 1-1-99 Reserved for Future Use

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ARTICLE K

Public Dedication

SEC. 11-1-100 Generally

The Plan Commission may require that suitable sites of adequate area be dedicated or reserved for future public uses such as parks, playgrounds, greenways and open spaces. In locating such sites, consideration shall be given to preserving scenic and historic sites, stands of fine trees, marshes and shorelines. Reservation of land for public acquisition shall be for a period not to exceed three years.

SEC. 11-1-101 Dedication Options

- (1) Public Parks and Sites for Other Public Areas.
 - (a) Suitable sites for public areas, such as but not limited to, parks, recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one (1) or more of the following manners:
 - (1) Dedication of ten percent (10%) of the total area of the subdivision, but not less than one (1) acre.
 - (2) Transfer of ownership by deed to the Village of the areas of land equivalent to the requirements of paragraph one (1) above.
 - (3) Where the dedication of land under paragraphs one (1) or two (2) above would result in lands which would not be useful to the Village, the Village Board may, in its sole discretion, stipulate to the owner some other equitable means for making a dedication or, in lieu thereof, a cash payment of One Thousand Dollars (\$1000.00) per dwelling unit as each unit is sold or developed. Revenues received in such a manner shall be deposited in a special account and shall be used exclusively for public recreation in the Village.
 - (b) When public parks and sites for other public areas, as shown on the Official Map, lie within the area proposed for development and are greater in area than required by Subsection (a)(1) above, the owner shall reserve the acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year.
 - (c) The Village Board shall determine which land shall be dedicated. Land dedicated for drainageways is not a credit towards park dedication requirement.

SEC. 11-1-102 through SEC. 11-1-109 Reserved for Future Use

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ARTICLE L

Variances And Exceptions

SEC. 11-1-110 Generally

- (1) Where the Planning Commission finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may recommend to the Village Board variances or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variance or exception shall not have the effect of nullifying the intent and purpose of this Chapter; and further provided the Planning Commission shall not recommend variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (a) The granting of the variance will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (b) The conditions upon which the request for a variance is based are unique to the property for which the variance is sought and are not applicable, generally, to other property;
 - (d) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

SEC. 11-1-111 through Sec. 11-1-119 Reserved for Future Use

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ARTICLE M

Development Agreement Required

SEC. 11-1-120 Development Agreement Required

If, pursuant to the terms of this Chapter, a development agreement is required to be executed by the subdivider, or if in order to comply with terms and conditions of a conditional use permit or to meet requirements resulting from a rezoning, or to comply with certain obligations that the Village may require under this Chapter, the subdivider shall be required to execute a development agreement which shall be drafted in such a form as to fulfill the objectives or standards of the Village. Such an agreement may include, but shall not be limited to, terms and conditions such as the timing of performance or installation of improvements, the posting of adequate performance bonds, penalties for nonperformance and the quality or quantity of materials or supplies to be incorporated in required improvements. The failure or refusal of a subdivider to execute such an agreement shall constitute grounds for denial of or cessation of a subdivision application under this Chapter. See Sec. 11-1-82(2).

SEC. 11-1-121 through Sec. 11-1-129 Reserved for Future Use

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ARTICLE N

Enforcement, Penalties And Remedies

SEC. 11-1-130 Procedure

- (1) **ENFORCEMENT.** The Village Zoning Administrator shall have primary responsibility for enforcing this Ordinance.

- (2) **VIOLATIONS.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provision and requirements of this Chapter have been fully met.

- (2) **PENALTIES AND REMEDIES.** Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, be subject to a forfeiture and such additional penalties as provided for under the General Penalty provisions of the Code of Ordinances of the Village of Clayton. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Village.

SEC. 11-1-131 through Sec. 11-1-139 Reserved for Future Use