

CHAPTER 18

LAND DIVISION

(Rep & recr. 3/30/94)

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18.01 **GENERAL PROVISIONS.** (1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats. Therefore, the Village Board does ordain as follows:

(2) **PURPOSE.** The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Village and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs.

(3) **INTENT.** It is the general intent of this chapter to regulate the division of land so as to:

(a) Obtain the wise use, conservation, protection, and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.

(b) Lessen congestion in the streets and highways.

(c) Further the orderly layout and appropriate use of land.

(d) Secure safety from fire, panic, and other dangers.

(e) Provide adequate light and air.

(f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services.

(g) Secure safety from flooding, water pollution, disease, and other hazards.

(h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.

(i) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.

(j) Preserve natural vegetation and cover and promote the natural beauty of the Village.

(k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

(l) Facilitate the further division of larger tracts into smaller parcels of land.

(m) Ensure adequate legal description and proper survey monumentation of subdivided land.

(n) Provide for the administration and enforcement of this chapter

(o) Provide penalties for its violation.

(p) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village zoning ordinance, and Village building ordinance.

(4) ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this ordinance imposes greater restrictions, the provisions of this chapter shall govern.

(5) INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

(6) DISCLAIMER OF LIABILITY. The Village does not guarantee, warrant, or represent that only those areas delineated as flood lands 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 chapter are the only unsuited soils within the jurisdiction of this ordinance; and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.

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

(8) TITLE. This chapter shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, VILLAGE OF VALDERS."

(9) JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village and those lands within the extraterritorial jurisdiction of the Village as established in §§61.35, 62.23(2), 66.32 and 236.10, Wis. Stats. The provisions of this chapter as it applies to divisions of tracts of land into less than 5 parcels shall not apply to:

(a) Transfers of interests in land by will or pursuant to court order.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) 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 these regulations, the zoning ordinances, or other applicable laws or ordinances.

(d) Cemetery plats made under §157.07, Wis. Stats.

(e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats comply with §§236.15(1) (a) to (g) and 236.20(1) and (2) (a) to (e), Wis. Stats.

(10) COMPLIANCE. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division, or replat as defined herein; no such subdivision, minor land division, or replat shall be entitled to recording; and, no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following documents:

(a) Ch. 236, Wis. Stats.

(b) Rules of the Department of Industry, Labor, and Human Relations, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

(c) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

(d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within flood land, wetland, and shore land areas.

(e) Duly approved comprehensive plan or comprehensive plan component of the Village.

(f) The Village Zoning Ordinance and all other applicable local and county ordinances.

(11) DEDICATION AND RESERVATION OF LANDS.

(a) Streets, Highways, and Drainageways and Floodplain. Whenever a tract of land to be divided within the jurisdiction of this ordinance encompasses all or any part of an arterial or collector street, drainage way, floodplain, or other public way which has been designated on a

(b) Duly adopted village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in §18.05 of this chapter.

(c) Parks and Playgrounds. Whenever a tract of land to be divided within the Village encompasses all or any part of a park or playground which has been designated on a duly adopted village or regional comprehensive plan or comprehensive plan component, said park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider.

(12) IMPROVEMENTS. Before final approval of any plat or certified survey map located within the jurisdictional limits of this ordinance, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Board after review and recommendation by the Village Engineer as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

(a) Contracts and Contract Specifications. The construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Village Engineer and the Village Attorney.

(b) Government Unit Compliance. 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) Plats Outside the Corporate Limits. Before final approval by the Village of any plat or certified survey map located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.

(d) Survey Monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of Ch. 236.15, Wis. Stats.

(13) VARIANCES. Where, in the judgment of the Village Plan Commission, it would be inappropriate to apply literally the provisions of §§18.05 and 18.06 of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Village Plan Commission may grant a variance from any requirement to the extent deemed just and proper. No variance to the provisions of this chapter shall be granted unless the Village Plan Commission finds beyond a reasonable doubt 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 chapter 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 the land division ordinance should be changed.)

(b) Preservation of Property Rights. That such variance 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 variance 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) Majority Vote. A majority vote of the entire membership of the Village Plan Commission shall be required to grant any variance of this ordinance.

(e) Waiver of Monuments. The Village Board may waive the placing of monuments, required under §236.15(b), (c), and (d), for a reasonable time not to exceed one year, on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

(14) LAND SUITABILITY. No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Plan Commission, upon the 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 of the proposed subdivision or of the Village. In addition, the Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter, the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

(15) VIOLATIONS. It shall be unlawful to build upon, divide, convey, record, or place monuments on any land in violation of this chapter or the State statutes; and no person, firm, or corporation shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, minor land division, or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable State statutes.

(16) PENALTIES AND REMEDIES. Any person, firm, or corporation who violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit no less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the county jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:

(a) Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.

(b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.

(c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.

An assessor's plat made under §70.27, Wis. Stats., may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

(17) 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 §236.13(5), Wis. Stats., 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.

18.02 LAND DIVISION PROCEDURES. (1) **PRE-APPLICATION.** It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Village Plan Commission and/or its staff in order to obtain their advice and assistance. 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, neighborhood plans, 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 affects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

(2) **PRELIMINARY PLAT REVIEW.** 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 with the Village Clerk at least 15 days prior to the meeting of the Village Plan Commission at which consideration is desired. In addition:

(a) The Village Clerk shall, within 2 normal work days after filing, transmit 4 copies to the Manitowoc County Planning and Park Commission; 2 copies to the Wisconsin Department of Development; additional copies to the Wisconsin Department of Development for retransmission of 2 copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor, and Human Relations if the subdivision is not served by a public sewer and provision for such service has not been made and the State DNR if shore lands or flood lands are contained within the proposed subdivision. The Wisconsin Department of Development, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor, and Human Relations shall hereafter be referred to as objecting agencies.

(b) The Village Clerk shall also transmit 2 copies of the preliminary plat to the Village Plan Commission and additional copies to the water and sewer superintendent, all affected village committees, commissions, or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission within 30 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components, and neighborhood plans.

(c) The Village Clerk shall also transmit one copy each of the preliminary plat to the Manitowoc County Soil and Water Conservation Department; Wisconsin Public Service, Gas Division; Wisconsin Public Service, Electric Power Division; East Coast Telecom Inc.; Cablevision; and any other affected utilities for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 30 days from the date the plat is filed.

(3) PRELIMINARY PLAT APPROVAL. The objecting agencies shall, within 30 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 Village Clerk.

If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat. In addition:

(a) The Village Plan Commission shall, within 60 days of the date of filing of a preliminary plat with the Village Clerk, approve, approve conditionally, or reject such plat. 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 Village Plan Commission's permanent file.

(b) Failure of the Village Plan Commission to act within 60 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.

(c) 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 6 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in §236.1 I (l) (b), Wis. Stats., 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 Plan Commission at the time of its submission.

(4) FINAL PLAT REVIEW. The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Village Clerk at least 20 days prior to the meeting of the Village Plan Commission at which action is desired. In addition:

(a) The Village Clerk shall, within 2 normal work days after filing, transmit 4 copies to the Manitowoc County Planning and Park Commission; 2 copies to the Director of the Planning Function in the Wisconsin Department of Development; additional copies to the Director of the Planning Function for retransmission of 2 copies each to the State Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, the Wisconsin Department of Industry, Labor, and Human Relations if the subdivision is not served by a public sewer and provision for such service has not been made, and the State DNR if shore lands or flood lands are contained within the proposed subdivision; and the original final plat and an adequate number of copies to the Village Plan Commission.

(b) The subdivider may, pursuant to §236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the Planning Function of the Wisconsin Department of Development who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it is the responsibility of the subdivider to submit sufficient additional copies of the final plat to the Village Clerk for review by the Village Plan Commission.

(c) The Village Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, or rejection of the plat to the Village Board.

(d) If permitted by the Village Board, the approved preliminary plat may be final platted in phases with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposed to record at one time, however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

(5) FINAL PLAT APPROVAL. The objecting agencies shall, within 30 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 Village Plan Commission. If an objecting agency fails to act within 30 days, it shall be deemed to have no objection to the plat. In addition:

(a) Submission. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat.

(b) Village Plan Commission Recommendation. The Village Plan Commission shall, within 30 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 recommendations to the Village Board.

(c) Notification. The Village Plan Commission shall, at the time it recommends 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' of the plat.

(d) Approval or Rejection. The Village Board shall, within 60 days of the date of filing the original final plat with the Village Clerk, 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.

(e) Failure of Board to Take Action. Failure of the Village Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, the plat shall be deemed approved.

(f) 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 Village Clerk shall record the plat with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within 30 days from the date of the last approval.

(g) Copies. The subdivider shall file copies of the recorded final plat with the Village Clerk for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

(6) REPLAT. 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 §§236.40—236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in subs. (1)—(5).

The Village Clerk shall schedule a public hearing before the Village Plan Commission when a preliminary plat of a replat of lands within the Village or its extraterritorial jurisdictional limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200' of the exterior boundaries of the proposed replat.

(7) MINOR LAND DIVISION (CERTIFIED SURVEY MAP). When it is proposed to divide land into at least 2 but not more than 4 parcels or building sites; or when it is proposed to create by land division not more than 4 parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot; or when it is proposed to divide any number of parcels greater than $E/2$ acres in size (thus not constituting a “subdivision” as defined in §18.09 of this chapter), the subdivider may subdivide by use of a certified survey map. The certified survey map shall include all parcels of land 5 acres or less in area and may, at the owner’s discretion, include any other parcels containing more than 5 acres. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file sufficient copies of the map and the letter of application with the Village Clerk at least 30 days prior to the meeting of the Village Plan Commission at which action is desired.

(a) Pre-application Conference. Pre-application conference similar to the consultation suggested in §18.02(1) of this chapter is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public.

(b) Copies to Plan Commission. The Village Clerk shall, within 2 normal work days after filing, transmit the copies of the map and letter of application to the Village Plan Commission.

(c) Recommendations. The Village Clerk shall transmit a copy of the map to all affected Village boards, commissions, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 30 days from the date the map is filed. The map shall be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components, and neighborhood plans.

(d) Plan Commission Recommended Approval or Rejection. The Village Plan Commission shall, within 30 days from the date of filing of the map, recommend approval, conditional approval, or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.

(e) Village Board Approval or Rejection. The Village Board shall approve, approve conditionally, and thereby require resubmission of a corrected map, or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original map and return the map to the subdivider.

(f) Recordation. After the certified survey map has been approved by the Village Board, the Village Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the Village Clerk shall record the map with the County Register of Deeds. The Register of Deeds shall not record the map unless it is offered within 30 days from the date of the last approval.

(g) Copies. The subdivider shall file 5 copies of the certified survey map with the Village Clerk for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

(8) REVIEW AND APPROVAL OF EXTRATERRITORIAL PLATS AND CERTIFIED SURVEY MAPS. When it is proposed to divide lands located in the unincorporated area within 1/2 miles of the corporate limits of the Village, the subdivider shall proceed as specified in subs. (1)—(7) of this section, with the following exceptions or additions:

(a) Transmittal Responsibility. The Town Clerk, or County Planning, Zoning, and Sanitation Department, to whomever the plat or Certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the Village assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted.

(b) Improvement and Design Requirements. If the extraterritorial plat or certified survey map contains lands located within the adopted sanitary sewer service area of the Village, the subdivider shall comply with all of the improvement requirements of §18.06 of this chapter and with all of the design requirements of §18.05 of this chapter. If the extraterritorial plat or certified survey map does not contain lands located within the Village's sanitary sewer service area, the subdivider shall comply with all of the design requirements of §18.05 of this chapter.

(9) CONDOMINIUM PLATS. A condominium plat prepared pursuant to §703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat as set forth in §18.03 of this chapter.

18.03 **PLATS**. (1) PRELIMINARY PLATS, (a) 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, reproducible drafting film, or paper of good quality at a map scale of not more than 100' to the inch and shall show correctly on its face the following information:

1. 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;
2. Property location of the proposed subdivision by: government lot, quarter-section, township, range, county, and state;
3. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section;
4. Date, graphic scale and north arrow;
5. Names and addresses of the owner, subdivider, and land surveyor preparing the plat;
6. 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 Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of the chapter and severe hardship would result from strict application thereof.

(a) 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 U.S. Public Land Survey and the total acreage encompassed thereby;
2. Existing and proposed contours at vertical intervals of not more than 2' where the slope of the ground surface is less than 10%, and of not more than 5' where the slope of the ground surface is 10% or more, Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);
3. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
4. Floodplain limits and the contour line lying a vertical distance of 2' above the elevation of the 100-year recurrence interval flood, or where such data is not available, 5' above the elevation of the maximum flood of record;
5. 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;
6. 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, all to mean sea level (1929) datum;
7. Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting unplatted lands;
8. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, 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 sanitary or storm sewers or water mains are located on, or immediately adjacent to, the land being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations.

9. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto;
10. Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements;
11. Approximate dimensions of all lots together with proposed lot and block numbers;
12. Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting;
13. Approximate radii of all curves;
14. Existing zoning on, and adjacent to, the proposed subdivision;
15. Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;
16. Any proposed lake and stream improvement or relocation;
17. Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
18. Location of soil boring tests, where required by §ILHR 85.06, Wis. Adm. Code, made to a depth of 6', unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per 3 acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat;
19. Location of soil percolation tests where required by §ILHR 85.06, Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per 3 acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

(b) Street Plans and Profiles. The Village Plan Commission, upon the recommendation of the Village Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the Village Engineer.

(c) Testing. The Village Plan Commission, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to groundwater table. The Village does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. ILHR 85, Wis. Adm. Code shall be complied with; and the appropriate data submitted with the preliminary plat.

(d) Soil and Water Conservation. The Village Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat, that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the U.S. Conservation Service Technical Guide and shall be in accordance with standards set forth in §18.07(4) of this chapter.

(e) Covenants. The Village Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Village Attorney as to form.

(f) 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.

(2) FINAL PLAT

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

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

1. Utility and/or drainage easements;
2. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
3. Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.

(c) Deed Restrictions. The Village Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

(d) Survey Accuracy. The Village Engineer shall examine all final plats within the Village and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

1. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, nor in azimuth, of 4 seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. 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.
2. Where the plat is located within a U.S. Public Land Survey quarter-section the comers of which have been relocated, monumented, and coordinated by the Village, the tie required by §236.20(3) (b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
3. The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.

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

(f) State Plane Coordinate System. Where the plat is located within a U. S. Public Land Survey quarter-section the corners of which have been relocated, monumented, and coordinated by the Village, the plat shall be tied directly to one of the sections 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 Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

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

(h) Recordation. The final plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Development, of the Village Board, of the surveyor, and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The plat shall be recorded by the Village Clerk within 30 days of its approval by the Village Board.

18.04 **CERTIFIED SURVEY MAP**. (1) GENERAL. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in §§18.05 and 18.06 of this chapter.

(2) REQUIRED INFORMATION. The map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following:

(a) All existing structures, watercourses, drainage ditches, and other features pertinent to proper land division;

(b) Utility and/or drainage easements;

(c) All lands reserved for future acquisition;

(d) Date of the map;

(e) Floodplain limits and the contour line lying a vertical distance of 2' above the elevation of the 100-year recurrence interval flood, or where such data is not available, 5' above the elevation of the maximum flood of record;

(f) North arrow;

(g) Graphic scale;

(h) Name and address of the owner, subdivider, and surveyor.

(3) ADDITIONAL INFORMATION. The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

(a) Existing contours at vertical intervals of not more than 2' where the slope of the ground surface is less than 10%, and not more than 5' where the slopes of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.

(b) Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(c) Location of soil boring tests, where required by §ILHR 85.06, Wis. Adm. Code. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per 3 acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(d) Location of soil percolation tests where required by §ILHR 85.06, Wis. Adm. Code, taken at the location and depth of which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per 3 acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(e) The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey, owned or controlled by the subdivider, be included on the certified survey map even though only a portion of said area is proposed for immediate development.

(4) STATE PLANE COORDINATE SYSTEM. Where the map is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated and monumented, the map shall be tied directly to 2 of the sections or quarter comers so relocated and monumented. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map.

(5) CERTIFICATES. The surveyor shall certify, on the face of the map, that he has fully complied with all the provisions on this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

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

(6) **RECORDATION.** The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map. The map shall be recorded by the Village Clerk within 30 days of its approval by the Village Board.

18.05 **DESIGN STANDARDS.** (1) **STREET ARRANGEMENT.** In any new subdivision, the street layout shall conform to the arrangement, width, and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan, or plan component, or precise neighborhood unit development plan of the Village. In areas for which such plans have not been completed, 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, to streams and tree growth, 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 subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

(a) **Arterial Streets.** Arterial streets, as hereafter defined, 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 proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) **Collector Streets.** Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers and other concentrations of population and to the major streets to which they connect.

(c) **Minor Streets.** Minor streets, as hereafter defined, 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.

(d) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

(e) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains, or is adjacent to, an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

(f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60' of public access platted to the low water mark at intervals of not more than 1/2-mile as required by §236.16(3), Wis. Stats.

(g) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Plan Commission.

(h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service unless otherwise required by the Village Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved, and alleys shall not connect to an arterial street.

(i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the Village, and existing street names shall be projected wherever possible. One street name in a subdivision may be chosen by the subdivider and other street names shall be names of past presidents of the United States.

(2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT. Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

(a) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip, at least 20' in depth, shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."

(b) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to, and at a suitable distance from, such highway or railroad for the appropriate use of the land between such streets and highway or railroad.

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

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

(3) **STREET AND PEDESTRIAN WAY DESIGN STANDARDS.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as shown on Appendix A-I, which is on file in the office of the Village Clerk. Street sections are for standard arterial streets only. Cross-sections for freeways, expressway and parkways should be based upon detailed engineering studies. In addition:

(a) Cul-de-Sac Streets. Cul-de-sac streets designed to have one end permanently closed shall not exceed 750' in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of 50' and a minimum outside curb radius of 40'.

(b) Temporary Termination. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary "T" intersection 33' in width and 33' in length abutting the right-of-way lines of the access street on each side.

(c) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum centerline grade of any street or public.

1	Arterial Streets	6%
2	Collector Streets	8%
3	Minor streets, alleys, and frontage streets	8%
4	Pedestrian ways, unless steps or stairs of acceptable design are provided.	10%

5. The grade of any street shall in no case exceed 8% or be less than 0.4%. 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. All changes in street grades exceeding 0.2% shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets, and V_i this minimum for all other streets.

(d) Radii of Curvature. When a continuous street centerline deflects at any one point by more than 10 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'
2. Collector streets 300'
3. Minor streets 100'

A tangent at least 100' in length shall be provided between reverse curves on arterial and collector streets.

(e) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

(4) **STREET INTERSECTIONS**. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(a) Converging Streets. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.

(b) Number of Intersections. The number of intersections along major streets and highways shall be held to a minimum. Whenever practicable, the distance between such intersections shall not be less than 1,200'.

(c) Minor Streets. Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 250' of each other, measured along the centerlines of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

(5) **BLOCKS**. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography. In addition:

(a) Length. The length of blocks in residential areas shall not, as a general rule, be less than 600', nor more than 1,500', in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(b) Pedestrian Ways. Pedestrian ways of not less than 10' in width may be required near the center and entirely across any block over 900' in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(c) Width. The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(d) Utility Easements. Utility easements for electric power, cable TV, and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

(6) LOTS. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

(a) Lot Lines. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(b) Double and Reverse Frontage. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(c) Access. Every lot shall front or abut, for a distance of at least 40', on a public cul-de-sac street and every other lot shall front or abut, for a distance of at least 90', on a public street.

(d) Area and Dimensions. Area and dimensions of all lots shall conform to the requirements of the Village Zoning Ordinance for the subdivisions within the Village and to the applicable town or county zoning ordinance within the Village's extraterritorial jurisdictional limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. ILHR 83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than 150' in width and 40,000 square feet in area.

(e) Depth. Depth of lots shall be a minimum of 120'. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(f) Width. Width of lots shall conform to the requirements of the Village Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than 80' in width at the building setback line.

(g) Corner Lots. Corner lots shall have an extra width of 20' to permit adequate building setbacks from side streets.

(h) Water's Edge. Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.

(7) **BUILDING AND SETBACK LINES.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Village Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

(8) **EASEMENTS.** The Village Plan Commission shall require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power, cable television, communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, an adequate drainage way or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment, and improvement of such drainage way 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 storm water 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.

18.06 REQUIRED IMPROVEMENTS.

(1) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Ch. 236.15, Wis. Stats.

(2) **GRADING.** After the installation of temporary block corner monuments 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 standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade.

Cut and filled lands shall be graded to a maximum slope of one on four or the soil angle of repose, whichever is the lesser, and covered with permanent vegetation.

(3) **SURFACING.** After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or the comprehensive plan components of the Village.

All roadways shall be surfaced with a base consisting of a 5-inch thick crushed breaker run and 5" of crushed stone. Stone roadway surfacing shall be completed before any building permits are issued.

(4) CURB AND GUTTER. In all subdivisions with lots smaller than one acre, the Village Board shall require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Village shall be borne by the Village.

(5) RURAL STREET SECTIONS. When permanent rural street sections have been approved by the Village Board, 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 standard specifications approved by the Village Plan Commission, as recommended by the Village Engineer and as set forth in sub. (3) of this section.

(6) PUBLIC SANITARY SEWERAGE. When public sanitary sewerage facilities are available to the subdivision plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

(a) Required Installation. The Village Board shall require the installation of sewer laterals to the street lot line for residential lots.

(b) Size, Type and Installation. The size, type, and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. The latest revision of the "Standard Specifications" for Sewer and Water Construction in Wisconsin shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications." However, upon written approval of the Village Engineer, the trenches may be backfilled with excavated material, meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Village Plan Commission, upon the recommendation of the Village Engineer and shall not have any street construction started until at least one winter shall pass.

(c) Assumption of Cost. The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than 8" in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.

(7) STORM WATER DRAINAGE FACILITIES. The subdivider shall construct 4-inch diameter storm sewer lateral to the street line for every lot to provide for sump pump drainage and 8-inch storm sewer to drain these laterals. The Village will assume the cost of constructing catch basins, inlets, manholes, and the cost of providing needed storm sewers larger than the 8-inch diameter sewers. The subdivider shall also construct any drain, inlets, swales, manholes, and other facilities necessary to drain interior block low areas shown on the drainage plan set forth in §18.07(3)(f).

(a) Unpaved Ditches and Gutters. Unpaved road ditches and street gutters shall be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of 4' per second on soils having a severe or very severe erosion hazard and in excess of 6' per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.

(b) Shoreland Drainage Facilities. Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades, and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.

(8) WATER SUPPLY FACILITIES. When the proposed subdivision or certified survey map is located within the adopted water service area of the Village, or when it is proposed to establish a private water supply and distribution system to serve 2 or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the State DNR. In addition:

(a) Required Installation. The Village Board shall require the installation of water laterals to the street lot line. Water laterals to residential lots to be a minimum of one inch in diameter.

(b) Size, Type and Installation. The size, type, and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. Minimum size water main in a cul-de-sac shall be 6" if the main is to a dead end in the cul-de-sac. All other mains shall be at least 8" in diameter.

(c) Assumption of Cost. The subdivider shall assume the cost of installing all water mains, valves, hydrants, water laterals, and water system appurtenances within the proposed subdivision except for the added cost of installing water mains greater than 8" in diameter which shall be borne by the Village.

(9) OTHER UTILITIES. The subdivider shall cause gas, electrical power, cable TV, and telephone facilities to be installed in such manner as to make adequate service available to each lot in the subdivision. No such utilities shall be located on overhead poles. In addition, plans indicating the proposed location of all gas lines, electrical power, and telephone distribution and transmission lines required to service the plat shall be approved by the Village Engineer.

(10) SEDIMENT CONTROL. The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:

(a) Installation of Protection and Rehabilitation Measures. The Village Plan Commission requires the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

(b) Tree and Shrubbery Clearing. Tree cutting and shrubbery clearing shall not exceed 50% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.

(c) Paths and Trails. Paths and trails in wooded and wetland areas shall not exceed 10' in width unless otherwise approved by the Village Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.

(d) Earth Moving. Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography. (See §18.07(4) and (5) of this chapter).

(e) Review of Conduct. Review of the conduct of such cutting, clearing, and moving may be requested of the Manitowoc County Land Conservation Committee, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Village Plan Commission as they deem appropriate.

18.07 **CONSTRUCTION** (1) COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Village Board and the Village Engineer has given written authorization. Inspection fees shall be required as specified in sub. (6) of this section.

(2) BUILDING PERMITS. No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

(3) PLANS. The following plans and accompanying construction specifications shall be required by the Village Plan Commission and reviewed by the Village Engineer before authorization of construction or installation of improvements:

(a) Streets. Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements. These plans shall show elevations for all curb and gutter plus elevations for all inlets or catch basins.

(b) Sanitary Sewers. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.

(c) Storm Sewers. Storm sewer plans and profiles showing the locations, grades, sizes, cross- sections, elevations, and materials of required facilities.

(d) Water Mains. Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.

(e) Erosion and Sedimentation Control. Erosion and sedimentation control plans showing those structures silt fences, straw bales, ditch checks, etc. required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed, and plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication, U.S. Soil Conservation Service Technical Guide and Wisconsin Construction Site Best Management Practice Handbook, prepared by the State DNR.

(f) Grading. Grading plan with existing contours at vertical intervals of not more than 2' proposed first floor elevations of the homes proposed ground grades at the lot corners and proposed lot line elevations adjacent to the proposed house locations. Drainage easements 10' in width shall be shown on the final plat or certified survey map to facilitate assurance of proper drainage along lot lines.

(g) Preparation. The subdivider shall employ a registered professional engineer to prepare all plans and specifications for subdivision improvements. This engineer shall not be the Village Engineer.

(4) **EROSION CONTROL**. The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. In addition:

(a) All erosion control plans shall incorporate best management practices to reduce soil loss during construction to 10% of the gross soil loss as estimated by the universal soil loss equation.

(b) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

(c) Temporary vegetation and mulching shall be used to protect critical areas and permanent vegetation shall be installed as soon as practical.

(d) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

(e) Silt fence locations and other erosion control devices shall be shown on all construction drawings.

(f) Other erosion control measures needed to control erosion as set forth in the Wisconsin Construction Site Best Management Practices Handbook developed by the State DNR shall be utilized to control erosion.

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

(6) **INSPECTION.** The subdivider shall notify the Village Clerk prior to commencing any work within the subdivision, to allow the Village to make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

18.08 **FEES.** (1) **GENERAL.** The subdivider shall pay the Village any fees to the Village Treasurer required by the Village before being entitled to recording of a plat or certified survey map.

(2) **INSPECTION FEE.** The subdivider shall pay a fee to the Village Clerk/ Treasurer equal to 50% of the actual cost to the Village for such inspections 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.

18.09 **DEFINITIONS.** (1) **GENERAL DEFINITIONS.** For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

(2) **SPECIFIC WORDS AND PHRASES.**

Alley. A special public way affording only secondary access to abutting properties.

Arterial street. A street used, or intended to be used primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

Block. A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of navigable waters, and municipal boundaries.

Building line. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

Certified survey map. A map prepared in accordance with §236.34, Wis. Stats.

Collector street. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

Community. A town, municipality, or group of adjacent towns and/or municipalities having common social, economic or physical interests.

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 §§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.

Cul-de-sac. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal or traffic movement.

Extraterritorial plat approval jurisdiction. The unincorporated area within **IV2** miles of a fourth-class city or a village and within 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 community exercises extraterritorial powers over any area.

Final plat. A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

Floodlands. Those lands, including the floodplains, floodways, and channels subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

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.

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.

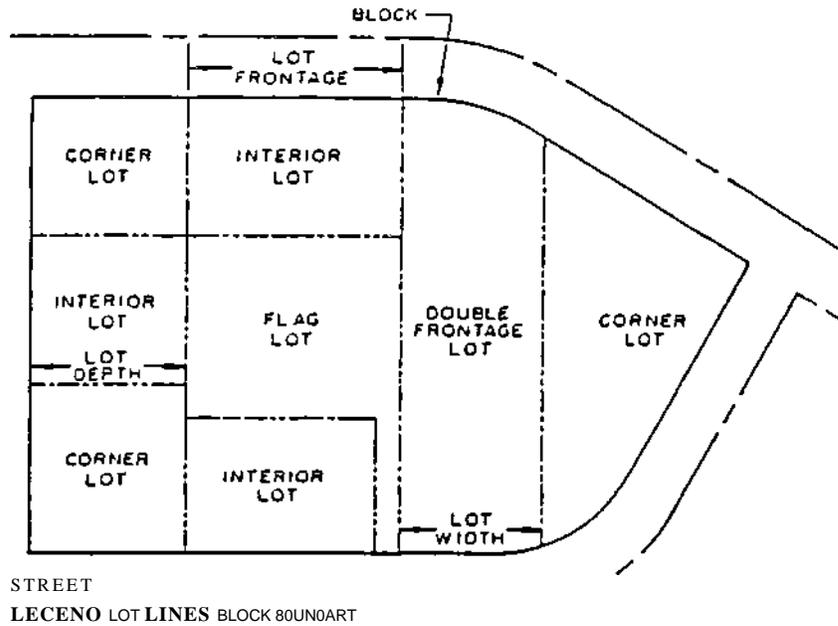
High groundwater elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage,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

Irrevocable letter of credit. An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Village, and which is approved, as to form, by the Village Attorney.

Lot. A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in the Village Zoning Ordinance. (See Illustration No. 1)

Illustration No. 1

Illustration of Typical Corner, Double Frontage, Flag, and Interior Lots



Lot, corner. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. (See Illustration No.1)

Lot, double frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards and 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. (See Illustration No.1)

Minor land division. 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 2, but not more than 4, parcels of building sites, any one of which is less than 5 acres or less in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than 4 parcels or building sites without changing the exterior boundaries of said block, lot, or outlet. Such minor land divisions shall be made by a certified survey map.

Minor street. A street used, or intended to be used, primarily for access to abutting properties.

Municipality. An incorporated village or city.

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. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable water. Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of the state. The Wisconsin Supreme Court has declared as navigable, 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. [Muench v. Public Service Commission, 261 Wis. 2d 492 (1952) & DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)].

Outlot. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

Preliminary plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A 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 and other improvements.

Public way. Any public road, street, highway, walkway, drainage way, or part thereof.

Replat. The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or 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.

Shorelancls. Those lands, in the unincorporated areas of Manitowoc County, lying within the following distances: 1,000' from the high water elevation of navigable lakes, ponds, and flowages or 300' from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

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.

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

Subdivider's agreement. An agreement, by which the Village and the subdivider agree in reasonable detail as to all of those matters which the provisions of these regulations permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Village.

Subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates 5 or more parcels or building sites of *Vh* acres each or less in area; or where the act of division creates 5 or more parcels or building sites of *Wi* acres each or less in area by successive division within a period of 5 years.

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.

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 and designated as wetlands by the State DNR or the U.S. Army Corps of Engineers.

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 §35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.