

CHAPTER 18

SUBDIVISION AND PLATTING

(effective 1/14/16)

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18.01 INTRODUCTION.

(1) **AUTHORITY.** These regulations are adopted under the authority granted by sec. 236.45, Wis. Stats.

(2) **TITLE.** This chapter shall be known as, referred to or cited as the "Subdivision and Platting Code, Village of West Baraboo, Sauk County, Wisconsin."

(3) **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 and its environs.

(4) **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 Village, County, watershed or regional comprehensive plans or their components adopted by the Village; in general, to facilitate enforcement of Village development standards as set forth in the adopted regional, County and Village comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the Village.

(q) Maintain the quality of the environment and protect the groundwater from contamination and pollution, maintain the orderly layout and use of land and prevent undue concentration of population using private sanitary systems, to insure the best possible environment for human occupation, and to prevent urban sprawl in areas not served by public sanitary sewer service.

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

(6) **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.

(7) **NONLIABILITY.** The Village does not guarantee, warrant or represent that those soils listed in the Sauk County Soil Survey Map as being unsuited for specific uses are the only unsuitable soils in the Village and its extraterritorial plat review jurisdiction. Furthermore, the Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation. The Village

hereby asserts that there is no liability on the part of the Village, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon, and conformance with, this chapter.

(8) SEVERABILITY AND CONFLICT. If any section, subsection, sentence, clause or phrase of this Ordinance or Chapter is for any reason held to be invalid or unconstitutional by reason of any decision of any Court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase or portion thereof and to this extent, the provisions of this Subchapter shall be severable.

18.02 GENERAL PROVISIONS.

(1) 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 sec. 62.23(2) and 66.0105, 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 the following:

- (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 sec. 157.07, Wis. Stats.
- (e) Assessors' plats made under sec. 70.27, Wis. Stats., but such assessors' plats shall comply with sec. 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

(2) COMPLIANCE. No person, firm or corporation shall divide any land located within the corporate limits of the Village of West Baraboo or within the extraterritorial plat approval jurisdiction thereof which shall result in a subdivision, minor land division or replat as defined herein without complying with the provisions of Chapter 236, Wis. Stats. and the requirements of this Chapter, whichever is more restrictive.

- (a) Effect of noncompliance. No subdivision, minor land division or replat shall be entitled to be recorded and no street shall be laid out nor building

permit issued where a subdivision, minor land division or replat results without compliance with the provisions of Chapter 236, Wis. Stats. and the requirements of this Chapter, whichever is more restrictive.

(b) Applicability to condominiums. This Chapter shall apply to Condominiums created under Wis. Stats. Chapter 703, the Condominium Ownership Act, where an actual subdivision or minor land division results.

(c) All subdivisions, minor land divisions and replats shall further comply with the following:

(1) Chapter 236, Wis. Stats. and the provisions of this Chapter, whichever is more restrictive.

(2) The rules and regulations contained in the Wis. Admin. Code and the State Statutes for land divisions not served by public sanitary sewer system, except the minimum lot or parcel size requirements of this Chapter shall control for lots or parcels not served by a public sanitary sewer system.

(3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in the Wis. Admin. Code for Subdivisions and minor land divisions relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned and controlled by the subdivider abuts on a state trunk highway or connecting street.

(4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Admin. Code setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.

(5) The Village of West Baraboo Comprehensive Plan and Official Map, including the comprehensive plans or components of such plans prepared by state, county or municipal agencies.

(a) Whenever a parcel to be subdivided embraces any part of a street, highway or green way designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider in the location and the width indicated along with all other streets in the Subdivision.

(b) School sites and public grounds. When a proposed school site or other public grounds shown on the Master Plan or Official Map of the Village of West Baraboo is located in whole or in part within the proposed subdivision or minor land division, such proposed public ground or park may be dedicated to the public, or reserved for a period of five years from the date of approval of the final plat or minor land division for the acquisition by the Village, the town in which it is located, or any other appropriate agency having the authority to purchase said property. The Village or agency having authority to purchase said property and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five year period.

(6) When located within the Village's extraterritorial jurisdiction, the comprehensive plans or components of such plans prepared by state, county or municipal agencies.

(7) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances, except the subdivider shall comply with the minimum lot or parcel size requirements of this Chapter for lots and not served by a public sanitary system.

(8) A developer's or subdivider's agreement between the Village and the developer or subdivider.

(9) Except to the extent expressly set forth in this Chapter, all applicable regulations contained in the Wis. Admin. Code not listed in this subsection.

(10) The requirements of Village departments as determined during review of the subdivision or minor land division.

(11) The Village's sewer and water rules and regulations concerning sewer and water installations and services. These rules and the Village's sewer and water use ordinances are incorporated herein by reference and made a part hereof as though fully set forth herein.

(12) Except for lots and parcels not served by a public sanitary sewer system, minimum lot size and width requirements shall conform to the area and width requirements prescribed for the zoning district in which the property is located.

(3) DEDICATION AND RESERVATION OF LANDS.

(a) Streets, Highways and Drainageways. Whenever a tract of land to be divided encompasses all or any part of an arterial street, public drainageway or other public way which has been designated in the Village Comprehensive Plan and Official Map, including the comprehensive plans or components of such plans prepared by state, county or municipal agencies., said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in sec. 18.07 of this chapter. Streets within the extraterritorial plat review jurisdiction of the Village shall be dedicated by the subdivider to the appropriate town. Should the town require less dedication than is specified by sec. 18.07 of this chapter or by the Official Map, the excess right-of-way shall be reserved for future acquisition by the Village.

(b) Other Public Sites. Whenever a proposed park or other public land other than streets or drainageways designated in the comprehensive plan including the comprehensive plans or components of such plans prepared by state, county or municipal agencies., the Official Map, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the Village by the subdivider at the rate of one (1) acre for each 25 proposed dwelling units or 5% of the land area being subdivided, whichever is greater.

(4) IMPROVEMENTS. Before final approval of any plat, the subdivider shall enter into an agreement with the Village to install the required improvements and shall file with the subdivider's agreement an irrevocable letter of credit or other appropriate sureties meeting the approval of the Village Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the Village Engineer and approved by the Board. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than one year from the date of recording of the final plat, or as provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition:

(a) Plans and specifications for all improvements shall be reviewed and approved by the Village Engineer, in writing, prior to commencement of construction. The subdivider may submit an interim final plat with the improvement plans; however, review and approval of a final plat shall not be

initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.

(b) Contracts and contract specifications for 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 prior written approval of the Village Engineer in accordance with Village standards and specifications.

(c) 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.

(d) 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 sec. 236.15, Wis. Stats., and as may be required by the Village Engineer.

(e) Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Village, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services and all other utilities, which shall be in a form approved by the Village Attorney, pursuant to sec. 66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Board.

(5) SPECIAL EXCEPTIONS.

(a) Granting of Special Exceptions. Where, in the judgment of the Village Board, after report and recommendation by the Plan Commission, it would be inappropriate, owing to special conditions, to apply literally the provisions of subs. (6) below and Sections 18.07 and 18.08 of this Chapter and/or the lot size, minimum yard dimensions or maximum lot coverage of the Zoning Code, because an unnecessary hardship would result, the Village Board may waive or modify any such requirement to the extent deemed just and proper so that substantial justice may be done and the public interest served.

(b) Application. An application for a special exception shall be made in writing by the subdivider to the Village Clerk at the time the preliminary plat or certified survey map is filed for consideration. The application shall include a

statement with supporting evidence showing that the proposed special exception shall conform to the standards set forth in this subsection and shall further include such additional information deemed necessary to determine and provide for the enforcement of this Chapter as may be required by the Plan Commission, the Village Board, or officers of the Village.

(c) Fee. Applications for special exceptions under this subsection shall require the prepayment of a fee as provided in Section 18.10 of this Chapter.

(d) Hearing and Notice.

(1) Upon receipt of the required fee, application and supporting materials, the Plan Commission shall hold a public hearing. The hearing shall be conducted at the next scheduled meeting following the completion of the notice requirements unless the Plan Commission approves a different date.

(2) Publication. Notice of the time, place and purpose of such hearing shall be given by publication as a Class 1 Notice under the Wisconsin Statutes in the official Village newspaper at least one week before the date of the hearing.

(3) Notice to subdivider and neighboring property owners. The notice shall also be sent to the subdivider, and to the property owners of records as listed in the office of the Village Assessor who are owners of each tax parcel situated in whole or in part within 100 feet of the boundaries of the site. This notice shall be mailed by first class mail at least 10 days prior to the date of such public hearing to the address of each owner as shown in the Village Assessor's records for each affected tax parcel.

(4) Failure to comply with the foregoing publication and/or notice provisions or the failure of a person to receive notice shall not, however, invalidate any previous or subsequent action on the special exception.

(5) Report to Village Board. After conducting the public hearing, the Plan Commission shall make a written report and recommendation to the Village Board.

(e) Standards for special exceptions. The party requesting the special exception shall carry the burden to prove to a reasonable certainty to the satisfaction of the Plan Commission that the facts and circumstances of the application establish an unnecessary hardship exists due to unique physical

characteristics of the property and that the granting of the special exception will neither harm the public interest nor undermine the purposes of the Village Codes. In order to prove unnecessary hardship, the following three standards must be proven.

(1) Compliance with the strict letter of the applicable restriction would unreasonably prevent the owner from using the property for a permitted purpose or would render conformity with such restrictions unnecessarily burdensome. Under this standard, the Plan Commission must judge what is a feasible use for the property as a whole and a special exception is not warranted if the physical character of the property will allow the owner to build or develop the property in compliance with the applicable Codes; and

(2) The hardship or difficulty must relate to the unique physical characteristics of the property and the hardship or difficulty must be peculiar to the property in question and different from that of other parcels and not one which affects all parcels similarly, nor must the hardship be self-imposed nor must the hardship or difficulty be due solely to the desires of or conditions personal to the applicant, such as the desire to increase the value or income potential of the property; and

(3) The granting of a special exception must neither harm the public nor undermine the purposes of the Village Codes. The Plan Commission shall protect the interests of the public at large and shall preserve the enjoyment of substantial property rights possessed by other properties in the same district and the same vicinity. A lack of local opposition shall not in itself mean that a special exception will not harm the public interest.

(f) Village Board review. After receiving the Plan Commission's report and recommendation, the Village Board may grant such special exceptions to the extent and upon such terms as deemed just and proper such that the spirit of the Codes is observed, public safety and welfare secured and substantial justice done. Unless otherwise expressly directed by the Village Board, no public hearing shall be held before the Village Board to consider the granting or denial of a special exception under this Chapter.

(6) LAND SUITABILITY. No land shall be subdivided for residential use which is determined to be unsuitable for such use 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. The 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 not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

(7) SUBDIVISIONS OR MINOR LAND DIVISIONS IN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of West Baraboo as well as the unincorporated area within the extraterritorial plat approval jurisdiction of the Village of West Baraboo and the Village elects to approve subdivisions, plats, replats and minor land divisions under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and Section 66.0105, Wis. Stats. Any subdivision, minor land division or replat within the Village's extraterritorial plat approval jurisdiction shall be subject to approval in accordance with section 18.035 of this Chapter.

(8) MINIMUM LOT OR PARCEL SIZE IN EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.

(a) The minimum lot or parcel sizes for a lot or parcel are as follows:

(1) 1.5 acres for lots the following zoning districts: Single Family Residential (SFR), Commercial (COM) or Recreation Commercial (RCOM); and

(2) 35 acres for lots within all other zoning districts.

(b) In order to meet the minimum lot or parcel size requirements of this subsection, the lot or parcel shall be a single piece of contiguous land undivided by and excluding from area measurement any street, railroad right-of-way, or navigable waterway.

(c) A special exception to the requirements of this subsection may be granted by the Village Board if a parcel containing an existing single family dwelling used for residential purposes, with or without accessory buildings, is proposed to be divided by a certified survey map showing two or more lots of record so as to locate the existing dwelling and accessory buildings on a lot less than the minimum size required for the zoning district in which the lots are located provided that the lot with the dwelling satisfies the applicable minimum lot size requirements for the Village and provided further that each remainder lot of record resulting from the land division meets one or more of the following preconditions:

(1) Each remainder lot of record is vacant land and each such remainder lot is at least the minimum size required for the zoning district in which the lots are located, or

(2) Each remainder lot of record is vacant land and the certified survey map for the proposed land division combines such remainder lot with a contiguous, single tax parcel existing as of January 1, 1998, thereby creating a lot of record which is sufficient in size to meet the applicable minimum lot size requirements for the Village.

(3) In this subsection the term “existing single family dwelling used for residential purposes” means a dwelling occupied and used as a residence as of January 1, 1998, and continuously thereafter to the date of the application and which dwelling satisfies the applicable ordinances of the municipality where it is located for continuation of such use. The applicant for the land division shall carry the burden of proof to establish that a proposed land division meets the requirements of this subsection.

(d) A special exception may also be granted to the minimum lot or parcel size requirements of this subsection where the property owner consents in writing that a covenant or deed restriction shall be entered on the certified survey map specifying that the undersized lot or parcel is unbuildable for any residential, commercial, business, or industrial purpose or use. The minimum lot or parcel size requirements of this subsection shall not apply to a lot or parcel used exclusively for agricultural purposes. The minimum lot size requirements for a lot served by a public sanitary system shall be in accordance with the zoning requirements as set forth in the Village’s Zoning Code. The provisions of this subsection shall supersede and control the minimum lot size requirements set forth in Section 18.07(6) of this Chapter. (Rev. 3/11/99)

(9) APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in sec. 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.

18.03 SUBDIVISION PLAT PROCEDURE.

(1) PREAPPLICATION. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission or the Village Engineer in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and

objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, and duly adopted Village plans and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Plan Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.

(2) PRELIMINARY PLAT REVIEW.

(a) Submission of Preliminary Plats.

(1). Village. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat, which shall comply with the requirements of this chapter. The subdivider shall file the original plat and 10 copies together with a letter of application with the Village Clerk. The Village may require the submission of the preliminary plat in electronic form and/or additional copies.

(2) Submission to Department of Administration. On or before the date the preliminary plat is filed with the Village, the subdivider shall submit the preliminary plat to the Department of Administration in accordance with sec. 236.11, Wis. Stats.

(b) Review of Plats by Entities Other than the Village. The Department of Administration is required to transmit copies of the plat to the various agencies identified in sec. 236.12, Wis. Stats., within two days of its receipt. Within 20 days of their receipt of copies of the plat, the agencies are required by section 236.12(3) to notify the subdivider and other agencies whether they have any objections to the plat.

(c) Notification of Objections. Within 30 days of filing the preliminary plat with the Village, the subdivider shall notify the Village in writing of any objections made by any body having the authority to object and shall file a copy of the plat with certifications from the Department regarding objections. After 30 days from the filing of the preliminary plat, the Village Clerk shall inform the Plan Commission whether such information has been provided.

(d) Review by Plan Commission.

(1) After receipt of the information regarding objections from the Clerk, the Plan Commission shall review the preliminary plat for

conformance with this chapter and all ordinances, rules, regulations, comprehensive plan and plan components which affect it and any objections made by other agencies. The review shall be made at the next regularly scheduled Plan Commission meeting unless the commission sets a different date.

(2) After review, the Plan Commission shall report its findings and recommendations to the Village Board that the preliminary plat be approved, approved with conditions or rejected.

(e) Notification to Other Municipalities. At least 10 days before the Village Board is expected to take action, the Village Clerk shall give notice of its to the clerk of any municipality within 1,000 feet of the plat that the Board may approve the plat.

(3) PRELIMINARY PLAT APPROVAL.

(a) The Village Board is the approving authority for all preliminary and final plats.

(b) Deadline for Village Board Action.

(1) The Village Board shall, within 90 days of the date of filing of a preliminary plat with the Village Clerk, approve, approve conditionally, or reject such plat unless an extension of the review period is mutually agreed upon in writing with the applicant.

(2) Effect of Failure to Act Timely. By state law, a failure of the Village Board to act within 90 days constitutes an approval of the plat as filed unless the review period is extended by mutual agreement with the applicant.

(c) The Village Board shall decide that the preliminary plat be approved, approved with conditions or rejected. If the plat is approved with conditions or is rejected, the conditions or reasons for rejection shall be stated in the minutes of the meeting.

(d) 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 of transmittal and a copy of the Board's meeting minutes 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's permanent file.

(e) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat.

(4) FINAL PLAT REVIEW.

(a) Submission of plat to Village. The subdivider shall submit a final plat and a letter of application in accordance with this chapter and sec. 236.11 and 236.12, Wis. Stats., and shall file the original and 10 copies the plat and the application with the Village Clerk at least 20 days prior to the meeting of the Plan Commission at which review is desired. The Village may require the submission of the final plat in electronic form and/or additional copies. The Clerk shall transmit the original final plat and 10 copies to the Plan Commission.

(b) Certificates. Final plats submitted to the Village for approval shall include all the certificates required by secs. 236.12(3) and 236.21, Wis. Stats. and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. The subdivider's certificate shall be fully executed prior to Board approval.

(c) Review by Village Engineer. The Village Engineer shall review the final plat and give the Plan Commission and Village Board his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.

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

(5) FINAL PLAT APPROVAL.

(a) Deadline for Village Board Action.

(1) The Board shall approve or reject such plat unless the time is extended by agreement with the subdivider within 60 days of the date of

filing of the final plat with the Village Clerk.

(2) Timely Board Action Required. By state law, if the Board fails to act on the final plat within the required time, the plat is deemed to be approved.

(b) Grounds for approval or rejection.

(1) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.

(2) If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Board may reject the final plat.

(3) A plat may be rejected if the certifications required by secs. 236.12(3) and 236.21, Wis. Stats., have not been submitted to the Board.

(4) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Village, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other utilities, which will be in a form approved by the Village Attorney pursuant to sec. 66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Board. Failure to provide such consent shall be grounds for rejection.

(c) If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal shall be forwarded to the subdivider.

(d) Inscription of approval on plat. After a final plat has been approved by the Board, the Village Clerk shall inscribe a certification upon the plat attesting to the approval, but not before the Department of Administration has affixed its certificate under sec. 236.12(3).

(e) Recordation. The subdivider shall record the plat with the Sauk County Register of Deeds. Pursuant to sec. 236.26, Wis. Stats., the register of deeds shall notify the Village that the plat has been recorded.

(5) REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in sec. 236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in subs. (1) through (3) above. Court vacations of plats are required when areas dedicated to the public are altered. The Clerk shall schedule, within the time period specified in sub. (3) above for the Plan Commission to take action upon the plat, a public hearing before the Plan Commission when a preliminary plat or a replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

18.035 EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.

(1) COMPLIANCE REQUIRED. No person, firm or corporation shall divide any land located within the extraterritorial plat approval jurisdiction of the Village of West Baraboo which shall result in a subdivision, minor land division or replat as defined herein without complying with the applicable provisions of Chapter 236, Wis. Stats., the provisions of this subsection and to the fullest extent allowed by Chapter 236, Wis. Stats., to the requirements of this Chapter.

(2) APPLICATION REQUIRED. When the land to be subdivided lies within the Village's extraterritorial plat approval jurisdiction, the subdivider shall proceed as specified in this subsection.

(3) EXTRATERRITORIAL LAND DIVISION REQUIREMENTS. No subdivision or minor land division within the Village's extraterritorial plat approval jurisdiction shall be recommended for approval the Plan Commission or approved by the Village Board which does not satisfy each of the following requirements:

(a) Each subdivision or minor land division shall comply with the minimum lot size requirements set forth in subs. 18.02(7) and 18.02(8) of this Chapter.

(b) No subdivision or minor land division shall be considered for approval which does not have the prior approval by the approving authorities for the town(s) and Sauk County, where required by town and county ordinances or by the Wisconsin Statutes. The failure to obtain such prior approvals before

submitting a plat for review by the Village shall constitute sufficient grounds for the rejection of the plat.

(c) The Plan Commission may recommend and the Village Board may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the Village's comprehensive plan and this Chapter. Any such restrictions or covenants shall be recorded.

(d) All subdivisions and minor land divisions shall be required to meet the design standards of Section 18.07 and the required improvements of Section 18.08 of this Chapter, where applicable, unless town or county ordinances control.

(e) Each subdivision or minor land division shall comply with the applicable provisions of Chapter 236, the Comprehensive Plan of the Village of West Baraboo, and with the provisions of this Chapter.

(f) Each subdivision or minor land division shall comply with the curb and gutter requirements of section 8.06(3) of the Village Code of Ordinances

(4) PLANNED UNIT DEVELOPMENT (PUD)

(a) Purpose. A PUD provides an alternative set of design objectives and standards for residential development. Section 22.71 of the Sauk County Land Division Ordinance provides for the creation of PUDs subject to its rules. It is of particular interest to the Village to promote residential development with a higher density of dwelling units that would otherwise be allowed in order to increase the efficiency of providing water and sewer service if those dwellings are eventually annexed to the Village as well as reducing utility requirements and street length, width and paving requirements.

(b) Cluster Development. The Village may permit a PUD Cluster Development within its extraterritorial jurisdiction.

(1) Except as otherwise provided in the Village code, the Village adopts and incorporates by reference the Cluster Development requirements of the Sauk County Land Division Code pertaining to Cluster Developments, including those provisions of the Sauk County Zoning Code incorporated by reference in the Land Division Code.

(2) A PUD Cluster Development shall meet all the requirements adopted by reference above and shall be consistent with the objectives of the County, Village and Town Comprehensive Plans.

(3) No more than three residential lots may be created by a Cluster Development PUD lots may be created by a Cluster Development PUD.

(4) The Village shall be named as a co-grantee with the County and the Town on the Preservation Area Easement that is recorded with the Sauk County Register of Deeds.

(5) The Village may place such conditions on the approval of a Cluster Development PUD as it deems proper consistent with the purposes of this Chapter and the objectives stated in the County Land Division Code for PUDs.

(6) The Village may waive specific requirements of the Sauk County Land Division Code as it deems appropriate for the purposes of the objectives of Cluster Developments.

(c) Conservation Subdivision. The Village may permit a PUD conservation subdivision within its extraterritorial jurisdiction.

(1) Except as otherwise provided in the Village Code, the Village adopts and incorporates by reference the conservation subdivision requirements of the Sauk County Land Division Code pertaining to conservation subdivisions, including those provisions of the Sauk County Zoning Code incorporated by reference in the Land Division Code.

(2) A conservation subdivision shall meet all the requirements adopted by reference above and shall be consistent with the objectives of the County, Village and Town Comprehensive Plans.

(3) A conservation subdivision is permitted only for land zoned Single-Family Residential.

(4) The Village may place such conditions on the approval of a conservation subdivision as it deems proper consistent with the purposes of this Chapter and the objectives stated in the County Land Division Code for PUDs.

(5) The Village may waive specific requirements of the Sauk County Land Division Code as it deems appropriate for the purposes of the objectives of conservation subdivisions.

18.04 PRELIMINARY PLAT REQUIREMENTS.

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

(a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within Sauk County unless it is an addition to a previously recorded plat and is so stated on the plat.

(b) Property location of a proposed subdivision by government lot, quarter section, township, range, county and State.

(c) Date, graphic scale and north arrow.

(d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

(e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.

(2) **PLAT DATA.** All preliminary plats shall show the following:

(a) 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.

(b) Existing contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on U.S.G.S. datum.

(c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.

(d) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(e) 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.

(f) 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 U.S.G.S. datum.

(g) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electrical and communication facilities, whether aerial or underground, and the location and size of any existing water and gas mains with the exterior boundaries of the plat or immediately adjacent to the tract, 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 their direction and distance from the tract, size and invert elevations.

(i) Locations of all existing property boundary lines, corporate limit 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.

(j) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 18.07(7) of this chapter.

(k) Location, width and names of all proposed streets and public rights of way such as alleys and easements.

(l) Approximate dimensions of all lots together with proposed lot and block numbers.

(m) Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting.

(n) Approximate radii of all curves.

(o) Existing zoning on and adjacent to the proposed subdivision.

(p) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

(q) Any proposed lake and stream improvement or relocation.

(3) GRADING PLANS AND PROFILES. The Plan Commission, upon 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 U.S.G.S. datum, and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets and shall be subject to the approval of the Village Engineer. The elevation, location, and description of at least one permanent bench mark shall be shown on the Plan.

(4) TESTING. The Village Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to groundwater table. Where the subdivision will not be served by central sanitary sewer service, the provisions of Wis. Adm. Code SPS 383 shall be complied with and the appropriate data submitted with the preliminary plat.

(5) COVENANTS. The Plan Commission may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

(6) 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.

18.05 FINAL PLAT REQUIREMENTS.

(1) **GENERAL REQUIREMENTS.** 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 sec. 236.20, Wis. Stats.

(2) **ADDITIONAL INFORMATION.** The plat shall show correctly on its face, in addition to the information required by sec. 236.20, Wis. Stats., the following:

(a) Exact length and bearing of the center line and center line curves of all streets.

(b) Exact street width along the right-of-way line of any obliquely intersecting street.

(c) Railroad rights of way within and abutting the plat.

(d) Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 18.07(7) of this chapter.

(e) Utility, water, sewer, storm sewer and/or drainage easements.

(f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(g) Special restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.

(3) **DEED RESTRICTIONS.** The Plan Commission may require that deed restrictions imposed by the subdivider be filed with the final plat.

(4) **PLAT RESTRICTIONS.** The Plan Commission may require that plat restrictions intended to reflect Village plans and ordinances be placed on the face of the plat.

(5) **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:

(a) 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 5,000 nor, in azimuth, 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.

(b) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of 1-1/2 minutes multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed 5 minutes of arc.

(6) **RELOCATED QUARTER CORNERS.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the County, the tie required by sec. 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin State plane coordinates of the monument making 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.

(7) **BOARD REVIEW.** The Board shall receive the results of the Village Engineer and the State's examination prior to approving the final plat.

(8) **SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.

(9) **STATE PLANE COORDINATE SYSTEM.** All maps shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. 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 section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone.

18.055 MINOR LAND DIVISION PROCEDURE.

(1) All minor land divisions shall be subdivided by use of a certified survey map. The owner or subdivider shall prepare the certified survey map in accordance with this Chapter and shall file 10 copies of the map and the letter of application with the Clerk at least 15 days prior to the meeting of the Plan Commission at which action is desired. The Clerk shall, within 2 working days after filing, transmit the copies of the map and letter of application to the Plan Commission.

(2) **CERTIFICATES.** Certified survey maps submitted to the Village for approval shall include all certificates required by sec. 236.34, Wis. Stats. and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. The subdivider's certificate shall be fully executed prior to Board approval. Failure to provide such certificates shall be grounds for rejection of the map.

(3) PLAN COMMISSION REVIEW.

(a) The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plan and components of any other plans, which affect it.

(b) The map shall be reviewed at the next regularly scheduled meeting unless a different date is set by the Plan Commission.

(c) After its review, the Plan Commission shall recommend to the Board that the Board approve the map, approve it with conditions or reject it.

(4) TIMELY BOARD ACTION REQUIRED.

(a) **Deadline for Village Board Action.** Unless the time is extended in writing by agreement the Board shall approve or reject such map with the subdivider within 90 days of the date it was filed with the Village Clerk.

(b) **Effect of failure to Act Timely.** By state law, if the Board fails to act on the map within the required time, the map is deemed to be approved.

(5) **BOARD ACTION.** The Board shall approve, approve conditionally or reject such map. Any conditions placed on an approval shall be stated in writing. If the map is rejected, the reasons shall be stated in the minutes of the meeting and a written statement supplied the subdivider. If the map is approved or approved with conditions, the Board shall cause the Clerk to so certify on the face of the original map.

(6) RECORDATION. If the map is approved or approved with conditions, the Village Clerk shall record the map with the Sauk County Register of Deeds within 10 days of its approval. The subdivider shall be responsible for the recording fee.

18.06 CERTIFIED SURVEY MAP REQUIREMENTS.

(1) GENERAL REQUIREMENTS. 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 sec. 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in sec. 18.07 and 18.08 of this chapter.

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

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

(b) Setbacks or building lines if required by the Plan Commission in accordance with the guidelines set forth in sec. 18.07(7) of this chapter.

(c) Utility and/or drainage easements.

(d) All lands reserved for future acquisition.

(e) Date of the map.

(f) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.

(g) Graphic scale and north arrow.

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

(3) STATE PLANE COORDINATE SYSTEM. All maps shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. 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 section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey

meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be references to the Wisconsin Coordinate System, South Zone.

(4) CERTIFICATES.

(a) Surveyor. The map shall include the certification required by sec. 236.34(1m)(d). In addition the surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter.

(b) Compliance with Department of Transportation Rules. If the certified survey map shows lots that abut a state trunk highway or connecting highway and meets the requirements of sec. 236.34(1m)(er), Wis. Stats., the subdivider shall certify that the map conforms to the rules of the Department under sec. 236.13(1)(e).

18.07 DESIGN STANDARDS.

(1) STREET ARRANGEMENT. In any new subdivision plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the Official Map or General 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 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 arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(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) Local Streets. Local 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 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 a major 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 or an earth berm contained in a non-access reservation along the rear or side property line, or by the use of frontage streets.

(f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by sec. 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 Board under conditions approved by the Plan Commission.

(h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if required by the Plan Commission, but shall not be approved in residential districts. Dead end alleys shall not be approved. Alleys shall not connect to a major thoroughfare.

(i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the Village and environs, and existing street names shall be projected wherever possible. Street names shall be subject to review by the Village for final approval.

(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 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs, the building of structures and placement of longitudinal easements for utilities 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 appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

(c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet 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) Local streets immediately adjacent and parallel to railroad rights of way shall be avoided and location of local streets immediately adjacent to arterial streets and highways and to railroad rights of way shall be avoided in residential areas.

(3) STREET DESIGN STANDARDS.

(a) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan or components of any other plan adopted by the village or Official Map of the Village, or if no width is specified therein, the minimum widths shall be as shown in Table 1 below. Cross sections for freeways, expressways, and parkways shall be based upon detailed engineering studies.

TABLE 1
RECOMMENDED MINIMUM CROSS SECTIONS
WEST BARABOO, WISCONSIN

System	Right-of-Way Width in Feet	Pavement Width in Feet
Arterial	Desirable 80	44 Minimum 66
Collector	66	36 No Parking One Side
Local	66	36

(b) Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum outside curb radius of 40 feet.

(c) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum center line grade of any street or public way shall not exceed the following:

- (1) Arterial Streets. 6%.
- (2) Collector Streets. 8%.
- (3) Local Streets, Alleys and Frontage Streets. 10%.
- (4) Pedestrian Ways. 12%, unless steps of acceptable design are provided.
- (5) The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%.

(d) 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 topography. All changes in street grades 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 all major streets, and 1/2 this minimum for all other streets.

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

- (1) Arterial Streets and Highways. 500 feet.
- (2) Collector Streets. 300 feet.
- (3) Local Streets. 100 feet.

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

(f) Half Streets. Where, on the date of original enactment of this chapter, 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 half streets is not 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) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.

(b) Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of 66 feet and a minimum outside curb radius of 40 feet.

(c) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.

(d) Intersections on local streets shall be offset at least 125 feet measured from the center lines of the 2 streets.

(e) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.

(f) Local streets shall not necessarily continue across arterial or collector streets; but, if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous; and a jog is avoided.

(g) Street jogs. Street jogs with centerline offsets of less than 125 feet are prohibited.

(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) Pedestrian ways are generally not desired and should be avoided; however, pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(b) 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.

(c) Utility easements. See sec. 18.07(9) of this chapter.

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

(a) Side lot lines shall be approximately 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 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) Every lot shall front or abut for a distance of at least 50 feet on a public street.

(d) Flag Lots are prohibited within the Village limits, except where pre-existing lot or development patterns necessitates use of a flag lot. Flag lots shall be discouraged within the extraterritorial area.

(e) Area and dimensions of lots shall conform to the requirements of the Zoning Code except in areas not served by a public sanitary sewer system, the subdivision or minor land division shall conform to the minimum lot size requirements of Section 18.02(7). The type, design, installation and maintenance of a private sanitary system, where approved, shall meet the requirements of all state and local codes and regulations. Whenever a tract is subdivided into large parcels, each parcel shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this Chapter.

(f) Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(g) Width of lots shall conform to the requirements of the Zoning Code.

(h) Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets. (to be cross referenced with zoning code)

(i) 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 SETBACK LINES.** Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Plan Commission.

(8) ELECTRICAL AND COMMUNICATOIN UTILITIES

(a) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new community antenna, cable television and internet cables and services, installed within a newly platted residential area, mobile home park or planned residential development shall be underground unless the Plan Commission shall specifically find, after study, that:

(1) The placing of such facilities underground would not be compatible with the planned development, or

(2) Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable, or

(3) The lots to be served by said facilities can be served directly from existing overhead facilities.

(b) Associated equipment and facilities which are appurtenant to underground electric and communications systems such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

(c) The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat or certified survey map.

(d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under subpar. (a)1., 2. and 3. above.

(e) All aerial facilities for new electric distribution lines (excluding lines of 15, 000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed subsequent to the approval of this chapter shall be placed in utility

easements within a newly platted residential area, mobile home park or planned residential development, unless waived by the Plan Commission.

(9) EASEMENTS.

(a) Electrical and Communication Facilities.

(1) Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.

(2) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.

(3) Where the electric and/or communications facilities are to be installed underground a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6 inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

(b) Gas. Distribution gas mains and appurtenances, except service laterals, shall be installed in street right-of-way, normally in the area between sidewalk and curb. However, the Plan Commission may, at the request of the utility, or where deemed necessary or desirable, require easements of adequate width for the intended purpose along lot lines or across lots for such installations and such easements shall be noted on the final plat or certified survey map as "Utility Easements."

(c) Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be required subject to the approval of the Village Engineer; and parallel streets or parkways may be required in connection therewith.

(d) Water and Sewer Easements. Adequate easements shall be provided and dedicated for the installation of water, sewer, and storm sewer facilities. Such easements shall be noted as "Sewer and Water Easements" on the final plat or certified survey map. Such easements shall be a minimum of twenty-five (25) feet wide.

(e) Setback Requirements for Public Utility Lines. Underground public utility lines shall be setback from either side of Village Sewer and Water Utility water or sewer mains or laterals, as provided in Chapter 13 of the Village Code.

(f) The Village may enter into agreements with owners for easements across private property for limited village purposes.

(10) DEDICATION AND RESERVATION OF LAND.

(a) Streets and Drainageways. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the Comprehensive Plan, official map or plan components, such public way shall be made a part of the plat by the subdivider in the locations and dimensions indicated on such plan. Such dedications shall become effective upon the approval and recording of the final plat.

(b) Other Public Sites and Open Space. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future parks, playgrounds, or other public purposes, other than streets or drainageways. If designated on the general plan, general plan component, or official map, such areas shall be made a part of the plat as provided in sec. 18.02(3)(b) of this Chapter. It shall be the obligation of the subdivider to provide 5% of the land area being subdivided, or one acre of land for each 25 proposed dwelling units, whichever is greater, for park or recreational purposes. This land shall be in one parcel and shall be used for park, playground or other specific public recreational uses as deemed desirable by the Plan Commission. However, if the Plan Commission should consider the plat too small, not suitable for park purposes or for some other reason not usable for a public purpose, the Plan Commission may direct the subdivider to make a money payment to the Village in lieu of land. The payment shall only be used by the Village for the purchase or development of land to be used for public recreational purposes serving the sub-division neighborhood. Land dedicated to the Village under this subsection shall not be assessed for local improvements and said assessment shall be spread among the remaining lots in the subdivision.

(c) Land Abutting Lakes and Streams. Whenever feasible, all public access to the low watermark of navigable lakes and streams required by sec. 236.16(3), Wis. Stats., shall be at least 100 feet wide and contain land characteristics acceptable to the Plan Commission. The land lying between the meander line established in accordance with sec. 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in sec. 236.16(4), Wis. Stats.

18.08 REQUIRED IMPROVEMENTS.

(1) SURVEY MONUMENTS. The subdivider shall install survey monuments placed in accordance with the requirements of sec. 236.15, Wis. Stats., and as may be required by the Village Engineer.

(2) GRADING. After the installation of temporary block corner monuments by the subdivider, 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 Engineer. The subdivider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right-of-way when required. Cut and filled lands shall be graded to a maximum slope of 3:1 or the soil's angle of repose, whichever is the lesser, and covered with a minimum of four inches of top soil and have permanent vegetation established.

(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 this chapter and the Master Plan or Master Plan components of the Village. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Engineer. Existing roadways which do not meet Village specifications shall be improved by the subdivider before they will be accepted by the Village.

(4) CURB AND GUTTER. After the installation of all public 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 Engineer. This requirement may be waived where a permanent rural section has been approved by the community. Wherever possible, provisions shall be made at the time of construction for

driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the community unless the developer elects this type of road.

(5) **STREET CROSS SECTIONS.** When a permanent rural street section has been approved, 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 Engineer.

(6) **SIDEWALKS.**

(a) The subdivider shall construct a 5-foot wide concrete sidewalk on one side of all frontage streets and both sides of all other streets within the subdivision. The Plan Commission may permit the construction of a sidewalk on only one side of local streets that serve lots fronting on said street and may waive the construction of sidewalks on collector and local streets that serve lots having an average width of 150 feet or more fronting on said streets. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

(b) In addition, 10-wide multi-use paths and on-street bike lanes shall be considered in the design phase of the development depending on the need. The Developer shall demonstrate to the Village the need or lack thereof prior to incorporating them into the design.

(c) Wider than standard sidewalks may be required by the Village Engineer in the vicinity of schools, commercial areas and other places of public assemblage; and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provision of this chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(7) **PUBLIC SANITARY SEWERAGE.** 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 or minor land division. Such facilities shall be designed and constructed in accordance with all applicable rules and regulations of Wis. Adm. Code NR 110, and in accordance with plans and standard specifications approved by the Village Engineer. In addition:

(a) **Laterals.** Sewer laterals shall be installed to the edge of the right-of-way where practical.

(b) Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the Village sanitary sewer system plan.

(c) Oversized Sanitary Sewer Mains. All sanitary sewer mains in excess of 8 inches in diameter within or abutting the subdivision shall be constructed by the Village and the subdivider shall share in the cost thereof, as provided in sub.(9) below.

(d) Sanitary Sewer Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install sanitary sewer mains in a street bordering the subdivision to serve the subdivision with sanitary sewer, the Village may install such sanitary sewer mains and the subdivider shall pay the total cost thereof. The Village shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installation payments commence.

(e) Lift Stations. In the event a lift station is required to serve the subdivision and other lands, it shall be constructed by the Village in accordance with the Village sanitary sewer system plan. The subdivider shall pay the cost of the lift station and associated force main in the same ratio that the benefiting land area of the subdivision bears to the total area served by the lift station. Cost as used herein includes, but is not limited to land acquisition costs, engineer fees, and attorney's fees incurred by the Village in connection with such lift station.

(8) WATER SUPPLY FACILITIES. The subdivider of land within the sanitary sewer service area of the Village shall cause 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 or minor land division. In addition:

(a) Laterals. Water laterals shall be installed to the edge of the right-of-way, where practical. In addition, the curb stop shall be located at the right-of-way line. If the service is 4-inches or larger and requires a valve, the valve shall be located as close to the right-of-way as practical.

(b) Specifications. The location, 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 Engineer.

(c) **Oversized Water Mains.** All water mains in excess of 8 inches in diameter in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the Village and the subdivider shall share in the cost thereof, as provided in sub. (9) below.

(d) **Water Mains Traversing or Bordering Other Lands.** If it is necessary to traverse other unimproved land or to install water mains in a street bordering the subdivision to serve the subdivision with water, the Village may install such water mains and the subdivider shall pay the total cost thereof. The Village shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.

(9) **OVERSIZED SEWER AND WATER MAINS.**

(a) **Mains Within or Abutting Subdivisions.** All sewer mains in excess of 8 inches, and all water mains in excess of 8 inches in single-family and 2-family residential development areas and larger than 12 inches in diameter in other use development areas within or abutting the subdivision shall be constructed by the Village. The subdivider shall pay the Village the cost of an 8 inch equivalent sewer main and an 8 inch or 12 inch equivalent water main, respectively, plus the subdivision's share of said oversizing costs, as determined by dividing the total acreage benefited by the acreage of the subdivision benefited. A special assessment for the remainder of said oversizing costs shall be levied on other lands benefiting from the oversizing.

(b) **Mains Located Outside of Subdivision.** In the event that oversized sewer or water mains are constructed outside the subdivision that benefit the subdivision, the subdivider shall pay the Village the subdivision's share of such oversizing, as determined in the same manner as provided in par. (a) above.

(10) **STORM WATER DRAINAGE FACILITIES.**

(a) **Drainage System Required.** A drainage and stormwater detention system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part.

(1) Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be

designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Village Engineer, storm water swales and ditches may be sized for from twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards 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 Board, upon the recommendation of the Village Engineer.

(2) Drainage facilities shall, if required, include water retention/detention 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 stormwater drains and sewers and other cross-section, invert and erosion control paving check dames, 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.

(3) A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.

(b) Drainage System Plans.

(1) The subdivider shall submit to the Village at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff 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 and detention 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 Engineer.

(c) Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(2) Block grading shall be completed by one (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.

(2) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty-five (25) 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.]

(11) CENTRAL WATER SUPPLY FACILITIES.

(a) The subdivider shall construct water mains 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 system as specified by the governing body and the State Department of Natural Resources. The Plan Commission shall require the installation of water laterals to the right-of-way. 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 Engineer.

(b) The subdivider shall assume the cost of installing all water mains 8 inches in diameter or less in size. If greater than 8 inch diameter water mains are required the excess cost of such mains over and above the cost of an 8 inch main shall be borne by the utility.

(12) OTHER UTILITIES. The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision when needed. Where underground utility cables are to be installed in a new residential subdivision, the

utility may install conduit for street crossings before the street is surfaced to facilitate later installation of the necessary cable to serve such subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. 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 Engineer.

(13) **STREET LIGHTING.** The subdivider shall provide for the location of the street light system within the subdivision upon consultation with the utility serving the area and consistent with their standards and compatible with area being served and as approved by the Plan Commission and the Board.

(14) **STREET SIGNS.** The subdivider shall install at the intersection of all streets proposed to be dedicated a street sign of a design specified by the Village Engineer.

(15) **IMPROVEMENTS ON BOUNDARIES OF SUBDIVISIONS.** Any public improvements occurring on the boundaries of the subdivision shall use normal assessing values for establishing payments.

18.09 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 and the Village Engineer has given written authorization. Inspection fees shall be required as specified in sec. 18.10 of this chapter.

(2) **BUILDING PERMITS.** No building 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 unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Board may authorize by written resolution the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements.

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

(a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements. In addition, the plans need to show the rights of way lines, lot lines, and any associated easements.

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

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

(d) Planting plans showing the locations, age, and species of any required trees.

(e) Lighting plans and specifications showing the locations of light poles, proposed meter(s), control panels, conduit/wire, lighting levels, light poles cut sheets, etc.

(f) Additional special plans, permits, or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.

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

18.095 SUBDIVIDER'S ONE YEAR WARRANTY RESPONSIBILITY.

(1) In addition to all other requirements of this ordinance and the development agreement, the subdivider warrants the condition and quality of all roads, drainage ways, curb and gutter, sidewalks, sanitary sewer, water main, storm sewer, turf restoration, plantings, and lighting within the plat for a period of one year from the date of final acceptance of the same.

(2) The subdivider shall make any repairs necessary to such improvements upon complaint from the Village or from the owners of lots within the plat. Failure of the subdivider to make the necessary repairs within twenty-four (24) hours shall cause the Village to make the repairs.

(3) To ensure compliance with this provision, the Board may require a money deposit or other assurance that repairs made by the Village shall be promptly paid and in no event shall be paid later than fifteen (15) days from the date on which an itemized statement of costs incurred is presented to subdivider.

18.10 RESPONSIBILITY FOR IMPROVEMENT COSTS; FEES.

(1) **RESPONSIBILITY FOR IMPROVEMENTS.** The applicant for approval of every subdivision and every certified survey map shall be responsible for the design, construction, and installation of all required and agreed upon improvements which serve land division at their full cost and expense, except where the Village or the Village water utility agree to do any such work. However, with respect to any improvement serving land division constructed or installed by the Village or its water utility, the cost thereof shall be charged to the benefited property through special assessments, payable over a term of years and at an interest rate established by the Village Board and/or water utility within their respective jurisdiction and as otherwise provided in the development agreement.

(2) **FEES.** In addition to all other costs, the subdivider shall pay the following fees at the times specified and in the event fees are not timely paid, the Village shall not be required to take any further action with respect to the plat or certified survey map, or the subdivider shall not be entitled to record the same:

(a) **Engineering and Zoning Fees.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering and zoning work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village. The subdivider shall pay a fee equal to the actual cost to the Village for such inspection as the Village Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Subdivider shall pay the fee within fifteen (15) days of each billing by the Village Clerk.

(b) **Attorneys Fee.** The subdivider shall pay a fee equal to the actual cost to the Village for all legal work incurred by the Village in connection with the plat or certified survey map, including drafting of conditions and agreements. The subdivider shall pay a fee equal to the actual cost to the Village for such work as the Village Board deems necessary to assure the plat or certified survey map conform to applicable local and state laws Subdivider shall pay the fee within fifteen (15) days of each billing by the Village Clerk.

(c) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map. The subdivider shall pay the fee within fifteen (15) days of each billing by the Village Clerk.

(d) Escrow for Fees. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Plan Commission and Village Board, it shall deposit with the Village Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of all of the Village's fees:

(1) Minor Subdivision (Certified Survey Map): See Official Village Fee Schedule

(2) Subdivisions - including Condominiums: See Official Village Fee Schedule

(3) In the event the amount deposited with the Village Treasurer falls below 25% of the amount required to be deposited, the Plan Commission or the Village Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event the subdivider withdraws his plat or minor subdivision, or same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to subdivider. The escrow account shall not draw interest for the benefit of subdivider. The Village Treasurer, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the subdivider's request and all time lines hereunder shall be tolled.

(e) Preliminary Plat/Certified Survey Map Review Fee.

(1) The subdivider shall pay a fee at the time of first application for Preliminary Plat or Certified Survey Map approval to assist in defraying the cost of review. See Official Village Fee Schedule

(2) The subdivider shall pay a reapplication fee to the Village Treasurer at the time of reapplication for approval of any Preliminary Plat which has previously been filed. See Official Village Fee Schedule

(f) Final Plat Review Fee.

(1) The subdivider shall pay a fee with the Final Plat to the Village Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review. See Official Village Fee Schedule

(2) The subdivider shall pay a reapplication fee to the Village Treasurer at the time of reapplication for approval of any Final Plat which has previously been reviewed. See Official Village Fee Schedule

(g) Condominium Development Review Fee. The developer shall pay a fee for each unit shown on a condominium plat. See Official Village Fee Schedule

(h) All Recording Fees.

(i) All other fees in the amounts and at the times provided in other sections of this ordinance.

18.105 ACCEPTANCE OF PUBLIC IMPROVEMENTS. Public improvements for sanitary and storm sewer and water, utilities which serve a land division shall not be deemed dedicated for public purpose until they are accepted by the Village Engineer and Director of Public Works as being fully functional and in conformance with the development agreement, applicable plans and specifications, Village ordinances, and compatibility with attached and adjacent systems, facilities, and improvements.

18.11 CONDOMINIUM DEVELOPMENTS.

(1) PURPOSE.

(a) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Ordinance to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

(b) The factor that makes this Ordinance applicable to a condominium development is the creation of multiple, distinct property entities or near the

ground surface, subject to property taxation as separate “parcels,” with each property entity having different ownership and management. The Town determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

(c) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots.

(1) These impacts include: additional population density; possibility of use of particular land in a manner unsuitable to the land’s characteristics; additional demands upon Village area parks, recreation areas, utility facilities and schools; and additional traffic and street use.

(2) Portions of Ordinance Applicable to Condominium Developments. The following sections of this Ordinance shall apply to condominium developments:

- Section 18.01
- Section 18.02(6), relating to land suitability
- Section 18.02(5) relating to special exceptions
- Section 18.03 (2) & (3), relating to preliminary plat review and approval.
- Section 18.07 in its entirety
- Section 18.08, relating to required improvements.
- Section 18.09 in its entirety;
- Section 18.10, relating to fees for review; and
- Section 18.11 in its entirety.

(3) The technical standards set for in the Wisconsin Statutes for condominium developments shall apply in place of section 18.04.

(4) This Ordinance shall not apply to the following condominiums:

(a) Any condominium plat recorded prior to the effective date of this Ordinance.

(b) Any conversion of a structure or structures in existence on the effective date of this Ordinance to a condominium after the effective date of this Ordinance.

18.115 DEFINITIONS. For the purpose of this chapter, the following definitions shall be used:

ADVISORY AGENCY. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and may suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Board or on the Plan Commission. Examples of advisory agencies include the U.S. Soil Conservation Service, local school boards and local utility companies.

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

BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the yard requirements of the Zoning Code.

CERTIFIED SURVEY MAP. A map of a land split prepared in accordance with sec. 236.34, Wis. Stats., and sec. 18.09 of this chapter.

CONDOMINIUM DEVELOPMENT. A real estate development in which the condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.

CUL-DE-SAC. A local street with only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

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.

DRAINAGEWAY. A manmade improvement intended to convey water within or through a subdivision during periods of high runoff. Drainageways will normally be dry for long periods of time. Drainageways are usually privately owned and protected by easements; however, some major drainageways may be dedicated. Drainageways may also be called drainage swales or grass waterways.

DWELLING UNIT. A structure or that part of a structure which is used or intended to be used as a home, residence or sleeping place by one person or by two or more persons maintaining a common household, to the exclusion of all others.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within 1-1/2 miles of the Village corporate limits.

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.

GENERAL PLAN. The extensively developed plan, also called a master plan, adopted by the Plan Commission and certified to the Board, pursuant to sec. 62.23, Wis. Stats., including proposal for future land use, transportation, parks and recreation, urban redevelopment and public facilities. Devices for the implementation of these plans such as zoning, official map and land division ordinances, and capital programs shall also be considered a part of the General Plan.

LOT. A parcel of land of at least sufficient size to meet the minimum lot size requirements of this Code for lots or parcels not served by a public sanitary sewer system and the minimum zoning requirements set forth in the zoning code for lots served by a public sanitary sewer system.

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 size.

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 a major street. Double frontage lots abutting major streets should restrict direct access to the major street by means of a planting buffer or some other acceptable access buffering measure.

LOT, FLAG A lot with its widest point set back from the road, and having a thin, long strip (“flagpole”) of land connected to the road to provide legal access and frontage.

LOT, REVERSE FRONTAGE. A corner lot with no provision for extra width to permit side yard to be same as front yards on that side.

MASTER PLAN. An extensively developed plan, map or other document pertaining to planning and adopted by the Plan Commission which may pertain to the division of lands, including the Official Map, comprehensive development plans, and other planning documents including proposals for future land use, transportation, urban development, parks and public facilities. Devices for the implementation of these plans,

such as ordinances pertaining to zoning, Official Map, subdivision and land development, building development and capital improvement plans shall be considered as planning documents within this definition.

MINOR LAND DIVISION. The division of a parcel or tract of land by the owner or subdivider or their agent for the purpose of sale or of building development where the act of division creates or results in the creation of not more than four parcels or building sites, any one of which is 35 acres in size or less in area, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

MULTIPLE FAMILY DWELLING. An apartment building, row house, townhouse, condominium or manufactured building as defined in Section 101.71(6) Wis. Stats. that consists of 3 or more attached dwelling units.

OBJECTING AGENCY. An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. The Village may not approve any plat upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Development, the Wisconsin Department of Transportation, the Wisconsin Department of Natural Resources, the Wisconsin Department of Industry, Labor and Human Relations.

OFFICIAL MAP. A map indicating the location, width, and extent of existing and proposed streets, highways, drainage ways, parks, playgrounds and other facilities, as adopted by the Village Board pursuant to Chapter 62, Wis. Stats.

OWNER. Includes the plural as well as the singular and may mean a natural person, firm, association, partnership, private corporation, limited liability company, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.

PARCEL. Contiguous lands under the control of a subdivider not separated by streets, highways or railroad rights-of-way. Also referred to as a lot.

PLAT. This term includes a map of a subdivision or minor land division.

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

PUBLIC WAY. Any public road, street, highway, walkway, drainageway 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.

RESERVATION. A means of setting aside a parcel of land for a specific use in the future. Counter to the principle of dedication, the land is not owned by the public and must be purchased or released from reservation at some future date. The date by which the land must be purchased may be specified in the reservation.

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

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

STREET, FRONTAGE. 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.

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

SUBDIVIDER. Any person or his agent dividing or proposing to divide land resulting in a subdivision, minor land division (certified survey map) or replat.

SUBDIVISION. See Section 236.02(12), Wis. Stats. The term “subdivision”, as used in this Chapter shall further mean the division or subdivision of a parcel or tract of land by the owner or subdivider thereof, or the owner’s or subdivider’s agent, for the purpose of sale or of building development, where: (i) the act of division creates five or more parcels or building sites any one of which is 35 acres in size or less in area; or (ii) five or more parcels or building sites any one of which is 35 acres in size or less in area are created by successive divisions within a period of five years.

18.12 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on 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, 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. Each day a violation exists or continues shall constitute a separate offense.

18.13 PENALTIES AND REMEDIES.

(1) ORDINANCE VIOLATIONS.

(a) Forfeitures. Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 per violation, together with the costs and assessments as provided by Section 25.04(1) of this Code.

(b) Injunctive Relief. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

(c) Assessor's Plat. An assessor's plat made under sec. 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.

(d) Failure to pay forfeitures. The penalty for default of payment of such forfeiture, costs and assessments shall be imprisonment in the county jail until payment thereof, but not exceeding 6 months.

(2) VIOLATIONS OF STATUTES RELATED TO PLATS AND CSMS

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

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

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