

## Title III – Chapter 1

### Land Division and Subdivision

[Repealed and Recreated via Ord. No. 13-503: 10/21/13]

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1.01 **Purpose of Regulations.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent overcrowding of the land; to facilitate adequate provision for transportation, public water and sewage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate division of land in the Village of Poynette and its extraterritorial jurisdiction.

1.02 **Definitions.**

- (1) For the purpose of this Chapter, the following definitions shall apply.
  - (a) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to the side or rear of an abutting property, and which is not intended for through traffic.
  - (b) **Arterial Street.** A public street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volume of over 3,000 vehicles per day; or as otherwise may be designated as

an arterial street within the Village's comprehensive plan or by the Village Board.

- (c) Block. An area of land within a subdivision that is entirely bounded by a combination of streets, exterior boundary lines of the subdivision and streams, and/or other bodies of water.
- (d) Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the Zoning Ordinance's yard and setback requirements.
- (e) Certified Survey Map. A map of land division, prepared in accordance with Wis. Stats. § 236.34, and in full compliance with other applicable provisions of this Chapter.
- (f) Collector Street. A public street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides access between local and arterial streets and limited access for abutting land uses, and has a measured or projected traffic volume of between 750 and 3,000 vehicles per day; or as otherwise may be designated as a collector street within the Village's comprehensive plan or by the Village Board.
- (g) Condominium Development. A real estate development in which the condominium form of ownership pursuant to Wis. Stats. Chap. 703 is utilized.
- (h) Cul-de-sac. A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround meeting Village standards.
- (i) Easement. Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.
- (j) Extraterritorial Jurisdiction. The unincorporated area within 1½ miles of the Village limits, except as may be modified by the overlapping extraterritorial jurisdiction of another city or village under §66.0105, Wis. Stats., by cooperative plan under §66.0307, Wis. Stats., and/or such areas for which a waiver of such jurisdiction is in effect pursuant to §236.10(5), Wis. Stats.
- (k) Final Plat. The final map, drawing or chart on which the subdivider's plan of a subdivision is presented for approval and which, if

approved, will be recorded by the subdivider with the County Register of Deeds.

- (l) Frontage Street. A street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.
- (m) Land Division. A single division or combination of land either platted or unplatted by the owner or subdivider resulting in the creation of not more than 4 parcels, lots, or building sites, each less than 40 acres in size. Where successive divisions result in the creation of 5 or more parcels, lots, or building sites over a period of 5 years, and where at least 5 of such lots are less than 40 acres, the latest act of division shall be defined as a subdivision. Land divisions are created through the recording of a certified survey map. (Amended 11/17/2014)
- (n) Local Street. A street designed to provide access to abutting land uses and leading into a collector or occasionally into an arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is located. Not an arterial street or a collector street.
- (o) Lot. A parcel of land that is: (a) is undivided by any public way; and (b) has frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other provisions of this Chapter and the Zoning Ordinance. Among the types of lots are:
  - 1. Corner Lot. A lot situated at the junction of and abutting two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.
  - 2. Through Lot. A lot having lot lines abutting two more or less parallel public streets which is not a corner lot.
- (p) Lot Area. The area contained within the exterior boundaries of a recorded lot, excluding public streets and land under bodies of water.
- (q) Lot Line. A property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for purposes of this Chapter.

- (r) Lot Width. The maximum horizontal distance between the side lot lines of a lot, measured at a location of the lot that is (a) parallel to the front lot line and at (b) at the minimum required front yard. Such minimum required front yard shall be per the Zoning Ordinance for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map.
- (s) Outlot. A parcel of land, other than a lot or block, so designated on a plat or certified survey map, on which building is prohibited, until and unless it is combined with another lot to satisfy all requirements to make it a buildable lot under this Chapter and the Zoning Ordinance.
- (t) Owner. The person, persons, or other legal entity having the legal title to a lot or parcel of land.
- (u) Pathway. A walkway primarily designed and intended for non-motorized traffic, usually mandated by some section of this Chapter, such as the requirement in section 1.07(3)(b).
- (v) Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.
- (w) Replat. The process of changing, or a plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (x) Restrictive Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. § 236.293, which constitute a restriction on the use of all platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (y) Shorelands. Those lands within the following distances: 1,000 feet from the ordinary high-water mark of navigable lakes, ponds and flowages or 300 feet from the ordinary high-water mark of navigable rivers and streams or to the landward side of the floodplain of such rivers and streams, whichever is greater.
- (z) Standard Specifications. The document titled "Standard Specifications," covering a range of earthwork, street construction, and utility standards, prepared by the Village Engineer in February

2010 and approved by the Village Board, as from time to time amended.

- (aa) Subdivider. Any person or other legal entity, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, land division, or replat.
  - (bb) Subdivision. The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where (1) a single act of division creates 5 or more parcels, lots, or building sites, each less than 40 acres in size; or (2) an act of division results in the creation of 5 or more parcels, lots, or building sites by successive divisions within a period of 5 years, where at least 5 of the parcels, lots, or sites are less than 40 acres in size. The establishment of a condominium development pursuant to Wis. Stats., Chap. 703 shall also be deemed to be a subdivision for purposes of this Chapter. Subdivisions are created through the recording of a final plat, except for condominium developments.
  - (cc) Terrace Area. The land within a public street right-of-way between the street curbing and the sidewalk on the same side of the street. Where no sidewalk exists, the area within 6 feet from the pavement edge (or within 6 feet from curb if curb exists) shall be deemed to be a terrace area for the purpose of this Chapter.
  - (dd) Wetland. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
- (2) The interpretation of the words in this Chapter shall abide by the provisions and rules of this subsection, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.
- (a) Words used or defined in one tense or form shall include other tenses and derivative forms.
  - (b) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
  - (c) The masculine gender shall include the feminine, and vice versa.
  - (d) The words “shall,” “must,” and “will” are mandatory.
  - (e) The words “may,” “can,” and “might” are permissive.

- (f) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (g) The word “Village” shall mean the Village of Poynette, Wisconsin.
- (h) The word “County” shall mean the County of Columbia, Wisconsin.
- (i) The word “State” shall mean the State of Wisconsin.
- (j) The word “Plan Commission” shall mean the Village of Poynette Plan Commission, also commonly referred to as the Planning Commission.
- (k) The words “Board of Trustees” and “Village Board” shall refer to the Village of Poynette Board of Trustees.
- (l) The words “Comprehensive Plan” shall mean the Village of Poynette’s adopted comprehensive plan.
- (m) If there is any ambiguity between the text of this Chapter and any caption, illustration, or table, the text shall control.

1.03 **General Provisions.**

- (1) **Compliance.** No subdivision, land division, or replat within the jurisdiction of this Chapter shall be entitled to be approved or recorded without compliance with all requirements of this Chapter that are in effect when a subdivider submits a Preliminary Plat or Certified Survey Map, and the following:
  - (a) The provisions of Wis. Stats. Ch. 236 and 80.08, including § 236.45(2)(ac).
  - (b) All other Village Ordinances that are in effect when a subdivider submits a Preliminary Plat or Certified Survey Map, including but not limited to the Zoning Ordinance and any official map ordinance.
  - (c) Master plans, comprehensive plans, or components of such plans prepared by state, regional, county or municipal agencies when duly adopted by the Village Board before a subdivider submits a Preliminary Plat or Certified Survey map.
  - (d) The provisions of Wis. Admin. Code Chap. SPS 385 for subdivisions, land divisions or replats not served by public sanitary sewer.

- (e) The provisions of Wis. Admin. Code Chap. Hy 33 and Trans 233 for subdivisions, land divisions or replats which abut a U.S. or state trunk highway.
  - (f) The provisions of Wis. Admin. Code Chap. NR 116 relating to floodplain management.
  - (g) All other applicable state statutes and administrative rules.
- (2) Jurisdiction. These regulations shall apply to all lands within the political boundaries of the Village and within the Village's extraterritorial jurisdiction to the extent allowed by law. These regulations shall not apply to:
- (a) Transfers of interests in land by will, succession or Court Order;
  - (b) Leases, mortgages and easements;
  - (c) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, or if the effect of the sale or exchange on existing lots does not reduce their size below minimum sizes required by this Chapter or other applicable laws.
- (3) Building Permits. The Village shall not issue any building permit relating to any lot included in a subdivision, land division or replat originally submitted to the Village on or after the effective date of this Chapter until the subdivider has complied with all of the provisions and requirements of this Chapter.
- (4) Applicability to Condominiums. The Chapter is expressly applicable to condominium developments within the jurisdiction of this Chapter, pursuant to Wis. Stats. § 703.27(1). For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- (5) Land Suitability. No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for reasons of flooding, inadequate drainage, incompatible surrounding land use, adverse soil or rock formation, negative impact on wetlands, waterways, or other sensitive natural resources, known or probable soil or groundwater contamination, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The determination of land suitability shall be evaluated through the Environmental Assessment filed with the Preliminary Plat or Certified Survey Map, except where such Environmental Assessment is not required under Section 1.04(2)(a)8. The Village Board, in applying the

provisions of this subsection, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if the subdivider so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

- (6) Existing Flora. The subdivider shall make every effort to protect and retain all existing trees, shrubs, vines, grasses, and other non-noxious plants not actually lying in public roadways, drainageways, building foundation sites, private driveways, waste disposal areas, paths, and trails. The subdivider shall protect and preserve such trees and other flora during construction in accordance with sound conservation practices, (such as the possibility of preserving trees by well islands or retaining walls), whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

#### 1.04 **Subdivision and Land Division Review and Approval Procedures.**

- (1) Pre-Application Consultation. Each prospective subdivider may obtain information on meeting dates, agenda deadlines, and filing and substantive requirements from the Village Administrator, Village Clerk, or Village Planner. Before filing a Preliminary Plat or Certified Survey Map, the prospective subdivider is encouraged to consult with the Plan Commission for advice. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the other Ordinances and planning rules of the Village, and to otherwise assist the subdivider in planning the subdivision. The Village shall charge no fee for this preliminary consultation.

- (2) Preliminary Plat Review and Approval for Subdivisions.

- (a) Submission. For each subdivision, the subdivider shall file an application for Preliminary Plat approval, 10 copies of the Preliminary Plat and supplemental materials meeting the requirements of Section 1.04(2)(b), the required application and escrow fees under Title VI, Chapter 2 of the Municipal Code, and a digital PDF copy of all materials. No application shall be filed or deemed complete by action of the Village Clerk unless all required information is submitted and the fee paid. The subdivider shall file such complete application with the Village Clerk at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk shall keep record of the date a complete submittal is filed, and shall submit copies of the Preliminary Plat to the Plan Commission, Village Engineer, and Village Planner for review. The Engineer and Planner shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed plat.



(b) Supplementary Data filed With Preliminary Plat. The subdivider shall also file the following materials with the Preliminary Plat to comprise a complete submittal:

1. Preliminary Layout of Public Improvements. The subdivider shall file four complete sets of the general layout for the construction of any public improvements required by this Chapter and a PDF copy, specifically addressing sewer and water service feasibility, stormwater management and drainage facilities, erosion control measures, and other improvements necessary to serve the subdivision.
2. Preliminary Street Plans and Profiles. The subdivider shall provide preliminary street layouts, plans, and profiles, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested by the Village.
3. Soil Testing. The subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the land suitability concerns described in Sec. 1.03(5), the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. Where the proposed subdivision will not be served by public sanitary sewer, the subdivider shall comply with Wis. Admin. Code. Chap. SPS 385, delineating areas with three-foot and six foot ground water and bedrock levels.
4. Use Statement. A statement of the proposed use of lots, stating the type of residential buildings with number of proposed dwelling units and/or types of business or industry, intended to reveal the effect of the development on traffic, fire hazards and congestion of population.
5. Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the subdivision.
6. Area Plan. Where the subdivider owns property adjacent to that proposed for the subdivision, the Plan Commission or Village Board may require that the subdivider include the entire contiguous property owned by the subdivider within the Preliminary Plat or within a companion concept plan to show the possible relationships between more immediate and

longer-term developments in the area. In any event, all subdivisions must be shown to relate with existing or potential adjacent subdivisions and other developments consistent with the Village's comprehensive plan.

7. Preliminary Erosion Control Plan and Stormwater Management Plan. The plan shall include: Stormwater runoff channels and approximate channel dimensions; detention/retention areas; storm sewer locations; recommended sites for and types of runoff quality treatment facilities; and a construction site erosion control plan. The plan shall be prepared with reference to Title III, Chapters 5 and 8 of the Municipal Code, with the Village's Standard Specifications, and with the Village's stormwater master plan.
8. Environmental Assessment. The environmental assessment shall be in the format specified in Section 1.09 of this Chapter. This assessment provides the basis for an orderly, systematic review of the effects of all new subdivisions, land divisions, and condominiums upon the community environment. The Village Board and Plan Commission shall use this assessment to determine land suitability under Section 1.03(5) of this Chapter. The purpose of this assessment is to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens, provide for the effective and efficient flow of goods and services, and otherwise fulfill the purpose of this Chapter.
  - a. Applicability. The Plan Commission may waive the requirement for the filing of an environmental assessment for subdivisions that involve fewer than two (2) acres in total area, will result in two (2) or fewer new lots, will divide land that has been subdivided in the last ten (10) years where a still-applicable environmental assessment is on file with the Village, or will not result in any additional land development for the foreseeable future.
  - b. Review. The Plan Commission shall review the environmental assessment as soon as possible after submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data

and input from the subdivider and other affected persons, decide that the environmental assessment raises unusually significant questions on the effects on the environment and/or that an unusually high level of citizen interest has resulted from questions raised by the assessment. The listing of questions may include items which this Chapter already enables the Plan Commission to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the subdivider. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.

- c. Hearing. Following the return to the Plan Commission of the submitted data required by the resolution adopted under subsection b., the Commission shall make such data available for scrutiny by all interested persons and agencies. The Plan Commission may schedule and hold a public hearing on the data, which if held shall be preceded by a Class I notice.

(c) Technical Requirements for Preliminary Plats.

1. General. The Preliminary Plat shall be based upon a survey by a Registered Land Surveyor and the plat prepared at a scale of not more than 100 feet to the inch, showing correctly on its face the following information:
  - a. Title under which the proposed subdivision is to be recorded, which shall not duplicate the name of any plat recorded in Columbia County.
  - b. Location of proposed subdivision by government lot, recorded private claim, quarter-quarter section, section, township, range, county and state noted immediately under the name of the proposed subdivision.
  - c. Date, scale and north point referenced to a magnetic, true or other identifiable direction and related to either the nearest exterior line, east-west quarter line or north-south quarter line of a section in which the subdivision is situated.

- d. Names, addresses and phone numbers of the owner, subdivider and land surveyor preparing the plat.
  - e. Entire area contiguous to the plat owned or controlled by the owner or subdivider, even if 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 include or be accompanied by the following information to be considered complete:
- a. Exact location of the proposed subdivision indicated by distances and bearing with reference to the nearest exterior line, north-south quarter line or east-west quarter line of a section in which the subdivision is situated and a corner established in U.S. Public Land Survey that establishes one end of this line. A description of the material of which the corner marker is composed. Exact distances and bearing of the exterior boundaries and the total acreage encompassed thereby. At least two permanent benchmarks shall be located in the immediate vicinity of the plat.
  - b. Contours of native soil levels at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on U.S.G.S. datum.
  - c. High water elevation of all lakes, streams, ponds, flowages and wetlands at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum, within the exterior boundaries of the plat or located within 100 feet therefrom.
  - d. Location, right-of-way width and names of all existing streets, alleys, pedestrian ways 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.

- e. Approximate location of street lights. Lights are to be placed at intersections, curves, parks and pedestrian ways, and at least every 300 feet along each street.
- f. Location and names of any adjacent subdivisions, parks, and cemeteries, and owners of record of abutting unplatted lands.
- g. 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.
- h. Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains, which might be extended to serve the tract, shall be indicated by their direction and distance from the tract, size and invert elevations.
- i. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- j. Location, width and names of all proposed streets, pathways, and other public ways.
- k. Approximate dimensions and area in square feet of all lots together with proposed lot and block numbers. Building envelope with dimensions shall be shown on each buildable parcel, generally based on minimum building setbacks as required in the applicable zoning district. Smaller building envelopes may be required by the Village where topographical, environmental, or other conditions dictate.
- l. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds,

drainageways, or other public use per Section 1.07, or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses.

- m. Approximate radii of all curves.
- n. Existing and proposed zoning on and adjacent to the proposed subdivision.
- o. Corporate limit lines within the exterior boundaries of the subdivision or immediately adjacent thereto.
- p. Any proposed stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- q. Any proposed stream improvement or relocation, and notice of application for Department of Natural Resources approval, where applicable.
- r. Wetland, floodplain and shoreland setback boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- s. 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 damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision; quantities of flow at each inlet or culvert; and location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

- t. Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
  - u. A landscaping plan if required under Section 1.03(6).
  - v. Areas with any restrictions related to access control or landscaping along arterial or collector streets.
3. Affidavit. The surveyor preparing the Preliminary Plat shall certify on the face of the plat existing land divisions and features and in full compliance with the provisions of this Chapter.
- (d) Plan Commission Recommendation. The Commission shall review the Preliminary Plat for conformance with this Chapter and all other applicable ordinances, rules, regulations, comprehensive plans, and comprehensive plan components. The Commission shall recommend approval, conditional approval or rejection of the Preliminary Plat, and shall transmit the Plat along with its recommendations to the Village Board. The Commission shall specify the reasons for any recommended rejection.
  - (e) Village Board Action. The Village Board shall, within 90 days of the date the complete Preliminary Plat application was filed with the Village Clerk, approve, approve conditionally or reject the plat. The Village Clerk shall provide written notice to the subdivider of any conditions for approval or the reasons for rejection. Failure of the Village Board to act within 90 days of filing of a complete application shall constitute approval of the Preliminary Plat, unless an objecting agency files an objection or unless the review period is extended by written agreement with the subdivider.
  - (f) Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat. If the Final Plat is submitted within 36 months of the last Village approval of the Preliminary Plat, conforms substantially to the Preliminary Plat layout, meets the conditions of Preliminary Plat approval, and is consistent with this Chapter and other applicable Village ordinances, the Final Plat shall be entitled to approval with respect to such layout.
  - (g) Copies to Utility Providers. At least 30 days before the filing of the Final Plat, the subdivider shall provide a copy of the Preliminary Plat and preliminary engineering plans to all local utility providers, including natural gas, telephone, cable television, other

telecommunications, and electric, so that they may identify appropriate locations for facilities and easements to be indicated on the Final Plat.

- (h) Copies to State Agencies. The subdivider shall be responsible for providing each Preliminary Plat and Final Plat to State, County, and other agencies as may be required by Chapter 236, Wis. Stats. and other applicable law, and for satisfying the objections of said agencies.

(3) Final Plat Review and Approval for Subdivisions.

- (a) Submission. For each subdivision, the subdivider shall file an application for Final Plat approval, with such approval not granted prior to Preliminary Plat approval. The application shall include 10 copies of the Final Plat and supplemental materials meeting the requirements of this Section 1.04(3), the required application and escrow fees under Title VI, Chapter 2 of the Municipal Code, and a digital PDF copy of all materials. No application shall be filed or deemed complete by the Village Clerk unless all required information is submitted and the fee paid. The subdivider shall submit a complete Final Plat application within 36 months of the last Village approval date of the Preliminary Plat. If the Final Plat is not submitted within said 36 months, the Preliminary Plat approval is deemed void, unless within such period a complete application for Final Plat approval for at least a phase of the Preliminary Plat area is filed or the Village Board extends the timeframe for submittal of the Final Plat. The Village Clerk shall keep record of the date a complete submittal is filed, and shall submit copies of the Preliminary Plat to the Plan Commission, Village Engineer, and Village Planner for review. The Engineer and Planner shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed plat, including his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with 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.

- (b) Supporting Documents. The subdivider shall submit the following additional documents when filing the Final Plat for the submittal to be considered complete:
  1. A certified abstract of title or title insurance commitment current to within one week prior to filing, showing title or control in the owner or the subdivider. The Village Attorney may require further title evidence as deemed necessary.



2. A Final Plat prepared by a Registered Land Surveyor. It shall comply in all respects with the requirements of Wis. Stats. §236.20 and this Chapter. The Final Plat shall also show the following information correctly on its face:
  - a. Exact length and bearing of the center line of all streets.
  - b. Exact street width along the line of any obliquely intersecting street.
  - c. Railroad rights-of-way within and abutting the plat.
  - d. Setbacks or building lines required by the Village Board or under the Zoning Ordinance.
  - e. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.
  - f. Special restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.
  - g. Exact location and description of street lighting and lighting utility easements.
  - h. Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.
3. Other information required as a condition of Preliminary Plat approval.
4. Final Public Improvements Plans. Three complete sets of final plans and specifications for the construction of all public improvements required by this Chapter, specifically addressing sewer and water service feasibility (size, location and grade), stormwater management and drainage facilities (size and location), traffic patterns, street plans and cross sections, existing and proposed grades of roads, streets and alleys, erosion control measures, pavement design, parks and other improvements necessary in the subdivision, and meeting the Village's Standard Specifications.
5. Final Grading Plan. Three copies of a final grading plan including contours of final, post-construction soil levels at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more

than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on U.S.G.S. datum, adjusted to reflect changes in elevation proposed by the developer. The final grading plan shall meet the Village's Standard Specifications.

6. Restrictive Covenants and Easement Agreements. A draft of any proposed or required deed restrictions, restrictive covenants, and or easement agreements.
7. Property Owners Association. If the subdivider proposes that common property or common elements within a subdivision or condominium would be owned or maintained by an organization of property owners, a draft of the legal instruments and rules for the proposed association, including any articles of incorporation or bylaws. The property owners association shall be appropriately funded for its intended purposes as determined by the Village Board upon the recommendation of the Village Engineer and Village Attorney, including initial funding by the subdivider at a level which will allow a reasonable level of legal support for the association in enforcement restrictive covenants and deed restrictions.
8. Erosion Control and Stormwater Management. Final Erosion Control Plan and Stormwater Management Plans, which fully complies with Title III, Chapters 5 and 8 of the Municipal Code, the Village's Standard Specifications, and the Village's stormwater master plan. Plan shall include engineering details.
9. All certificates required by Wis. Stats. Section 236.21; in addition, the surveyor shall certify full compliance with all of the provisions of this Chapter.

(c) Survey Requirements.

1. Examination. The Village Board shall examine or cause to be examined all Final Plats within the Village and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
2. Maximum Error of Closure. 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 ten thousand (1:10,000), nor in azimuth,

four second of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

3. Street, Block and Lot Dimensions. 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 checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), 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 one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
  4. Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Wis. Stats. Section 236.20 shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. 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.
  5. Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of Wis. Stats. §236.15.
- (d) Plan Commission Review and Recommendation. The Plan Commission shall review the Final Plat for conformance with the approved Preliminary Plat, conditions of its approval, and all applicable ordinances and statutes, shall consider all recommendations from Village staff and consultants, and shall forward its recommendation to the Village Board for final action. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or conditions associated with any recommendation for approval.

- (e) Village Board Action. The Village Board shall, within 60 days of the date of filing of a complete Final Plat application with the Village Clerk, approve or reject such Plat unless the time is extended by written agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons sent to the subdivider by the Village Clerk. Failure of the Village Board to act within 60 days of filing a complete Final Plat application, unless the time has been extended and/or unsatisfied objections have been filed, shall be deemed approval of the Plat.
  - (f) Allowances. If the original of the Final Plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Village Board will be inscribed on the original of the Final Plat, the surveyor or the subdivider shall certify the respects in which the original of the Final Plat differs from the true copy, and all modifications must first be approved.
  - (g) Recording. After the Village Board approves the Final Plat and required improvements are either installed or a contract (development agreement) and sureties insuring their installation is filed, the Village Clerk shall execute the certificate inscribed upon the Plat attesting to such approval and return the Plat to the subdivider. The subdivider shall record the Final Plat with the Columbia County Register of Deeds within 12 months of the approval of the last governmental agency with statutory approval authority over the plat and within 36 months of the date of the approval of the first governmental agency with such authority, or Village approval shall be deemed void. Unless otherwise specified in the Village approval, it shall be the subdivider's responsibility to record the Final Plat, and the subdivider shall promptly provide a copy of the recorded Plat to the Village Clerk in hard-copy and digital (CADD) format.
- (4) Replat Procedure.
- (a) Except when an assessor's plat is ordered pursuant to Wis. Stats. Section 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stats. Sections 236.40 through 236.44. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 1.04(1) through (3) of this Chapter.
  - (b) The Village Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the

Village is filed, and shall mail notices of the proposed replat and public hearing 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.

(5) Certified Survey Map Review and Approval for Land Divisions.

- (a) Submittal. For land divisions as defined in Section 1.02, the owner or subdivider may divide or combine lands by use of a Certified Survey Map, prepared in accordance with Wis. Stats. Section 236.34 and this Chapter. The application shall include 10 copies of the Certified Survey Map, environmental assessment if required under Section 1.04(2)(b)8., supporting documents required under Section 1.04(3)(b) unless waived by the Village Engineer, supplemental materials meeting the requirements of this Section 1.04(5), the required application and escrow fees under Title VI, Chapter 2 of the Municipal Code, and a digital PDF copy of all required materials. No application shall be filed or deemed complete by the Village Clerk unless all required information is submitted and the fee paid. The Village Clerk shall keep record of the date a complete submittal is filed, and shall submit copies of the Certified Survey Map to the Plan Commission, Village Engineer, and Village Planner for review. The Engineer and Planner shall promptly submit to the Plan Commission a written report of their recommendations and reactions regarding the proposed Certified Survey Map. (Amended 11/17/2014)
- (b) Review and Action by Plan Commission. The Commission shall review the Certified Survey Map for conformance with this Chapter and all other applicable ordinances, rules, regulations, and Village comprehensive plan, and take action as follows:
1. For a Certified Survey Map that does not include a public land dedication, is within the Village's extraterritorial jurisdiction, or both, the Commission shall approve, conditionally approve or reject the map within 90 days from the date of a complete submittal.
  2. For a Certified Survey Map that includes the dedication of public lands and is within the Village's corporate limits, the Commission shall recommend to the Village Board approval, conditional approval, or rejection. The Commission shall transmit such Map along with its recommendations to the Village Board, including reasons for a recommended rejection or any conditions for a recommended approval.

- (c) Village Board Approval. For each Certified Survey Map governed by subsection (b)(2), the Village Board shall within 90 days from the date of a complete submittal, approve, conditionally approve or reject the Certified Survey Map.
- (d) Recording. After the appropriate Village approval authority approves the Certified Survey Map and any required public improvements are either installed or a contract (development agreement) and sureties insuring their installation is filed, the Village Clerk shall execute the certificate inscribed upon the Map attesting to such approval and return the Map to the subdivider. The subdivider shall record the Certified Survey Map with the Columbia County Register of Deeds within 12 months of the approval of the last governmental agency with statutory approval authority over the Map and within 36 months of the date of the approval of the first governmental agency with such authority, or Village approval shall be deemed void. Unless otherwise specified in the approval, it shall be the subdivider's responsibility to record the Certified Survey Map, and the subdivider shall promptly provide a copy of the recorded Certified Survey Map to the Village Clerk in hard-copy and digital (CADD) format.
- (e) Technical Requirements for Certified Survey Maps.
  - 1. General. Each Certified Survey Map shall be prepared by a Registered Land Surveyor. It shall comply in all respects with the requirements of Wis. Stats. Section 236.34 and this Chapter.
  - 2. Additional Information. The Certified Survey Map shall also show the following information correctly on its face:
    - a. Exact length and bearing of the center line of all streets.
    - b. Exact street width along the line of any obliquely intersecting street.
    - c. Railroad rights-of-way within and abutting the plat.
    - d. Setbacks or building lines required by the Village Board or under the Zoning Ordinance.
    - e. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat.

- f. Special restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.
  - g. Exact location and description of street lighting and lighting utility easements.
  - h. Drainage arrows at all lot lines showing the direction of all drainage upon final grading of the land.
3. Survey Requirements.
- a. Examination. The Village Board shall examine or cause to be examined all certified survey maps within the Village and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
  - b. Maximum Error of Closure. 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 ten thousand (1:10,000), nor in azimuth, four second of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements is obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
  - c. Street, Block and Lot Dimensions. 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 checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), 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 one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

- d. Map Location. Where the certified survey is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Wis. Stats. Section 236.20 shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. 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.
- e. Surveying and Monumenting. All certified surveys shall meet all the surveying and monumenting requirements of Wis. Stats. §236.15.

(6) Fees for Review of Plats, Replats, Certified Survey Maps, and Condominium Developments.

- (a) General. The subdivider shall pay the Village all fees required and at the times specified in this Chapter. In the event fees are not timely paid, the Village shall not be required to take any further action with respect to the Plat, Certified Survey Map, or condominium development, may reject the Plat, Certified Survey Map, or condominium development, the subdivider shall not be entitled to record same, no public improvements may be constructed, no building permits may be issued, or some combination, in the determination of the Village.
- (b) Engineering Fee. The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Plat, Certified Survey Map, or condominium development, 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. The 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, planning, administrative or fiscal work, which may be undertaken by the Village in connection with the Plat, Certified Survey Map, or condominium development. 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, Certified Survey Map, or condominium development for review by the Plan Commission and Village Board, it shall deposit with the Village Treasurer, in escrow, the sum required in Title VI, Chapter 2. 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 subdivider withdraws his Plat, Certified Survey Map, or condominium development, or the 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 land division 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 timelines hereunder shall be tolled.
- (e) Plat/Certified Survey Map/Condominium Development Review Fee.
1. The subdivider shall pay to the Village Treasurer at the time of first application for Preliminary Plat, Final Plat, or Certified Survey Map, or condominium development approval to assist in defraying the cost of review an application fee as specified in Title VI, Chapter 2 of the Municipal Code.
  2. The subdivider shall pay a reapplication fee as specified in Title VI, Chapter 2 of the Municipal Code at the time of reapplication for approval of any Preliminary Plat, Final Plat, Certified Survey Map, or condominium development that has previously been filed.

#### 1.05 Required Improvements.

(1) In General.

- (a) Subdivider Responsibility. The improvements prescribed in this Chapter are required as a condition of approval of a subdivision. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider, unless otherwise approved by the Village Board and authorized by law. The

requirements of this Section 1.05 shall apply only to land divisions and subdivisions within the Village limits.

- (b) Non-Specified Standards. The required improvements in Section 1.06 shall be installed in accordance with engineering standard specifications prepared by the Village Engineer and adopted by the Village Board. Where standards and specifications for certain improvements have not been adopted by the Village Board, the improvements shall be made in accordance with accepted engineering practices, approved prior to the start of construction by the Village Board following a recommendation from the Village Engineer.

(2) Development Agreement.

- (a) Contract. Prior to installation of any required public improvements within an approved subdivision or land division (or a phase thereof), the subdivider shall enter into a written contract (development agreement) with the Village requiring the subdivider to furnish and construct said improvements at the subdivider's sole cost and in accordance with plans and specifications and usual contract conditions, which shall include a provision for inspection of construction details by the Village Engineer. Said agreement shall be in a form approved by the Village Attorney and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans, or conditions imposed or approved pursuant thereto. (Amended Ordinance 14-514 11/17/2014)
- (b) Financial Guarantees. The contract shall require the subdivider to furnish an irrevocable letter of credit or a performance bond as security that public improvements will be installed per this Chapter. The subdivider may select the form of security from these two options. The security amount shall be equal to 120 percent of the Village Engineer's estimate of the total cost to complete the public improvements to be furnished under the contract, including the cost of inspection. The subdivider shall provide the security for 14 months after the date the associated public improvements are substantially completed. Public improvements are considered to be substantially completed at the time the binder coat is installed on roads to be dedicated or, if the required improvements do not include a road to be dedicated at the time that 90 percent of the public improvements by cost are completed. The provider of any letter of credit or performance bond shall be approved by the Village Board and shall be a national or state chartered financial institution. It is the Village's option to install the public improvements and assess the costs to the

subdivider, if the Village Board is not satisfied with the form of security that the subdivider selects, and in such case the remainder of this subsection does not apply. (Amended Ordinance 14-514 11/17/2014)

1. On request of the subdivider, the contract may provide for reduction in the security amount based on the subdivider's phased completion of the public improvements, and in such event the security amount shall be reduced in a sum equal to the estimated or actual cost of the improvements so completed, as determined by the Village Engineer. (Amended Ordinance 14-514 11/17/2014)
2. Upon substantial completion of the public improvements the amount of the security shall be an amount equal to the total cost to complete any uncompleted improvements plus 10 percent of the total cost of the completed public improvements, as determined by the Village Engineer. (Amended Ordinance 14-514 11/17/2014)
3. If the required improvements are not completed within the period specified in the contract, all amounts held under any security shall be turned over and delivered to the Village, and the amount of the security shall be applied to the cost of completing the required improvements. Any balance remaining after completion of such improvements shall be returned to the owner or subdivider. (Amended Ordinance 14-514 11/17/2014)
4. The subdivider agrees to provide written notice of the expiration of any security not less than 60 days before its expiration by sending written notice to the Village Administrator. The security shall be renewed, replaced or extended at least 30 days before its expiration or renewal date. In the event that the subdivider has not either renewed, replaced or extended, the security 5 days before the expiration or renewal date, the Village shall have the right to draw on the security in an amount equal to the cost necessary to complete the improvements, as estimated by the Village Engineer. (Amended Ordinance 14-514 11/17/2014)

- (c) Time for Completion. The time for completion of the improvements and the several parts thereof shall be determined by the Village Board upon recommendation of the Village Engineer after

consultation with the subdivider. The completion date(s) shall be included in the contract.

(3) Construction Plans; Inspections.

(a) Engineering Reports, Constructions Plans and Specifications. As required by Section 1.04(2)(b), preliminary engineering reports and plans shall be submitted with the filing of the Preliminary Plat. At the Final Plat or Certified Survey Map stage, construction plans for all required public improvements conforming in all respects with the standard specifications and ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer registered in the State of Wisconsin under said engineer's seal. Such plans, together with the quantities of construction items and estimation of the total cost of the required improvements, shall be submitted to the Village Engineer for approval; upon approval, they shall become a part of the required contract. Simultaneously with the filing of the Final Plat or Certified Survey Map with the Village Clerk the subdivider shall furnish copies of the construction plans and specifications for the following public improvements:

1. Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required street, sidewalk, and pathway improvements.
2. Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
3. Storm Sewer and Stormwater Management plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities. Such plans shall comply with the Village's Stormwater Management Ordinance.
4. Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
5. Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Village's Erosion Control Ordinance.
6. Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, shrubs and terrace and other trees.

7. Lighting and Signage Plans, showing the locations and specifications for all street lighting, regulatory signage, and other signage within the subdivision.
8. Additional special plans or information as required by Village officials.

(b) Action by the Village Engineer. The Village Engineer shall review the plans and specifications for conformance with the requirements of this Chapter, other Village ordinances, and the Village's Standard Specifications. If the Village Engineer rejects or conditionally approves the plans and specifications, the Village Engineer shall notify the subdivider, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications if in full accordance with Village's Standard Specifications. Where the plans and specifications are not in full accordance with the Village's Standard Specification, the Village Board shall approve the subdivider's plans and specifications following a recommendation from the Village Engineer. Approval of plans and specifications shall occur before the improvements are installed and construction commences.

(c) Construction and Inspection.

1. Prior to starting any of the work covered by the plans approved above, the subdivider shall obtain written authorization to start the work from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. The Village shall issue no building permits until all improvements required by this Chapter are satisfactorily completed, except where the Village approves the phasing of public improvements within the development agreement.
2. Construction of all improvements required by this Chapter shall be completed within 18 months from the date of approval of the Final Plat by the Village Board, unless the subdivider demonstrates good cause for the Village Board to grant an extension.
3. During the course of construction, the Village Engineer shall make such inspections as the Village Board deems necessary to insure compliance with the plans and specifications as

approved. The subdivider shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.

- (d) "As Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans, and a digital copy in a CADD format determined by the Village Engineer, showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall bear the signature and seal of a professional engineer registered in Wisconsin. The subdivider's presentation of the as built plans shall be a condition of final acceptance of the improvements and release of the financial security assuring their completion.
- (4) Street Improvements. The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:
- (a) Street Construction Standards. The design and construction of all roads, streets and alleys in the Village shall fully comply with the requirements and specifications of Sections 1.07(1) and 1.07(2) of this Chapter.
  - (b) Street Grading.
    - 1. Proposed street grades will be reviewed and approved by the Village Engineer for conformance with Village Standard Specifications and good engineering practice. Street grades require the approval of the Village Board after receipt of the Village Engineer's recommendations where not in full conformance with the Village's Standard Specifications.
    - 2. After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots, as required under Section 2.9.07(13) of the Zoning Ordinance.
    - 4. In cases where an existing street right-of-way is made a part of the subdivision or abuts the subdivision, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.

5. The subdivider shall grade the bed for the roadways in the street rights-of-way to subgrade elevation.
  6. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.
  7. The subdivider shall grade the utility easements to within six inches of the final grade prior to the installation of underground public and private utilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (c) Street Construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by Sections 1.07(1) and 1.07(2). Construction shall meet Village standard specifications for street improvements.
- (d) Improvements Required before Building Permits. Prior to issuance of any building permits by the Village for lands adjacent to streets, curb and gutter associated with adjacent street construction shall be completed by the subdivider and approved by the Village Engineer.
- (e) Curb and Gutter. After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with Village Standard Specifications. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (5) Sanitary Sewage.
- (a) The type and installation of all sanitary sewers proposed to be constructed shall be in accordance with the Village's Standard Specifications.
  - (b) If public sewer facilities are not available (within 1,000 feet of the subdivision), the subdivider shall make adequate sewage disposal systems available to each lot within the subdivision land division as specified or allowed in applicable ordinances, statutes or regulations; including, but not limited to, Wis. Admin. Code SPS 383. Private sewage disposal on a centralized basis is encouraged.

- (c) The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision.
  - (d) The minimum size for public sanitary sewers shall be eight inches in diameter.
- (6) Water Supply.
- (a) The subdivider shall make adequate domestic water supplies available, and pay for such improvements, for each lot within the subdivision or land division.
  - (b) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision or land division. The size, type, and installation of all public water mains proposed to be constructed shall comply with Village plans and specifications. Water service laterals shall be provided to all lots.
  - (c) Water service laterals shall be provided to all lots within ten feet (10') of side lot lines, and shall not be in a location that requires curb stops to extend through driveway pavement.
  - (d) The minimum size for public water mains shall be 8 inches in diameter.
  - (e) In the event public water service is not available (within 1,000 feet of the subdivision or land division), the subdivider shall make provisions for adequate private water systems as specified or allowed in applicable ordinances, statutes or regulations. One or more centralized private water systems is encouraged.
- (7) Storm Water Management. The subdivider shall provide storm water drainage and management facilities, which shall include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, and other stormwater improvements, as necessary. Such improvements shall be provided at the developer's sole cost whether stormwater originates on the site of the proposed subdivision or land division or originates from off-site properties and flows through the proposed subdivision or land division.
- (a) Storm sewers shall be of adequate size and grade to hydraulically accommodate the 25-year, 24-hour design storm, and pass the 100-



year, 24-hour design storm, without damage to adjacent roadways or property.

- (b) Culverts shall be designed to accommodate the 25-year, 24-hour design storm. As determined by the Village Engineer, the developer may be required to size storm water swales and ditches to handle volumes ranging from the 25- to the 100-year 24-hour design storm, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur.
- (c) Storm drainage facilities shall be designed 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 comply with the Village's stormwater master plan; Title III, Chapter 8; and the Village's Standard Specifications.

(8) Other Utilities.

- (a) The subdivider shall cause gas, electric power, telecommunication, and cable facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground, unless the Village Board specifically allows overhead poles for the following reasons:
  - 1. Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
  - 2. The lots to be served by said facilities can be served directly from existing overhead facilities.
- (b) Plans indicating the proposed location of all gas, electric power, telecommunication, and cable distribution and transmission lines required to service the subdivision or land division shall be approved by the Village Engineer. Village Board approval shall also be required where the proposal is not in full compliance with the Village's Standard Specifications. Following approval, the subdivider shall file such map with the Village Clerk in a hard copy and digital CADD format approved by the Village Engineer.

(9) Street Signs. The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation

specified by the Village Engineer, and all street regulatory signs as determined necessary by the Village Engineer.

(10) Street Trees.

- (a) The subdivider shall plant in the terrace area or in other locations approved by the Plan Commission at least one tree of a species listed in Figure 2.8.02(6) of the Zoning Ordinance and Title II, Section 3.07(7) of the Municipal Code for each 50 feet of frontage on all streets proposed to be dedicated. The required trees shall have a trunk size measuring at least 1 ½ inches in diameter at a point 12 inches above the ground, and shall be planted in accordance with Village Standard Specifications and Title II, Section 3.07(7).
- (b) No person shall plant or maintain in the terrace area or in any public dedication or easement any tree of species not approved for such use in Figure 2.8.02(6) of the Zoning Ordinance or as otherwise approved by the Village Forester.
- (c) All street terrace trees shall be guaranteed for a period of two years following installation. The subdivider shall be responsible for watering and otherwise maintaining and replacing terrace trees within that period.

(11) Erosion Control During Construction. To minimize erosion during construction, the subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems and complies with the Village's Soil Erosion Control Ordinance.

(12) Fences Adjacent to Agricultural Lands. When the land included in a subdivision or land division abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the owner and the subdivider, their grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or Certified Survey Map.

(13) Easements.

- (a) Utility Easements. The Village Board, on the recommendation of appropriate agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) Drainage Easements. Where a subdivision or land division is traversed by a watercourse, drainage way, channel or stream:
1. The subdivider shall provide a storm water easement or drainage way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Chapter; or
  2. The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Chapter.
  3. Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet. If, in the opinion of the Village Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a 100 year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.
- (c) Easement Locations. Easements for public utility or stormwater conveyance purposes shall be at least twelve feet wide, or wider where recommended by the Village Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished to the Village Engineer that easements and any easement provisions

incorporated in the subdivision or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

(14) Street Lights. The subdivider shall install street lamps along all streets proposed to be dedicated of a design consistent with Village Standard Specifications, and compatible with the neighborhood and type of development proposed. Such lights shall be placed at each street intersection and at such interior block spacing as the Village Board requires upon the recommendation of the Village Engineer.

(15) Sidewalks.

(a) Sidewalks will be required along streets per Title II, Chapter 3 of the Municipal Code.

(b) The Village Plan Commission may substitute multiuse paths paved with concrete or with asphalt for sidewalks in locations where the Commission determines that substitution supports public safety and transportation and parks and open space plans of the Village better than sidewalks. .

(c) Sidewalks shall be constructed per Village Standard Specifications

(16) Temporary Waiver.

(a) The Village Board may issue a temporary waiver of the requirements in this Section in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (such as cement or asphalt). The issuance of a waiver shall be at the sole discretion of the Village Board.

(b) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall detail which improvement requirements are temporarily waived and for what period of time.

## 1.06 Design Standards.

(1) Generally.

(a) Compliance with Statutes. In laying out a subdivision or land division, the subdivider shall conform to the provisions of Wis. Stats. Chap. 236 and all applicable Village regulations. In all cases where the requirements of this Chapter are different from the requirements of

Chapter 236, the more restrictive provision shall apply, except where otherwise limited by Chapter 236.

- (b) Dedication. The subdivider shall dedicate land and improve streets and other public improvements as provided in this Chapter. Streets and other public improvements shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land used and public convenience and safety. The subdivision or land division shall be designed to provide each lot with access to a public street and other public utilities.
  - (c) Compliance with Comprehensive Plan and Official Map. The arrangement, character, extent, width, grade and location of all public improvements shall conform to any Village Comprehensive Plan and Official Map and to this Chapter, and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
  - (d) Areas not Covered by Official Map or Comprehensive Plan. In areas not covered by the Village Comprehensive Plan or Official Map, the layout of streets and other public improvements shall conform to the plan for the most advantageous development of adjoining areas to the subdivision. Streets and other public improvements shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
  - (e) Preliminary Consultation. Prior to the design, preparation and construction of any public street or other public improvement to be dedicated to the Village, the subdivider shall notify the Village Administrator, who will arrange an on-site meeting attended by the Village Engineer and the subdivider. Plans must be provided in order for the Village Engineer to check the design and the drainage.
- (2) Street Design.
- (a) Proposed Streets Extending to Boundaries. Proposed streets shall extend to the boundary lines of the tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is unnecessary or undesirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

- (b) Reserve Strips. Reserve strips are prohibited on any subdivision or land division to control access to streets or alleys from lands outside of the subdivision or land division, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- (c) Alleys. Alleys are permitted in commercial and industrial districts for off-street loading and service access, but are prohibited in residential districts except for the PN Planned Neighborhood district. Dead-end alleys are prohibited. Alleys shall not connect to an arterial street.
- (d) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The arrangement of streets in new subdivisions and land divisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas. All proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.
- (e) Number of Intersections. The number of intersections of local streets with major streets shall be the practical minimum consistent with circulation needs and safety requirements, not more than two, unless otherwise approved by the Village Board.
- (f) Frontage Roads. Where a subdivision or land division abuts or contains an existing or proposed arterial street, the Village Board may require a frontage road, non-access reservation along the rear of the property contiguous to such street or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (g) Private Roads. Private roads are prohibited, except as part of a condominium development, and the Village Board shall not permit installation of public improvements in any private road.
- (h) Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. Sufficient vision clearance triangles shall be provided at intersections per Section 2.9.07(13) of the Zoning Ordinance.
- (i) Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets. On all roads, a

tangent at least 100 feet long shall be provided between the curve and any intersection.

(j) Street Grades.

1. Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: 6 percent.

Collector streets: 7 percent.

Local streets, alleys and frontage streets: 10 percent.

Pedestrian ways: 12 percent unless steps of acceptable design are provided.

The grade of any street shall in no case be less than 1/2 percent.

2. Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and trees, and general leveling of the topography.
3. All street grade changes shall be connected by vertical curves of a minimum length equivalent in feet to forty times the algebraic difference in the rate for collector roads and thirty times the difference for local roads. Arterial and collector streets shall conform to "A Policy of Geometric Design of Highways and Streets," latest edition, of the AASHTO.

- (k) Radii of Curvature. When a continuous street centerline deflects at any one point by more than one degree in rural areas or by more than three degrees in urban areas, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets: 500 feet.

Collector streets: 300 feet.

Local streets: 150 feet.

- (l) Half Streets. Where an existing dedicated or platted half-street is adjacent to the subdivision, the subdivider shall dedicate the other half-street. The platting of half-streets shall be avoided, except where approved by the Village Board.
  
- (m) Intersections.
  - 1. Property lines at street intersections shall be rounded with a radius of fifteen feet or greater where the Village Engineer considers it necessary.
  - 2. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
  
- (n) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Village Board.
  
- (o) Cul-de-sacs and Temporary Dead-ends.
  - 1. Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed 500 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 60 feet and a minimum inside curb radius of 45 feet. The use of cul-de-sacs shall be avoided where possible.
  - 2. Temporary Dead-ends or Cul-de-sacs. All temporary dead-end streets shall have a maximum length of 800 feet and be designed and installed with a temporary turn-around as approved by the Village Engineer.
  
- (p) Arterial Street and Railroad Right-of-way Treatment. Whenever the proposed subdivision contains or is adjacent to an arterial street or railroad right-of-way, the design shall provide the following treatment:
  - 1. Planting Strip. When lots within the proposed subdivision or land division back upon the right-of-way of an existing or proposed arterial street or a railroad, a planting strip of 30 feet in depth shall be provided adjacent to the highway or railroad. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the Plat or Certified



Survey Map: "This strip reserved for the planting of trees and shrubs; the building of structures hereon prohibited except where approved by the Village Board."

2. Lot Depth. Subdivision shall have provided, on each side of the arterial street or railroad, lots that are not less than 150 feet in depth.
3. Local Streets. 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 to railroad rights-of-way shall be avoided in residential zoning districts.

(3) Street Dedication and Construction.

(a) General Requirements.

1. Construction Standards. All roadway construction and materials used shall be installed in accordance with the construction methods as listed in this Chapter and the Village's Standard Specifications, and where no indicated therein, with the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Highway and Structure Construction" and its supplements. Such design requirements shall apply to all streets and roads proposed for dedication to the Village, regardless of whether such streets or roads are part of a new subdivision or land division.
2. Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the subdivider. This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.
3. Required Inspections. Although the Village Engineer may conduct inspections as necessary at any state of construction, the subdivider shall contact the Village Engineer for required inspections as noted in the Village's Standard Specifications. Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.

- (b) Construction Standards. All public streets constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards:

1. Right-of-Way Width.
  - a. Arterial streets: Minimum of 80 feet.
  - b. All other streets and roads: Minimum of 66 feet, except where otherwise permitted within a PN Planned Neighborhood development.
  - c. Cul-de-sacs and bulb radius: Minimum of 60 feet radius.
  - d. Alleys: Minimum of 24 feet.
  - e. Pathways: Minimum of 15 feet.
2. Roadway Alignment Details. As specified in this Chapter.
3. Roadway Ditches. Minimum ditch slope of 0.50%.
4. Roadway Base Thickness.
  - a. Residential streets shall have a minimum roadway base thickness of eight inches of compacted in-place crushed aggregate base course.
  - b. On commercial/industrial arterial, or other heavy-use roads as determined by the Village Board, a base course of ten inches compacted shall be constructed upon an inspected and approved subgrade.
  - c. In the case of commercial/industrial, arterial, or other heavy-use roads, the Village Board may, as an alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.
  - d. In any case, the Village Board shall have the sole discretion to determine the use and construction classification to follow.
5. Roadway Sub-Base. Stable and nonorganic material required. Unstable and organic material must be subcut, removed, and replaced with a suitable granular or breaker-run material approved by the Village Engineer.

6. Pavement Width.

- a. Streets. Pavement width shall be determined by the designed use of streets according to the table provided below, except where otherwise allowed within a PN Planned Neighborhood development. Street widths can also be reduced based upon the planned number of driving and parking lanes, as recommended by the Plan Commission and approved by the Village Board. Pavement widths are measured from inside of curb to inside of curb.
- b. Pedestrian pathways: Minimum of six feet (6').
- c. Sidewalks: Minimum of 5 feet (5').

Class	ROW	Pavement width	# Driving lanes	Driving lane width	# Parking lanes	Parking lane widths	# of Sidewalks	Comment
Arterial	80	40	Per design	12	2	8	Per Title II, Section 3	Pavement width normally per engineered design
Collector	66	38	2	11	2	8	Per Title II, Section 3	
Local—High Use	66	32	2	12	1	8	Per Title II, Section 3	“High Use” and “Low Use” shall be determined by Village Board
Local-Low Use	66	28	2	10	1	8	Per Title II, Section 3	

7. Pavement Thickness. Residential streets shall have a minimum of 3-1/2 inches thick compacted bituminous pavement. In the case of commercial/industrial, arterial or other heavy-use roads, the Village Board may, as an alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification utilized.
8. Shoulder Width. Minimum of two feet wide on each side.
9. Shoulder Thickness. Minimum of 8 inches of compacted in-place crushed aggregate base course.
10. Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing engineering standards approved by the Village Engineer. All roadway culverts shall be provided with concrete or metal apron endwalls. Animal guards shall be provided for culvert endwalls where culvert diameter is 18 inches or larger.
11. Driveway Culverts. A professional engineer retained by the subdivider shall size driveway culverts to be approved by the Village Engineer. The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and provided with concrete, metal or landscape timber endwalls.
12. Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5% slope shall be protected by erosion control materials such as hay bales, sod, or erosion control mats.
13. Drainage Improvements. In the case of all new roads and streets, the Village Board may require the subdivider to construct stormwater detention areas and storm sewers to provide for proper drainage, and in accordance with Title III, Chapter 8.
14. Roadway and Ditch Backslopes. Roadway and ditch backslopes shall be placed at grades typically 4:1, with 3:1 used only where approved by the Village Engineer.

(4) Block and Lot Design Standards.

- (a) Block Design. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,200 feet nor have insufficient width to provide for two tiers of lots of appropriate depth between street lines. Blocks shall be no less than 500 feet in length. A block may have a single tier of lots where it adjoins a railroad, arterial street, stream or park.
- (b) Pathways. Pathways for pedestrian crossing are required through the center of any block more than 900 feet long, to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities (see 1.07(2)(b)6 for pavement width).
- (c) Lot Design.
1. Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewage or septic system to be utilized, and for the type of development contemplated. Each lot shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
  2. Every lot shall front or abut for a distance of at least fifty (50) feet on a public street.
  3. Width and size of lots shall conform to the requirements of the Zoning Ordinance.
  4. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated and as required by the Zoning Ordinance.
  5. Residential lots abutting arterial streets and railroad rights-of-way shall be platted with at least 150 feet of depth to alleviate the effect of arterial street or rail traffic on residential occupancy.
  6. In the dividing of any land, regard shall be shown for all-natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

7. All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(5) Stormwater Management System.

- (a) Drainage System Required. The subdivider may not record a Final Plat or Certified Survey Map requiring stormwater facilities until the subdivider has submitted plans, profiles and specifications for stormwater management 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. A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
  2. The design criteria for storm drainage systems shall be based upon information provided by applicable Village Ordinances, the Village's Standard Specifications, and the Village Engineer.
  4. Material and construction specifications for all drainage projects such as pipe, culverts, seed or sod shall be in compliance with specifications provided by the Village Board, upon the recommendation of the Village Engineer.
- (c) Grading. The subdivider shall grade each subdivision and land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
  1. The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
  2. Block grading shall be completed by one or more of the following methods:
    - a. A ridge may be constructed along the rear lot lines 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 if a drainage easement is provided.

- c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled and a drainage easement is provided.
- (d) Drainage System Requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Section 1.07(4)(b)1.
  - 1. Street Drainage. All streets shall be provided with an adequate storm drainage system. All drainage crossing streets shall be conveyed in an underground storm sewer system. Maximum inlet spacing shall be 600 feet. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
  - 2. Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Village to provide for the future maintenance of said system. Easements shall be at least 20 feet wide, but the Village may require larger easements if more area is needed due to factors such as topography, or size of watercourse.
- (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. Ditches or channels shall have stabilization measures approved by the Village Engineer.
- (6) Sanitary Sewer and Water System. The subdivider shall comply with the design standards specified for the development's sanitary sewer and water system by the Village's Standard Specifications and the Village Engineer.
- (7) Standards for Non-Residential Subdivisions and Land Divisions.
  - (a) General.

1. If a proposed subdivision or land division includes land that is zoned or proposed to be zoned for commercial or industrial purposes, the layout with respect to such land shall make such provisions as the Village may require.
2. A non-residential subdivision or land division shall also be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map, or the Zoning Ordinance.

(b) Standards. In addition to the principles and standards in this Chapter, the subdivider shall demonstrate to the satisfaction of the Village Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The subdivider shall observe the following principles and standards:

1. Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
2. Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated.
3. Special requirements may be imposed by the Village Board with respect to street, curb, gutter and sidewalk design and construction.
4. Special requirements may be imposed by the Village Board with respect to the installation of public utilities, including water, sanitary sewer and storm water drainage.
5. Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanent landscaped buffer strips when necessary.
6. Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

#### 1.07 Dedication Requirements.



(1) General Public Land Dedication Requirements.

- (a) Dedication Requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas may be equitably apportioned on the basis of additional need created by each subdivision, each subdivider of land for residential purposes shall dedicate land for park, greenways, and/or other public uses or shall otherwise provide for park, recreational, and open space needs per this Section.
- (b) General Design. In the design of a subdivision, land division or condominium development, the developer shall make provision for suitable sites of adequate area for schools, parks, playgrounds, open spaces, greenways, bike and pedestrian ways, drainageways, and other public purposes. Where required by the Village Board, such sites shall be shown on the Preliminary Plat and Final Plat (or Certified Survey Map), and shall comply with the Village Comprehensive Plan or component of said Plan, such as the Village Park and Open Space Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities, while at the same time providing for active recreational needs of the subdivision and community.

(2) Land Dedication.

- (a) Dedication Calculation. Except as otherwise indicated in this Section 1.07, all subdividers shall be required to dedicate developable land to the Village for park and other active recreational purposes at a rate of 1,307 square feet per dwelling unit, based on calculations provided within the Village's Park and Open Space Plan. "Dwelling unit" shall be as defined in Section 2.14.04 of the Zoning Ordinance. Whenever a proposed playground, park, greenway, bike or pedestrian way, or other public area advised in the Comprehensive Plan or Park and Open Space Plan of the Village is embraced, all or in part, in the tract of land to be subdivided, this land shall be included in the required land dedication to the maximum extent allowed under this subsection. The minimum sizes for neighborhood playgrounds and neighborhood parks, as may be recommended for the particular subdivision area within the Park and Open Space Plan, shall guide the minimum land area that will be accepted for dedication within the particular subdivision or land division. The Village Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved

for streets shall not be considered as satisfying land dedication requirements under this section.

(b) Shoreland.

1. Plats along Navigable Waterways. All subdivisions abutting on a navigable waterway shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half mile intervals as measured along the waterway except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this Chapter may be vacated except by Circuit Court action. This Subsection does not require the Village to improve land provided for public access.

2. Lots Adjacent to Navigable Waterway. The lands lying between the meander line, established in accordance with Wis. Stats. Section 236.20(2)(g), 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 navigable waterway. This Subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a navigable waterway.

(c) Unknown Number of Dwelling Units. Where the plat, certified survey map, or condominium development does not specify the number of dwelling units to be constructed, the parkland dedication shall be based upon the maximum number of units permitted by the Zoning Ordinance and this Chapter.

(d) Access to Dedicated Land. All dedicated parkland shall have frontage on a public street and shall have unrestricted public access.

(e) Utility Extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

- (3) Reservation of Additional Land. When public parks, greenways, bike and pedestrian ways, and sites for other public areas as shown on the Village's Comprehensive Plan or Park and Open Space Plan lie within the proposed area for development and are greater in area than required by Section 1.08(2)(a), the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after Final Plat or Certified Survey Map approval unless extended by mutual agreement.
- (4) Dedicated Parkland Development.
- (a) When parklands or other active recreational spaces are dedicated, the subdivider is required to:
1. Properly grade and contour for proper drainage;
  2. Provide surface contour suitable for anticipated use of area;
  3. Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed as specified by the Park and Recreation Commission, fertilized with 16-6-6 at a rate of seven pounds per one thousand square feet; and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.
  4. Fully develop the park or other active recreational space with amenities appropriate to the type, size, and anticipated use of the park or other active recreational space, as specified in the Village's Park and Open Space Plan and as further directed by the Park and Recreation Commission. Examples of amenities that are to be considered appropriate, for the purposes of this Chapter, to parks of various types and sizes are further described in the Village of Poynette Park Development Standards.
- (b) The Village Board may require certification of compliance by the Village Engineer. The cost of such report shall be paid by the subdivider.
- (c) The subdivider shall install improvements within all dedicated parks and other active recreational spaces in conjunction with the completion of public improvements in the adjacent phase of

subdivision or land division development, unless an alternate schedule is approved by the Village Board and included in a development agreement.

- (d) If the subdivider fails to satisfy the requirements of this Section, the Village Board may contract for said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (5) Fees in Lieu of Land Dedication. Where, after consultation with the Park and Recreation Commission, the Village Board determines that money in lieu of land is to be paid for dwelling units, the amount shall be \$450 per new residential unit enabled by the Plat or Certified Survey Map. This fee amount shall be adjusted during the first quarter of each year by a percentage equal to that of the rate of consumer inflation based on the percent of yearly change for the previous year for the Milwaukee metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics. Such fee shall be paid to the Village prior to the recording of the associated Plat or Certified Survey Map.
- (6) Payment of Impact Fees. At the time a building permit is issued for new construction of a single-family unit or multi-family residential unit in the Village, one-time impact fees established in accordance with Wis. Statutes § 66.0617 and based on the findings contained in the “Report on Impact Fees” as listed below shall be paid, for each residential unit in the proposed structure, by the permit applicant to the Village:
- Library Impact Fee - \$600 per Residential Equivalent User Connection (REUC)
  - Fire Station Impact Fee - \$451 per REUC
  - Parks Impact Fee - \$243 per REUC

REUC, as used here, shall be the same as in Title II, Chapter 5, Section 5.021(3)(d) of Village Ordinances.

- (7) Use of Funds. Fees in lieu of dedicated parkland and impact fees paid to the Village pursuant to Sections 1.08(5) and (6) shall be placed in separate, segregated, interest-bearing accounts established and designated for each separate fee. Said funds shall be accounted for separately from other Village funds and shall not lapse at the end of a budget period. Such fees and interest earned on such fees shall be expended only for the particular capital cost for which the fee was imposed, unless the fee is refunded as allowed by this section. Impact fees that are imposed and collected by the

Village but are not used to pay the capital costs for which they were imposed within a reasonable period of time, which period shall be no longer than seven years for impact fees, unless extended as allowed in this section, shall be refunded to the current owner of the property with respect to which the impact fees were imposed, along with any interest that has accumulated.

The statutory seven-year limit for using impact fees may be extended for three years if the Village Board adopts a resolution stating that due to extenuating circumstances or hardship in meeting the 7-year limit, the Village needs an additional three years to use the impact fees collected. The resolution shall specify the extenuating circumstances or hardship that led to the need to adopt the resolution. A developer or owner of property upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the Village Board. Such appeal shall include a public hearing on the contested amount before the Board of Trustees, such public hearing shall be preceded by a Class II notice detailing the impact fees, contested amount, and the reason why the developer feels (s)he should have relief from the contested amount.

#### 1.08 **Environmental Assessment.**

- (1) Format. The environmental assessment required by Sections 1.04(2)(b)8 and (5)(a) of this Chapter shall generally follow the format herein:

## ENVIRONMENTAL ASSESSMENT

The information sought will assist the Plan Commission and Village Board in determining the suitability of the land for development as required by Section 1.03(5) and 1.09(2) and to assess the potential threat to existing flora under Section 1.03(6) of this Chapter. All "yes" answers must be explained in detail by attaching maps and supporting documents describing the impact of the proposed development, which are necessary for the Preliminary Plat or Certified Survey Map to be considered complete.

	<u>Yes</u>	<u>No</u>
<b>1. Land Resources</b>		
Does the project site involve:		
a. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two foot contour intervals).	_____	_____
b. A landform or topographic feature of local or regional interest	_____	_____
c. A flood plain (if yes, attach two copies of a typical stream valley cross-section showing the channel of the stream, the 100 year flood-plains limits (if officially adopted), of each side of the channel and a cross-section of area to be developed).	_____	_____
d. An area of soil instability -- greater than 20% slope and/or organic soils, peats, or mucks at or near the surface.	_____	_____
e. An area of bedrock within 6 feet of the soil surface.	_____	_____
f. An area with the groundwater table within 10 feet of the soil surface.	_____	_____
g. An area with fractured bedrock within 10 feet of the soil surface.	_____	_____

- h. A drainageway for 50 or more acres of land. \_\_\_\_\_

**2. Water Resources**

Does the proposed project have:

- a. Location within an area traversed by a navigable stream or dry run. \_\_\_\_\_
- b. Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within one mile. \_\_\_\_\_
- c. The use of septic tank-soil absorption fields for on-site waste disposal. \_\_\_\_\_
- d. Lowering of water table by pumping or drainage. \_\_\_\_\_
- e. Raising of water table by altered drainage patterns. \_\_\_\_\_

**3. Biological Resources**

Does the project site involve:

- a. Critical habitat for plants and animals of community interest. \_\_\_\_\_
- b. Endangered, unusual or rare species of:
  - 1) Land animals \_\_\_\_\_
  - 2) Birds \_\_\_\_\_
  - 3) Plants \_\_\_\_\_
- c. Existing trees and shrubs of greater than 3" diameter at breast height \_\_\_\_\_
- d. Removal or potential damage to over 10% of the present trees, \_\_\_\_\_

shrubs, vines, grasses and other non-noxious plants.

\_\_\_\_\_

\_\_\_\_\_

**4. Human and Scientific Interest**

Does the project site involve:

a. An area of archaeological interest

\_\_\_\_\_

\_\_\_\_\_

b. An area of geological interest

\_\_\_\_\_

\_\_\_\_\_

c. An area of hydrological interest

\_\_\_\_\_

\_\_\_\_\_

d. An area of historical interest

\_\_\_\_\_

\_\_\_\_\_

l) Historic building or monuments

\_\_\_\_\_

\_\_\_\_\_

2) Building or monuments of unique architecture

\_\_\_\_\_

\_\_\_\_\_

e. An area of planned park and recreational use

\_\_\_\_\_

\_\_\_\_\_

f. An area of soil or water contamination

\_\_\_\_\_

\_\_\_\_\_

g. Current or past underground storage tanks

\_\_\_\_\_

\_\_\_\_\_

**5. Energy, Transportation and Communications**

a. Does the development increase the traffic flow in any collector street by more than 10%

\_\_\_\_\_

\_\_\_\_\_

b. Is the development traversed by an existing or planned utility corridor?  
(gas, electricity, water, sewer, interceptor, communications, storm sewer)

\_\_\_\_\_

\_\_\_\_\_

**6. Population**

a. Does the development increase by more than 10% the school population of any school serving



the development? \_\_\_\_\_

**Comments on any of the above which may have a significant environmental impact.**

**Appendices and Supporting Material, including in all cases the Columbia County Soil Survey Map for the project site as prepared by the United States Department of Agriculture, Soil Conservation Service.**

\*\*\* End of Environmental Assessment \*\*\*

- (2) Environmental Criteria. The following criteria shall serve as guidelines to assist the Plan Commission and Village Board in determining suitability of the land for development:
- (a) Recommendations as to soil suitability contained in the Soil Conservation Service Soil Survey of Columbia County shall govern.
  - (b) Land with slopes between 12% and 20% will require special design for limiting storm water runoff and erosion and for sewage systems.
  - (c) Development is prohibited on land with slopes equal to or greater than 20%. Under extraordinary circumstances, the Village Board may permit development on land with slopes equal to or greater than 20% only if all of the following minimum criteria are met:
    - 1. At least 60% of each building lot shall remain undisturbed and in its natural state. Existing trees and vegetation on the undisturbed portion shall not be removed by the development.
    - 2. Plans and design calculations acceptable to the Village Engineer are submitted for retaining walls and other erosion control measures for each lot and all public improvements.
    - 3. The soils as shown on the Columbia County Soil Survey Map for the land have no more than a "slight" erosion hazard potential as determined by the Soil Conservation Service.
    - 4. The soil limitations for dwellings with basements, local streets and roads, and septic tanks (if applicable) shall be no greater than "moderate" as determined by the Soil Conservation Service.
    - 5. Such special studies of soils, slope stability, storm water runoff, erosion and safety as have been requested by the Plan Commission having been conducted by the Developer and presented to the Village Board prior to official submittal of the preliminary plat.
  - (d) Soils with severe erosion hazard potential as determined by the Soil Conservation Service will require special design to limit storm water runoff and erosion.
  - (e) No structure shall be constructed with a basement floor below the normal ground water elevation. Ground water level shall be determined by a minimum of three soil borings.

- (f) Lands known to be habitat for endangered species, as determined by the Department of Natural Resources Bureau of Endangered Resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species and/or habitat.
- (g) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
- (h) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (i) Suitability of land for private sewage systems shall be determined in accordance with Chap. SPS 383 Wisconsin Administrative Code.
- (j) Public utilities shall not be extended through or around vacant land to serve new development.
- (k) Lands with documented soil or groundwater contamination, or a reasonable expectation of contamination based on historic use of land or characteristics such the presence of underground storage tanks, may be found unsuitable for development until the contamination is mitigated or appropriate analysis is performed on the site to reduce or eliminate the expectation of contamination.

1.09 **Condominium Developments.**

(1) **Purpose.**

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

- (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.

These impacts include:

1. Additional population density;
2. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
3. Additional demands upon Village parks, recreation areas, utility facilities and schools;
4. Additional traffic and street use.

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

- (a) Sections 1.03(5), 1.03(6), and 1.09(2), relating to land suitability and construction practices;
- (b) Section 1.04(2), relating to Preliminary Plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for Preliminary Plats set forth in Section 1.05(1) of this Chapter shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. Chap. 703.
- (c) Section 1.05(5)(a), (b), (c), and (f), relating to fees for review;
- (d) Section 1.06, relating to required improvements;
- (e) Section 1.07, relating to design standards for improvements;
- (f) Section 1.08, relating to dedication requirements.

- (3) This Chapter shall not apply to the following condominiums:

- (a) Any condominium plat recorded prior to the effective date of this Chapter;
- (b) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

1.10 **Extraterritorial Review.** The Village of Poynette hereby expresses its explicit intent to utilize its extraterritorial jurisdiction authority under Wisconsin Statutes §66. The process shall proceed as identified below. The submission of all information and documentation required in this Section to the Village Clerk initiates the review process. Once all information is submitted, the Clerk shall schedule the Plat or Certified Survey Map for review by the Plan Commission.

(1) **Process.**

(a) Clerk schedules review at Village Plan Commission.

(b) Plan Commission reviews petitioner's plan for:

1. Density consistent with Comprehensive Plan

2. Consistency with ordinances as permissible under Wisconsin law.

3. Density and intended use consistent with health and welfare of future occupants. Included in the consistency review are, at minimum, the following factors:

a. Commercial/industrial too close to residential

b. Mixed zoning in given area

c. Lots too small (or otherwise unsuitable) for intended use

d. Lots not big enough to permit future split if subsequently sewered

e. Lots prevent or hamper future agricultural use of adjacent properties

(c) Plan Commission recommends approval or disapproval of Plat or Certified Survey Map per the procedures in Section 1.04.

(2) **General.** A Plat or Certified Survey Map prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stats. Section 236.20 and this Chapter.

(3) **Additional Information.** The Plat or Certified Survey Map shall also show all information required under Section 1.04 correctly on its face:

- (4) Supporting Documents. The subdivider shall submit the all supporting documents with the Plat or Certified Survey Map required under Section 1.04.
- (5) Requirements for Extraterritorial Land Divisions. There may be areas within which the Village has extraterritorial jurisdiction authority but cannot or will not provide service with Village of Poynette public sewer and water utilities. Special conditions may be required upon properties in these areas, as part of Plat or Certified Survey Map approvals, to ensure that the parcels meet the long-term needs of owners and the intent of the Village's Comprehensive Plan. These requirements shall only be authorized where consistent with the Village's Comprehensive Plan, located outside the municipal boundaries of the Village of Poynette, all parts of it lie more than ½ mile from the nearest point of Village sewer and water utilities, and when no plan either exists or is under consideration to extend sewer and water to the area within five years after the approval of the Plat or CSM.

#### 1.11 **Variations and Modifications.**

- (1) Where, in the judgment of the Village Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exception or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat or Certified Survey Map is filed for consideration (or otherwise upon the request of the Village Clerk), stating fully all facts relied upon by the subdivider, and shall be supplemented with maps, plans or other additional data which may aid the Village Board in the analysis of the proposed project.
- (2) The Plan Commission shall not recommend nor shall the Village Board grant a variance or modification to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (a) The granting of the variance or modification will not be detrimental to the public safety, health or welfare of injurious to other property or improvements in the neighborhood in which the property is located;
  - (b) The conditions upon which the request for a variance or modification is based are unique to the property for which the variance is sought and are not applicable generally to other property.
  - (c) Except within the PN Planned Neighborhood zoning district, because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience,

financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

- (3) The Village Board, if it approves of the variance or modification, shall do so by motion or resolution and instruct the Village Administrator to notify the subdivider.
- (4) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Village in accordance with any Village Comprehensive Plan or component thereof, this Chapter, or the Zoning Ordinance. A majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.
- (5) The Village Board may waive the placing of monuments, required under Wis. Stats. Section 236.15(1), for a reasonable time on condition that the subdivider execute a surety to insure the placing of such monuments within the time required.

#### 1.12 **Enforcement, Penalties and Remedies.**

- (1) Violations. It shall be unlawful to build upon, divide, subdivide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division, replat or condominium development within the jurisdiction of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (2) Penalties.
  - (a) Any person who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture shall be imprisoned in the County Jail until the payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.
  - (b) Improper recordation has penalties provided in Wis. Stats. Section 236.30.
  - (c) Conveyance of lots in unrecorded plats has penalties provided in Wis. Stats. Section 236.31.

- (d) Monuments disturbed or not placed has penalties provided in Wis. Stats. Section 236.32.
- (3) Appeals. Any person aggrieved by an objection to a Plat or Certified Survey Map or a failure to approve a Plat or Certified Survey Map may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within 30 days of notification of the rejection of the Plat or Certified Survey Map.

### 1.13 **Interpretation of Chapter.**

- (1) Abrogation and More Restrictive Requirements. 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.
- (2) 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 of Poynette and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (3) Severability. If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.