

**CHAPTER 19**  
**SUBDIVISION AND PLATTING**

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**19.01 INTRODUCTION.**

- (1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats.
- (2) **PURPOSE.** The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Village and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Village and its environs.
- (3) **INTENT.** It is the general intent of this chapter to regulate the division of land so as to:
  - (a) Obtain the wise use, conservation, protection and proper development of the Village's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
  - (b) Lessen congestion in the streets and highways.
  - (c) Further the orderly layout and appropriate use of land.
  - (d) Secure safety from fire, panic and other dangers.
  - (e) Provide adequate light and air.
  - (f) Facilitate adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds and other public facilities and services.
  - (g) Secure safety from flooding, water pollution, disease and other hazards.
  - (h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects.
  - (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters.
  - (j) Preserve natural vegetation and cover, and promote the natural beauty of the Village.
  - (k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.
  - (l) Facilitate the further division of larger tracts into smaller parcels of land.
  - (m) Ensure adequate legal description and proper survey monumentation of subdivided land.
  - (n) Provide for the administration and enforcement of this chapter.
  - (o) Provide penalties for its violation.
  - (p) Implement those Village, County, watershed or regional comprehensive plans or their components adopted by the Village; in general, to facilitate enforcement of Village development standards as set forth in the adopted regional, County and Village comprehensive plans, adopted plan components, the Zoning Code, the Official Map and the Building Code of the Village.
- (4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this chapter to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.
- (5) **INTERPRETATION.** In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (6) **NONLIABILITY.** The Village does not guarantee, warrant or represent that those soils listed as being unsuited for specific uses are the only unsuitable soils in the Village and its extraterritorial plat review jurisdiction. Furthermore, the Village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation. The Village hereby asserts that there is no liability on the part of the Village, its agencies or its employees for sanitation problems, structural damage or flood damages that may occur as a result of reliance upon and conformance with this chapter.

**19.02 GENERAL PROVISIONS.**

- (1) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village and those lands within the extraterritorial jurisdiction of the Village as established in §§61.35, 62.23(2) and 66.0105, Wis. Stats., i.e., within 1½ miles of the corporate limits of the Village. The provisions of this chapter, as it applies to divisions of tracts of land into less than 2 or more parcels of 5 acres each or less, shall not apply to the following:
  - (a) Transfers of interests in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed 10 years, mortgages or easements.
  - (c) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws or ordinances.
  - (d) Cemetery plats made under §157.07, Wis. Stats.
  - (e) Assessors' plats made under §70.27, Wis. Stats., but such assessors' plats shall comply with §§236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
  
- (2) **COMPLIANCE.** No person shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision, minor land division or replat as defined herein; no such subdivision, minor land division or replat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following:
  - (a) Chapter 236, Wis. Stats.
  - (b) Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
  - (c) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a State trunk highway or connecting street.
  - (d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution and regulating development within floodland, wetland and shoreland areas.
  - (e) Duly approved comprehensive plan or area development plans of the Village.
  - (f) The Zoning Code and all other applicable local and County ordinances.
  - (g) A developer's or subdivider's agreement between the Village and the developer or subdivider.
  
- (3) **DEDICATION AND RESERVATION OF LANDS.**
  - (a) Streets, Highways and Drainageways. Whenever a tract of land to be divided encompasses all or any part of an arterial street, public drainageway or other public way which has been designated in the General Plan, area development plan or on the Official Map of the Village, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in sec. 19.08 of this chapter. Streets within the extraterritorial plat review jurisdiction of the Village shall be dedicated by the subdivider to the appropriate town. Should the town require less dedication than is specified by sec. 19.08 of this chapter or by the Official Map, the excess right of way shall be reserved for future acquisition by the Village.
  - (b) Other Public Sites. Whenever a proposed park or other public land other than streets or drainageways designated in the comprehensive plan, the Official Map or adopted plan components of the Village is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be reserved by the subdivider for a period not to exceed 2 years unless released by the Village or extended by mutual agreement for acquisition by the Village at undeveloped land costs. In the event the subdivider and the Village cannot agree on the sale price, the Village shall commence condemnation or release the land.
  
- (4) **IMPROVEMENTS.** Before final approval of any plat, the subdivider shall enter into an agreement with the Village to install the required improvements and shall file with the subdivider's agreement an irrevocable letter

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of credit or other appropriate sureties meeting the approval of the Village Attorney equal to the estimated cost of the improvements. Improvement cost estimates shall be made by the developer, reviewed by the Director of Public Works and approved by the Village Board. The improvements may be installed after approval of a preliminary plat or certified survey map by the subdivider or his subcontractors, but not later than provided in the subdivider's agreement. The subdivider's agreement shall specify a completion date for all improvements. In addition:

- (a) Plans and specifications for all improvements shall be reviewed and approved by the Director of Public Works, in writing, prior to commencement of construction. The subdivider may submit an interim final plat with the improvement plans; however, review and approval of a final plat shall not be initiated until the improvement plans have been reviewed and approved and until the subdivider's agreement has been fully executed.
  - (b) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights of way, as well as the contractors and subcontractors, providing such work shall be subject to the prior written approval of the Director of Public Works in accordance with Village standards and specifications.
  - (c) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
  - (d) Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the Director of Public Works.
  - (e) Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Village, a consent and waiver of the statutory provisions for special assessments for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalks, street surfacing, underground street lighting services and all other utilities, which shall be in a form approved by the Village Attorney, pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Village Board.
- (5) **VARIANCES.**
- (a) General. Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of sub. (6) below and secs. 19.08 and 19.09 of this chapter because exceptional or undue hardship would result, the Village Board may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this chapter shall be granted unless the Village Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
    1. **Exceptional Circumstances.** There are exceptional, extraordinary or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.
    2. **Preservation of Property Rights.** That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
    3. **Absence of Detriment.** That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.
  - (b) Monuments. The Village Board may waive the placing of monuments, required under §236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond or irrevocable letter of credit to insure the placing of such monuments within the required time limits established by the Village.
- (6) **LAND SUITABILITY.** No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village. The Village Board, in applying the provisions of this

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

- (7) **APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in §236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action.

**19.03 DEFINITIONS.** The terms used in this chapter shall be defined as follows:

- (1) **AREA DEVELOPMENT PLAN.** A map adopted by the Village Board indicating the physical layout of future streets, alleys, cul-de-sacs, drainage ways and easements.
- (2) **ALLEY.** A public or private way which provides secondary access to a lot, block or parcel of land.
- (3) **BLOCK.** A parcel, lot or group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers and having an assigned number, letter or other name through which it may be identified.
- (4) **BUILDING SETBACK LINE.** The distance from the boundaries of a lot or center line of a street within which structures or buildings shall not be erected.
- (5) **CERTIFIED SURVEY MAP.** A map of a subdivision of land prepared in accordance with §236.34, Wis. Stats.
- (6) **COMPREHENSIVE PLAN.** The official guide for the physical, social and economic growth of the Village of Port Edwards or its constituent parts, properly enacted or adopted according to statute, which is now or may hereafter be in effect.
- (7) **CONSTRUCTION YEAR.** A period of time commencing on February 1 and ending on the next January 31.
- (8) **CROSSWALK.** A public right of way traversing a block for the purpose of providing pedestrian access.
- (9) **CUL-DE-SAC.** A short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (10) **DEAD END STREET.** A street having only one outlet for vehicular traffic and no vehicular turnaround.
- (11) **DEVELOPMENT.** The act of constructing buildings or installing site improvements.
- (12) **DOUBLE FRONTAGE LOT.** A lot having frontage on opposite property boundaries with public streets.
- (13) **EASEMENT.** Any strip of land reserved by the subdivider for public utilities, drainage, sanitation or other specified uses having limitations, the title to which shall remain in the property owner, subject to the right of use designated in the reservation of the servitude.
- (14) **FINAL PLAT.** The map or drawing of a subdivision prepared in compliance with the provisions of Ch. 236, Wis. Stats., and any accompanying material as described in sec. 19.06 of this chapter.
- (15) **FRONTAGE.** The length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right of way.
- (16) **GRADIENT.** The slope of a road, street or other public way specified as a percentage.
- (17) **IMPROVEMENTS, PUBLIC.** Any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.
- (18) **LIMITED ACCESS EXPRESSWAY OR FREEWAY.** A trafficway in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the same except only at such points and in such manner as may be determined by the public authority having jurisdiction over such trafficway.
- (19) **LOCAL UNIT.** A local unit in this chapter includes the County as well as towns, villages and cities.
- (20) **LOT.** A buildable parcel of land represented and identified in a subdivision, as defined in sub. (41) below.

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- (21) LOT SPLIT. A division of land other than a subdivision.
- (22) NEIGHBORHOOD UNIT. A residential living environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood and to provide maximum pedestrian accessibility to centrally locate community buildings, schools and playgrounds. Local shops to meet daily household needs are grouped together at accessible points providing a harmony of design and development.
- (23) OFFICIAL MAP. The map of the Village adopted pursuant to the Wisconsin Statutes showing streets, highways, parkways, parks and playgrounds and the exterior lines of planned new streets, highways, parkways, parks or playgrounds.
- (24) OUTLOT. A parcel of land, other than a lot or block, so designated on the plat. A remnant parcel of land not to be used for building purposes.
- (25) PLAT. A map of a subdivision.
- (26) PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to the Village Board for purposes of preliminary consideration.
- (27) REPLAT. The changing of the boundaries of a recorded subdivision plat or part thereof.
- (28) REVERSE FRONTAGE LOTS. Corner lots with no provision for extra width to permit side yard to be the same as the front yard on that side.
- (29) RIGHT OF WAY. A strip of land occupied or intended to be occupied for a special use. Rights of way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right of way is established. The usage of the term "right of way" for land platting purposes shall mean that every right of way hereafter established and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right of way and not included within the dimensions or areas of such lots or parcels.
- (30) ROADWAY. The surface portion of the street available for vehicular traffic.
- (31) SERVICE DRIVE. An approved public street generally paralleling and contiguous to a main traveled way, primarily designed to promote safety by eliminating ingress and egress to the right of way and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (32) SEWAGE DISPOSAL SYSTEM, INDIVIDUAL. A septic tank seepage tile sewerage disposal system or any other sewerage treatment device approved by the Building Inspector as being in accordance with the rules of the Department of Health and Social Services and the Department of Natural Resources and servicing only one building site.
- (33) SEWERED AREA. An area in the Village which, in the opinion of the Village Board, may be readily and feasibly served by sewer and water extensions to existing sewer and water systems.
- (34) SIDEWALK. That portion of a street or crosswalk way, paved or otherwise surfaced, intended for pedestrian use only.
- (35) STREET. Includes all access ways in common use such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and cul-de-sacs and includes all of the land lying between the rights of way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust under the terms of a reservation, but shall not include those access ways such as easements and rights of way intended solely for limited utility purposes such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.
- (36) STREET, ARTERIAL. A major, high capacity street designed to carry large volumes of traffic between various areas of the Village.
- (37) STREET, COLLECTOR. A street which carries traffic from minor streets to the system of major streets and highways including the principal entrance streets of a residential development and the principal circulating streets within such a development.
- (38) STREET, HALF. A street bordering one or more property lines of a tract of land in which the subdivider has allocated a part of the ultimate right of way width.

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- (39) STREET, MINOR OR LOCAL. A street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.
- (40) SUBDIVIDER. A person commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for himself or others.
- (41) SUBDIVISION. Any division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where:
  - (a) The act of division creates 5 or more parcels or building sites of 5 acres each or less in area: or
  - (b) Five or more parcels or building sites of 5 acres each or less in area are created by successive divisions within a period of 5 years.
- (42) SUBDIVISION DESIGN STANDARDS. The basic land planning standards established as guides for the preparation of plats.
- (43) SURVEYOR. A land surveyor duly registered in the State.
- (44) THOROUGHFARE. A street with a high degree of continuity, including collector streets, major arterial streets and limited access highways.

### 19.04 LAND DIVISION PROCEDURE.

- (1) PREAPPLICATION. Prior to the filing of an application for the approval of a preliminary plat or certified survey map, it is recommended that the subdivider consult with the Plan Commission or the Director of Public Works in order to obtain their advice and assistance. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, other provisions of this Code, sewer and water availability, other engineering considerations, duly adopted Village plans, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the Commission may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and the community. The subdivider will also gain a better understanding of the subsequent required procedures.
- (2) PRELIMINARY PLAT REVIEW.
  - (a) Submission of Plats. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter and the subdivider shall comply with the procedures of §§236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and the application with the Clerk-Treasurer. The Clerk-Treasurer shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., the Village Board members and the Plan Commission.
  - (b) Review of Plats. The Plan Commission shall transmit a copy of the preliminary plat to all affected boards, commissions or departments and, unless the subdivider has elected to submit directly to the State as provided in §236.12(6), Wis. Stats., to all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Board within 20 days from the date the plat is filed. The preliminary plat shall then be reviewed by the Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components which affect it, and the Commission shall submit its recommendations to the Village Board within 60 days.
- (3) PRELIMINARY PLAT APPROVAL. The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Clerk-Treasurer. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:
  - (a) The Village Board shall, within 90 days of the date of the filing of a preliminary plat with the Clerk-Treasurer, approve, approve conditionally or reject such plat unless an extension of the review period is mutually agreed upon in writing. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter of transmittal and a copy of the Village Board minutes setting forth the conditions of approval or the reasons for rejection

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- shall accompany the plat. One copy each of the plat and letter shall be placed in the Clerk-Treasurer's permanent file.
- (b) Failure of the Village Board to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual agreement.
  - (c) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat as indicated in §236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval.
- (4) **FINAL PLAT REVIEW.** The subdivider shall submit a final plat and a letter of application in accordance with this chapter and §§236.11 and 236.12, Wis. Stats., and shall file an adequate number of copies of the plat and the application with the Clerk- Treasurer. In addition:
- (a) The Clerk-Treasurer shall transmit copies, as appropriate, to agencies specified in §236.12, Wis. Stats., and shall transmit the original final plat and 7 copies to the Village Board and 7 copies to the Plan Commission. A copy shall also be submitted to each public utility affected.
  - (b) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this chapter and all ordinances, rules, regulations, general plan and general plan components which may affect it, and shall recommend approval, conditional approval or rejection of the plat to the Village Board.
  - (c) The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
- (5) **FINAL PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission, which shall forward the copy to the Village Board. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
- (a) Submission. If the final plat is not submitted within 6 months of the last required approval of the preliminary plat, the Village Board may reject the final plat, in writing, with reasons given.
  - (b) Plan Commission Recommendation. The Plan Commission shall, within 30 days of the date of filing of the final plat with the Clerk-Treasurer, recommend approval or rejection of the plat and shall transmit the final plat and application, along with its recommendations, to the Village Board.
  - (c) Notification. The Plan Commission shall, at the time it recommends approval or rejection of a plat to the Village Board and at least 10 days prior to any action of the Village Board, give notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
  - (d) Village Board Approval or Rejection. The Village Board shall, within 60 days of the date of filing the original final plat with the Clerk-Treasurer, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a copy of the minutes, together with a letter of transmittal, shall be forwarded to the subdivider. The Village Board may not approve the final plat unless the Clerk-Treasurer certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or, if filed, have been met.
  - (e) Timely Village Board Action Required. Failure of the Village Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
  - (f) Consent and Waiver. Prior to the acceptance of a final plat, the subdivider shall furnish, when required by the Village, a consent and waiver of the statutory provisions for special assessment for the installation of sanitary sewer, storm sewer, sewer laterals, water main, water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other utilities, which will be in a form approved by the Village Attorney pursuant to §66.0703(7)(b), Wis. Stats., and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such consent and waiver shall provide that the installation of such services shall be made at the discretion of the Village Board.

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- (g) Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and shall further cause the plat to be recorded within 30 days of its approval by the Village Board. The subdivider shall be responsible for the recording fee.
  - (h) Plat Copies. The subdivider shall file 10 certified copies of the final plat with the Clerk-Treasurer for distribution to appropriate local agencies and offices.
- (6) **EXTRATERRITORIAL PLAT APPROVAL JURISDICTION**. When the land to be subdivided lies within 1½ miles of the corporate limits of the Village subject to the limitations of §66.0105, Wis. Stats., the subdivider shall proceed as specified in subs. (1) through (3) above, except:
- (a) Transmittal responsibility lies with the clerk of the town or municipality to whom the plat is first submitted and the subdivider shall indicate which one in his application.
  - (b) Approval agencies shall be as specified in §236.10, Wis. Stats., and the subdivider must comply with the land subdivision ordinances of the town in which the plat lies.
  - (c) Subdivider may proceed with the installation of such improvements and under such regulations of the town board of the town within whose limits the plat lies. Whenever connection to any utility of the Village is desired, permission for such connection shall be obtained from the Village Board. Village policy does not permit serving any individual outside its Village limits.
  - (d) All improvement requirements specified by the town in which the plat is located or any special improvement district shall be met before filing of the final plat.
- (7) **REPLAT**. When it is proposed to replat a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed as specified in subs. (1) through (3) above. Court vacations of plats are required when areas dedicated to the public are altered. The Clerk-Treasurer shall schedule, within the time period specified in sub. (3) above for the Village Board to take action upon the plat, a public hearing before the Plan Commission when a preliminary plat or a replat of lands within the Village is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.
- (8) **DIVISION OF LAND LESS THAN A SUBDIVISION**.
- (a) When it is proposed to divide land into 2 parcels or building sites, any one of which is less than 5 acres in size, or when it is proposed to divide a block, lot or outlot into not more than 4 parcels or building sites within a recorded subdivision plat without changing the boundaries of said block, lot or outlot, the subdivider shall subdivide by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file 5 copies of the map and the letter of application with the Clerk-Treasurer at least 15 days prior to the meeting of the Plan Commission at which action is desired.
  - (b) The Clerk-Treasurer shall, within 2 working days after filing, transmit copies of the map and letter of application to Village Board members and the Commission.
  - (c) The Plan Commission shall transmit a copy of the map to all affected boards, commissions, departments and all affected public utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Commission within 10 days from the date the map is filed. The map shall be reviewed by the Commission for conformance with this chapter and all ordinances, rules, regulations, general plan and general plan components which affect it. The Commission shall, within 30 days from the date of filing of the map, recommend approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.
  - (d) The Village Board shall approve, approve conditionally or reject such map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement supplied the subdivider.

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If the map is approved, the Village Board shall cause the Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.

- (e) The Clerk-Treasurer shall record the map with the County Register of Deeds within 10 days of its approval. The subdivider shall be responsible for the recording fee.
- (f) The subdivider shall file 5 certified copies of the certified survey map with the Clerk-Treasurer for distribution to appropriate local agencies and offices.

### 19.05 PRELIMINARY PLAT.

- (1) **GENERAL REQUIREMENTS.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor. The plat shall be prepared on tracing cloth, reproducible drafting film or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
  - (a) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously recorded plat within the County unless it is an addition to a previously recorded plat and is so stated on the plat.
  - (b) Property location of a proposed subdivision by government lot, quarter section, township, range, county and State.
  - (c) Date, graphic scale and north arrow.
  - (d) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
  - (e) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and undue hardship would result from strict application thereof.
- (2) **PLAT DATA.** All preliminary plats shall show the following:
  - (a) Length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.
  - (b) Existing contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10% and of not more than 5 feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on U.S.G.S. datum.
  - (c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to U.S.G.S. datum.
  - (d) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.
  - (e) Location, right of way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights of way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established center line elevations, all to U.S.G.S. datum.
  - (g) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
  - (h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes; the location of manholes, catch basins, hydrants, electrical and communication facilities, whether aerial or underground; and the location and size of any existing water and gas mains with the exterior boundaries of the plat or immediately adjacent tract thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

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- (i) Locations of all existing property boundary lines, corporate limit lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or manmade features within the tract being subdivided or immediately adjacent thereto.
  - (j) Setbacks or building lines if required by the Village Board in accordance with the guide lines set forth in sec. 19.08 of this chapter.
  - (k) Location, width and names of all proposed streets and public rights of way such as alleys and easements.
  - (l) Approximate dimensions of all lots together with proposed lot and block numbers.
  - (m) Location and approximate dimensions and size of any sites within the plat to be reserved or dedicated for parks, open space, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting.
  - (n) Approximate radii of all curves.
  - (o) Existing zoning on and adjacent to the proposed subdivision.
  - (p) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
  - (q) Any proposed lake and stream improvement or relocation.
- (3) **GRADING PLANS AND PROFILES.** The Village Board, upon recommendation of the Director of Public Works, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon Village datum which is U.S.G.S. datum minus 887.93', and plans and profiles shall be of sufficient detail to determine that streets will conform to the grade of existing streets or their extension or to the established grades of future streets and shall be subject to the approval of the Director.
- (4) **TESTING.** The Director of Public Works may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depths to bedrock and depth to ground water table.
- (5) **COVENANTS.** The Village Board may require submission of a list of existing covenants and a list of covenants with which the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (6) **AFFIDAVIT.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

### **19.06 FINAL PLAT.**

- (1) **GENERAL REQUIREMENTS.** A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of §236.20, Wis. Stats.
- (2) **ADDITIONAL INFORMATION.** The plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
- (a) Exact length and bearing of the center line and center line curves of all streets.
  - (b) Exact street width along the right of way line of any obliquely intersecting street.
  - (c) Railroad rights of way within and abutting the plat.
  - (d) Setbacks or building lines, if required by the Plan Commission, in accordance with the guidelines set forth in sec. 19.08 of this chapter.
  - (e) Utility and/or drainage easements.
  - (f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

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- (g) Special restrictions required by the Village Board relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.
- (3) DEED RESTRICTIONS. The Village Board may require that deed restrictions imposed by the subdivider be filed with the final plat.
- (4) PLAT RESTRICTIONS. The Village Board may require that plat restrictions intended to reflect Village plans and ordinances be placed on the face of the plat.
- (5) SURVEY ACCURACY. The Director of Public Works shall examine all final plats within the Village and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Director, field checks for the accuracy and closure of survey, the proper kind and location of monuments, and the legibility and completeness of the drawing. In addition:
  - (a) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 5,000 nor, in azimuth, 4 seconds or arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
  - (b) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of 1½ minutes multiplied by the quotient of 300 divided by the length of the shorter side: however, such error shall not, in any case, exceed 5 minutes of arc.
- (6) RELOCATED QUARTER CORNERS. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the County, the tie required by §236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin State plane coordinates of the monument making the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (7) VILLAGE BOARD REVIEW. The Village Board shall receive the results of the Director of Public Works and the State's examination prior to approving the final plat.
- (8) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats.
- (9) STATE PLANE COORDINATE SYSTEM. All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sub. (5) above for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System.
- (10) CERTIFICATES. All final plats shall provide all the certificates required by §236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. The subdivider's certificate shall be fully executed prior to Village Board approval.
- (11) RECORDATION. The final plat shall be recorded with the County Register of Deeds only after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Village Board, of the surveyor and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The Clerk-Treasurer shall record the plat within 10 days of its approval by the Board. The subdivider shall, however, be responsible for payment of the recording fee.
- (12) DUPLICATE PLAT TO BE FILED. An identical reproducible copy, on stable mylar film at least 4 mils thick, along with the recording data, shall be placed on file with the Director of Public Works.

**19.07 CERTIFIED SURVEY MAP.**

- (1) **GENERAL REQUIREMENTS.** A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in secs. 19.08 and 19.09 of this chapter.
- (2) **REQUIRED INFORMATION.** The map shall show correctly on its face, in addition to the information required by §236.34, Wis. Stats., the following:
  - (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
  - (b) Setbacks or building lines, if required by the Plan Commission in accordance with the guidelines set forth in sec. 19.08 of this chapter.
  - (c) Utility and/or drainage easements.
  - (d) All lands reserved for future acquisition.
  - (e) Date of the map.
  - (f) Flood plain limits and the contour line lying a vertical distance of 2 feet above the elevation of the 100 year recurrence interval flood or, where such data is not available, 5 feet above the elevation of the maximum flood of record.
  - (g) Graphic scale and north arrow.
  - (h) Name and address of the owner, subdivider and surveyor.
- (3) **STATE PLANE COORDINATE SYSTEM.** All plats shall be tied directly to a section or quarter corner monumented according to the State Plane Coordinate System. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure specified in sec. 19.06(5) of this chapter for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced to the Wisconsin Coordinate System.
- (4) **CERTIFICATES.** The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. After reviewing the map, the Village Board, upon the recommendation of the Plan Commission, shall certify its approval on the face of the map. After receiving approval by the Village Board, such maps shall be certified by the Village President, the Clerk-Treasurer and the Director of Public Works. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by §236.21(2)(a), Wis. Stats.
- (5) **APPROVAL.** No certified survey map shall be approved by the Village Board until all required improvements have been installed and until all required fees have been paid unless provision for the installation of improvements and payment of fees has been made in an approved subdivider's agreement.
- (6) **RECORDATION.** The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map. The Clerk-Treasurer shall record the map within 10 days of its approval by the Village Board.

**19.08 DESIGN STANDARDS.**

- (1) **STREET ARRANGEMENT.** In any new subdivision plat or certified survey map, the street layout shall conform to the arrangement, width and location indicated on the Official Map or General Plan of the Village. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

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- (a) Arterial Streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (b) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
  - (c) Local Streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (d) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
  - (e) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting or an earth berm contained in a nonaccess reservation along the rear or side property line, or by the use of frontage streets.
  - (f) Stream or Lake Shores. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than 1/2 mile as required by §236.16(3), Wis. Stats.
  - (g) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village Board under conditions recommended by the Plan Commission.
  - (h) Alleys. Alleys shall be provided in commercial and industrial areas for off-street loading and service access if required by the Village Board, but shall not be approved in residential districts. Dead end alleys shall not be approved. Alleys shall not connect to a major thoroughfare.
  - (i) Street Names. Street names shall not duplicate or be similar to existing street names elsewhere in the Village and environs, and existing street names shall be projected wherever possible.
- (2) **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT OF WAY TREATMENT.** Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right of way, the design shall provide the following treatment:
- (a) When lots within the proposed subdivision back upon the right of way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth and/or an earth berm shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots, but shall have the following restriction lettered on the face of the plat: "This strip is reserved for the planting of trees and shrubs; the building of structures and placement of longitudinal easements for utilities hereon is prohibited."
  - (b) Commercial and Industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
  - (c) Streets parallel to a limited access highway or railroad right of way, when intersecting a high collector street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right of way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

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- (d) Local streets immediately adjacent and parallel to railroad rights of way shall be avoided and location of local streets immediately adjacent to high collector streets and highways and to railroad rights of way shall be avoided in residential areas.
- (3) STREET DESIGN STANDARDS.
  - (a) The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the General Plan, the General Plan Component or the Official Map of the Village, or if no width is specified therein, the minimum widths shall be as shown in Table 1 below. Cross-sections for freeways, expressways and parkways shall be based upon detailed engineering studies.

TABLE 1  
RECOMMENDED MINIMUM CROSS-SECTIONS  
PORT EDWARDS, WISCONSIN

System	Right of Way Width in Feet	Pavement Width In Feet
Arterial	100	44
Collector	80	40
Local	66	36
Service Drives	66	36

- (b) Cul-de-sac streets designed to have one end permanently closed shall not exceed 600 feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right of way radius of 60 feet and a minimum outside curb radius of 50 feet.
- (c) Unless necessitated by exceptional topography subject to the approval of the Plan Commission, the maximum center line grade of any street or public way shall not exceed the following:
  1. Arterial Streets. 6%.
  2. Collector Streets. 7%.
  3. Local Streets, Alleys and Frontage Streets. 10%.
  4. Pedestrian Ways. 10%, unless steps of acceptable design are provided.
  5. The grade of any street shall in no case exceed 10% or be less than ½ of 1%.
- (d) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth and general leveling of topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for all major streets, and ½ this minimum for all other streets.
- (e) When a continuous street center line deflects at anyone point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
  1. Arterial Streets and Highways. 500 feet.
  2. Collector Streets. 300 feet.
  3. Local Streets. 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- (f) Where, on the date of enactment of this chapter, an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half streets is not permitted.
- (4) STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
  - (a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than 2.
  - (b) The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,000 feet.

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- (c) Intersections on local streets shall be offset at least 125 feet measured from the center lines of the 2 streets.
  - (d) Property lines at street intersections shall be rounded with a minimum radius of 20 feet or of a greater radius when required by the Plan Commission, or shall be terminated by a straight line through the points of tangency of an arc having a radius of 15 feet.
  - (e) Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjointment across the arterial or collector street is continuous, and a jog is avoided.
- (5) **BLOCKS.** The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic and the limitations and opportunities of topography. In addition:
- (a) The length of blocks in residential areas shall not, as a general rule, be less than 400 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
  - (b) Pedestrian ways are generally not desired and should be avoided however, pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
  - (c) The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
  - (d) Utility easements. See sub. (8) below.
- (6) **LOTS.** The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:
- (a) Side lot lines shall be at approximately right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
  - (b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
  - (c) Every lot shall front or abut for a distance of at least 80 feet on a public street, but under extenuating circumstances, may be reduced if the lot is 80 feet wide at the front setback.
  - (d) Area and dimensions of lots shall conform to the requirements of the Zoning Code and, in areas not served by public sewers, shall, in addition, conform to the requirements of Wis. Adm. Code H 65. Whenever a tract is subdivided to large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter.
  - (e) Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
  - (f) Width of lots shall conform to the requirements of the Zoning Code.
  - (g) Corner lots shall have an extra width of 10 feet to permit adequate building setbacks from side streets.
  - (h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

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- (7) **BUILDING SETBACK LINES.** Where not controlled by zoning regulations, building setback lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Village Board.
- (8) **EASEMENTS.**
- (a) Electric and Communication Facilities.
1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communications facilities. Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.
  2. Electric and communications facilities are to be installed underground and the utility easements shall be graded to within 6 inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.
  3. A note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than 6 inches by the subdivider or his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.
- (b) Gas Facilities. Distribution gas mains and appurtenances, except service laterals, shall be installed in the street right of way, normally in the area between sidewalk and curb. However, the Plan Commission may, at the request of the utility, or where deemed necessary or desirable, require easements of adequate width for the intended purpose along lot lines or across lots for such installations, and such easements shall be noted on the final plat or certified survey map as "Utility Easements."
- (c) Drainage Easements. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be required subject to the approval of the Director of Public Works; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Director.

### **19.09 REQUIRED IMPROVEMENTS.**

- (1) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of §236.15, Wis. Stats., and as may be required by the Director of Public Works.
- (2) **GRADING.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Director of Public Works, the subdivider shall grade the full width of the right of way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Director. The subdivider shall grade the roadbeds in the street rights of way to subgrade together with side slopes beyond the street right of way when required. Cut and filled lands shall be graded to a maximum slope of 3:1 or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation. All graded lands, with the exception of the roadbeds of streets, shall be treated for sediment and erosion control purposes, as set forth in sec. 17.18 of this Code.
- (3) **SURFACING.** After the installation of all utility and storm water drainage improvements, the subdivider shall prepare the subgrade and install gravel in accordance with Director of Public Works specifications all roadways in streets proposed to be dedicated to the widths prescribed by this section and the General Plan or General Plan Components of the Village. The binder course and final course shall be constructed by the Village in accordance with the plans and standard specifications approved by the Director.
- (4) **CURB AND GUTTER.** After the installation of all public utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications

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- approved by the Director of Public Works. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts.
- (5) **STREET LIGHTS.** Street lights shall be installed by the subdivider in accordance with plans approved by the Village Board.
  - (6) **PUBLIC SANITARY SEWERAGE.** The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision or minor land division. Such facilities shall be designed and constructed in accordance with all applicable rules and regulations of Wis. Adm. Code NR 110, and in accordance with plans and standard specifications approved by the Director of Public Works. In addition:
    - (a) Laterals. The Village Board shall require the installation of all sewer laterals to the street lot line.
    - (b) Specifications. The location, size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with the Village sanitary sewer system plan.
    - (c) Sanitary Sewer Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install sanitary sewer mains in a street bordering the subdivision to serve the subdivision with sanitary sewer, the Village may install such sanitary sewer mains and the subdivider shall pay the total cost thereof. The Village shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.
  - (7) **WATER SUPPLY FACILITIES.** The subdivider of land within the sanitary sewer service area of the Village shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider of land outside the sanitary sewer service area shall make provision for adequate private water systems in accordance with the standards of the Wisconsin Department of Commerce. In addition:
    - (a) Laterals. The Village Board shall require the installation of all water laterals to the street lot line.
    - (b) Specifications. The location, size, type and installation of all public water mains proposed to be constructed shall be in accordance with the comprehensive water plan for the Village and with plans and standard specifications approved by the Director of Public Works.
    - (c) Water Mains Traversing or Bordering Other Lands. If it is necessary to traverse other unimproved land or to install water mains in a street bordering the subdivision to serve the subdivision with water, the Village may install such water mains and the subdivider shall pay the total cost thereof. The Village shall reimburse the subdivider to the extent that special assessments can be levied; however, in the event special assessments are deferred, the subdivider shall be reimbursed when the special assessments are paid or when installment payments commence.
  - (8) **STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct storm water drainage facilities which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, water retention structures and settling basins. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; the type of facility required, the design criteria and the sizes and grades to be determined by the Director of Public Works. Storm drainage facilities shall be so designed as to present no hazard to life or property; and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Director. If the Village Board determines it is necessary to construct storm sewer facilities outside the boundaries of the subdivision or development and the subdivision or development is benefited thereby, the Village shall construct such facilities and the subdivider or developer shall share the cost thereof in the same ratio that the benefiting area of the subdivision or development bears to the total area served by said outside construction.
  - (9) **STREET SIGNS AND TRAFFIC CONTROL SIGNS.** The Village shall install street signs and traffic control signs.
  - (10) **OTHER UTILITIES.** The subdivider shall have arranged with the affected utility companies for gas, electric, telephone or CATV facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision when needed. Where underground utility cables are to be installed in a new residential subdivision, the utility may install conduit for street crossings before the street is surfaced to facilitate later

installation of the necessary cable to serve such subdivision or portions thereof. The installation of conduit shall be in lieu of direct installation of the underground cable. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Director of Public Works.

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

**19.10 CONSTRUCTION.**

- (1) COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved and the Director of Public Works has given written authorization.
- (2) BUILDING PERMITS. No building permit shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met unless otherwise provided for in the subdivider's agreement. In exceptional circumstances, the Village Board may authorize the issuance of a building permit prior to the completion of all improvements; however, no occupancy permit shall be issued prior to the completion of all improvements.
- (3) PLANS. The following plans and accompanying construction specifications may be required by the Director of Public Works before authorization of construction or installation of improvements:
  - (a) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
  - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (c) Water plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (d) Storm water drainage facility plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
  - (e) Planting plans showing the locations, age and species of any required trees.
  - (f) Additional special plans or information as required; where required by State agencies, such plans shall be approved by such agencies prior to the commencement of construction.
- (4) INSPECTION. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Director of Public Works to provide for adequate inspection. The Director shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**19.11 FEES.**

- (1) GENERAL. The subdivider shall pay to the Village all fees as hereinafter required at the time specified.
- (2) PRELIMINARY PLAT REVIEW FEE.
  - (a) The subdivider shall pay a fee as provided on the Village Fee Schedule on file in the office of the Clerk-Treasurer for each lot or parcel over 30 in number within the preliminary plat to the Clerk-Treasurer at the time of first application for approval of any preliminary plat to assist in defraying the cost of review.
  - (b) A reapplication fee as provided on the Village Fee Schedule on file in the office of the Clerk-Treasurer shall be paid to the Clerk-Treasurer at the time of reapplication for approval of any preliminary plat that has been previously reviewed.
- (3) FINAL PLAT REVIEW FEE.
  - (a) The subdivider shall pay a fee as provided on the Village Fee Schedule on file in the office of the Clerk-Treasurer for each lot or parcel over 30 to the Clerk-Treasurer at the time of first application for approval of the final plat to assist in defraying the cost of review.

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- (b) A reapplication fee as provided on the Village Fee Schedule on file in the office of the Clerk-Treasurer shall be paid to the Clerk-Treasurer at the time of reapplication for approval of any final plat that has been previously reviewed.
- (4) **CERTIFIED SURVEY MAP REVIEW FEE.** The subdivider shall pay a fee as provided on the Village Fee Schedule on file in the office of the Clerk-Treasurer to the Clerk-Treasurer at the time of application for approval of such subdivision to assist in defraying the cost of review.
- (5) **INSPECTION FEE.** The subdivider shall pay a fee equal to the actual cost to the Village for such inspection as the Director of Public Works 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.
- (6) **ENGINEERING FEE.** The subdivider or developer shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the land division or minor land division. In addition:
  - (a) Engineering work shall include the review and approval of construction plans. The Village Engineer or Director of Public Works may permit the subdivider to furnish all, some or part of the required construction plans. The fee for engineering work shall be billed periodically and shall be payable within 10 days.
  - (b) Inspection fees provided for in sec. 19.10(4) of this chapter.
- (7) **LEGAL FEES.** The subdivider or developer shall pay a fee equal to the cost of any legal work which may be undertaken by the Village in connection with the land division, minor land division or planned development. Legal work shall include all conferences regarding the subdivision or development and the drafting of contracts and agreements between the Village and the subdivider. Legal fees shall be billed periodically and shall be payable within 20 days.

### 19.12

to (reserved)

### 19.19

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

### 19.21 PENALTIES AND REMEDIES.

- (1) **PENALTY.** Any person who violates or fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$500 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:
  - (a) Recordation improperly made carries penalties as provided in §236.30, Wis. Stats.
  - (b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.
  - (c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.
- (2) **REMEDY.** An assessor's plat made under §70.27, Wis. Stats., may be ordered as a remedy by the Village at the expense of the subdivider when a subdivision, as defined herein, is created by successive divisions.