

Chapter 261
SUBDIVISION OF LAND

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[HISTORY: Adopted by the Village Board of the Village of Iola 2-12-1996 as Title 10, Ch. 6, of the 1996 Code. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 97.
Erosion control — See Ch. 126.
Sewers — See Ch. 219.
Streets and sidewalks — See Ch. 233.

Water Utility — See Ch. 251.
Floodplain zoning — See Ch. 260.
Zoning — See Ch. 262.

§ 261-1. Introduction and purpose.

- A. Introduction. In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Secs. 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Iola does hereby ordain as follows:
- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the village.
 - (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- B. Purpose. The purpose of this chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to ensure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to

lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, 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 use of land in the village.

§ 261-2. Definitions.

A. The following definitions shall be applicable in this chapter.

ALLEY — A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET — A street which provides for the movement of relatively heavy traffic to, from or within the village. It has a secondary function of providing access to abutting land.

BLOCK — An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

COLLECTOR STREET — A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

COMMISSION — The Plan Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.

COMPREHENSIVE DEVELOPMENT PLAN — A comprehensive plan prepared by the village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.

CUL-DE-SAC — A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND — Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.

EASEMENT — The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION — The unincorporated area within 1½ miles of a fourth-class city or a village and within three miles of all other cities.

FINAL PLAT — The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds. Said plat must conform to all state laws.

FRONTAGE STREET — A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

IMPROVEMENT, PUBLIC — Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET — A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

LOT — A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

LOT AREA — The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.

LOT, CORNER — A lot abutting intersecting streets at their intersection.

LOT LINES — The peripheral boundaries of a lot as defined herein.

LOT, REVERSED CORNER — A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the center lot immediately to its rear.

LOT, THROUGH — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH — The width of a parcel of land measured along the front building line.

MAJOR THOROUGHFARE — A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

MARGINAL ACCESS STREET — A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.

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

MINOR SUBDIVISION — The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites.

OWNER — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

PEDESTRIAN PATHWAY — A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

PLAT — The map, drawing or chart on which the subdivider's plat of subdivision is presented to the village for approval.

PRELIMINARY PLAT — The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Village Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.

PROTECTIVE COVENANTS — Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

REPLAT — The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.

SHORELANDS — Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

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

SUBDIVISION — The division of a lot, outlot, parcel, or tract of land by the owner thereof or his or her agent for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1½ acres or less in area, or where the act of division creates five or more parcels or building sites by successive division within a period of five years, whether done by the original owner or a successor owner.

WETLANDS — Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

§ 261-3. General provisions.

- A. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall

be laid out or improvements made to land without compliance with all requirements of this chapter and the following:

- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
- (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H65 not served by public sewer.
- (3) The rules of the Division of Highways, Wisconsin Department of Transportation, contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
- (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.

B.¹ Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the village as well as the unincorporated area within 1/2 miles of the corporate limits as provided in Sec. 236.10 and 62.23, Wis. Stats. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

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

C. Certified survey. Any division of land other than a subdivision as defined in Sec. 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.²

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

§ 261-4. Procedure for submitting subdivisions.

A. Preliminary meetings. Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Plan Commission and/or its consulting staff for advice regarding general subdivision requirements. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components and duly adopted plan implementation devices of the village and to otherwise assist the subdivider in planning his or her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

B. Preliminary plat review within the village.

- (1) Submission. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the application as required by this section with the Village Clerk-Treasurer at least 10 days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Plan Commission and to the Village Engineer for review and written report of his or her recommendations and reactions to the proposed plat.
- (2) Public improvements, plans and specifications. Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Clerk-Treasurer five complete sets of preliminary plans and specifications for the construction of any public improvements required by this chapter.
- (3) Property owner's association. The Plan Commission may require submission of a draft of the legal instruments and rules for proposed property owners' associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (4) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this chapter.
- (5) Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:
 - (a) A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (b) If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (c) Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

- (6) Referral to other agencies. The Village Clerk-Treasurer shall, within two days after filing, transmit four copies to the County Planning Agency, two copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
- (7) Drafting standards. The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

C. Preliminary plat approval within the village.

- (1) After review of the preliminary plat or survey map and negotiations with the subdivider on changes being advisable and the kind and extent of public improvements which will be required, the Plan Commission shall reject or approve conditionally the preliminary plat within 40 days, as provided by statute.³
- (2) If the Plan Commission rejects the plat or map, it shall return it to the owner. If it approves or conditionally approves the plat or map, it shall so notify the Village Board.
- (3) If the Plan Commission approves the preliminary plat, the Village Board shall, within 40 days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the Village Board to act within 65 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the plat or map is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.⁴

³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁴ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (4) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat which will be subject to further consideration by the Plan Commission at the time of its submission.
- (5) Should the subdivider desire to amend the preliminary plat as approved, he or she may resubmit the amended plat which shall follow the same procedure, except for the hearing and fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new plat, in which case it shall be refiled.

D. Final plat review.

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file copies of the plat and the application with the Village Clerk-Treasurer at least 10 days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file six copies of the final plat not later than 12 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.
- (2) The Village Clerk-Treasurer shall, within two days after filing, transmit four copies to the County Planning Agency, two copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development, additional copies to the Director of the Planning Function for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for service has not been made, and the original final plat and adequate copies to the Commission. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer six copies of the final plans and specifications of public improvements required by this chapter.

- (5) The Village Clerk-Treasurer shall refer two copies of the final plat to the Plan Commission, one copy to the Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the attorney for his or her examination and report. The Village Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the Plan Commission and Village Engineer shall be made within 40 days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he or she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.⁵
 - (6) The Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Village Board.
- E. Partial platting. The final plat may, if permitted by the Village Board and Plan Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.
- F. Final plat approval.
- (1) 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 not objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.
 - (2) If the final plat is not submitted within 12 months of the last-required approval of the preliminary plat, the Village Board may refuse to approve the final plat.
 - (3) The Commission shall, within 40 days of the date of filing of the final plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board.⁶
 - (4) The Commission shall, when it determines to recommend approval of a plat, give at least 10 days' prior written notice of its intention to the Village Clerk-Treasurer of any municipality within 1,000 feet of the plat.
 - (5) The Village Board shall, within 65 days of the date of filing the original final plat with the Village Clerk-Treasurer, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the

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subdivider. The Village Board may not inscribe its approval on the final plat unless the Village Clerk-Treasurer certifies on the fact of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.⁷

- (6) Failure of the Village Board to act within 65 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.⁸
 - (7) After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties ensuring their installation is filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the plat unless it is offered within 30 days from the date of last approval.
 - (8) The subdivider shall file 10 copies of the final plat with the Village Clerk-Treasurer for distribution to the approving agencies and other affected agencies for their files.
- G. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the village for all engineering work incurred by the village in connection with the plat or certified survey map.
- H. Administrative fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the village in connection with the plat or certified survey map.

§ 261-5. Technical requirements for preliminary plats.

- A. General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, scale and North point.
 - (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Plan Commission or Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and under hardship would result from strict application thereof.

⁷ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

⁸ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

B. Plat data. All preliminary plats shall show the following:

- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center-line elevations.
- (6) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Plan Commission, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-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.

- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
 - (14) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Section H 65.06 of the Wisconsin Administrative Code and delineation of areas with three foot and six foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
 - (15) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Section H 65.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
 - (16) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
 - (17) Approximate dimensions of all lots together with proposed lot and block numbers.
 - (18) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
 - (19) Approximate radii of all curves.
 - (20) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (21) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
 - (22) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- C. Submission. The subdivider shall first consult with the Plan Commission regarding the requirements for minor subdivisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the village. The certified survey shall be reviewed, approved or disapproved by the Plan Commission pursuant to the procedures used for preliminary plats.
- D. Proposed layout. The Plan Commission may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- E. Additional information. The Plan Commission may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- F. Certified survey. The following procedures shall be followed with certified surveys:

- (1) Pursuant to § 261-7, the subdivider shall cause a certified survey map to be prepared in accordance with § 261-9 of this chapter and submit 10 copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Village Clerk-Treasurer. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it. The Commission shall approve, approve conditionally or reject such map within 65 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.⁹
 - (2) If the Plan Commission approves the certified survey, the Village Board shall, within 65 days after approval of the filing, approve conditionally or reject the map and shall notify the subdivider of its decision.¹⁰
 - (3) The subdivider shall record the map with the applicable county register of deeds within 30 days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate reapproval of the map by the Village Board.
- G. Requirements. To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than 1½ acres or 300 feet in width.

§ 261-6. Replat.

- A. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Subsections A through F of § 261-4.
- B. The Village Clerk-Treasurer 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 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.

§ 261-7. Minor subdivisions; certified survey required.

When it is proposed to divide land into two parcels or building sites, any one of which is less than five acres, or when it is proposed to divide a block, lot or outlot into not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats.

⁹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹⁰ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

§ 261-8. Design standards for streets.

- A. Compliance with statutes. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of this chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided in this chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the Official Map of the village.
- C. Sufficient frontage. All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- D. Compliance with Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to the village's Comprehensive Development Plan 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 stormwater, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.
- E. Areas not covered by Official Map. In areas not covered by the Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes 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.
- F. Street classifications. Streets shall be classified as indicated below.
 - (1) Arterial streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.
 - (2) 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 special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (3) Minor streets. Minor 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.
 - (4) 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 land division or for the advantageous development of the adjacent tracts.

- (5) Reserve strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the village under conditions approved by the Village Board.
 - (6) Alleys. Alleys may be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in nonmultiple family residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- G. Extraterritorial streets. Streets located in the extraterritorial plat jurisdiction of the Village of Iola must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
- H. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that 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. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.
- I. Minor streets. Minor streets shall be so laid out so as to discourage their use by through traffic.
- J. Number of intersections. The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- K. Frontage roads. Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- L. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reverse frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- M. Private streets. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- N. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.
- O. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.

P. Street grades.

- (1) Unless necessitated by exceptional topography subject to the approval of the Commission, the maximum center-line grade of any street or public way shall not exceed the following:

Street Type	Grade
Arterial streets	6%
Collector streets	8%
Minor streets, alleys and frontage streets	10%
Pedestrian ways	12%, unless steps of acceptable design are provided

NOTE: The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%.

- (2) Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades 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 major streets and 1/2 this minimum for all other streets.
- Q. Radii of curvature. When a continuous street center line deflects at any one point by more than 10°, 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) Minor streets: 100 feet.
- R. Vertical curves. All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to 30 times the algebraic difference in grade for major thoroughfares and 20 times this algebraic difference for all other streets.
- S. Half streets. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.
- T. Intersections.
- (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet or of a greater radius where the Plan Commission considers it necessary.
 - (2) Provisions of Chapter 262, Zoning, with respect to traffic visibility at street intersections shall also apply here.
 - (3) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

- (4) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

U. Alleys.

- (1) Alleys shall be provided in all commercial and industrial districts, except that the Village Board, upon the recommendation of the Plan Commission, may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alleys shall connect with a major thoroughfare. Alleys in residential areas other than those zoned for multiple-family use shall not be permitted. The width of alleys shall be no less than 24 feet.

- (2) Dead-end alleys are prohibited.

V. 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.

W. Street design standards.

- (1) Standards. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified in "Minimum Roadway Design Standards," standards adopted by the Village Board and available from the Director of Public Works.
- (2) 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 40 feet.
- (3) Temporary dead-ends or cul-de-sacs. All temporary dead-ends shall have a maximum length of 800 feet and a temporary cul-de-sac shall have a minimum right-of-way radius of 60 feet and a minimum inside curb radius of 40 feet.

X. 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:

- (1) Subdivision lots. 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 shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
- (2) Commercial and industrial districts. Commercial and industrial districts 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.

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

§ 261-9. Block design standards.

- A. Length; arrangement. 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 less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 500 feet in length. Blocks shall be so designated as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots.
- B. Pedestrian pathways. Pedestrian pathways, not less than 12 feet wide, may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- C. Trees. The Village Board may require that certain species of trees be planted on both sides of all streets. Street trees when planted shall not be less than 60 feet apart with a minimum of one per lot. They should preferably be placed six to 20 feet inside the property line rather than in the boulevard. The minimum size and type to be planted shall conform to the provisions of applicable ordinances.

§ 261-10. Lot design standards.

- A. Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by Chapter 262, Zoning, and in no case shall a lot in a residential district have less than a minimum width of 60 feet at the building line and a minimum area of 7,200 feet.
- B. Lot dimensions and setbacks shall conform to the requirements of Chapter 262, Zoning, for the appropriate district in which the property is located.
- C. 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, as required by Chapter 262, Zoning.

- D. Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- E. Corner lots for residential use shall have extra width to permit full building setback of at least 20 feet from both streets or as required by applicable zoning ordinance.
- F. Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the Village Board.
- G. Butt lots will be permitted by the Plan Commission only in exceptional cases. Permitted butt lots shall be platted at least five feet wide than the average width of interior lots in the block.
- H. Side lot lines shall be substantially at right angles to or radial to abutting street lines.
- I. In case a tract is divided into parcels of more than 1½ acres in areas, such parcels shall be so arranged to permit redividing into parcels in accordance with this chapter and with Chapter 262, Zoning.
- J. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- K. In the subdividing 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.
- L. All remnants of lots below minimum size left over after subdividing 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.
- M. In the case where a proposed plat is adjacent to a limited access highway, other major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.

§ 261-11. Drainage system.

- A. Drainage system required. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved by the Village Engineer.
- B. Drainage system plans.
 - (1) The subdivider shall submit to the Village Engineer and Plan Commission a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle

the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

- (a) Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
 - (b) Quantities of flow at each inlet or culvert.
 - (c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.
- C. Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
- (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by 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.
 - (c) Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section.
- (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to any street, adjacent land and building stormwater drainage. No stormwater shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) Off-street drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement

of the village to provide for the future maintenance of said system. Easements shall be a minimum of 20 feet, but the village may require larger easements if more area is needed due to topography, size of watercourse, etc.

- E. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to 1% shall be seeded; those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)

§ 261-12. Extra-size or off-site improvements.

- A. Design capacity. All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- B. Extra-size improvements. Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he or she is required to install to serve his or her subdivision. The additional costs which result from the extra-size improvement shall be paid for by the village. Thus, when conditions within the whole drainage area will require an eighteen-inch sanitary sewer, for example, and a twelve-inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen-inch utility and bill the village for the difference in material costs between a twelve-inch and eighteen-inch sewer pipe.
- C. Off-site extensions. When streets or utilities are not available at the boundary of the proposed subdivision, the village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
- (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
 - (2) If the village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he or she wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
- D. Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection, supervision and engineering fees

for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon the Village Board.

§ 261-13. Nonresidential subdivisions.

A. General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the village may require.
- (2) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in Chapter 262, Zoning. A nonresidential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the village and shall conform to the proposed land use standards established by the Comprehensive Plan, Official Map and Chapter 262, Zoning.

B. Standards. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the village 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 following principles and standards shall be observed:

- (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 thereupon.
- (3) Special requirements may be imposed by the village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the village with respect to the installation of public utilities, including water, 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 permanently landscaped buffer strips when necessary.
- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

§ 261-14. Requirements and design standards for public improvements.

- A. General requirements.** The following required improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board and filed with the Director of Public Works. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

B. Guarantee for installation of required improvements.

- (1) Payment for installation of improvements. The required improvements to be furnished and installed by the subdivider, which are listed and described in this chapter, are to be furnished and installed at the sole expense of the subdivider; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the subdivider and the remaining portion of the cost by the village. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
- (2) Required agreement providing for proper installation of improvements.
 - (a) Prior to installation of any required improvements and prior to approval of the final plat, the subdivider shall enter into a written contract with the village requiring the subdivider to furnish and construct said improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for supervision of details of construction by the Village Engineer and grant to the Engineer authority to correlate the work to be done under said contract by any subcontractors authorized to proceed thereunder and with any other work being done or contracted by the village in the vicinity.
 - (b) The agreement shall require the subdivider to make an escrow deposit or in lieu thereof to furnish a performance bond, the amount of the deposit and the penal amount of the bond to be equal to 1¼ times the Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.
 - (c) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the deposit or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over and delivered to the village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the bond period for an additional period not to exceed two years.
 - (d) The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Engineer after consultation with the subdivider.

- (e) The subdivider shall pay the village for all costs incurred by the village for review and inspection of the subdivision. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.

C. Procedure.

- (1) Construction plans and specifications. Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the city shall be prepared at the subdivider's expense by professional engineer who is registered in the State of Wisconsin, and said plans shall contain his or her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his or her approval and for his or her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the preliminary plat with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
 - (a) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (c) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (d) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (e) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - (f) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (g) Additional special plans or information as required by village officials.
- (2) Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent village design standards recommended by the Village Engineer and approved by the Village Board. If he or she rejects the plans and specifications, he or she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (3) Construction and inspection.

- (a) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter.
 - (b) Construction of all improvements required by this chapter shall be completed within two years from the date of approval of the preliminary plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension.
 - (c) During the course of construction, the Village Engineer shall make such inspections as he or she deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the village for such inspections. This fee shall be the actual cost to the village of inspectors, engineers and other parties necessary to ensure satisfactory work.
 - (4) "As-built" plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.
- D. Street, alley and sidewalk improvements. The developer shall construct streets and sidewalks as outlines on the approved plans based on the requirements of this Code of Ordinances:
- (1) Grading. With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Village Engineer for conformance with village standards and good engineering practice. Street grades require the approval of the Village Board after receipt of the Village Engineer's recommendations. 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. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to ensure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
 - (2) Street and sidewalk construction.

- (a) After sanitary sewer, storm sewer and water utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets, curbs and gutters and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The subdivider shall surface roadways to the widths prescribed by the Village Board on recommendation of the Plan Commission and the Village Engineer. Construction shall be to village standard specifications for street improvements.
 - (b) The Village Board shall have the option of not requiring the construction of sidewalks within street rights-of-way in cases where it determines, after consultation with the Plan Commission and the Village Engineer, that sidewalks are not necessary because of low density land use and low pedestrian volumes or for access to schools and bus routes or for continuity of existing sidewalk or bicycle route systems or because of a cul-de-sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.
 - (c) Dedicated walkways shall be improved by the subdivider to a grade and width approved by the Village Engineer and with surfacing as required by the Village Board based on the location and the amount and character of use. The subdivider shall submit standard drawings indicating the existing and proposed grades.
- (3) Completion of street and sidewalk construction.
- (a) Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Director of Public Works and/or the Village Engineer and accepted by the Village Board.
 - (b) The Director of Public Works and/or the Village Engineer may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Director of Public Works and/or the Village Engineer and shall be based upon the written request of the subdivider.
 - (c) The subdivider requesting a waiver shall present such information and documentation required by the Director of Public Works. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.
- (4) Curb and gutter. After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- E. Sanitary sewerage system design standards. There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board and/or sewerage district. The subdivider shall install adequate sanitary sewer facilities and connect them to sewer mains subject to specifications and inspection of the Village

Engineer. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer from where it exists to the subdivision in question as well as providing all sanitary sewer work within the subdivision. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than required to serve the area shall be borne by the village, as agreed upon between the land owner and the Village Board prior to approval of the preliminary plat or certified survey map, pursuant to this chapter. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the village.

- F. Water supply system design standards. There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The village may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the village.
- G. Stormwater drainage facilities. Pursuant to § 261-10, the subdivider shall provide stormwater drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five-year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer. The subdivider shall pay all costs of all storm sewer work, except that the subdivider shall not be required to pay for any storm sewers that are required to bring the storm sewers to the subdivision nor shall they be required to install any storm sewers that are more than 18 inches in diameter.
- H. Other utilities. The subdividers shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.
- I. Street lamps. The subdivider shall install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Director of Public Works.
- J. Street signs. The subdivider shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Director of Public Works.
- K. Material standards. All improvements constructed under this chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard

Specifications for Roads and Bridges.” Where the Highway Commission’s specifications do not apply, the standards shall be as approved by the Village Engineer.

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

§ 261-15. Easements.

- A. Utility easements. The Village Board, on the recommendation of the Plan Commission and other appropriate agencies of the village shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- B. Drainage easements. Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet.
- C. Easement locations. Such easements shall be at least 12 feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

§ 261-16. Public sites and open spaces.

- A. Purpose. The requirements of this section are established to ensure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the village

grows. It has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.

- B. Design. In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan shall be made a part of the design. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and woodland, prairie and wetland plant and animal communities.
- C. Dedication of lands for streets and public ways. Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainageway or other public way which has been designated in the Comprehensive Plan, Comprehensive Plan component 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 map and as set forth in this chapter.
- D. Dedication of lands for playgrounds, parks, public lands. The subdivider shall designate on every new preliminary plat an area of land suitable for playground, park or school purposes and shall dedicate said lands to the public at the rate of one acre for each 25 proposed dwelling units; or the Village Board, upon the recommendation of the Plan Commission, may waive the requirement for dedication of land, except when said dedication involves lands designated in the Comprehensive Plan, Comprehensive Plan component or on the Official Map of the village. In lieu of dedication, the village shall levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Subsection E.
- E. Fee in lieu of dedication.
 - (1) Where, in the discretion of the village, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the village's comprehensive development plan or village officials determine that a cash contribution would better serve the public interest, the Plan Commission shall recommend to the Village Board that the subdivider pay a fee in lieu of making the required land dedication.
 - (2) Where a fee in lieu of land system is used, the subdivider shall pay to the village a fee equivalent to the fair market value of one acre for each 25 proposed dwelling units. The fair market of such a residential lot shall be determined by the Village Assessor.
 - (3) If the amount of land required to be dedicated, other than for streets and drainageways as indicated on the Master Plan, Comprehensive Plan component or Official Map of the village totals less than the ratio of one acre for each 25 proposed dwelling units, the subdivider shall pay to the village a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be

dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein.

- (4) The Plan Commission may recommend the subdivider satisfy the requirements by combining land dedication with fee payments. The fee, in such cases, shall be determined by subtracting the fair market value of the dedicated land from the total fee which would have been imposed had no land been dedicated by the subdivider. The fair market value shall be determined by the Village Assessor.

F. Development of area.

- (1) When park land is dedicated, the subdivider is required to bring the dedicated land up to the contours established in the approved street and utility plans, topsoiled with a minimum of four inches of quality topsoil, seeded as specified by village officials, fertilized with a 16-6-6 fertilizer at the rate of seven pounds per 1,000 square feet and mulched as specified in the Standard Specifications for Road and Bridge Construction Section 627 and 629. 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. Fine grading and seeding must occur within one year following issuance of the first building permit within that subdivision unless otherwise authorized by the Village Board.
- (2) It shall be the duty of the village to maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels, in which case he or she shall be responsible for the maintenance of adjacent public property as may be required in other laws of the village.

§ 261-17. Variations and exceptions.

- A. 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 of the proposed subdivision being located outside of the corporate limits or because exceptional 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 is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan.
- B. The Plan Commission shall not recommend nor shall the Village Board grant variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- C. Any recommendations by the Plan Commission shall be so endorsed by the Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do so by motion or resolution and instruct the Village Clerk-Treasurer to notify the Plan Commission and the owner.
- D. 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 community in accordance with the Comprehensive Plan or Chapter 262, Zoning, of the village. 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.
- E. The Village Board may waive the placing of monuments, required under Section 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required.¹¹

§ 261-18. Enforcement; violations and penalties; remedies.

- A. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes and no person shall be issued a building permit by the village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this chapter not of record as of the effective date of this Code until the 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.
- B. Penalties.
- (1) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$50 nor more than \$1,000 and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.¹²

¹¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

¹² Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

- (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the village at the expense of the subdivider when a subdivision is created by successive divisions.
- C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat 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. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.¹³

¹³ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).