

Chapter 382

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Village Board of the Village of Black Creek as Title 10, Ch. 6, of the 1987 Village Code. Amendments noted where applicable.]

§ 382-1. Introduction and purpose.

- A. Introduction. In accordance with the authority granted by § 236.45, Wis. Stats., and for the purposes listed in §§ 236.01 and 236.45, Wis. Stats., the Village Board of the Village of Black Creek 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 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.

§ 382-2. Definitions.

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.

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.

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

COMMISSION — The Village Plan Commission created by the Board of Trustees of the Village of Black Creek pursuant to § 62.23, Wis. Stats.

COMPREHENSIVE PLAN — The extensively developed plan, also called a "master plan," adopted by the Commission and certified to the Village Board pursuant to § 62.23, Wis. Stats., including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, Official Map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the Comprehensive Plan.

COUNTY PLANNING AGENCY — The committee created by the County Board of Supervisors pursuant to § 59.69, Wis. Stats., and authorized to plan land use within the county.

DIVISION OF LAND — Where the title of 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 1 1/2 miles of a fourth-class city or a Village and within three miles of all other cities.

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

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

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

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 interior 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.

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 plan of subdivision is presented to the Village Board for approval.

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 agent, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites; 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 rulemaking authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Chapter 227, Wis. Stats., including subsequent amendments to those rules.

§ 382-3. 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 § 82.18, Wis. Stats.
 - (2) The rules of the Department of Safety and Professional Services contained in Ch. SPS 385, Wis. Adm. Code, for subdivisions not served by public sewer. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (3) The rules of the Department of Transportation contained in Ch. Trans 233, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (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. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within 1 1/2 miles of the corporate limits as provided in §§ 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 § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats.
- 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.

§ 382-4. 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. A sketch of the proposed subdivision drawn on a topographic survey map should be submitted. 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 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 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. [Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]
- B. Preliminary plat review within the Village.
 - (1) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the application with the Village Clerk-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, at his option, to the Village Engineer and/or land planning consultant for review and written report of his recommendations and reactions to the proposed plat.

- (2) The Village Clerk-Treasurer shall, within two days after filing, transmit four copies to the County Planning Agency; two copies to the Wisconsin Department of Administration; additional copies to the Department of Administration 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 Administration if the subdivision is not served by a 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 Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as "objecting agencies." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. Preliminary plat approval within the Village. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (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 60 days, as provided by statute.
 - (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 90 days of the date the plat was filed with the Village Clerk-Treasurer, 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 90 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) 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 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission at the time of its submission.
- D. Final plat review within the Village.

- (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Village Clerk-Treasurer at least 10 days prior to the meeting of the Plan Commission at which action is desired.
 - (2) The Village Clerk-Treasurer shall, within two days after filing, transmit four copies to the County Planning Agency; two copies to the Wisconsin Department of Administration; additional copies to the Department of Administration 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 Safety and Professional 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 Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as "objecting agencies." **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (3) 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 Commission, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time. Approval of a final plat for only a portion of the preliminary plat for one year from the date of such final plat approval.
- F. Final plat approval within the Village.
- (1) The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, or 30 days in the case of the Department of Administration, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Plan Commission. If an objecting agency fails to act within 20 days, or the Department of Administration fails to act within 30 days, it shall be deemed to have no objection to the plat. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (2) If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (3) The Commission shall, within 30 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.

- (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 clerk of any municipality within 1,000 feet of the plat.
 - (5) The Village Board shall, within 60 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 subdivider. The Village Board may not inscribe its approval on the final plat unless the Village Clerk-Treasurer certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within the time frame prescribed in Subsection F(1) or, if filed, have been met. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (6) Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
 - (7) Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk-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 12 months after the date of the last approval of the plat and within 36 months after the first approval. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
 - (8) Copies. 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. Plats within the extraterritorial plat approval jurisdiction.
- (1) When the land to be subdivided lies within 1 1/2 miles of the corporate limits of the Village, the subdivider shall proceed as specified in Subsections A through F, except:
 - (a) Transmittal responsibility lies with the Village Clerk-Treasurer, Town Clerk or County Planning Agency to whomever the plat is first submitted, and the subdivider shall indicate which one in his application.
 - (b) Approved agencies include the Commission or Village Board, Town Board and the County Planning Agency, and the subdivider must comply with the land division ordinances of these agencies.
 - (c) The subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

- (d) All improvement requirements specified by the Town Board or any special improvement district in matters over which it has jurisdiction shall be met before filing of the final plat.

§ 382-5. 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 §§ 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in § 382-4A through G.
- 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.

§ 382-6. Minor subdivisions.

- A. Certified survey required. When it is proposed to divide land into not more than four parcels or building sites, the subdivider may subdivide by use of a Certified Survey Map.
- B. Letter of intent. The subdivider shall submit to the Village Clerk-Treasurer a letter of intent. The letter of intent shall specify:
 - (1) The name and address of the owner of the property under consideration.
 - (2) The name and address of the subdivider.
 - (3) The name and address of the surveyor who will be doing the work.
 - (4) The names and addresses of all prospective buyers.
 - (5) The location and size of the property.
 - (6) The present use of the land.
 - (7) The intended future use of the land.
 - (8) The estimated timetable of development.
- C. Sketch map. Accompanying the letter of intent, for areas outside the floodplain, the subdivider shall submit a sketch map at a scale of one inch equals 200 feet or other appropriate scale. More than one sketch map may be used to show the required information, but they shall be of the same scale and no one map shall be larger than 8 1/2 inches by 11 inches. Each submission shall include all contiguously owned land, except the sketch need not show more than 20 times the area of the intended certified survey. This sketch map shall show the following information:

- (1) North arrow, date, and scale.
 - (2) Reference to a section corner.
 - (3) Approximate dimensions of the parcels and easements.
 - (4) The location of existing buildings, water wells, sewerage systems, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Setback or building lines required by any approving agency.
 - (6) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.
- D. Floodplain areas. The Commission may require that two-foot contour maps, prepared by a registered surveyor or engineer, be the basis of the sketch in floodplain areas. In addition, the information required above will also be required.
- E. 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.
- F. Additional information. The Plan Commission may require contour maps and individual lot percolation tests and soil borings prior to tentative approval where limiting conditions are suspected.
- G. Tentative approval. The Plan Commission may grant tentative approval based on the letter of intent and sketch map pending submission of the certified survey map. Tentative approval shall assure final approval if the certified survey submitted within the six months is substantially the same plan and all requirements for division are met.
- H. Certified survey. The subdivider shall cause a certified survey map to be prepared in accordance with § 382-9 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 90 days from the date of filing of the map, unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Commission shall cause the Village Clerk-Treasurer to so certify on the face of a copy of the map and return it to the submitter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- I. Recordation. The subdivider shall record the map with the County Register of Deeds within six months of the date of the last approval of the map and within 24 months of the first approval of the map. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**

§ 382-7. 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 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 undue hardship would result from strict application thereof.
- 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 United States Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, 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 drainpipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains

which might be extended to serve the tract shall be indicated by 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 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 100-year-recurrence-interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) Soil types and their boundaries, as shown on the operational soil survey maps prepared by the United States Natural Resources Conservation Service. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- (14) Location and results of soil boring tests within the exterior boundaries of the plat conducted in accordance with Ch. SPS 385 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 Ch. SPS 385 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-ways 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 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. Soil and water conservation.

- (1) Erosion control. The Plan Commission and/or Village Board, upon determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications.
- (2) Tree cutting. Tree cutting and shrubbery clearing shall not exceed 30% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve the improved scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
- (3) Paths and trails. Paths and trails shall not exceed 10 feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (4) Earth movements. Earth movements, such as grading, topsoil removal, mineral extraction, stream-course changing, road cutting, waterway construction or enlargement, removal of streambed or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.
- (5) Review. Review of such cutting, clearing and movement may be requested of the County Soil and Water Conservation District Supervisors, the State Area Fish and Game Managers, and the State Area Forester by the Commission as they deem appropriate.

- D. Street plans and profiles. The Plan Commission and/or Village Board may require that the subdivider provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested. All elevations shall be based upon the same datum as above and plans and profiles shall meet the approval of the Village.

- E. Covenants. The Plan Commission and/or Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- F. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

§ 382-8. Technical requirements for final plats.

- A. General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.
- B. Additional information. The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., the following:
 - (1) Exact street width along the line of any obliquely intersecting street.
 - (2) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year-recurrence-interval flood, or, where such data is not available, a vertical distance of two feet above the elevation of the maximum flood of record.
 - (3) Location of individual lot soil boring and percolation tests as required by Ch. SPS 385 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the plat.
 - (4) Railroad rights-of-way within and abutting the plat.
 - (5) Setbacks or building lines required by any approving or reviewing agency.
 - (6) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat.
 - (7) Special restrictions required by the Plan Commission and/or Village Board and other approving or objecting agency relating to access control along public ways, the provision of planting strips, or shorelands or floodlands.
 - (8) Where the Plan Commission and/or Village Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request, in writing, such information from the subdivider.
- C. Deed restrictions. The Plan Commission and/or Village Board may require the deed restrictions be filed with the final plat.
- D. Survey accuracy. A qualified person shall examine all final plats within the Village's jurisdiction and make field checks for the accuracy and closure of the survey, proper kind and location of monuments and legibility and completeness of the drawing.

- E. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.
- F. State Plane Coordinate System. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- G. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats.; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 382-9. Technical requirements for certified survey maps.

- A. General. A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor subdivision shall be excepted from the improvements requirements set forth in § 382-17 of this chapter but shall comply with the design standards set forth in §§ 382-10 through 382-15 of this chapter.
- B. Additional information. The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:
 - (1) Date of map.
 - (2) Graphic scale.
 - (3) Name and address of the owner, subdivider and surveyor.
 - (4) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
 - (6) Acreage included in each parcel.
 - (7) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the 100-year-recurrence-interval flood, or, where such data is not available, a vertical distance of two feet above the elevation of the maximum flood of record.
 - (8) Location of individual lot soil boring and percolation tests, as required by Ch. SPS 385 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the map.
 - (9) Setbacks or building lines required by any approving or reviewing agency.

- (10) All lands reserved for future public acquisition.
 - (11) Where the Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request, in writing, such information from the subdivider as information on shoreline and bottom characteristics.
- C. State Plane Coordinate System. Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
 - D. Certificates. The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The Plan Commission, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - E. Recordation. The certified survey map shall only be recorded with the County Register of Deeds after the certificates of the Plan Commission and the surveyor are placed on the face of the map.

§ 382-10. 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 chapter sections. In all cases where the requirements of the chapter section 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 herein. 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 Official Map. Layout of streets shall conform to the Official Map.
- E. Areas not covered by Official Map. In areas not covered by the Official Map, 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) 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.
- (2) 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.
- (3) 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 and/or Plan Commission, 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.
- (4) 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.
- (5) Alleys. Alleys shall be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.
- (6) Arterial streets. Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

G. Extraterritorial streets. Streets located in the extraterritorial plat jurisdiction of the Village must also comply with the minimum town road standards of § 82.50, 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 reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- M. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- N. Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- O. 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:
 - (a) Arterial streets: 6%.
 - (b) Collector streets: 8%.
 - (c) Minor streets, alleys and frontage streets: 10%.
 - (d) Pedestrianways: 12%, unless steps of acceptable design are provided.
 - (e) The grade of any street shall in no case exceed 12% or be less than 0.5%.
 - (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.
- P. 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.
- Q. 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.
- R. Half streets. Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider. The platting of half streets should be avoided where possible.
- S. Street intersections.
 - (1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (2) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
 - (3) Number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
 - (4) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
 - (5) Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.
- T. 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.
 - (5) Sales of land abutting on private way. No person shall sell any parcel of land of five acres or less in size if it abuts on a road which has not been accepted as a public road, unless the seller informs the purchaser, in writing, of the fact that the road is not a public road and is not required to be maintained by town, county, or Village.
- U. 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.
- V. Street design standards.
- (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan, Comprehensive Plan component, Official Map or neighborhood development study; or, if no width is specified therein, the minimum widths shall be as follows:

Type of Street	Right-of-Way Width to Be Reserved (feet)	Right-of-Way Width to Be Dedicated (feet)	Pavement Width (Face of Curb to Face of Curb) (feet)
Arterial streets	120	80	Dual 36
Collector streets	80	80	48
Minor streets and culs-de-sac	60	60	36
Alleys	25	25	20
Pedestrianways	10	10	5
Frontage streets	50	50	32

- (2) Cul-de-sac. 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 culs-de-sac. 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.
- W. Stream or lake shores. Stream or lake shores shall have 60 feet of public access platted to the low-water mark at intervals of not more than 1/2 mile as required by § 236.16(3), Wis. Stats.