

§ 382-11. Design standards for blocks.

- A. Length. 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 1,500 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 600 feet in length.
- B. Width. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- C. Pedestrian pathways. Pedestrian pathways, not less than 10 feet wide, may be required by 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.
- D. Trees. The Plan Commission may recommend, and the Village Board may require, that certain species of trees be planted on both sides of all streets.

§ 382-12. Design standards for lots.

- A. Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by Chapter 390, Zoning.
- B. Area and dimensions of lots shall conform to the requirements of Chapter 390, Zoning, and in areas not served by sewer shall, in addition, conform to the requirements of the State Department of Safety and Professional Services and the County Sanitary Ordinance. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this chapter. **[Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II)]**
- C. Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided, and a proportion of 2:1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

- D. Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- E. Corner lots for residential use shall have extra width of 10 feet to permit building setback from both streets.
- F. Every lot shall abut or face a public street for a distance of at least 30 feet at the property line on a public street.
- G. Butt lots will be permitted by the Plan Commission only in exceptional cases.
- H. Side lot lines shall be substantially at right angles to or radial to abutting curved street lines. Lot lines shall follow municipal boundary lines rather than cross them.
- I. In case a tract is divided into parcels of more than 1 1/2 acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this chapter and with Chapter 390, 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. Width of lots shall conform to the requirements of the Chapter 390, Zoning, and in no case shall a lot be less than 60 feet in width at the building setback line.
- L. Lands lying between the meander line, established in accordance with § 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in § 236.16(4), Wis. Stats.

§ 382-13. Flood protection.

- A. Filling of all lots in each subdivision is required to a point not less than one foot below the flood protection elevation for the particular area as specified on the flood profile appended to Chapter 370, Floodplain Zoning.
- B. Areas to be filled shall also include all street rights-of-way and other appropriate areas, such as park and open space lands, so that they bear a reasonable relationship to adjoining properties.

§ 382-14. 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.
- (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of 2%, and provisions shall be made to prevent excessive drainage onto adjacent properties.

- (4) The topsoil stripped by grading shall not be removed from the site and shall be uniformly spread over the lots when rough grading is finished.
- D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section.
 - (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building 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 to 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.)

§ 382-15. 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 is required to install to serve his 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 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, finds 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 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 by the Village Board.

§ 382-16. 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 390, 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 in the Comprehensive Plan, Official Map, and Chapter 390, 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 are specifically adapted to the uses anticipated and take 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 stormwater 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.

§ 382-17. Requirements and design standards for public improvements.

- A. Improvements completed. All improvements required under this chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Village Clerk-Treasurer for approval by the Plan Commission and Village Board. In lieu of construction of any of the public improvements, the owner may furnish a surety bond as provided in Subsection B of this section.
- B. Financing. Before a final plat is approved by the Plan Commission and Village Board, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:
 - (1) The subdivider shall pay for the cost of all improvements required in the subdivision by the Village Board and Plan Commission.
 - (2) Guaranteed completion of the required improvements within a two-year period.
 - (3) Payment by the subdivider for all costs incurred by the Village for review and inspection. 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.
 - (4) The Village may elect to install any of the required improvements under the terms of a cash escrow agreement.
 - (5) The performance bond or cash escrow agreement shall be equal to 1 1/4 times the Engineer's estimated cost of the required improvements.
 - (6) If the required improvements are not complete within the two-year period, all amounts held under the escrow agreement or 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.
- C. Survey monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats.
- D. Grading.
 - (1) Cut and filled lands shall be graded by the subdivider to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.
 - (2) After the installation of temporary block corner monuments by the subdivider and approval of street grades by the Plan Commission and/or Village Board, the

subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Board. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.

- (3) Where electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- E. Surfacing. After the installation of all utility and stormwater drainage improvements, the Village shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the Comprehensive Plan or Comprehensive Plan components of the Village. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board.
- F. Curb and gutter. After the installation of all utility and stormwater drainage improvements, adjacent property owners shall construct, through special assessment procedures, concrete curbs and gutters in accordance with plans and specifications approved by the Village Board. Provision shall be made at the time of construction for driveway-access curb cuts.
- G. Public sanitary sewerage and private sewage disposal systems.
- (1) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service disposal systems as specified in applicable ordinances. The Village Board may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line, in accordance with this section, and shall cap all laterals. 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 Board.
 - (2) The subdivider shall assume the cost of installing all sanitary sewers eight inches in diameter or less in size. If greater than eight-inch-diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total drainage area.
- H. Stormwater drainage facilities.
- (1) The subdivider shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches and open channels, as required by the Village Board. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow. The type of facilities required, the design criteria, and the sizes and grades shall be determined by the Board.

- (2) Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and 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 standard specifications approved by the Village Board. Such facilities may, at the request of the Board, include water retention structures and settling basins so as to prevent erosion and sedimentation.
 - (3) Unpaved road ditches and street gutters shall be shaped and seeded or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy-dissipating devices in accordance with plans approved by the Village Board.
 - (4) The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than 24 inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
- I. Public water supply facilities.
- (1) 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 Board 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 Board.
 - (2) The subdivider shall assume the cost of installing all water mains six inches in diameter or less in size. If greater than six-inch-diameter water mains are required, the excess cost of such mains over and above the cost of a six-inch main shall be borne by the Village.
- J. Other utilities.
- (1) The subdivider 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.
 - (2) 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 Plan Commission.
- K. Streetlamps. The Village shall install streetlamps 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 Plan Commission.

- L. Street signs. The Village shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Plan Commission.
- M. Sediment control.
 - (1) The subdivider shall plant those grasses, trees, and vines, of a species and size specified by the Plan Commission, necessary to prevent soil erosion and sedimentation.
 - (2) The Plan Commission may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- N. Modification of improvements required. The Village Board may waive or modify any requirement in this section in accordance with the provisions of § 382-22 of this chapter.

§ 382-18. Construction of required improvements.

- A. Commencement. No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved and the Plan Commission has given written authorization.
- B. Building permits. No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.
- C. Plans. The following plans and accompanying construction specifications may be required by the Plan Commission and/or Village Board before construction or installation of improvements is authorized:
 - (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
 - (6) Planting plans showing the locations, age, caliper, species, and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required.

- D. Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Plan Commission and/or Village Board to provide for adequate inspection. Authorized inspectors shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.
- E. Erosion control.
- (1) The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected so that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Plan Commission.
 - (2) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - (3) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - (4) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - (5) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
- F. Existing flora.
- (1) The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, soil absorption waste disposal areas, paths and trails.
 - (2) Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

§ 382-19. Fees.

- A. General. The subdivider shall pay the Village all fees as hereinafter required and at the times specified.
- B. Application fee. The subdivider shall pay a fee amounting to \$20 for each lot or parcel within the preliminary plat or certified survey to the Village Clerk-Treasurer at the time of application for approval of any preliminary plat. This fee will assist in defraying the costs of review of the preliminary plat, final plat, and plans and specifications for improvements. This fee is nonrefundable. A reapplication of any preliminary plat or certified survey which has been previously reviewed will be subject to the original application fee requirements specified above.
- C. Inspection fee. The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for such inspection as the Plan Commission and Village Board deem necessary to assure that the construction of the

required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.

D. Public site fee.

- (1) If the Plan Commission and Village Board waive the requirement for dedication of public lands as provided in § 382-21, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision in the amount of \$200 for each dwelling unit within the plat allowed by Chapter 390, Zoning.
- (2) Public site fees shall be placed in a separate service district fund by the Village Clerk-Treasurer to be used only for the acquisition of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.

E. Engineering fee.

- (1) The subdivider shall pay a fee to the Village Engineer equal to the actual cost incurred by the Village Engineer for all engineering work incurred by the Village in connection with the plat.
- (2) Engineering work shall include the preparation of construction plans and standard specifications. The Village Board may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
- (3) Inspection, checking and reviewing work has fees provided for in Subsection C above.

F. Administrative fee.

- (1) 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.
- (2) Legal work shall include the drafting of contracts between the Village and the subdivider.

G. Modification of fees. The Plan Commission and/or Village Board may waive or modify any requirement in this section in accordance with the provisions of § 382-22 of this chapter.

§ 382-20. Easements.

- A. Utility easements. The Village Board, on the recommendation of other appropriate agencies of the Village, shall require utility easements for poles, wires, 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, drainageway, 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, drainageway, 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 of flow. In all cases, such watercourse shall be of a minimum width established at the high-water mark, or in the absence of such specification, not less than 30 feet.
- 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 Village Board 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.

§ 382-21. 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, if applicable, 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 § 382-10 of this chapter.

D. Dedication of lands for playgrounds, parks, public lands.

- (1) 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 26 proposed dwelling units; or the Village Board 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 § 382-19.
- (2) Whenever proposed public lands other than streets or drainageways, designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map of the Village, are embraced, all or part, in a tract of land to be subdivided, these proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 26 proposed dwelling units; and said proposed public lands, other than streets or drainageways, in excess of the rate established shall be reserved for a period not to exceed two years unless extended by mutual agreement for purchase by the public agency having jurisdiction; or all said proposed public lands, other than streets or drainageways, shall be reserved by the subdivider for a period not to exceed two years unless extended by mutual agreement for acquisition by the Village at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in § 382-19 of this chapter.
- (3) Proposed public lands designated in the Comprehensive Plan, Comprehensive Plan component, or on the Official Map of the Village, lying outside the corporate limits of the Village but within the jurisdictional area of these regulations, shall be reserved for acquisition by the town or county at undeveloped land costs.

E. Development of area.

- (1) When parkland 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 the Village Coordinator, fertilized with 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, Sections 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 shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village.

§ 382-22. 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 Board may waive or modify any requirements to the extent deemed just and proper.
- B. The Village Board shall not 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. 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 Comprehensive Plan component 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.
- D. The Village Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required.

§ 382-23. 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 chapter until the provisions and requirements of this chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

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 \$100 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.
- (2) Recordation improperly made has penalties provided in § 236.30, Wis. Stats.
- (3) Conveyance of lots in unrecorded plats has penalties provided for in § 236.31, Wis. Stats.
- (4) Monuments disturbed or not placed have penalties as provided for in § 236.32, Wis. Stats.
- (5) Assessor's plat made under § 70.27, Wis. Stats., 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 §§ 236.13(5) and 62.23(7)(e) 10 to 15, Wis. Stats., within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. 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.