

TITLE 14

Subdivision and Platting

Chapter 1

Land Division and Subdivision Code

Chapter 2

Impact Fees

Title 14 ► Chapter 1

Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sec. 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Bristol, Kenosha County, Wisconsin, 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 of Bristol.
 - (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 regulate and control the division of land within the limits of the Village of Bristol, Kenosha County, Wisconsin, in order to promote the public health, safety, prosperity, aesthetics, morals, and general welfare of the Village of Bristol.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
 - (1) Promote the wise use, conservation, protection, and proper development of the Village's soils, topography and steep slopes, water, shorelands, wetlands and shoreland-wetlands, woodlands and forests, and wildlife resource features and attain a proper adjustment of land division, land use, and development to the supporting and sustaining natural resource base;
 - (2) Provide for dedication and/or reservation of appropriately located sites for streets (including adequate right-of-way for anticipated future widening of streets); water supply; stormwater and sewerage systems and facilities; schools; parks and playgrounds; and other desirable public facilities and services;
 - (3) Further the orderly layout and appropriate use of land;
 - (4) Provide safe streets and highways and lessen traffic congestion on such streets and highways;
 - (5) Secure safety from fire, panic, and other dangers;
 - (6) Provide adequate light and air;
 - (7) Facilitate and ensure adequate provision of housing, transportation, water supply, stormwater management, wastewater disposal, schools, recreation, parks, playgrounds, and other public facilities and services;
 - (8) Secure safety from flooding, water pollution, disease, and other hazards and minimize expenditures for flood relief and flood control projects;
 - (9) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

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- (10) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters;
- (11) Protect and enhance the rural character and natural beauty of the Village of Bristol;
- (12) Preserve natural vegetation and cover, and promote the natural beauty of the Village;
- (13) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development due to natural resource characteristics;
- (14) Control the further appropriate division of larger tracts into smaller parcels of land;
- (15) Avoid the harmful effects resulting from the premature division of land;
- (16) Ensure adequate legal description and proper survey monumentation of subdivided land;
- (17) Provide for the administration and enforcement of this Chapter;
- (18) Provide penalties for violation of this Chapter;
- (19) Provide for proper ingress and egress from land; and
- (20) Implement those village, municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village and, in general, facilitate enforcement of those development standards as set forth in the adopted regional, county, and local comprehensive plans, neighborhood plans, adopted plan components, Chapter 12 titled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the *Municipal Code of Kenosha County*, and building code of the Village of Bristol, and, upon its adoption Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.,

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

Sec. 14-1-3 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Bristol and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Village of Bristol Subdivision Ordinance", "Village of Bristol Land Division and Subdivision Ordinance", or "Village of Bristol Land Division Ordinance".

Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions.

- (a) **General Definitions.** The language set forth in the text of this Chapter shall be interpreted according to the following rules of construction:
- (1) **Singular and Plural.** The singular number includes the plural, and the plural the singular.
 - (2) **Tense.** The present tense includes the past and future tenses, and the future the present.
 - (3) **Shall and May.** The word "shall" is mandatory; the word "may" is permissive.
 - (4) **Gender.** The masculine gender includes the feminine and neuter genders.
 - (5) **Defined Words and Terms.** Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof. Any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word.
 - (6) **Words Not Defined Herein.** Any words not defined in this Section shall be presumed to have their customary dictionary definitions.
- (b) **Specific Words and Phrases.** The following definitions shall be applicable in this Chapter:
- (1) **Abutting.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.
 - (2) **Access.** A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.
 - (3) **Adjacent.** Nearby, but not necessarily touching or abutting.
 - (4) **ADT.** Average daily traffic. The average total number of vehicles traversing a street on a typical day.
 - (5) **Advisory Agency.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board or Plan Commission. Examples of advisory agencies include regional planning commissions, school districts, and local utility companies.
 - (6) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (7) **Approving Agencies.** Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10, Wis. Stats.

- (8) **Arterial Street.** A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall generally be designed to convey an average daily traffic (ADT) of three thousand (3,000) and greater.
- (9) **Bicycle Path.** A pathway designed specifically to satisfy the physical requirements of bicycling.
- (10) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (11) **Block.** A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.
- (12) **Buffer.** See definition for "Bufferyard."
- (13) **Bufferyard.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural vegetation, or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the certified survey map, subdivision plat, or condominium plat.
- (14) **Buildable Lot.** See definition of "Lot, Buildable."
- (15) **Building Line (or Buildable Line).** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the applicable Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
- (16) **Caliper.** A measurement of the diameter of a tree taken six (6) inches from above the ground level for trees up to and including four (4) inch caliper sizes, and twelve (12) inches above the ground level for larger sizes.
- (17) **Certified Survey Map.** A minor land division, as defined in Section 14-1-35 of this Code of Ordinances and prepared and recorded as set forth in Section 236.34, Wis. Stats. See also "Minor Land Division."
- (18) **Channel.** A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks which serve to confine water.
- (19) **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. It is a street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers.

- Collector streets shall be designed to convey an average daily traffic (ADT) of between five hundred (500) and three thousand (3,000).
- (20) **Commission, Plan.** The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (21) **Common Area.** Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.
 - (22) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
 - (23) **Comprehensive Plan ("Smart Growth Plan").** The extensively developed plan, also called a Master Plan or Smart Growth Plan, adopted by the Village of Bristol Plan Commission and certified to the Village Board pursuant to Section 62.23, Wis. Stats., or a Comprehensive Plan adopted by the Village Board pursuant to Section 66.1001, Wis. Stats. The Land Use Plan shall be considered an element, or component, of the Comprehensive Plan. The Comprehensive Plan shall also include, as its components, neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban development, and public facilities. Devices for implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of, or component of, the Comprehensive Plan.
 - (24) **Comprehensive Plan Component.** Each plan, ordinance, study, standard, agreement, or other document duly adopted or approved by the Village Board or Plan Commission which is related to the regulation of or the planning for land use or development, or to the provisions of public improvements or services within the Village.
 - (25) **Condominium.** A building, or group of buildings, in which dwelling units or other nonresidential floor area portions thereof are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Property subject to a condominium declaration as defined, regulated and established under Chapter 703, Wis. Stats., and this Chapter.
 - (26) **Condominium Association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
 - (27) **Condominium, Conversion.** A structure which, before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of the purchasers.
 - (28) **Condominium Declarant.** The owner of property who subjects said property to a condominium declaration.
 - (29) **Condominium Declaration.** The instrument by which property becomes subject to Chapter 703, Wis. Stats.

- (30) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (31) **Condominium Unit.** A part of a condominium intended for any type of independent use, including one (1) or more cubicles of air at one (1) or more levels of space or one (1) or more rooms or enclosed spaces located on one (1) or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.
- (32) **Conservation Easement.** A type of protective covenant, the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Chapter.
- (33) **Consolidation.** Legally merging two (2) or more recorded parcels into a single parcel.
- (34) **Contiguous.** In contact with one (1) or more sides.
- (35) **Conveyance.** Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.
- (36) **County Planning Agency.** The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.
- (37) **Cul-de-sac.** A local street having but one (1) end or outlet open to traffic and the other end being permanently terminated in a vehicular turnaround for the safe and convenient reversal of traffic movement.
- (38) **Curb.** A vertical or sloping edge of a roadway, drive, or parking area.
- (39) **DBH.** Diameter at breast height. (See definition of "Diameter at Breast Height.")
- (40) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (41) **Dedication (Of Land and/or Interest in Land).** The grant and conveyance of a geographically defined interest in land which is identified on a subdivision plat or certified survey map as being the subject of a dedication, grant and conveyance to the Village or some other entity, usually for public improvements, facilities, or uses; the act of making such a dedication. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.
- (42) **Dedication (Of Public Improvements).** The grant and conveyance to the Village of completed public improvements in a land division by the subdivider or condominium developer (as applicable); the act of making a dedication.
- (43) **Deed Restriction.** A restriction on the use of a property set forth in the deed.
- (44) **Detention Basin.** A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

- (45) **Developer.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.
- (46) **Development.**
- a. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":
 1. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
 2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
 3. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
 4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
 5. Demolition of a structure; or
 6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
 7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.
 - b. The following operations or uses shall not be taken for the purpose of these regulations to involve "development":
 1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
 2. Work by any public or quasi-public utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; or
 3. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the temporary decoration of the exterior of the structure is affected; or
 4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or

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5. Work involving the landscaping of a detached dwelling; or
 6. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planted areas.
 - c. "Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Village. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (47) **Development Agreement.** See definition of "Subdivider's Agreement."
- (48) **Development, Multi-Family Dwelling.** A residential building designed for occupancy by two (2) or more dwelling units.
- (49) **Development Plan.** The Kenosha County Development Plan text and all accompanying maps, charts, and explanatory material adopted by Kenosha County pursuant to Section 59.97, Wis. Stats., and all amendments thereto.
- (50) **Development, Rural.** Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment (also see definition for "Rural Area").
- (51) **Development, Urban.**
- a. Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities, including, but not limited to:
 1. Full- or part-time municipal police and fire protection and community administration;
 2. Additional public streets and highways;
 3. Neighborhood parks and playgrounds;
 4. Neighborhood schools;
 5. Local libraries;
 6. Public sanitary sewer facilities;
 7. Public water supply facilities, and public solid waste removal;
 8. Storm sewer facilities;
 9. Mass transit facilities;
 10. Continual street maintenance;
 11. Curbs, gutters, and sidewalks;
 12. Street lighting; and
 13. Neighborhood convenience shopping.
 - b. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters (also see definition for "Urban Area").

- (52) **Diameter at Breast Height.** The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above the ground line. This point of measurement is used for established and mature trees.
- (53) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale, development, foreclosure or condemnation. Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a subdivision plat, a certified survey map, or condominium plat.
- (54) **Drainageways.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. The land on either side of and within thirty (30) feet of the centerline of any naturally occurring trench, ditch, swale, or similar depression into which surface water flows, conveys surface water, and which are dry throughout most of the year, but may hold water during and immediately after either a rain storm or periods of snow melt. Drainageways shall include intermittent streams, but shall not include lakes, ponds, perennial streams, floodlands, 100-year recurrence interval floodplains, floodways, shoreland-wetlands, and wetlands. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. (Also referred to as "greenways").
- (55) **Drip Line.** The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.
- (56) **Driveway.** A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.
- (57) **Driveway Approach.** That portion of a driveway located within a public right-of-way that is widened to accommodate turning movements to access property and streets.
- (58) **Dwelling Unit.** One (1) or more rooms, including a bathroom and complete kitchen facilities that are arranged, designed, or used as living quarters for one family or household.
- (59) **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, quasi-public entity (such as a homeowners' association), or part of the public.
- (60) **Easement, Conservation.** A type of "protective covenant" the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat, or filed as a separate legal instrument used to conserve and preserve a natural resource feature protected under the provisions of this Chapter.

- (61) **Equestrian Trail.** A pathway designed specifically to satisfy the physical requirements of horses, or other equine, riding.
- (62) **Erosion.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.
- (63) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (64) **Face of Curb.** On a nonmountable curb, the vertical portion of the curb facing the roadway pavement. On a mountable curb, the curb face is located six (6) inches from the back of the curb in the direction of the roadway pavement.
- (65) **Final Plat.** The final map, drawing, or chart on which the subdivider's or condominium developer's (as applicable) plan of subdivision is presented for approval under the requirements of Chapter 236, Wis. Stats., as amended, and this Chapter, as amended, and which, if approved, will be submitted to the County Register of Deeds.
- (66) **Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (67) **Flood of Record, Maximum.** The highest recorded elevation of a recorded flood event.
- (68) **Flood Protection Elevation.** An elevation two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.
- (69) **Floodlands.** Those lands, including the channels, floodways, and flood fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood [or that flood having a one percent (1%) probability of occurring in any given year] is generally used for zoning regulation. Where detailed flood data are not available, the maximum flood of record is used.
- (70) **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (71) **Floodway.** A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.

- (72) **Forest.** See definitions for "Woodland, Mature" and "Woodland, Young."
- (73) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (74) **Frontage.** All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.
- (75) **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.
- (76) **Gutter.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.
- (77) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (78) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (79) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (80) **Homeowners' Association.** A Wisconsin non-profit membership corporation which serves as an association of homeowners within a subdivision, certified survey map, or condominium having shared common interests and responsibilities with respect to the costs and upkeep of common private property of a subdivision, certified survey map, or condominium. Such common property includes private recreation and open space areas within the subdivision, certified survey map, or condominium. For the purposes of this Chapter, homeowners' associations include condominium associations.
- (81) **Impervious Lot Area.** Roof areas, gravel and bituminous surfaces, sidewalks, decks or other hard surface areas.
- (82) **Improvement.** Any man-made immovable item which becomes part of, placed upon, or is affixed to, real estate.
- (83) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.

- (84) **Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into a bank, savings and loan, or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the Village, and which is approved, as to form, by the Village Attorney.
- (85) **Lake.** Any body of water two (2) acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- (86) **Land Division.** Any division or conveyance of land or an interest in land that results in the creation of one (1) or more additional lots or parcels, including, without limitation, any subdivision or minor land division. Notwithstanding the foregoing definition, the creation of any condominium shall be deemed to be a land division under this Chapter. A land division can be legally created or accomplished only by means of:
 - a. A preliminary and final plat approved by the Village as specified by this Chapter;
 - b. A certified survey map approved by the Village as specified in this Chapter; or
 - c. In the case of a condominium, by means of condominium instruments approved by the Village as specified in this Chapter.
- (87) **Landscape Bufferyard.** See the definition for "Bufferyard."
- (88) **Landscape Plan.** A written plan for landscaping meeting the requirements of Section 14-1-45.
- (89) **Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.
- (90) **Lateral, Sanitary Sewer Service.** Pipes installed for conducting water to the lots of certified survey maps, subdivision plats, condominium plats, or other lots or parcels of land to larger sanitary sewer pipes, called "trunk", "interceptor" or "main" sewers which are oftentimes located within easements or rights-of-way.
- (91) **Lateral, Water Service.** Pipes installed for conducting water to the lots of Certified Survey Maps, Subdivision Plats, Condominium Plats, or other lots or parcels of land from larger water mains which are often times located within easements or rights-of-way.
- (92) **Letter of Credit.** An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.
- (93) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (94) **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 and shoreland/floodplain ordinance.

- (95) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (96) **Lot, Buildable.** A lot on which a principal building to be utilized for one (1) or more uses can be lawfully constructed.
- (97) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (98) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (99) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (100) **Lot, Flag.** A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.
- (101) **Lot Frontage.** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.
- (102) **Lot Lines.** The peripheral boundaries of a lot as defined herein. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- (103) **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.
- (104) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) 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.
- (105) **Lot Width.** The horizontal distance between the side lot lines measured at the front setback lines.
- (106) **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.
- (107) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other agency which may pertain to the division of lands, including the Comprehensive Plan ("Smart Growth Plan"), the Official Map, comprehensive utility plans, and other planning documents (if available)

- including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (108) **Mini-Park.** Mini-level, privately-owned outdoor recreation land areas (including playlots and totlots) serving a single subdivision or condominium plat, and generally containing less open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Mini-park level private outdoor recreation lands are typically less than five (5) acres in area but a minimum of twenty thousand (20,000) square feet in area and are located within short walking distances of home (generally less than one-quarter mile). These areas provide sufficient useable land area meeting the standards set forth in this Chapter for mini-parks. These areas are equipped with safe and creative play devices, landscaping, and suitable groundcover improvements and can include picnicking areas, play equipment areas, open play areas, and other small passive activity areas.
- (109) **Minor Land Division (Certified Survey Map).** Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.
- (110) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street." Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred fifty (250).
- (111) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards are fully reproduced in Appendix D of the Southeastern Wisconsin Regional Planning Commission (SEWRPC) Technical Report No. 7 titled *Horizontal and Vertical Survey Control in Southeast Wisconsin*.

- (112) **Natural Resources.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, floodlands, wetlands, and shoreland-wetlands as defined in this Chapter.
- (113) **Natural Resource Protection Plan.** A written plan for landscaping meeting the requirements of Section 14-1-44.
- (114) **Natural Resource Protection Standard.** The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain undeveloped and protected and is specifically designated for natural resource protection by deed restriction, easement, protective covenant, zoning, or a combination thereof.
- (115) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (116) **Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annual recurring basis [*Muench v. Public Service Commission*, 261 Wis. 2d 492 (1952) & *DeGavnor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)].
- (117) **Non-Earth Materials.** Materials other than earth, clay, soil, ground, stones, and rock.
- (118) **Objecting Agencies.** An agency empowered to object to a subdivision plat pursuant to Chapter 236, Wis. Stats. The Village may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, Wisconsin Department of Commerce, Wisconsin Department of Transportation, and the County Planning Agency.
- (119) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, waterways, parkways, required rights-of-way, public transit facilities, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Section 62.23(6), Wis. Stats.
- (120) **Open Space.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or

nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.

- (121) **Open Space, Common.** Open space within or related to a development, neither individually owned nor dedicated for public use but typically owned by a property owners' association, which is designated and intended for the common use and/or enjoyment of the residents of the development, and which is accessible and usable by all persons who occupy a principal use within the development.
- (122) **Open Space, Deed Restricted.** Deed restricted open space on platted "lots" is not occupied by any principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. Deed restricted open space on platted "outlots" is not occupied by non-recreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "outlots" is by a homeowners' association. The maintenance of deed restricted open space located on platted "lots" is by the individual lot owner.
- (123) **Open Space, Private.** An open space area privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these having legal title to the open space area.
- (124) **Open Space, Public.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (125) **Ordinary High Water Mark.** The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, or other easily recognized characteristics.
- (126) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined in the future with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. Section 236.13(6), Wis. Stats., prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Village shall generally require that any restrictions related to an outlot be included on the face of the preliminary plat, final plat or certified survey map.
- (127) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these, having legal title

- or sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel by certified survey maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a certified survey map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.
- (128) **Parcel.** Contiguous lands under the control of a Subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
- (129) **Park, Private.** An outdoor recreation park privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having legal title to the outdoor recreation park.
- (130) **Park, Public.** An outdoor recreation park conveyed or otherwise dedicated to a local government, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (131) **Pedestrianway.** A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (132) **Person.** Shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint ventures, joint stock companies, public or private corporations, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district, or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
- (133) **Plan Commission.** The Village Plan Commission created by the Village Board pursuant to Section 62.23, Wis. Stats.
- (134) **Planned Unit Development (PUD).** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.

- (135) **Plat.** The map, drawing or chart on which the subdivider's land division or condominium is presented to the Village for approval.
- (136) **Pond.** All bodies of water less than two (2) acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- (137) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration pursuant to the requirements of Ch. 236, Wis. Stats., the Comprehensive Plan, and this Chapter.
- (138) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (139) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (140) **Recreation Land, Community Level Public Outdoor.** An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two (2) to ten (10) miles and provide sufficient useable land area per capita to meet the standards set forth in the adopted Comprehensive Plan or element thereof. The size of such areas typically ranges from twenty-five (25) to ninety-nine (99) acres in area.
- (141) **Recreation Land, Neighborhood Level Public Outdoor.** An outdoor recreation site serving a single neighborhood and generally containing less open space and natural resource oriented areas than typical "Community Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with an elementary school), picnicking, ice skating area, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about one-half (0.5) to two (2) miles and provides sufficient useable land area per capita to meet the standards set forth in the Comprehensive Plan or element thereof. The size of such areas are typically less than twenty-five (25) acres in area.
- (142) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The legal dividing

- of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.
- (143) **Reservation.** A geographically defined area of land or interest in land, identified on a subdivision plat, certified survey map, or condominium as having been temporarily set aside for possible future acquisition for public improvements, facilities, or uses. Such a reservation does not imply public ownership.
- (144) **Reserve Strip.** Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two (2) abutting properties.
- (145) **Residential Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (146) **Retention Basin.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.
- (147) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (148) **Runoff.** The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.
- (149) **Rural Area.** Those areas of the Village of Bristol not within a Village of Bristol adopted delineated public sanitary sewer service area in conformance with an adopted areawide water quality management plan.
- (150) **Setback.** Those minimum street, front, rear, and/or side yards required by the pertinent zoning codes governing the Village.
- (151) **Sewer Service Area.** If the Village adopts such a classification, that portion of the Village and the area which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (152) **Shore Buffer.** The area located within seventy-five (75) feet of the ordinary highwater mark of all navigable waters and parallel to that ordinary high water mark.
- (153) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain (i.e, the outward edge of the floodplain), whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the highwater mark thereof.
- (154) **Shoreland-Wetland.** A wetland, as defined by this Chapter and pertinent shoreland-wetland ordinances, which is located within a shoreland area.

- (155) **Sidewalk.** A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.
- (156) **Sketch Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes. Also called a "Concept Plan". See also Articles D and E of this Chapter.
- (157) **Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.
- (158) **Slope, Steep.** Three (3) categories of steep slopes are defined herein for use in this Chapter. These categories are based upon the relative degree of the steepness of the slope as follows: ten to twenty percent (10-20%); twenty to thirty percent (20-30%); and greater than thirty percent (30%). No land area shall be considered a steep slope unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.
- (159) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service of the U.S. Department of Agriculture as published in the *Soil Survey: Kenosha and Racine Counties, Wisconsin*, dated December, 1970.
- (160) **"Standards and Specifications for Development."** The written set of standards and specifications which the Village uses, and has established as public policy, for the installation of improvements as set forth in this Chapter.
- (161) **Stream.** A course of running water, either perennial or intermittent, flowing in a channel.
- (162) **Street.** A dedicated public way for pedestrians and vehicular traffic and utility access including but not limited to highways, arterials, collectors, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (163) **Street Line.** A line separating a lot, piece, or parcel of land from a street.
- (164) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (165) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey map, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter. For purposes of this Chapter, "subdivider" shall also mean and include condominium developers.
- (166) **Subdivider's Agreement.** An agreement by which the Village and subdivider or condominium developer (as applicable) agree in reasonable detail as to all of those

- matters which the provisions of this Chapter permit to be covered by the Subdivider's Agreement and which Agreement shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Village.
- (167) **Subdivision.** The division of a lot, parcel or tract of land by the owner(s) thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of ten (10) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of ten (10) acres each or less in area are created by successive divisions within a period of five (5) years.
- (168) **Subgrade.** The natural ground lying beneath a road.
- (169) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider or condominium developer.
- (170) **Tree.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one (1) trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.
- (171) **Tree, Canopy.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.
- (172) **Tree, Street.** A tree adjacent to a public place, street, special easement, or right-of-way adjoining a street. (See also Title 6, Chapter 5 of this Code of Ordinances).
- (173) **Tree, Understory.** A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.
- (174) **Trip.** A single or one-way vehicle movement to or from a property.
- (175) **Unit.** See definition of "Condominium Unit."
- (176) **Urban Area.** That portion of the Village of Bristol located within a Village of Bristol adopted delineated public sanitary sewer service area in conformance with an adopted areawide water quality management plan.
- (177) **Village Engineer.** A registered professional engineer who is a consultant to or employee of the Village, or a consulting engineer or engineering firm who provides resident staff services to the Village, and is duly appointed by the Village Board to the position. References to "Village Engineer" may also mean that certain tasks may be performed by the Village Administrator, Director of Public Works or other Village officials.
- (178) **Village Planner.** A professional planner who is a consultant to or employee of the Village, or a consulting professional planner who provides resident staff services to the Village, and who is duly appointed by the Village Board to the position.
- (179) **Watercourse.** A permanent or intermittent stream channel.
- (180) **Wetland.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [Sec. 23.32(1), Wis. Stats.]

- (181) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.
- (182) **Woodland, Mature.** An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH: of at least twelve (12) inches whose combined canopies cover at least fifty percent (50%) of the area encompassed by the grove. However, no trees grown for commercial purposes shall be considered a mature woodland.
- (183) **Woodland, Young.** An area or stand of trees where:
 - a. Total combined canopy covers an area of one-half (0.5) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches; or
 - b. Clusters of six (6) or more trees of at least four (4) inches diameter at breast height (DBH) with a total combined canopy cover of an area of five thousand (5,000) square feet or more. (Note: No trees grown for commercial purposes shall be considered a young woodland).
- (184) **Zoning District.** As defined in the appropriate zoning code and accompanying maps as amended.
- (185) **Zoning Permit.** The permit required by this Chapter and pertinent zoning codes before the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Chapter.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of the Village of Bristol which results in a subdivision, minor land division, condominium, or replat as defined herein. No such subdivision, minor land division, condominium, or replat shall be laid out or improvements made to land without compliance with all requirements of this Chapter and all other applicable local, federal and state laws and regulations, specifically including, but limited to, those listed below. For the City of Kenosha "City Growth Area" and the Village of Pleasant Prairie "Village Supervised Drainage Area," those lands will be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements, including but not limited to:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the 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 Village and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Village of Bristol Comprehensive Plan ("Smart Growth Plan") or components thereof.
 - (8) Applicable provisions of the Zoning Code(s) applicable in the Village of Bristol.
 - (9) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (b) **Applicability.** The provisions of this Chapter shall apply to the following:
- (1) **Subdivisions.** Any division of land within the Village that results in a subdivision, as defined in Section 14-1-10, shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of this Chapter and Chapter 236, Wis. Stats., subject to Subsection (c) below.
 - (2) **Minor Land Divisions.** Any division of land within the Village that results in a minor land division, as defined in Section 14-1-10, shall be surveyed and a certified survey

map or such division approved and recorded as required by this Chapter and Chapter 236, Wis. Stats., subject to Subsection (c) below.

- (3) **Condominiums.** It is the express intent of this Chapter to regulate condominiums, subject to Subsection (c) below, having one (1) or more principal structures on any parcel, including condominium conversions of existing structures. This Chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Section 703.27(1), Wis. Stats. For purposes of this Chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision. In no case shall the maximum number of units in the condominium exceed the maximum number of lots the same parcel could have accommodated under the provisions of the *Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance* if the parcel has been conventionally divided and, upon its adoption, the provisions of Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which shall supercede the general zoning regulations of Kenosha County. (See also Section 14-1-22).
- (c) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the limits of the Village of Bristol.
- (d) **Exceptions to Applicability.** The provisions of this Chapter shall not apply to:
 - (1) **Transfers of Interests in Land by Will or Court Order.** Transfers of interests in land by will or pursuant to court order.
 - (2) **Leases.** Leases for a term not to exceed ten (10) years, mortgages, or easements.
 - (3) **Sale or Exchange of Parcels of Land Between Owners of Adjoining Property.** 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 applicable zoning laws or other applicable laws or ordinances.
 - (4) **Cemetery Plats.** Cemetery plats made under Section 157.07, Wis. Stats.
 - (5) **Assessors' Plats.** Assessors' plats made under Section 70.27, Wis. Stats., but such assessors' plats shall comply with Sections 236.15(1)(a)-(g) and 236.20(1) and (2)(a)-(e), Wis. Stats., unless waived under Section 236.20(2)(l), Wis. Stats.
- (e) **Certified Survey Map.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a Certified Survey Map prepared as provided in Sec. 236.34, Wis. Stats., and this Chapter.
- (f) **Building Permits.** The Village of Bristol shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey originally submitted to the Village of Bristol on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter. (See Sections 14-1-35 and 14-1-43.)

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely

to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

(b) **Additional Considerations.**

- (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
- (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
- (3) Suitability of land for private sewerage systems shall be determined in accordance with Chapter COMM 83, Wisconsin Administrative Code.

Sec. 14-1-22 Condominium Developments.

(a) **Purpose.**

- (1) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this Chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "parcels", with each property entity having different ownership and management. The Village determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density;
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics;
 - c. Additional demands upon Village parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.

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- (b) **Portions of Chapter Applicable to Condominium Developments.** The following sections of this Chapter shall apply to condominium developments:
- (1) Section 14-1-21, relating to land suitability and construction practices;
 - (2) Section 14-1-23, relating to homeowner, property owner or condominium associations, and common areas and facilities;
 - (3) Sections 14-1-30 through 14-1-32, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development.
 - (4) Article F, relating to required improvements;
 - (5) Article G, relating to design standards for improvements;
 - (6) Article H, relating to dedication requirements;
 - (7) Article I, relating to natural resource protection;
 - (8) Article J, relating to fees for review.
- (c) This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter;
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations; Common Areas and Facilities.

Common areas or facilities within a land division, subdivision or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein and applicable provisions contained in any pertinent development agreement and deed restriction. Included within the definition of, but not limited to, "common areas or facilities" are: common area open space, natural resource features, conservancy and recreation areas; stormwater detention/retention facilities; and shared community private septic systems. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The subdivider shall provide the Village with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the Subdivider's expense. The documents required by this Section shall be filed with the Village at the time of Preliminary Plat, Certified Survey Map, and/or Condominium Plat submittal.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.

- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Village and incorporated in the development agreement; such requirement is only inapplicable where the Village has expressly determined to have, in the alternative, the Village maintain such facilities and areas.
 - (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The Subdivider shall arrange with the Village a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Village Assessor or Village Engineer may be utilized in developing such methodology, at the Subdivider's expense.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space or natural resource features to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice Of Transfer Of Common Areas.** The Village shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the Village at least thirty (30) days prior to such transfer. No such transfer shall be allowed unless approved by the Village Board.
- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Village may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections or maintenance required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Village shall have the right to enter the premises and take the needed corrective or maintenance actions. The costs of corrective or maintenance actions by the Village shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities, unless an alternative payment option is determined by the Village of Bristol.

Cross-Reference: Sections 14-1-42(c), 14-1-76(f) and 14-1-59.

Sec. 14-1-24 Land Divisions Within the Village Supervised Drainage Area.

- (a) Pursuant to the Chapter and pursuant to the 1997 Settlement and Cooperation Agreement by and between the Village of Pleasant Prairie, et. al, and the then Town of Bristol, et. al., (the "Settlement and Cooperation Agreement") and notwithstanding any provision to the contrary within Title 14 of the Village of Bristol Code of Ordinances governing subdivision and platting of lands and except as specifically provided in this Chapter, no person may divide any lands within the Village Supervised Drainage Area or take any action which creates or results in a land division without first obtaining the approval of the Bristol Village Board in accordance with this Chapter. The limits of the Village Supervised Drainage Area are set forth in the Settlement and Cooperation Agreement. A map of the Village Supervised Drainage Area is incorporated herein by reference, and is on file with the Village Clerk.
- (b) Any such land division resulting in five (5) or more lots or parcels of any size shall be processed as though it were a Subdivision, and any such land division resulting in less than five (5) lots or parcels of any size shall be processed as though it were a Minor Land Division. The prohibition on division and platting of land within the Village Supervised Drainage Area applies without regard to the size or number of parcels being created.
- (c) No variances to this prohibition on land divisions, subdivisions, and platting of lands shall be allowed within the Village Supervised Drainage Area.
- (d) No such land division within the Village Supervised Drainage Area nor any deed, plat, certified survey map or any other document evidencing such land division shall be recorded, and no street shall be laid out and no improvements shall be made on any land involved in any such land division without full compliance with all requirements of this Chapter and the documents required by this Chapter.

Sec. 14-1-25 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation; Sketch Plan Review.

(a) **Mandatory Pre-Application Conference.**

- (1) **Mandatory Consultation.** Prior to the filing of an application for the approval of a Preliminary Plat or Condominium, the Subdivider or Condominium Developer (as applicable) shall be required to file an application for a "Sketch Plan Review" and to consult with all affected utilities, the Director of Public Works, Village Planner, Village Engineer, affected Village departments, and the Plan Commission in order to obtain their advice and assistance. This consultation is mandatory and is intended to allow the Subdivider an opportunity to discuss with Village staff the purpose and objectives of these regulations; the Village of Bristol Comprehensive Plan and Comprehensive Plan components; duly adopted Plan implementation devices of the Village; the availability of sanitary sewer, public water supply, stormwater management facilities, and site grading requirements; and to otherwise assist the Subdivider or Condominium Developer (as applicable) in planning the development.
- (2) **Conference Objectives.** In doing so, both the Subdivider or Condominium Developer (as applicable) and the Village of Bristol may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and surrounding area. The Subdivider or Condominium Developer will gain a better understanding of the subsequent required procedures.

(b) **Mandatory Sketch Plan Review.** Prior to the submission of a Preliminary Plat to the Village, a Sketch Plan shall be prepared in accordance with Section 14-1-40, and the Subdivider or Condominium Developer (as applicable) shall file a minimum of twenty (20) copies of the Sketch Plan and the Sketch Plan Review Application with the Village Clerk, together with all necessary fees and deposits. Within forty (40) days of the filing of a Sketch Plan Review application with the Village Clerk, the Director of Public Works, Village Planner, Village Engineer, affected Village departments, and Plan Commission shall review the Sketch Plan and conduct the pre-application conference pursuant to Subsection (a) above. In addition:

- (1) **Copies of Sketch Plan Review Application and Sketch Plan to Plan Commission.** The Village Clerk or designee shall, after the filing of the Sketch Plan Review Application and Sketch Plan, transmit nine (9) copies to the Plan Commission in their Commission packets.
- (2) **Copies of Sketch Plan Review Application and Sketch Plan To Affected Entities.**
 - a. The Village Clerk or designee shall, within five (5) business days transmit copies of the Sketch Plan Review Application and Sketch Plan to all affected Village commissions and departments, the Village Planner, affected utilities, and the

- Kenosha County Department of Planning and Development for review and recommendations concerning matters within their jurisdiction.
- b. The recommendations of Village commissions, departments, Director of Public Works, Village Planner, and the recommendations of affected local utilities, incorporated municipalities having extraterritorial plat jurisdiction, and the County shall be transmitted to the Plan Commission within twenty (20) days from the date the Sketch Plan Review Application and Sketch Plan are filed.
 - c. The Sketch Plan Review Application and Sketch Plan shall then be reviewed by the Plan Commission at the pre-application conference for general conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, Village comprehensive plans, or adopted plan components which affect it.

Sec. 14-1-31 Submission of Preliminary Plat.

(a) Preliminary Plat Submission.

- (1) **Filing of a Preliminary Plat.** Before submitting a Final Plat for approval, the Subdivider or Condominium Developer (as applicable) shall prepare a Preliminary Plat and associated application. The Preliminary Plat shall be prepared in accordance with Section 14-1-41, and the Subdivider or Condominium Developer (as applicable) shall file at least forty (40) copies of the Preliminary Plat, Natural Resources Protection Plan (if required), Landscape Plan for any landscape easement area (See Sections 14-1-44 and 14-1-45), and the application with the Village Clerk, together with all necessary fees at least forty-five (45) days prior to the meeting of the Plan Commission at which first consideration is desired and is properly noticed.
- (2) **Preliminary Plat Documents to be Transmitted by Village Clerk.** The Village Clerk shall, within two (2) normal business days after filing, transmit:
 - a. Nine (9) copies to the Plan Commission;
 - b. Seven (7) copies to the Village Board;
 - c. One (1) copy to the Village Planner;
 - d. One (1) copy to the Village Engineer;
 - e. One (1) copy each to the Village's Director of Public Works and Fire Chief;
 - f. Four (4) copies to Kenosha County Department of Planning and Development;
 - g. Two (2) copies to the Director of Plat Review, Wisconsin Department of Administration;
 - h. Additional copies to the Director of Plat Review, Wisconsin Department of Administration for retransmission of two (2) copies each to:
 1. The Wisconsin Department of Transportation (WisDOT), if the subdivision abuts or adjoins a State Trunk Highway or a connecting highway;

2. The Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made;
 3. The Wisconsin Department of Natural Resources (WDNR), if lands included in the plat lie within five hundred (500) feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision;
 - i. One (1) copy to each school district with jurisdiction;
 - j. Copies as needed to affected Village departments and commissions;
 - k. Additional copies that may be requested by approving authorities and objecting agencies; and
 - l. As may be applicable, for lands located in the City of Kenosha "City Growth Area" and the Village of Pleasant Prairie "Village Supervised Drainage Area," seven (7) copies to their City Clerk or Village Clerk, as applicable, since those lands will be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of the City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements.
- (3) **Alternative Transmittal Procedure.** In lieu of the procedure set forth under Subsections (a)(2)f-h above, the Subdivider may, pursuant to Section 236.12(6), Wis. Stats., submit the original of the Preliminary Plat directly to the Plat Review Section of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the Subdivider's expense to the objecting agencies. When the Subdivider elects to use this alternative procedure, it shall be the responsibility of the Subdivider to submit to the Village Clerk the additional copies required for the reviews required under this Subsection.
- (4) **Fees Required by State Agencies to be Transmitted by Village Clerk.** Any appropriate fees paid by the Subdivider or Condominium Developer (as applicable) for the required state agency reviews shall be forwarded by the Village Clerk or designee to the Wisconsin Department of Administration.
- (5) **Preliminary Plat Copies To Affected Village Commissions by Clerk.**
- a. The Village Clerk shall transmit a copy of the Preliminary Plat to all affected Village commissions or departments for their review and recommendations concerning matters within their jurisdiction.
 - b. The recommendations of the Village commissions, departments, and of affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.
 - c. The Preliminary Plat shall then be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, Village comprehensive plans or adopted plan components which affect it.

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- (6) **Natural Resource Protection Plan Required.** For properties proposed to be divided by subdivision plat, and that contain natural resource features as described in this Chapter, a Natural Resource Protection Plan", as described in Section 14-1-44, shall be submitted for review by the Village Planner and Plan Commission.
 - (7) **Certified Survey Maps.** Certified survey maps shall be submitted and approved pursuant to Sections 14-1-35 and 14-1-43.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the Village Clerk twenty (20) complete sets of preliminary engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Draft Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the Subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the Village.)
- (d) **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.
- (e) **Street Plans and Profiles.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles existing and proposed ground surface, proposed and, when requested by the Plan Commission or Village Engineer, established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.
- (f) **Soil Testing.**
 - (1) **Testing Purpose.** Certain soils in the County have severe limitations that are difficult to overcome or that preclude their use for residential development either because of the inability of on-site sewerage systems to function properly and/or because of fluctuating or seasonable high water table or other reasons. The purpose of this requirement is to save the developer engineering costs should the subject areas be determined to be unsuitable for residential development. The data obtained is to assist the Village Board and Plan Commission in making determinations of land suitability. The Subdivider shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and

investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

- (2) **Compliance with State/County Requirements.** The applicant shall provide verification that all applicable State of Wisconsin and County sanitary permit requirements can be satisfied.
- (g) **Drafting Standards.** The Subdivider shall submit to the Village Clerk and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

Cross-Reference: Sections 14-1-41, 14-1-44 and 14-1-45.

Sec. 14-1-32 Preliminary Plat Review and Approval.

- (a) **Plan Commission Review.**
 - (1) The Preliminary Plat (including a Natural Resource Protection Plan and Landscape Plan, if applicable) shall be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, the Village Comprehensive Plan or adopted plan components which affect it.
 - (2) All reviews and reports concerning the Preliminary Plat prepared by the Village Planner, Village Engineer, Director of Public Works, and/or Fire Chief shall be submitted to the Plan Commission for its consideration.
 - (3) The Village Clerk shall give notice of the Plan Commission's review of the Preliminary Plat by listing the application as an agenda item on the Plan Commission's meeting notice. Such notice shall include the name of the applicant, the address of the property in question, and the requested action.
- (b) **Plan Commission Recommendation to Town Board.** The Plan Commission shall within sixty (60) days of the date of the filing of a Preliminary Plat (including a Natural Resource Protection Plan and Landscape Plan, as applicable) with the Village Clerk or designee recommend to the Village Board approval, conditional approval, or rejection of the Preliminary Plat (including the Natural Resource Protection Plan and Landscape Plan, as

applicable), and shall transmit the Preliminary Plat and application, along with its recommendation, to the Village Board. [Pursuant to Section 236.11(1)(a), Wis. Stats., extensions of time from the timeline in Subsection (b)(1) above or a decision to hold an application in abeyance may only be made by agreement between the Subdivider and Village Board, not the Plan Commission.]

(c) **Notification by Objecting Agencies.**

- (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat (statutory period) notify the Subdivider or Condominium Developer (as applicable) and all other approving and objecting agencies of any objections.
- (2) 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 Village Clerk or designee.
- (3) If an objecting agency fails to act within the twenty (20) day period allowed by law, the objecting agency will be deemed to have no objections to the Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).

(d) **Village Board Action.**

- (1) The Village Board shall within ninety (90) days of the date of filing a Preliminary Plat with the Village Clerk or designee shall approve, approve conditionally, or reject such Plat after receipt of the Plan Commission's recommendation, unless time is extended by written agreement with the Subdivider or Condominium Developer pursuant to Section 236.11(1)(a), Wis. Stats.
- (2) The Village Clerk shall give notice of the Village Board's consideration of the Preliminary Plat by listing it as an agenda item in the Village Board's meeting notice published in the official Village newspaper or legally posted. Such notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within two hundred (200) feet of the proposed Preliminary Plat shall receive written notice from the Village of the meeting.
- (3) One (1) copy of the Preliminary Plat may thereupon be returned to the Subdivider or Condominium Developer (as applicable) with the date and action endorsed thereon, and if approved conditionally or rejected with a letter setting forth the conditions of approval or the reasons for rejection accompanying the plat. One (1) copy each of the Preliminary Plat and accompanying letter shall be placed in the Village's permanent records.

(e) **Failure of Village Board to Act.** Failure of the Village Board to act within ninety (90) days of the date of filing of the Preliminary Plat, or within the time extended by written agreement with the Subdivider or Condominium Developer (as applicable), shall constitute an approval of the Preliminary Plat pursuant to state law.

(f) **Effect of Preliminary Plat Approval.** 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 twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout pursuant to Sec. 236.11(1)(b), Wis. Stats. 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 and Village Board at the time of its submission.

- (g) **Preliminary Plat Amendment.** Should the Subdivider or Condominium Developer desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which case it shall be refiled in its entirety. The Subdivider or Condominium Developer shall pay for all review fees.

Sec. 14-1-33 Final Plat Review and Approval.

- (a) **Designation of Approving Authorities.** The Village Board and the county planning agency are designated approving authorities for Final Plats.
- (b) **Designation of Objecting Agencies.** The Wisconsin Department of Administration, Wisconsin Department of Commerce, Wisconsin Department of Transportation (if the subdivision, certified survey map or condominium abuts or adjoins a state trunk highway or connecting highway) and Wisconsin Department of Natural Resources (if applicable) shall be hereinafter referred to as objecting agencies.
- (c) **Final Plat and Application Submittal.** The Subdivider or Condominium Developer (as applicable) shall prepare a Final Plat and an application in accordance with Section 14-1-42 and shall file the required number of Final Plat copies and the application as set forth below:
- (1) **Submittal of Final Plat to the Wisconsin Department of Administration; Objecting Agencies.** Before any approvals of the Final Plat are made, the Subdivider or Condominium Developer (as applicable) or agent shall submit the original Final Plat to the Director of Plat Review, Wisconsin Department of Administration, which agency shall forward, at the Subdivider's or Condominium Developer's expense, the following:
- a. Two (2) copies of the Final Plat to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two (2) copies to the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two (2) copies to the Wisconsin Department of Natural Resources (WDNR), if lands included in the Final Plat lie within five hundred (500) feet of the ordinary

high water mark or any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision.

(2) ***Submittal of Final Plat to the Village Clerk.***

- a. After approval by the Wisconsin Department of Administration and other state objecting agencies, the Subdivider or Condominium Developer (as applicable) shall file a minimum of thirty-four (34) copies of the Final Plat and application with the Village Clerk with required fees and the receipt for the proper filing fees of each of the other approving authorities and objecting agencies at least fifteen (15) days prior to the meeting of the Plan Commission at which consideration is desired.
- b. The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws.
- c. Simultaneously with the filing of the Final Plat, the owner shall file with Village Clerk six (6) copies of the final plans and specifications of public improvements required by this Chapter.
- d. If the Final Plat is not submitted within twenty-four (24) months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted upon mutual agreement of all approving authorities.

(3) ***Village Transmittal of Final Plat.*** The Village Clerk or designee shall, within two (2) business days after the filing by the Subdivider or Condominium Developer, transmit with a cover letter and copies of the Final Plat and application:

- a. Nine (9) copies to the Plan Commission;
- b. Seven (7) copies to the Village Board;
- c. One (1) copy to the Village Planner;
- d. One (1) copy to the Village Engineer;
- e. One (1) copy each to the Village's Director of Public Works and Fire Chief;
- f. Four (4) copies to the Kenosha County Department of Planning and Development;
- g. One (1) copy to each school board with jurisdiction;
- h. Copies as needed to affected Village departments and commissions;
- i. Additional copies that may be requested by approving authorities and objecting agencies; and
- j. As may be applicable, for lands located in the City of Kenosha "City Growth Area" and the Village of Pleasant Prairie "Village Supervised Drainage Area," seven (7) copies to their city clerk or village clerk, as applicable, since those lands will be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of the City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements.

- (d) **Response From Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider or Condominium Developer (as applicable) and all other approving authorities and objecting agencies of any objections, as follows:
 - (1) **Certification of No Objections.** If there are no objections, the objecting agencies shall so certify on the face of the copy of the Final Plat and shall return that copy to the Plan Commission.
 - (2) **Failure to File Objections.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- (e) **Plan Commission Consideration and Recommendation.**
 - (1) **Plan Commission Review.** The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter, and all ordinances, rules, regulations, adopted regional and county development plans, and Village Comprehensive Plans and adopted plan components which may affect it. All reviews and reports concerning the Final Plat prepared by the Village Planner, Village Engineer, Director of Public Works, and Fire Chief shall be submitted to the Plan Commission for its consideration.
 - (2) **Plan Commission Recommendation.** The Plan Commission shall, within forty (40) days of the date of filing of the Final Plat with the Village Clerk, recommend approval, conditional approval, or rejection of the Final Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board.
- (f) **Village Board Approval or Rejection of Final Plat.**
 - (1) **Village Board Action; Timeline.**
 - a. The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk or designee, approve or reject the Final Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).
 - b. Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved.
 - (2) **Reasons For Rejection To Be Stated.** If the Final 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 or Condominium Developer (as applicable).
 - (3) **Wisconsin Department of Administration Certification.** The Village Board may not inscribe its approval on the Final Plat unless the Wisconsin Department of Administration has certified on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.
- (g) **Recordation.**
 - (1) **Village Certification.**
 - a. After the Final Plat has been approved by the Village Board and improvements as shall be required by the Village have either been installed or a Subdivider's

Agreement with sufficient sureties assuring their installation is executed and filed with the Village Clerk, the Village Clerk shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat returned to the Subdivider or Condominium Developer (as applicable) for recording with the County Register of Deeds.

- b. When the Village Board has conditionally approved a Final Plat, the Subdivider or Condominium Developer (as applicable) shall satisfy all of the conditions specified for the execution of the Plat, including final approval by the county planning agency, within sixty (60) days of such conditional approval.
- (2) **Recording Time Requirement.** Pursuant to Section 236.25(2)(b), Wis. Stats., the County Register of Deeds cannot record the Final Plat unless it is offered within six (6) months from the date of last approval of the Final Plat or twenty-four (24) months from first required approval of the Preliminary Plat.
- (h) **Copies of the Recorded Final Plat.** The Subdivider or Condominium Developer (as applicable) shall file at least ten (10) copies of the recorded Final Plat with the Village Clerk and copies, as necessary, to other affected agencies for their files.
- (i) **Partial Platting.**
 - (1) **Plat and Condominium Phasing.** The Final Plat may, if permitted by the Plan Commission and Village Board, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider or Condominium Developer (as applicable) proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a "phase" of the approved Preliminary Plat.
 - (2) **Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.** Final Plats for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for not less than six (6) months but may be allowed to be extended for up to twenty-four (24) months from the date of such Final Plat approval as may be allowed by the Village Board.
 - (3) **Expansion of a Condominium.** Any expansion of a condominium permitted under Section 703.26, Wis. Stats., shall be treated as a separate phase of the condominium.
- (j) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Subdivision Plat and which contain natural resources required to be preserved under this Chapter, deed restrictions and/or conservation easements shall be filed with the Final Plat.

Sec. 14-1-34 Plats Within a Special Plat Approval Jurisdiction.

When the land to be subdivided is located in the City of Kenosha's "City Growth Area" or the Village of Pleasant Prairie's "Village Supervised Drainage Area," as applicable, since those lands will also be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of this Chapter and the City

of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements; the Subdivider or Condominium Developer (as applicable) shall proceed as specified in the other Sections of this Article, except:

- (a) **Transmittal Responsibility.** The Village Clerk or designee to whom the Certified Survey Map, Subdivision Plat, or Condominium is first submitted shall be responsible for transmitting copies of the Certified Survey Map, Subdivision Plat, or Condominium to designated objecting agencies unless the Subdivider or Condominium Developer (as applicable) has specifically requested that the Subdivider or Condominium Developer assume responsibility of transmitting all review copies. The Subdivider or Condominium Developer (as applicable) shall specify in the Subdivider's or Condominium Developer's application to whom the original application was submitted.
- (b) **Improvement and Design Requirements.**
 - (1) If the Certified Survey Map, Subdivision Plat, or Condominium contains lands located within a Village of Bristol adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the improvement requirements of this Chapter and with all of the design requirements of this Chapter.
 - (2) If the Certified Survey Map, Subdivision Plat, or Condominium does not contain lands located within a Village of Bristol adopted sanitary sewer service area, the Subdivider or Condominium Developer (as applicable) shall comply with all of the design requirements of this Chapter.
 - (3) If the Certified Survey Map, Subdivision Plat, or Condominium is located in the City of Kenosha "City Growth Area" or the Village of Pleasant Prairie "Village Supervised Drainage Area," as applicable, lands will also be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of the City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements.
- (c) **Collection of Park Dedication and Public Site Fees.**
 - (1) In plat approval jurisdiction areas of any other incorporated municipality by agreement, the Subdivider or Condominium Developer (as applicable) shall not be required to dedicate park and open space land to said incorporated municipality or be required to pay a public site fee to said incorporated municipality.
 - (2) If the Certified Survey Map, Subdivision Plat, or Condominium is located in the City of Kenosha "City Growth Area" or the Village of Pleasant Prairie "Village Supervised Drainage Area," as applicable, such lands will also be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of the City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements.

Sec. 14-1-35 Minor Land Divisions By Certified Survey Map.

- (a) **When Required.** When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, any of which is thirty-five (35) acres or less in size, or when it is proposed to create by land division not more than four (4) parcels or building

sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot or outlot (thus not constituting a "subdivision" as defined in Section 14-1-10), the Subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land thirty-five (35) acres or less in size and may, at the owner's discretion, include any other parcels containing more than thirty-five (35) acres.

- (b) **Filing of a Certified Survey Map and Plan Commission Review and Recommendation.** The Subdivider shall prepare the Certified Survey Map in accordance with Section 14-1-43, and file the Map according to the following requirements:

- (1) The Subdivider shall file at least forty (40) copies of the Certified Survey Map, "Natural Resource Protection Plan" (if required), "Landscape Plan for any landscape easement areas, and the application with the Village Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired.
- (2) The Village Clerk shall, within two (2) business days after filing, transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
- (3) The Village Clerk shall, within two (2) normal business days after filing, transmit the Certified Survey Map, "Natural Resource Protection Plan", "Landscape Plan", and application as follows:
 - a. Seven (7) copies to the Plan Commission;
 - b. Seven (7) copies to the Village Board;
 - c. One (1) copy to the Village Planner;
 - d. One (1) copy to the Village Engineer;
 - e. One (1) copy each to the Village's Director of Public Works and Fire Chief;
 - f. Four (4) copies to the County Department of Planning and Development;
 - g. One (1) copy to each school district with jurisdiction;
 - h. Copies as needed to affected Village departments and commissions;
 - i. Additional copies that may be requested by approving authorities and objecting agencies; and
 - j. As may be applicable, for lands located in the City of Kenosha "City Growth Area" and the Village of Pleasant Prairie "Village Supervised Drainage Area," seven (7) copies to their city clerk or village clerk, as applicable, since those lands will be subject to the land division ordinances of the City of Kenosha and the Village of Pleasant Prairie, respectively, as well as the applicable provisions of the City of Kenosha and Village of Pleasant Prairie intergovernmental cooperative plans and agreements.
- (4) The recommendations of all approving authorities shall be transmitting to the Plan Commission within twenty (20) days from the date the map is filed with the Village Clerk.
- (5) The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulation, adopted regional, county

or Village development or comprehensive plans or adopted plan components which affect it. All reviews and reports concerning the Certified Survey Map prepared by the Village Planner, Village Engineer, Director of Public Works, and/or Fire Chief shall be submitted to the Plan Commission for its consideration.

- (6) The Plan Commission shall, within forty (40) days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.
- (c) **Village Board Approval.**
 - (1) Where a Certified Survey Map has been transmitted by the Plan Commission to the Village Board, the Village Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map with the Village of Bristol unless the time is extended by agreement with the Subdivider.
 - (2) If the Map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original Map and return the Map to the Subdivider.
 - (3) If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
- (d) **Natural Resource Protection Plan Required.** For properties proposed to be divided by Certified Survey Map, and that contain natural resource features as described in this Chapter, a "Natural Resource Protection Plan," as described in this Chapter, shall be submitted for review by the Village Planner and Plan Commission.
- (e) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved under this Chapter, deed restrictions and/or conservation easements shall be filed with the Certified Survey Map.
- (f) **Recordation.**
 - (1) All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
 - (2) The Subdivider shall record the Map with the County Register of Deeds within thirty (30) days of its last approval.
- (g) **Copies.** The Subdivider shall file at least forty (40) copies of the Certified Survey Map and its accompanying "Natural Resource Protection Plan" with the Village Clerk for distribution to the Plan Commission, various Village departments, and other affected agencies for their files as set forth under Subsection (b) above.

Cross-Reference: Section 14-1-43, Technical Requirements for Certified Survey
Land Division; Review and Approval

Sec. 14-1-36 Administrative Fees.

- (a) **General.** The Subdivider shall pay the Village all fees as hereinafter required per Section 14-1-100 and at the times specified before being entitled to recording of a Subdivision Plat, Condominium Plat, or Certified Survey Map.

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- (b) **Engineering and Other Professional Fees.** Per Section 14-1-100, the Subdivider shall pay a fee equal to the actual cost plus administrative expenses to the Village for all engineering, planning, legal and other professional services work incurred by the Village in connection with the Plat or Certified Survey Map, including inspections required by the Village. The Subdivider shall pay a fee equal to the actual cost plus administrative expenses to the Village for such inspection(s) as the Village Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.
- (c) **Administrative Fee.** Per Section 14-1-100, 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 Subdivision Plat, Condominium Plat, or Certified Survey Map. Included as such administrative fees shall be the cost of publication.

Sec. 14-1-37 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The Subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Village Clerk shall schedule a public hearing before the Village Board 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 two hundred (200) feet of the exterior boundaries of the proposed Replat.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Village Board may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-38 and Sec. 14-1-39 Reserved for Future Use.

Article E: Technical Requirements for Plats

Sec. 14-1-40 Sketch Plan.

- (a) **General Requirements.** A Sketch Plan shall be based upon a survey by a registered land surveyor and the Sketch Plan prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Legal Description of the Property.** Legal description of the proposed subdivision by government lot, quarter-section, township, range, county, and state.
 - (2) **Identification as Sketch Plan.** The Sketch Plan shall be clearly noted and labeled on its face "Sketch Plan."
 - (3) **Location Sketch.** General location sketch showing the location of the subdivision within the U.S. Public Land Survey section along with location of adjacent property boundary lines.
 - (4) **Date, Scale, North Arrow.** Date of sketch plan, graphic scale, and north arrow.
 - (5) **Owner, Subdivider or Condominium Developer (as applicable), Land Planner, Land Surveyor.** Names and addresses of the owner, Subdivider or Condominium Developer (as applicable), and land planner or land surveyor who prepared the Sketch Plan.
 - (6) **Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider or Condominium Developer (as applicable) shall be included on the Sketch Plan.
 - (7) **Use Statement.** A statement of the proposed use of the lots stating the use, type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot.
 - (8) **Proposed Zoning Changes.** If any changes are contemplated, the proposed zoning plans for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of Chapter 12 titled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the *Municipal Code of Kenosha County*, and upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
- (b) **Sketch Plan Data.** All Sketch Plans shall show, at a minimum, the following; additional information may be indicated on the Sketch Plan by the Subdivider or Condominium Developer (as applicable):
- (1) **Exterior Plat Boundaries.** The exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
 - (2) **Corporate Limit Lines.** Any corporate limit lines with the exterior boundaries of the plat, co-terminus to said exterior boundaries, or adjacent thereto.

- (3) **Existing Rights-of-Way.** Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, and railroad and utility rights-of-way within the exterior boundaries of the proposed plat or adjacent thereto.
- (4) **Utility Location.** Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the lands being platted. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size.
- (5) **Physical Features.** General locations of all existing property boundary lines, structures, driveways, streams and watercourses, rock outcrops, woodlands, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided and adjacent thereto.
- (6) **Proposed Streets and Public Rights-of-Way.** Location and width of all proposed streets and public rights-of-way, such as alleys and easements.
- (7) **Size of Lots.** Approximate size (in square feet or acres) of all lots and outlots.
- (8) **Sites To Be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) 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 private uses not requiring formation of lots.
- (9) **Lake or Stream Access Locations.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- (10) **Lake or Stream Improvements or Relocations.** Any proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- (11) **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and floodplains.
- (12) **Drainage Improvements.** Location and size of proposed stormwater detention.

Sec. 14-1-41 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 mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
 - (1) **Identification as a Preliminary Plat** shall be clearly noted and labeled on its face "Preliminary Plat".

- (2) **Title** or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded Plat and is so stated on the Plat.
 - (3) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (4) **Date, Scale and North Arrow.**
 - (5) **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
 - (6) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Village Board recommendation, 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.
 - (7) **A Use Statement** of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, types of business or industry so as to reveal the effects of the development on traffic, fire hazards and congestion of population.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions;
 - (3) **Area Plan.** Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Village Board may require that the Subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
 - (4) **Exact Length and Bearing of the Exterior Boundaries** of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (5) **Locations of all Existing Property Boundary Lines,** structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (6) **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.
 - (7) **Location and Names of any Adjacent Subdivisions,** condominiums, parks and cemeteries and owners of record of abutting unplatted lands.
 - (8) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to mean sea level (1929 datum).

- (9) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (10) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (11) **Existing Zoning** on and adjacent to the proposed subdivision under the requirements of Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the *Municipal Code of Kenosha County*, and upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
- (12) **Existing and Proposed Contours.** Existing and proposed contours within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets. In addition:
 - a. Existing and proposed contours shall be at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Existing contours shall be shaded and proposed contours shall be bold to distinguish between the two. Proposed contours shall be tied into existing contours at grading limits.
 - b. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).
 - c. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the Preliminary Plat. The location of the benchmarks shall be indicated on the Preliminary Plat together with their elevations referenced to National Geodetic Datum of 1929 (mean sea level) and the monumentation of the benchmarks clearly and completely described on the Preliminary Plat.
- (13) **Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands** at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level). In addition, the status of the navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be noted on the Preliminary Plat based upon a determination by the Wisconsin Department of Natural Resources with the date of such determination so noted on the face of the Preliminary Plat.
- (14) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval

flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.

- (15) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (16) **Location of Soil Tests** where required by COMM 83 and 85, Wis. Adm. Code, and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with COMM 83 and 85, Wis. Adm. Code, taken at the location and depth in which private onsite wastewater treatment systems are to be installed:
 - a. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater.
 - b. The results of such tests shall be submitted along with the Preliminary Plat.
- (17) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (18) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (19) **Size of All Lots and Outlots.** Approximate dimensions and size (in square feet or acres) of each lot together with proposed lot and block numbers as well as for all proposed outlots.
- (20) **Building Setback Lines.** All building setback lines (front, side and rear) with the respective dimension of each, shall be indicated on the face of the Preliminary Plat for each lot proposed.
- (21) **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 formation of lots.
- (22) **Approximate Radii of all Curves.**
- (23) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (24) **Any Proposed Lake, Pond and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.
- (25) **Wetland and/or Floodplain Delineation.** Location and delineation extent of wetlands and/or floodplains. The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of floodplains and/or wetlands shall be noted on the face of the Preliminary Plat with the date of the field survey concerned.
- (26) **Groundwater Data and Groundwater Supply Impacts.** If the proposed subdivision is to be served by private wells, data shall be provided to the Village which indicates

how the existing groundwater table proposed to supply the proposed private wells will be impacted by the proposed subdivision and development.

- (27) **Historic, Cultural, and Archaeological Features.** Any on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins, and burial sites - which have been identified by the State Historical Society of Wisconsin shall be so noted on the Preliminary Plat with a brief description of each such feature. Based upon any such sites identified by the State Historical Society of Wisconsin being present on the property, the Plan Commission and/or Village Board may require the applicant to prepare a more detailed on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins, and burial sites - survey of the property in order to better identify and locate such features.
- (28) **Scenic Vistas Identification.** Scenic vistas shall be identified by both views into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision. All such scenic vistas shall be documented through the use and submission of topographic maps and photographs identifying all such scenic vistas.
- (29) **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Preliminary Plat. The location and extent of conservation easements shall be directly related to the Natural Resource Protection Plan.
- (30) **Natural Resource Protection Plan.** As required by Section 14-1-44 of this Chapter.
- (31) **Landscape Plan.** As required by Section 14-1-45 of this Chapter.
- (32) **Lighting Plan.** For all proposed outdoor lighting, an Outdoor Lighting Plan shall be required pursuant to the requirements of the Village of Bristol Outdoor Lighting Ordinance or similar such regulations.
- (33) **Draft Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association Documents.** Draft declaration of deed restrictions, protective covenants, conservation easements, and homeowners' association documents shall be submitted with the Preliminary Plat as required under Subsection (g).
- (34) **Where the Village Board or Village Engineer** 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) **Street Plans and Profiles.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles showing existing and proposed ground surface, proposed and, when requested by the Plan Commission, Village Board or Village Engineer, established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon

mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.

- (d) **Testing.** The Village Board, upon recommendation of the Village Engineer and/or Plan Commission, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of COMM 83, Wis. Adm. Code, titled "Soil and Site Evaluations" of the Wisconsin Administrative Code (as applicable), and Chapter 15 titled "Kenosha County Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance" of the *Municipal Code of Kenosha County* shall be complied with; and appropriate data submitted with the Preliminary Plat.
- (e) **Soil and Water Conservation.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publications *USDA Conservation Technical Guide*, prepared by the U.S. Department of Agriculture, the *Wisconsin Construction Site Best Management Practices Handbook* prepared by the Wisconsin Department of Natural Resources, and Title 15, Chapter 2, "Construction Site Erosion Control" of the Village of Bristol Code of Ordinances. (See also Section 14-1-67.)
- (f) **Natural Resource Protection Plan Required.** For properties proposed to be divided by Certified Survey Map or Subdivision Plat or developed as a condominium, and that contain natural resource features as described in Section 14-1-90, a Natural Resource Protection Plan, as described in Section 14-1-91, shall be submitted for review by the Village Board, Village Planner and Plan Commission.
- (g) **Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association.** The following documents shall be submitted with the Preliminary Plat as required:
 - (1) **Declaration of Deed Restrictions and Protective Covenants.** The Plan Commission shall require submission of a draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
 - (2) **Conservation Easements.** The Village Board and/or Plan Commission shall, where natural resources are present which are required to be preserved, require submission of a draft of conservation easements whereby the Subdivider or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the Natural Resources Protection Plan.
 - (3) **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The Village Board and/or Plan Commission shall require submission of a draft of the legal

instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Section 236.293, Wis. Stats., whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.

- (4) **Village Attorney Review.** The Village Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' association documents and shall approve said instruments as to form.
- (h) **Surveyor's Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the Preliminary Plat that it is a correct representation of all existing land divisions and features within and thereto; and that he/she has fully complied with the provisions of this Chapter and Chapter 236, Wis. Stats.
- (i) **Additional Information.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

Sec. 14-1-42 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 Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) **Exact Length and Bearing** of the center line of all streets.
 - (2) **Exact Street Width** along the line of any obliquely intersecting street.
 - (3) **Exact Location and Description** of street lighting and lighting utility easements.
 - (4) **Railroad Rights-of-Way** within and abutting the plat.
 - (5) **Setbacks, Shore Yard Setbacks, Wetland Shore Yard Setbacks, and Building Lines.** All required setbacks, shore yard setbacks, wetland shore yard setbacks, and building lines shall be graphically indicated and dimensioned on the Final Plat or Condominium Plat.
 - (6) **Utilities and Drainage.** Utility and/or drainage easements.
 - (7) **Future Public Acquisition and Reservations.** All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (8) **Special Restriction.** Special restrictions required by the Village Board and/or Plan Commission relating to conservation easements, across control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of Landscape Bufferyard Easements.

- (9) **Floodplain Limits.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interal flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record. The name of the person, agency, or firm identifying, delineating, and mapping of said floodplains shall be noted on the face of the Final Plat with the date of the field survey concerned.
 - (10) **Water Elevations of All Lakes, Ponds, Streams, Flowages, and Wetlands.** Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level). The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of wetlands shall be noted on the face of the Preliminary Plat with the date of the field survey concerned.
 - (11) **Final Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association Documents.** Final declaration of deed restrictions, protective covenants, conservation easements, and homeowners' association documents shall be submitted with the Final Plat as required by Subsection (c).
 - (12) **Village Planner May Require Additional Information.** Where the Village Planner finds that in order to review the Final Plat additional information is required relative to a particular problem presented by a proposed development, the Village Planner shall have the authority to request in writing such information from the Subdivider or Condominium Developer (as applicable).
 - (13) **Additional Information May Be Required By Others.** Any additional information required by the Plan Commission, Village Planner, Village Engineer, or Village Board.
- (c) **Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association.** The following documents shall be submitted with the Final Plat as required:
- (1) **Declaration of Deed Restrictions and Protective Covenants.** Submission to the Village Board and Plan Commission of the final draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
 - (2) **Conservation Easements.** The submission to the Village Board and Plan Commission of the final draft of conservation easements whereby the Subdivision or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the Natural Resource Protection Plan.
 - (3) **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The submission to the Village Board and Plan Commission of the final draft of the legal

instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that property within a Subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Section 236.292, Wis. Stats., whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. (See also Section 14-1-23.)

- (4) **Village Attorney Review.** The Village Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said final instruments as to form.
- (5) **Village Board Approval.** All final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations shall be approved by the Village Board, pursuant to the requirements of this Chapter, as a part of Final Plat approval.
- (d) **State Plane Coordinate System.** Where the plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated or monumented by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), County or municipality, the Final Plat shall be tied directly to one of the section or quarter corners so relocated and monumented:
 - (1) **Grid Bearing and Distance of Tie Determined by Field Measurements.** 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.
 - (2) **Closed Survey Required.** The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
 - (3) **Reference to the Wisconsin Coordinate System.** All distances and bearings shall be referenced directly to the Wisconsin Coordinate System and adjusted to the County's control survey.
- (e) **Certificates.** All Final Plats shall provide all certificates required by Section 236.21, Wis. Stats. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. In addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Chapter.
- (f) **Recordation.** The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Village Board, of the Surveyor, and those certificates required by Section 236.21, Wis. Stats., are placed on the face of the Final Plat. The Final Plat shall be recorded as set forth in Section 14-1-33(g).
- (g) **Correction Instruments for Final Plats.**
 - (1) **Types.** Correction instruments relating to recorded Final Plats may be recorded in the County Register of Deeds office and may include:

- a. Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names, or other similar details shown on a recorded Final Plat, which shall be approved by the Village Board, prior to recording, after review and recommendation of the Plan Commission.
 - b. Ratification of a recorded Final Plat, signed and acknowledged in accordance with Section 706.07, Wis. Stats.
 - c. Certificates of owners and mortgages of record at the time of recording.
- (2) **Limitations on Use.** Correction instruments shall create neither new buildable lots nor nonconforming.
- (h) **Survey Accuracy.**
- (1) **Examination.** The Village Engineer shall examine all Final Plats within the Village of Bristol and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
 - (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
 - (5) **Village Plan Commission Receipt of Results of Village Engineer's Examination.** The Plan Commission shall receive the results of the Village Engineer's examination prior to recommending approval of the Final Plat to the Village Board.

- (i) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

Sec. 14-1-43 Technical Requirements for Certified Survey Land Divisions.

- (a) **Generally.**

- (1) **General Requirement.** A Certified Survey Map prepared by a Wisconsin registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34, Wis. Stats. The Certified Survey Map shall comply with the design standards and improvement requirements set forth in Article F and G.
- (2) **Limitations on the Use of a Certified Survey Map.** A Certified Survey Map may be used to change the boundaries of lots, blocks, and outlots within a recorded Final Plat or Certified Survey Map if the redivision does not result in a subdivision and does not violate any provisions of this Chapter or of Chapter 236, Wis. Stats. A Certified Survey Map shall not alter the exterior boundaries of a recorded plat, alter areas previously dedicated to the public by any plat or Certified Survey Map, or alter any restriction placed on platted or mapped land by covenant, by grant of easement, or by any other means.

- (b) **Additional Required Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (1) **Date, Scale, and North Arrow.** Date of the Certified Survey Map, graphic scale, and north arrow.
- (2) **Owner; Subdivider; Land Surveyor.** Name and address of the owner, Subdivider, and land surveyor.
- (3) **Location Sketch.** General location sketch showing the location of the Certified Survey Map within the U.S. Public Land Survey section and showing abutting and nearby public streets and highways.
- (4) **Area Contiguous to Certified Survey Map.** All property contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Village Board, upon the recommendation of the Plan Commission, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.
- (5) **Physical Features.** Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract

being divided as determined by the Village Board, upon the recommendation of the Plan Commission.

- (6) **All Existing Structures.** All existing structures shall be shown on the Certified Survey Map, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed Certified Survey Map and within one hundred (100) feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed Certified Survey Map, and within fifty (50) feet of the exterior boundaries of the Map, shall be shown. All existing treatment tanks, grease traps, and/or soil absorption systems shall be shown.
- (7) **Setbacks, Shore Yard Setbacks; Wetland Shore Yard Setbacks; Building Lines.** All required setbacks, shore yard setbacks, wetland shore yard setbacks, and building lines shall be graphically indicated and dimensioned on the Final Plat or Certified Survey Map.
- (8) **Utility and Drainage Easements.** Utility and/or drainage easements.
- (9) **Reserved Lands.** All lands reserved for future acquisition.
- (10) **Special Restrictions.** Special restrictions required by the Village Board, upon the recommendation of the Plan Commission, relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of Landscape Bufferyard Easements.
- (11) **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.
- (12) **Floodplain Limits and Contours.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (13) **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and/or floodplains. The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of floodplains and/or wetlands shall be noted on the face of the Certified Survey Map with the date of the field survey concerned.
- (14) **Parcel and/or Lot Size.** The dimensions and size (in square feet or acres) of each parcel or lot created by the Certified Survey Map including outlots.
- (15) **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning of all parcels, lots, or outlots proposed to be created by the Certified Survey Map.

- (16) **Soil Types.** Soil types and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (17) **Location of Soil Tests.** Location of soil tests where required by COMM 83 and 85, Wis. Adm. Code, and in areas not served by municipal or sanitary district sewage treatment facilities, conducted in accordance with COMM 83 and 85, Wis. Adm. Code, taken at the location and depth to show a depth to a limiting factor or document at least three (3) feet of suitable soil below a proposed private on-site wastewater treatment system installation elevation:
 - a. The number of such tests made and testing requirements are as set forth under Chapter 15.07 of the Kenosha County Sanitary Code and Private Sewage System Ordinance.
 - b. The results of such tests shall be submitted along with the Certified Survey Map.
- (18) **Sites to be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, trails, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- (19) **Historic, Cultural, and Archaeological Features.** Any on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins and burial sites - which have been identified by the State Historical Society of Wisconsin shall be so noted on the Preliminary Plat with a brief description of each such feature.
- (20) **Deed Restrictions and/or Conservation Easements.** Deed restrictions and/or conservation easements as required by this Chapter shall be filed with the Certified Survey Map.
- (21) **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements shall be directly related to the Natural Resource Protection Plan.
- (22) **Natural Resource Protection Plan.** As required by Section 14-1-44 of this Chapter.
- (23) **Landscape Plan.** As required by Section 14-1-45.
- (24) **Existing and Proposed Uses.** The existing and proposed uses on adjacent parcels if known shall be indicated on the face of the proposed Certified Survey Map.
- (25) **Vehicular and Pedestrian Connectivity with Adjacent Parcels.** A commitment to provide vehicular and pedestrian connectivity between the subject property and adjacent parcels when required by the Village.
- (26) **Additional Information.** Any additional information required by the Plan Commission, Public Works Director, Village Planner, Village Engineer, or Village Board.

- (c) **State Plane Coordinate System.** Where the Certified Survey Map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented by the Southeastern Wisconsin Regional Planning Commission (SEWRPC), the County or a municipality, the map shall be tied directly to one (1) 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 map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System and adjusted to the Regional Planning Commission's, County's, or municipality's control survey, whichever is applicable.
- (d) **Certificates.**
 - (1) **Surveyor's Certification of Compliance with Chapter.** The surveyor shall certify on the face of the Certified Survey Map that he or she has fully complied with all the provisions of this Chapter. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - (2) **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.
- (e) **Recordation.** The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Subsection (d) above.
- (f) **Correction Instruments for Certified Survey Maps.**
 - (1) **Types.** Correction instruments relating to recorded Certified Survey Maps may be recorded in the County Register of Deeds office and may include:
 - a. Affidavits to correct distances, angles, directions, bearing, chords, block or lot numbers, street names, or other similar details shown on a recorded Certified Survey Map, which shall be approved by the Village Board, prior to recording, after review and recommendation of the Plan Commission.
 - b. Ratifications of a recorded Certified Survey Map, signed and acknowledged in accordance with Section 706.07, Wis. Stats.
 - c. Certificates of owners and mortgages of record at the time of recording.
 - (2) **Limitations on Use.** Correction instruments shall create neither new buildable lots nor nonconforming lots.

Sec. 14-1-44 Natural Resource Protection Plan.

- (a) **Natural Resource Protection Plan Requirements.** If natural resource features defined and described in Sections 14-1-10, 14-1-90 and 14-1-91 are present on the property for which a Certified Survey Map, Subdivision Plat, or Condominium is requested, forty (40)

full-size copies of a "Natural Resource Protection Plan" drawn to the same scale as the Certified Survey Map, Preliminary Plat, or Condominium submission shall be submitted with the Certified Survey Map, Preliminary Plat, or Condominium. The Natural Resource Protection Plan shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- (1) **Proposed Name.** The proposed name of the Certified Survey Map, Subdivision Plat, or Condominium.
- (2) **Location.** The location of the proposed Certified Survey Map, Subdivision Plat, or Condominium.
- (3) **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, Subdividers, lessee(s) or developer(s) of the property and of the designer of the plan.
- (4) **Site Boundary.** The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- (5) **Lot Lines, Right-of-Way Lines, and Easements.** The location of all proposed lot lines, right-of-way lines, and easements. In the case of condominiums, closing and non-overlapping artificial "lot" lines shall be placed around the site of each proposed principal building of the Condominium to demonstrate that the spirit of the dimensional requirements of this Section is satisfied.
- (6) **Existing Street.** The location, ownership, widths, and names of all existing and previously platted streets, rights-of-way, parks, and other public or open spaces located within or adjacent to the subject property.
- (7) **Easements and Neighboring Property Boundaries.** The location and dimensions of all permanent easements on the subject property and boundary lines adjacent to the site.
- (8) **Location and Extent of Existing Natural Resource Features.** The location and extent of any existing natural resource features defined and described in Sections 14-1-10, 14-1-90 and 14-1-91. Each individual resource area on the site shall be graphically and numerically shown on the Natural Resource Protection Plan.
- (9) **Disturbed and Preserved Natural Resource Features.** Graphic and numeric illustration shown on the Natural Resource Protection Plan of those existing natural resource features that will be disturbed and those that will be preserved. The illustration shall show the area (in square feet or acres) of each existing resource and those areas of resources that are to be preserved. Numeric data may be shown in tabular form with labeled reference to specific areas designated on the Natural Resource Protection Plan.
- (10) **Method of Natural Resource Preservation.** Graphic illustration and notes relating to how those natural resource features, which are to be preserved, will actually be

preserved (conservation easements, deed restrictions, protective covenants, etc.) on the Natural Resource Protection Plan.

- (11) **Scale, North Arrow, Contours.** A drawing legend containing the scale appropriate to the size of the Certified Survey Map, Subdivision Plat, or Condominium, the date of preparation, north arrow, and designation of existing and proposed contours at a minimum two (2) foot contour interval.
- (12) **Maximum Sheet Size of Natural Resource Protection Plan.** The Natural Resource Protection Plan shall not exceed a maximum sheet size as required for the Certified Survey Map, Subdivision Plat, or Condominium, whichever is applicable.

Cross-Reference: Section 14-1-10, Definitions; Section 14-1-90, Natural Resource Protection; Section 14-1-91, Natural Resource Features Mitigation.

Sec. 14-1-45 Landscape Plan.

If the Landscape Bufferyard Easements, areas of natural resource protection, or areas of natural resource mitigation are delineated on the Certified Survey Map, Preliminary Plat, or Condominium or are otherwise required by the Village Board, upon the recommendation of the Plan Commission, a landscape plan for those areas shall be prepared. Twenty-five (25) full size copies of a Landscape Plan drawn to the same scale as the Certified Survey Map, Preliminary Plat or Condominium submission shall be submitted with the Preliminary Plat or Condominium. The Landscape Plan shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- (a) **Proposed Name.** The proposed name of the Certified Survey Map, Subdivision Plat, or Condominium.
- (b) **Location.** The location of the proposed Certified Survey Map, Subdivision Plat, or Condominium.
- (c) **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee(s) and/or developer(s) of the property and of the designer of the plan.
- (d) **Site Boundary.** The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- (e) **Landscape Bufferyard Easements, Private Mini-Parks, and Natural Resource Mitigation Areas.**
 - (1) All proposed Landscape Bufferyard Easements, private mini-parks, and/or areas of natural resource mitigation shall be clearly delineated and dimensioned on the Landscape Plan and shall be graphically shown in relation to all proposed lot lines and lots upon which said Landscape Bufferyard Easements, private mini-parks, or mitigation areas are located.

- (2) All proposed improvements to private mini-parks (including all landscape plant materials, ground cover treatments, and play equipment) shall be clearly and graphically indicated, labeled, and dimensioned on the Landscape Plan and shall be in full compliance with the provisions of Section 14-1-83 for required private mini-park improvements. In the case of play equipment to be installed at any private mini-park, copies of the manufacturer's specifications for said play equipment shall be submitted to the Village. All Landscape Plans submitted for private mini-parks shall also require the review and approval of the Village Board, upon the recommendation of the Plan Commission, prior to the approval of any final Subdivision Plat, Condominium Plat, or Condominium.
- (f) **Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features.** Location, extent, type (common and scientific name in the case of plant materials), and specific sizes of all existing trees and natural resource features in all areas of the Subdivision, Certified Survey Map, or Condominium including all areas of the Subdivision, Certified Survey Map, or Condominium designated as a Landscape Bufferyard Easement, areas of natural resource protection, and/or mitigation areas. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the Landscape Plan. The Landscape Plan shall further indicate all proposed grading and filling, ravines, bluffs, wetlands, 100-year recurrence interval floodplains, proposed building footprints ("building envelopes"), and all impervious surfaces. The Landscape Plan shall also identify any and all trees or other vegetation proposed for demolition, removal or movement.
- (g) **Location, Extent, Type, and Sizes of Proposed Landscape Materials and Plantings.** Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a Landscape Bufferyard Easement, areas of natural resource mitigation, or for areas which are to serve as landscaped entrances or other special landscaped features of the Subdivision, Certified Survey Map, or Condominium shall be indicated on the Landscape Plan. All proposed ground covers shall be indicated on the Landscape Plan.
- (h) **Landscape Plant Material Specifications.** All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zone 4 and shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc. and sponsored by the American Association of Nurseryman, Inc. Botanical plant names shall be in accordance with the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature. The landscape contractor shall be guided in professional and ethical matters by the "Arboculture Code" as adopted by the International Society of Arboculture.
- (i) **Natural Resource Features Mitigation Plan Required.** If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail,

as required by the Village Board, upon the recommendation of the Plan Commission, shall be submitted with the Landscape Plan.

- (j) **Maintenance.** Areas of a Subdivision, Certified Survey Map, or Condominium designated as landscape easement areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass by the property owner or homeowners' association (whichever is applicable).

Sec. 14-1-46 through Sec. 14-1-49 Reserved for Future Use.

Article F: Required Improvements

Sec. 14-1-50 Improvements Required.

- (a) **Payment for Improvements.** The improvements prescribed in this Chapter are required as a condition of approval of a Subdivision Plat, Certified Survey Map or Condominium Plan. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the Subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments.
- (b) **General Standards.** The following required improvements in this Chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board, specifically the Village of Bristol's "Standards and Specifications for Development". Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Village Engineer or Village Board.

Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Survey Monumentation.

- (a) **Subdivider's Agreement Required.**
 - (1) Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall enter into a contract ("Subdivider's Agreement") with the Village of Bristol agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and shall file with said contract a bond, irrevocable letter of credit, cash escrow deposit, or a certified check in the amount equal to one hundred and twenty-five percent (125%) of the Village Engineer's estimate is to be made by the Village Board after review and recommendation of the Village Engineer.
 - (2) The purpose of the guarantee is to ensure that such required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Subdivider's Agreement.

- (3) The Village may allow for the reduction of the bond, irrevocable letter of credit, or certified check as work is completed on the project.
- (4) In addition, the following requirements shall apply:
 - a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Village or its agent, and approval of the Village. Unless otherwise authorized by the Village Engineer, said specifications shall follow those specified in the Village of Bristol's "Standards and Specifications for Development".
 - b. The amount of the bond, irrevocable letter of credit, or certified check shall be determined by the Village Board following the Village Engineer's estimate.
 - c. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond/security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the Village Attorney.
- (b) **Approval of Subdivider's Agreement.** The Subdivider's Agreement shall be drafted or approved as to form and content by the Village Attorney, and shall be approved by the Village Board prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.
- (c) **Survey Monuments.**
 - (1) Before final approval of any plat within the corporate limits of the Village, the Subdivider or Condominium Developer (as applicable) shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the Village Engineer.
 - (2) The Village Board may waive the placing of monuments, as provided in Section 236.15(1)(6), Wis. Stats., for a reasonable time, not to exceed one (1) year, on condition that the Subdivider or Condominium Developer (as applicable) provide a letter of credit, certified check, or surety bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (a) above. Additional time may be granted by the Village Board upon show of cause.

Sec. 14-1-52 Required Construction Plans; Village Review; Inspections.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, general engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, detailed

construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Board or Village Engineer for their approval and for their estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Village Clerk, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district, if involved:

- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) **Storm Water and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (3) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the County's or Village's Erosion Control Ordinance, whichever is most restrictive.
 - (4) **Landscaping Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees meeting the requirements of Section 14-1-45.
 - (5) **Additional** special plans or information as required by Village officials.
- (b) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Board upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
 - (2) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Preliminary Plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension unless another time frame is set forth in the Subdivider's Agreement for phased developments as approved by the Village Board.

- (3) During the course of construction, the Village Engineer shall make such inspections as the Village Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost plus administrative charges incurred by the Village for such inspections. This fee shall be the actual cost plus administrative charges to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the Subdivider shall make or cause to be made three (3) copies of record plans showing the actual location of all improvements and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Two (2) copies shall be retained by the Village and one (1) copy of such record plans shall be forwarded to the appropriate sanitary/utility district.

Sec. 14-1-53 Street Improvements.

The Subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Village shall fully comply with the requirements and specifications of Sections 14-1-70 and 14-1-71.
- (b) **General Standards.** The required improvements set forth in this Chapter shall be installed in accordance with the Village of Bristol's "Standards and Specifications for Development". Where the Village has no prescribed standards and specifications, the improvements shall be made in accordance with good engineering practices, approved prior to the commencement of construction by the Village Engineer.
- (c) **Survey Monuments.** The Subdivider or Condominium Developer (as applicable) shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats., and as may be required by the Village Engineer.
- (d) **Grading.**
 - (1) **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments by the Subdivider or Condominium Developer (as applicable) and establishment of street grades, the Subdivider or Condominium Developer (as applicable) shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village and in conformance with the Village of Bristol's "Standards and Specifications for Development." The Subdivider or Condominium Developer (as applicable) shall grade the roadbeds in the street rights-of-way to subgrade.

- (2) **Grading of Cut and Filled Lands.** Cut and filled lands shall be graded to a maximum slope of one (1) to four (4) (1:4), or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.
 - (3) **Preservation of Septic Field Areas During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer (as applicable) to preserve and protect any septic field areas from damage.
 - (4) **Preservation of Existing Trees During Grading.** During grading operations, every effort shall be made by the Subdivider or Condominium Developer (as applicable) to preserve and protect from damage those existing trees identified in the "Natural Resource Protection Plan" to be preserved and retained as a part of the Subdivision, Certified Survey Map, or Condominium approval. (See Section 14-1-69 for minimum procedures). In addition, all requirements of the Village of Bristol Tree Ordinance shall be followed (Title 6, Chapter 5).
- (e) **Roadway Surfacing.**
- (1) **Roadway Surfacing.** After the installation of all required utility and stormwater drainage improvements, the Subdivider or Condominium Developer (as applicable) shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the County Development Plan or Village of Bristol Comprehensive Plan, or plan components.
 - (2) **Required Surfacing Specifications.** Said surfacing shall be done in accordance with plans and standard specifications approved by the Village including the Village of Bristol's "Standards and Specifications for Development."
- (f) **Completion of Street Construction.**
- (1) Prior to any building permits being issued on lands adjacent to streets, street construction up to the binder course of asphalt shall be completed by the subdivider, approved by the Village Engineer and accepted by the Village Board. The surface shall be placed as outlined in the developers agreement.
 - (2) The Village Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Board.
 - (3) The Subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

Sec. 14-1-54 Rural Street Sections.

When permanent rural street sections have been approved by the Village Board, the Subdivider or Condominium Developer (as applicable) shall finish grade all shoulders and road ditches,

install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer, including the Village of Bristol's "Standards and Specifications for Development," and as set forth in Table 1 of this Chapter.

Sec. 14-1-55 Sidewalks; Bicycle Paths and Trails.

- (a) **Sidewalks.** Sidewalks may be required by the Village Board, upon the recommendation of the Plan Commission in Subdivisions, Certified Survey Maps, or Condominiums located in urban areas, as defined in Section 14-1-10, to accommodate safe and adequate pedestrian circulation. Where sidewalks are provided, they shall be a minimum of five (5) feet in width and be located within a dedicated public right-of-way or pedestrian access easement. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of twenty (20) feet in width as specified in Table 1 of this Chapter.
- (b) **Bicycle Paths and Trails.** The Subdivider or Condominium Developer (as applicable) shall install Village required bicycle paths and trails in accordance with the Village's plans and specifications, including the Village's "Standards and Specifications for Development," approved by the Village Engineer and in accordance with the American Association of State Highway and Transportation Officials (AASHTO) in its *Guide for the Development of Bicycle Facilities*, most recent edition. The Subdivider or Condominium Developer (as applicable) shall assume the entire cost of such bicycle paths and trails.

Sec. 14-1-56 Stormwater Drainage Facilities.

- (a) **Generally.** The Subdivider or Condominium Developer (as applicable) shall construct stormwater drainage facilities adequate to serve the Subdivision, Certified Survey Map, or Condominium in conformance (as applicable) with the adopted County Development Plan or elements thereof; all applicable Kenosha County Codes pertaining to stormwater management; and/or local comprehensive plans or adopted plan components; or as required by the Village of Bristol under both Title 15, Chapter 2 "Construction Site Erosion Control", Title 15, Chapter 8 "Illicit Discharges", and Title 15, Chapter 9 "Post-Construction Stormwater Management" of the *Village of Bristol Code of Ordinances*, as amended, based upon the recommendations of the Village Engineer. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, settling basins and other approved best management practices (BMPs). All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition, the following subsections shall be complied with.

- (b) **Stormwater Management Plan Required.** A stormwater management plan shall be prepared by a Wisconsin registered professional engineer which shall include, but not be limited to, the following:
- (1) Existing and proposed topography at two (2) foot contour intervals of the proposed Subdivision, Certified Survey Map, or Condominium.
 - (2) Proposed elevations of all streets.
 - (3) Proposed drainage swales.
 - (4) Proposed storm sewers, manholes and inlets.
 - (5) Construction site erosion facilities.
 - (6) A report and map(s) showing the drainage basin for the entire area where the Subdivision, Certified Survey Map, or Condominium is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed Subdivision, Certified Survey Map, or Condominium.
 - (7) Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
 - (8) Calculations relating to the amount of runoff from the site of the proposed Subdivision, Certified Survey Map, or Condominium prior to development and anticipated runoff following the development of the site.
- (c) **Unpaved Street Gutters (Ditches).**
- (1) Unpaved street gutters (ditches) shall be permitted and shall be shaped and seeded and/or sodded as grassed waterways.
 - (2) The Subdivider or Condominium Developer (as applicable) is encouraged to use natural wetland plant materials where possible.
 - (3) Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the Subdivider or Condominium Developer (as applicable) shall meander the waterway or install a paved invert or check dams, flumes, or other energy dissipating devices.
 - (4) Erosion control mat suitable for channel installation may be utilized for long-term erosion control and vegetation establishment.
- (d) **Drainage Facilities.**
- (1) These shall, if required by the Village Engineer, include stormwater detention and/or retention basins, structures, and settling basins necessary so as to reduce peak discharge and sediment release to receiving waters.
 - (2) The design criteria, the size, type, grades, and installation of all stormwater drains and sewers and other cross-section, invert, and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village, including the Village of Bristol's "Standards and Specifications for Development," approved by the Village.

- (e) **Storm Sewers.** When required by the Village, the Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all required storm sewers within the proposed Subdivision, Certified Survey Map, or Condominium.

Sec. 14-1-57 Curb and Gutter.

- (a) **Curb and Gutter in Urban Areas.** In all Subdivisions, Certified Survey Maps, and Condominiums located in urban areas, as defined in Section 14-1-10, the Plan Commission shall require the Subdivider or Condominium Developer (as applicable) to construct concrete curb and gutter in accordance with plans and the Village of Bristol's "Standards and Specifications for Development" as approved by the Village Engineer.
- (b) **Curb and Gutter in Rural Areas.** In Subdivisions, Certified Survey Maps, and Condominiums located in rural areas, as defined in Section 14-1-10, the Village Board, following a recommendation from the Plan Commission, may waive the requirements for the provision of concrete curb and gutter.
- (c) **Driveway Access Curb Cuts.** Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (d) **Curb Ramps.** Curb ramps shall be installed in accordance with the "Americans with Disabilities Act" and Section 66.0909, Wis. Stats., and as approved by the Village Engineer.

Sec. 14-1-58 Sewerage Systems.

- (a) **Urban Areas.** When a proposed Subdivision Plat, Certified Survey Map, or Condominium is proposed to be located within an urban area and public sanitary sewer facilities are available, or can be made available in the opinion of the Village Board, to the Subdivision Plat, Certified Survey Map, or Condominium in urban areas, the Developer shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot within the Subdivision or Certified Survey Map area or dwelling unit within a Condominium. Facilities may include sanitary sewers, sanitary force mains, sanitary pumping stations or other appurtenances required to connect the development to the existing service.
- (b) **Rural Areas.** Each lot or dwelling unit located outside an urban service area shall be capable of meeting the requirements of COMM 83, Wis. Adm. Code, titled "Private Onsite Wastewater Treatment Systems", COMM 85, Wis. Adm. Code, titled "Soil and Site Evaluations" (as applicable), and Chapter 15 titled "Kenosha County, Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance" of the *Municipal Code of Kenosha County* regarding the construction of private on-site wastewater treatment systems. The Subdivision Plat,

Certified Survey Map, or Condominium shall be approved, in conformance with Comm 83 and 85, Wis. Adm. Code, Chapter 15 titled "Kenosha County, Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance of the *Municipal Code of Kenosha County*, and any other applicable agency regarding the construction of a private on-site wastewater treatment system, by the Kenosha County Department of Planning and Development, Division of County Development before any lots or dwelling units are sold.

Sec. 14-1-59 Public Sanitary Sewers.

When a proposed Subdivision Plat, Certified Survey Map, or Condominium is proposed to be located within an urban service area and public sanitary sewer facilities are available to the Subdivision Plat, Certified Survey Map area or Condominium in urban areas, the Subdivider or Condominium Developer (as applicable) shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot with the Subdivision or Certified Survey Map area or dwelling unit within a Condominium. The Subdivider or Condominium Developer (as applicable) shall comply with the requirements of Title 9 "Public Utilities" of the *Village of Bristol Code of Ordinances*, as amended. In addition:

- (a) **Extent of Required Installation of Sewer Service Lateral Lines.** The Village Board, upon the recommendation of the Plan Commission, shall require the installation of sewer service laterals to the street lot line.
- (b) **Plans and Specifications Required.** The size, type, and installation of all sanitary sewers and sanitary sewer service laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer, including the Village of Bristol's "Standards and Specifications for Development," approved by the Village of Bristol.
- (c) **Costs Associated with Sanitary Sewers Eight (8) Inches or Less in Diameter.** The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all sanitary sewers that are eight (8) inches in diameter or less.
- (d) **Costs Associated with Sanitary Sewers Larger Than Eight (8) Inches in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required to handle the contemplated sewage flows, the difference between the costs of such larger sewers and the eight (8) inch sewer shall be prorated in proportion to the ratio which the total sewage of the proposed Subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the applicable utility district or assessed against the total tributary sewer area.
- (e) **Sanitary Sewer Availability and Requirements for Installation.**
 - (1) The Subdivider or Condominium Developer (as applicable) shall install sanitary sewers in accordance with this Chapter and specifications of the Village, including the Village of Bristol's "Standards and Specifications for Development," when it is

determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed Subdivision, Certified Survey Map, or Condominium within six (6) years.

- (2) Until such time as the public sewers within the Subdivision, Certified Survey Map, or Condominium can be connected to the public sanitary sewer system, they shall be temporarily capped.
- (3) No private or public use shall be connected to the sanitary sewers within the Subdivision, Certified Survey Map, or Condominium until such sanitary sewers are connected to the public sewerage system.
- (4) The Subdivider or Condominium Developer (as applicable) shall indicate on the face of a Subdivision Plat, Certified Survey Map, or Condominium Plat that the owner of private uses within the Subdivision, Certified Survey Map, or Condominium Plat shall connect such users to the sanitary sewers in the Subdivision, Certified Survey Map, or Condominium at the time such sanitary sewers are connected to the public sewerage system, and the Village shall be held harmless for any damages or costs incurred to disconnect and abandon any private on-site wastewater treatment system then in place and any costs associated with connection to the public sewer mains.

Sec. 14-1-60 Private On-Site Wastewater Treatment System Holding Tanks.

Where public sanitary sewer facilities are not available, the Village Board, upon the recommendation of the Plan Commission, may require the Subdivider or Condominium Developer (as applicable) to construct either individual or common private on-site wastewater treatment system holding tanks sufficiently sized and placed to accommodate the Subdivision, Certified Survey Map, or Condominium. Said private on-site wastewater treatment system holding tanks shall be constructed pursuant to Chapter 15 titled "Kenosha County, Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance" of the *Municipal Code of Kenosha County*, as amended, and in such a manner so as to make available private on-site wastewater treatment system holding tanks to each lot of the land division.

Sec. 14-1-61 Water Supply Facilities.

- (a) **Adequate Water Supply Facilities To Be Made Available.** When public water supply and distribution facilities are available to the Subdivision Plat, Certified Survey Map, or Condominium or when it is proposed to establish a private water supply and distribution

system to serve two (2) or more lots or dwelling units, the Subdivider or Condominium Developer (as applicable) shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map area or to each Condominium dwelling unit. The Subdivider or Condominium Developer (as applicable) shall comply with the requirements of Title 9 "Public Utilities" of the *Village of Bristol Code of Ordinances*, as amended. If municipal water is available, property owners within said Subdivision Plat, Certified Survey Map, or Condominium shall be required to connect to such water service.

- (b) **Additional Water Supply Facilities Requirements.** The Subdivider or Condominium Developer (as applicable) shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Commerce. In addition:

- (1) **Water Service Laterals to Street Lot Line.** In urban areas, the Village Board, upon the recommendation of the Plan Commission, may require the installation of water service laterals to the street lot line.
- (2) **Size, Type, and Installation of Public and Private Water Mains.** The size, type, and installation of all public and/or private water mains proposed to be constructed shall be in accordance with plans and standards specifications approved by the Village Engineer, including the Village of Bristol's "Standards and Specifications for Development."
- (3) **Costs of Installing Water Mains, Water Service Laterals, Water System Appurtenances or Wells.** The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all water mains, water service laterals, water system appurtenances, or wells within the proposed Subdivision, Certified Survey Map, or Condominium except for the added cost of installing public water mains greater than eight (8) inches in diameter. The cost of such larger water mains or other water system-related facilities shall be prorated in proportion to the ratio which the total flow and amount required by the proposed Subdivision, Certified Survey Map, or Condominium is to the total water service area flow and amount requirements for the larger water main, and the excess cost shall either be borne by the applicable utility district or assessed against the total water service area as determined by the Village Board.
- (4) **Installation of Water Mains.**
 - a. The Subdivider or Condominium Developer (as applicable) shall install water mains in accordance with this Chapter and specifications of the Village, including the Village of Bristol's "Standards and Specifications for Development," when it is determined by the Village Board that the proposed Subdivision, Certified Survey Map, or Condominium lies within a Village of Bristol adopted public sanitary sewer service area and water main facilities are programmed to be extended to the proposed Subdivision, Certified Survey Map, or Condominium within six (6) years.

- b. Until such time as the public water mains within the Subdivision, Certified Survey Map, or Condominium can be connected to the larger community water supply system, they shall be temporarily capped.
 - c. No private or public use shall be connected to the water mains within the Subdivision, Certified Survey Map, or Condominium until such water mains are connected to the larger public water supply system.
 - d. The Subdivider or Condominium Developer (as applicable) shall indicate on the face of the Subdivision Plat, Certified Survey Map, or Condominium Plat that the owner of private uses within the Subdivision Plat, Certified Survey Map, or Condominium Plat shall connect such uses to the water mains within the Subdivision Plat, Certified Survey Map, or Condominium, and that the Village shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place, and any costs associated with connection to the public water mains.
- (5) **Installation of Fire Hydrants.** The Subdivider or Condominium Developer (as applicable) shall install fire hydrants connected to water mains in accordance with this Chapter and specifications of the Village, including the Village of Bristol's "Standards and Specifications for Development" and other local regulations pertaining to the provision of adequate fire hydrant facilities.

Sec. 14-1-62 Other Utilities.

The Subdivider or Condominium Developer (as applicable) shall cause appropriate utilities such as gas, electrical power, cable television (where available), and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such electrical, cable television, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power, cable television, telephone, and distribution and transmission lines required to service the Subdivision, Certified Survey Map, or Condominium shall be approved by the Village Board.

Sec. 14-1-63 Traffic Control and Street Name Signs; Street Lights.

- (a) **Traffic Control Signs; Street Name Signs.** The Subdivider or Condominium Developer (as applicable) shall install traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:
- (1) **Traffic Control Signs.** The design and placement of traffic control signs shall follow state regulations.

- (2) **Street Name Signs.** The Subdivider or Condominium Developer (as applicable) shall install at least two (2) street name signs, of a design and color as approved by the Village, at each four-way street intersection proposed to be dedicated and one (1) at each "T" intersection. Street name signs shall be installed so as to be free of visual obstructions.
- (b) **Street Lights.** The Subdivider or Condominium Developer (as applicable) shall install street lights along all streets proposed to be dedicated to the public. Said street lights shall meet the following standards:
 - (1) **Pole and Luminaire Design.** The design of the street lights shall be compatible with the neighborhood and type of development proposed. Street light pole and luminaire design meet the requirements set forth in the Village of Bristol's "Standards and Specifications for Development."
 - (2) **Distribution and Placement.** Street lights shall be placed at each street intersection and at each interior block location and other spacing as required by the Village Engineer.
 - (3) **Requirements of Village of Bristol Outdoor Lighting Ordinance.** All street lights shall be in full compliance with the Village of Bristol Outdoor Lighting Ordinance. In addition:
 - a. All outdoor lighting luminaires shall be shielded in such a manner so that light emitted (either directly from the lamp or indirectly from the luminaire) is projected a minimum of fifteen (15) degrees below the horizontal plane running through the lowest point on the luminaire where light is emitted.
 - b. Mercury vapor outdoor lighting luminaires shall not be allowed.

Sec. 14-1-64 Improvements Extended To Limit of Parcel.

- (a) **Improvements To Be Extended To Farthest Limit of Parcel or Lot.** Any and all improvements or utility services required by this Article, for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirement by the Village Board.
- (b) **Financial Sureties for Extension of Improvements Required.** In the event the improvements are required to the end of the parcel or lot, the Subdivider or Condominium Developer (as applicable) shall be required to post financial sureties with the Village pursuant to Section 14-1-51 if improvements are not made.

Sec. 14-1-65 Landscaping; Street Trees.

- (a) **Landscaping Installation.** The Subdivider shall install landscaping in accordance with a Landscape Plan (See Section 14-1-45) approved by the Village Board, upon the

recommendation of the Plan Commission. If plantings are not installed prior to approval of a Final Plat, Certified Survey Map, or Condominium Plat (as applicable), a landscaping fee and installation schedule shall be specified in the Subdivider's Agreement ("Development Agreement") and appropriate sureties shall be provided.

- (b) **Landscape Maintenance.** Maintenance of all landscaping included in an approved Landscape Plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, of a Subdivision Plat or Condominium (as applicable), the homeowners' association or condominium owners' association. Provisions for the maintenance of such landscaping maintenance shall be included in the homeowners' association or condominium owners' association documents required under Sections 14-1-1(g) and 14-1-42(c).
- (c) **Street Trees.** In add Subdivisions, Certified Survey Maps, and Condominiums requiring new street dedications, the Village shall require the Subdivider or Condominium Developer (as applicable) to plant a minimum of one (1) street tree of a Village-approved species and of a minimum DBH of three (3) inches for each forty (40) feet of lot frontage on each side of all streets to be dedicated to the public. Said required street trees shall be planted within five (5) feet, but outside of, the public street right-of-way. All required street trees shall be installed by the Subdivider or Condominium Developer (as applicable) in accordance with plans and specifications, including the Village of Bristol's "Standards and Specifications for Development," those plans and specifications approved by the Plan Commission, and in compliance with the Village of Bristol Tree Ordinance (Title 6, Chapter 5) including any spacing requirements of the Village of Bristol Tree Ordinance. Existing trees already in the prescribed locations and equal to or greater than the minimum DBH prescribed herein, shall be counted towards the required number of street trees on a one-to-one basis. Street trees shall be of the species set forth in Table 6. In addition:
 - (1) **Minimum Distance to Utility Poles.** No street trees shall be planted less than fifteen (15) feet from a utility pole.
 - (2) **Minimum Distance to Driveways.** No street trees shall be planted less than five (5) feet from a driveway.
 - (3) **Minimum Distance to Sidewalks.** No street trees shall be planted less than three (3) feet from a sidewalk.
 - (4) **Street Tree Warranty and Continued Maintenance Required.** The Subdivider or Condominium Developer (as applicable) shall be responsible and provide a two (2) year warranty for all landscape materials planted. Said warranty shall begin upon completion, acceptance, and dedication of improvements to the Village. In no case shall it conflict with the surety bond herein and elsewhere described in this Chapter. The Subdivider or Condominium Developer (as applicable) shall provide, plant, and warrant equal inches of caliper to that which is removed. The removal of a tree shall not serve as a release from the requirement for street trees. Upon the expiration of the warranty period, it shall be the adjacent property owner's responsibility to water,

weed, trim, maintain, and replant, if necessary, said trees. In addition, any tree that is damaged or destroyed shall be promptly replanted with a new, similar tree by the adjacent owner at the property owner's expense.

Sec. 14-1-66 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate agencies serving the Village, shall require utility easements for poles, sanitary sewer, wire communications conduits, storm sewers, gas, water and sewer mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installations and prevent the planting of trees in the easement area.
- (b) **Natural Resource Features Protection/Mitigation, Conservation, Landscape Bufferyard, and Utility Easements Required.** The Village Board, upon the recommendation of the Plan Commission, shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape bufferyards, electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.
- (c) **Subdivision, Certified Survey Map, or Condominium Plat Traversed by Watercourse, Drainageway Channel, or Stream.** Where a Subdivision, Certified Survey Map, or Condominium Plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as required by the Village Board, upon the recommendation of the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Village Board, upon the recommendation of the Plan Commission, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.
- (d) **Easement Locations.** Such easements shall be at least twelve (12) feet wide, or wider where recommended by the Village Engineer, and may run across lots or alongside 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.

Sec. 14-1-67 Soil Erosion and Sediment Control.

The Subdivider or Condominium Developer (as applicable) shall plant those grasses, trees, and vines, the species and size, as approved by the Plan Commission, necessary to prevent soil

erosion and sedimentation. The Subdivider or Condominium Developer (as applicable) shall also comply with Title 15, Chapter 2 "Construction Site Erosion Control" of the *Village of Bristol Code of Ordinances* as amended. In addition:

- (a) **Installation of Protection and Rehabilitation Measures.** The Village Board, upon the recommendation of the Plan Commission, shall require the Subdivider or Condominium Developer (as applicable) to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- (b) **Conformance with Kenosha County Requirements.** Protection and rehabilitation measures shall be in conformance with the requirements of the *Municipal Code of Kenosha County*. Detailed construction plans shall be submitted to and reviewed by the Kenosha County Department of Planning and Development as to conformance with accepted Soil Conservation Standards based upon the Soil Conservation Service's *Technical Guide, Engineering Field Manual* and other accept Kenosha County or Soil Conservation Service Standards.
- (c) **Tree Cutting and Shrubbery Clearing Limitations.** Tree cutting and shrubbery clearing shall not exceed Chapter 12 titled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the *Municipal Code of Kenosha County* requirements for the specified zoning district, and upon its adoption, the standards in Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County. the limitations set forth in Section 14-1-14 and Article I of this Chapter for natural resource features protection, the approved Natural Resource Features Protection Plan for the property as described in Section 14-1-44, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
- (d) **Maximum Width of Paths and Trails in Wooded and Wetland Areas.** Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Board, upon the recommendation of the Plan Commission, 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. Any easements for such paths and/or trails shall meet those minimum requirements as set forth in Table 1.
- (e) **Earth Moving.** Earth moving: such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to minimize the disturbance of the natural fauna, flora, water course, water regimen, and topography (see Sections 14-1-53(d) and 14-1-69).
- (f) **Review of the Conduct of Cutting, Clearing, and Moving.** Review of the conduct of such cutting, clearing, and moving may be requested of the Kenosha County Department

of Planning and Development, the State District Fish and Game Managers, and the State District Forester by the Village Board, upon the recommendation of the Plan Commission, as they deem appropriate.

- (g) **Topsoil Preservation.** Topsoil moved during the course of construction shall be redistributed on all pervious regraded surfaces so as to provide adequate topsoil to cover all previous disturbed areas of the Subdivision, Certified Survey Map, or Condominium and shall be stabilized to prevent soil erosion by seeding or planting as determined by the Village Board.
- (h) **Slope and Terrace Protection.** Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion in accordance with plans and standard specifications approved by the Village Engineer, including the Village of Bristol's "Standards and Specifications for Development."

Sec. 14-1-68 Maintenance of Shared Community Private Septic Systems.

- (a) A maintenance agreement shall be required between the Village of Bristol and the subdivider when a shared community private septic system, as permitted by the Wisconsin Administrative Code, is to be utilized. The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the shared community private septic system to a homeowners, property owners or condominium association per Section 14-1-23. Prior to Final Plat approval, the subdivider shall submit to the Village for its approval an on-going maintenance plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Village.
- (b) If the Village at any time finds that the facility management and maintenance measures constructed in accordance with the system plan are not being properly followed or maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Village of Bristol.

Sec. 14-1-69 Construction Requirements.

- (a) **Commencement.** No destruction of trees or vegetation, ground or earth-moving, alteration of land, construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium until said Preliminary Plat, Certified Survey Map, or Condominium has been approved and the Village Board has given written authorization to commence work. Inspection fees shall be required as specified in this Chapter.
- (b) **Building, Zoning, and Sanitary Permits.** No building, zoning, or sanitary permits shall be issued for the erection of a structure on any lot not of record until all the requirements of this Chapter have been met, including the construction of required streets and sidewalks and the removal of construction debris, waste and/or rubbish from the lot, and any unoccupied building or structures.
- (c) **Plans and Specifications.** The following plans and accompanying construction specifications, in conformance with the Village of Bristol's "Standards and Specifications for Development" shall be required by the Village before authorization of construction or installation of improvements:
 - (1) **Street Plans and Profiles.** Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
 - (2) **Grading Plans.** Grading plans showing existing and proposed contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Village Engineer. Elevations shall be marked on such contours and grades based on National Geodetic Vertical Datum of 1929 (mean sea level).
 - (3) **Sanitary Sewer Plans and Profiles.** In urban areas, sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities, when located within a Village of Bristol adopted existing or proposed sanitary sewer service area.
 - (4) **Storm Sewer Plans and Profiles.** Storm sewer and/or drainage plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management program plan shall be required as set forth in Section 14-1-56.
 - (5) **Water Main Plans and Profiles.** In urban areas, water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities, when located with a Village of Bristol adopted existing or proposed sanitary sewer service area.
 - (6) **Gas, Electrical Power, Telephone, and Cable Television Plans.** Plans showing the location and size, where applicable, of all gas, electrical power, telephone, and cable television service.
 - (7) **Specifications for Protection Against Erosion, Siltation, Sedimentation, and Washing Required.** The Subdivider or Condominium Developer (as applicable) shall cause all grading, excavations, open cuts, side slopes, and other land surface

disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications, including the Village of Bristol's "Standards and Specifications for Development", approved by the Village. In addition:

- a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - d. 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.
 - e. All erosion control procedures must be carried out in conformance with Kenosha County's and/or Village's regulations for construction site erosion control, whichever is most restrictive.
- (8) **Landscape and Planting Plans.** Landscape and planting plans (see Section 14-1-45) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
- (9) **Additional Plans.** Additional special plans or information as required by Village officials.
- (d) **Maintenance of Improvements During Construction.** The Subdividers or Condominium Developer (as applicable) shall make every effort to protect and maintain all improvements made to a Subdivision Plat, Certified Survey Map, or Condominium that are not dedicated to the Village during the construction of the Subdivision Plat, Certified Survey Map, or Condominium.
- (e) **Existing Trees and Flora.** The Subdivider or Condominium Developer (as applicable) shall make every effort to protect and retain existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails in accordance with the Natural Resource Protection Plan. 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. Towards that end, the following minimum procedures shall be followed during construction:
- (1) **Methodology for Tree Preservation To Be Reviewed by Plan Commission.** The Subdivider's or Condominium Developer's (as applicable) proposed method for preserving trees shall be reviewed by the Plan Commission or its staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the Village. If, in the opinion of the Village Board, the Subdivider or Condominium Developer (as applicable) has not taken the necessary precaution in

preserving existing trees as required by this Chapter, no building permit shall be issued until such time as the Subdivider or Condominium Developer (as applicable) amends the plans for the preservation of such existing trees.

- (2) **Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
 - (3) **Material Dumping Prohibited Within Tree Drip Line.** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
 - (4) **Snow Fence Required.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
 - (5) **Attachments to Trees Prohibited.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
 - (6) **Tree Destruction and Replacement.** In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map, Condominium or Natural Resources Protection Plan for preservation is destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a like species approved by the Village Board and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six (6) inches in diameter as measured at twelve (12) inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six (6) inches at the ratios set forth in Table 7. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall be placed in the approximate location of the tree or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivider or Condominium Developer (as applicable) as specified elsewhere in this Chapter.
- (f) **Review of Plans and Specifications By Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, the Village Engineer shall notify the Subdivider or Condominium Developer (as applicable), who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications.
- (g) **Authorization and Inspection.**
- (1) **Authorization to Start Construction.** Prior to starting the work covered by the approved plans and specifications, written authorization to start said work shall be

obtained from the Village Board based upon recommendation of the Village Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.

- (2) **Inspection.** The Subdivider or Condominium Developer (as applicable), prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the Village to provide for adequate inspection. The Village Engineer and/or Public Works Director or designee shall inspect or cause to inspect and approve all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the Village Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivider or Condominium Developer (as applicable) shall pay the Village for the costs incurred by the Village for such inspections.
- (h) **Financial Sureties.**
- (1) **Form of Financial Sureties.** Financial sureties furnished to the Village by Subdividers or Condominium Developers (as applicable) to ensure performance of obligations and guarantees under the terms of this Chapter shall only be in a form which the Village Board deems secure, and may include cash escrow deposits, irrevocable letters of credit in a form approved by the Village Board, or surety bonds.
 - (2) **Determination of Financial Surety Amount.** The amount of financial surety shall be one hundred twenty-five percent (125%) of the Village Engineer's estimated full amount of the obligation being ensured (including the costs of inspection), not for a period less than the period in which the work is scheduled to be completed, however, the Village Board may allow reductions in the amount of the financial surety in proportion to the amounts of the obligations as they are fulfilled.
 - (3) **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the Village Engineer shall be given the greater weight.
 - (4) **Criteria for Determining Subdivider's or Condominium Developer's Delinquency in Meeting Requirements.** The Village Board shall give notice to the Subdivider or Condominium Developer (as applicable) and the Subdivider's or Condominium Developer's (as applicable) surety, of such delinquency, said notice to specify the corrective measures required if the Subdivider or Condominium Developer (as applicable):
 - a. Fails to perform the work with sufficient workers and equipment or with sufficient materials to ensure the completion of said work within the specified time; or
 - b. Performs the work unsuitably, as determined by the Village Board; or
 - c. Neglects or refuses to supply materials or to perform anew such work as shall be rejected as defective and unsuitable; or

- d. Discontinues the execution of the work; or
 - e. For any other cause whatsoever does not carry on the work in an approved manner.
- (5) **Guarantee of Improvements.** The Subdivider or Condominium Developer (as applicable) shall guarantee all improvements for a period of two (2) year from the date of the acceptance of improvements by the Village Board. To assure such improvement guarantee, the Subdivider or Condominium Developer (as applicable) shall provide an amount of financial surety (performance bond or letter of credit) for said guarantee not to exceed twenty-five percent (25%) of the construction value of said improvements.
- (6) **Village Board Action.** After said notice, the Village Board shall call upon the performance guarantee to have the work completed in accordance with the terms of the performance guarantee.
- (i) **Phasing.** The Village Board may permit the construction and installation of public improvements in phases corresponding to the development phases of the Final Plat or the development phases of a Condominium Plat.
- (j) **Construction; Installation.** All public improvements shall be constructed, installed and provided in a workmanlike manner, in accordance with the provisions of this Chapter, the Subdivider's Agreement entered into by and between the Subdivider or Condominium Developer (as applicable) and the Village, and the plans and specifications approved by the Village Engineer, at the cost of the Subdivider or Condominium Developer (as applicable) except as is otherwise expressly provided by this Chapter, and only after the Village Board has granted final approval of the Final Plat, Certified Survey Map, or Condominium, if the Subdivider or Condominium Developer (as applicable) is responsible for providing the improvements, and only after the Village has issued written authorization to proceed with specified improvements.
- (k) **Stop Work Orders.** The Village Administrator, Village Engineer, Public Works Director and Building Inspector shall have the authority to issue stop-work orders with respect to noncompliance with the installation of any required public improvements whenever the location, materials, workmanship, or manner of performance is not in accordance with the provisions of this Chapter, the Village's codes and ordinances, the Subdivider's Agreement (Development Agreement) entered into by and between the Subdivider or Condominium Developer (as applicable) and the Village, or the plans, and specifications approved by the Village Engineer.

Article G: Design Standards

Sec. 14-1-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a subdivision, the Subdivider or Condominium Developer shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, Wis. Stats., the more restrictive provision shall apply.
- (b) **Dedication.** The Subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. 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 official maps adopted by the Village Board. The Subdivision, Certified Survey Parcel Map or Condominium Plan shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Street Layout to Conform to Official Map and/or Adopted Plans.** In any new Subdivision, Certified Survey Map, or Condominium, the street layout shall conform to the arrangement, width, and location indicated on the Official Map, County jurisdictional highway system plan, Village of Bristol Comprehensive Plan or plan component, or neighborhood unit development plan of the Village of Bristol.
- (d) **Street Layout in Areas with No Official Map or Adopted Plans.** In areas for which plans have not been completed, the street layout shall recognize the functional classifications of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas.
- (e) **Access to Public Streets Required.** The Certified Survey Map or Subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
- (f) **Street Classifications.** Streets shall be classified as follows:
 - (1) **Arterial Streets.** Arterial streets, as hereinafter defined, 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. Arterial streets 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.
 - (2) **Collector Streets.** Collector streets, as hereinafter defined, shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street, major street, and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools,

churches or shopping centers, business parks, and other concentrations of population or employment and to the arterial streets to which they connect. Where neighborhoods and/or commercial activity/employment centers abut along arterial streets or highways, collector streets shall be planned to align to provide secondary interconnections between abutting neighborhoods or between abutting commercial activity/employment centers.

- (3) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided or developed as a condominium unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the Subdivision, Condominium, or Certified Survey Map or for the advantageous development of the adjacent tracts.
- (g) **Reserve Strips.** Reserve strips, strips which prevent access to public streets, shall not be provided on any Subdivision, Certified Survey Map or Condominium 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, upon the recommendation of the Plan Commission.
- (h) **Alleys.** Alleys may 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 or federal, state or county trunk highway.
- (i) **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 Village Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the Subdivision, Certified Survey Map or Condominium with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length may be approved when necessitated by the topography.
- (j) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (k) **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, preferably not more than two (2). Wherever practicable the distance between such intersections should not be less than six hundred (600) feet.

- (l) **Frontage Roads.** Where a Subdivision, Certified Survey Map or Condominium abuts or contains an existing or proposed arterial highway, the Village Board, upon the recommendation of the Plan Commission, 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.
- (m) **Arterial Street and Highway Protection.** Whenever a proposed Certified Survey Map or Subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access, and separation of thorough and local traffic shall be provided by reversed frontage, with earthen berms (if topographically possible) and screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.
- (n) **Stream or Lake Shores.** Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (1/2) mile as required by Section 236.16(3), Wis. Stats.
- (o) **Street Names.** Street names shall not duplicate or be similar to existing street names elsewhere in the County, and existing street names shall be projected wherever possible. Street names shall be assigned by Kenosha County and shall conform to the system set forth in Chapter 6 titled "Road Naming and Building Numbering" of the *Municipal Code of Kenosha County*.
- (p) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed Subdivision, Certified Survey Map, or Condominium contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
 - (1) **Landscape Bufferyard Easement Requirement.** When lots within the proposed Subdivision, Certified Survey Map, or Condominium back upon the right-of-way of an existing or proposed limited access highway or a railroad, a combined earthen berm (if topographically possible) and planting strip (landscape bufferyard easement) a minimum of thirty-five (35) 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: "Landscape Bufferyard Easement: This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) **Streets Serving Commercial and Industrial Properties.** Commercial and industrial properties shall have provided, on each side of the limited access highway, arterial street 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 one hundred fifty (150) feet.
 - (3) **Streets Parallel to a Limited Access Highway Right-of-Way.** 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 two hundred fifty (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 Adjacent and Parallel to Railroads, Arterial Streets and Highways.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and the location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

Sec. 14-1-71 Specifications for Construction and Dedication of Streets and Roads.

The minimum right-of-way and roadway width of all proposed streets, alleys, bicycle paths, equestrian trails, and pedestrian ways shall be as specified by the Village of Bristol Comprehensive Plan, plan component, Official Map, neighborhood development study, or jurisdictional highway system plan of the County or local municipality; or if no width is specified therein, the minimum widths shall be as shown in Table 1. Cross-sections for freeways, expressways, and associated parkways shall be based upon detailed engineering studies. In addition:

- (a) **Maximum Cul-de-Sac Street Length.** Cul-de-sac streets designed to have one (1) end permanently closed shall:
- (1) **Small Lot Areas.** Seven hundred fifty (750) feet in length in areas serving lots less than two (2) acres in area.
 - (2) **Large Lot Areas.** One thousand (1,000) feet in length in rural areas where lots are greater than two (2) acres in area.
- (b) **Temporary Street Termination.** Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
- (c) **Roadway Elevations; Interval Floods.** Elevations of roadways passing through floodplain areas shall be designed in the following manner:
- (1) **Arterial Streets.** Freeways and arterial streets and highways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.
 - (2) **Collector Streets.** Collector streets shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
 - (3) **Local Streets.** Local streets shall be designed so they will not be overtopped by the 25-year recurrence interval flood.
- (d) **New and Replacement Bridges and Culverts.**
- (1) **Applicable Standards.** All new and replacement bridges shall be constructed in accordance with all applicable Wisconsin Statutes and state regulations, and shall be

submitted to the Wisconsin Department of Natural Resources to ensure compliance therewith.

- (2) **Waterway Bridges.** All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood:
 - a. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure.
 - b. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.
- (e) **Street Grades.**
 - (1) **Generally.** 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.
 - (2) **Changes in Street Grade.** All changes in street grades shall be connected by vertical curves of a minimum length as directed by the Wisconsin Department of Transportation Facilities Design Manual (FDM) for the roadway posted speed.
 - (3) **Maximum Centerline Grades.** Unless necessitated by exceptional topography subject to the approval of the Village Board, upon the recommendation of the Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:
 - a. Arterial and collector streets: Six percent (6%).
 - b. Minor streets, alleys and frontage streets: Eight percent (8%).
 - c. Bicycle paths: Five percent (5%) and meeting all applicable guidelines and standards promulgated by the American Association of State Highway and Transportation Officials (AASHTO) in its *Guide for the Development of Bicycle Facilities*, most recent addition.
 - d. Pedestrian ways: Eight percent (8%) and meeting all applicable Americans with Disabilities Act (ADA) "Accessibility Guidelines."
 - e. Equestrian trails: Eight percent (8%).
 - (4) **Maximum and Minimum Grade.** The grade of any street shall in no case exceed ten percent (10%) or be less than one-half of one percent (0.5%).
 - (5) **Grade Variations.** Street grades may be varied as provided for in Subsection (e)(3) above.
- (f) **Radii of Curvature.**
 - (1) **Standards.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

- a. Arterial streets and highways: Five hundred (500) feet.
 - b. Collector streets: Three hundred (300) feet.
 - c. Minor streets: One hundred (100) feet.
 - d. Rural and suburban streets: May be less than one hundred (100) feet in environmentally-sensitive areas as determined by the Village Board, upon the recommendation of the Plan Commission.
- (2) **Reverse Curve Tangents.** A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
- (g) **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a Subdivision Plat or Certified Survey Map, the other half of the street shall be dedicated by the Subdivider or Condominium Developer (as applicable). The platting of new half-streets shall not be permitted.
- (h) **Street Intersections.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
- (1) **Maximum Number of Streets Converging at Single Intersection.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
 - (2) **Number and Distance Between Intersections Along Arterial Streets and Highways.** The number of intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than twelve hundred (1,200) feet.
 - (3) **Rounding of Property Lines at Street Intersections Required.** Property lines at street intersections may be rounded with a minimum radius of fifteen (15) feet, or of a greater radius when required by the Village Board, upon the recommendation of the Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
 - (4) **Continuous Alignment of Minor Streets Required at Intersections.** Minor streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the major streets from opposite sides within two hundred (200) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted so that the adjoinment across the major or collector street is continuous - thus a jog is avoided.
 - (5) **Vision Clearance Easements.** Vision clearance easements shall be provided at street intersections as may be required by Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County, and by any approving or objecting authority concerned.

Sec. 14-1-72 Block Design Standards.

The widths, lengths, and shapes of blocks that are created shall be suited to the planned use of the land, zoning requirements, overall residential density, the need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

- (a) **Maximum Block Length.** The length of blocks in residential areas shall not, as a general rule, be less than six hundred (600) feet nor more than fifteen hundred (1,500) feet in length unless otherwise required by Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and, upon its adoption, the standards in Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County upon adoption. These standards may be modified by the Village Board due to exceptional topography or environmental features, upon the recommendation of the Plan Commission, or other limiting factors of good design.
- (b) **Bicycle Paths, Equestrian Trails, and Pedestrian Ways Required at Center of Blocks Over 900 Feet in Length.** Bicycle paths, equestrian trails, and pedestrian ways (easement or dedicated public right-of-way) of not less than twenty (20) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Village Board, upon the recommendation of the Plan Commission, to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.
- (c) **Block Width.** The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (d) **Mid-Block Utility Easements Required.** Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

Sec. 14-1-73 Lot Design Standards.

The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (a) **Lot Lines.** Lot lines shall follow municipal boundary lines rather than cross them.
- (b) **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

- (c) **Access.** Every lot less than forty thousand (40,000) square feet in area shall front or abut for a distance of at least forty (40) feet on a public street. Every lot forty thousand (40,000) square feet or greater in area shall front or abut for a distance of at least sixty-six (66) feet on a public street.
- (d) **Area and Dimensional Requirements of Lots.** Area and dimensions of all lots shall conform to the requirements of, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County, and those setbacks that may be required to meet the requirements of TRANS 233, Wis. Adm. Code. Regarding the construction and installation of a private on-site wastewater treatment system, those building sites not served by a public sanitary sewage system or other approved system shall be sufficient to permit the use of a private onsite wastewater treatment system designed in accordance with COMM 83 and 85, Wis. Adm. Code, and other applicable Kenosha County Codes, including Chapter 15 titled "Kenosha County, Department of Planning and Development, Division of County Development, Sanitary Code and Private Sewage System Ordinance" of the *Municipal Code of Kenosha County*.
- (e) **Lot Depth.** Excessive depth of lots in relation to width shall be avoided. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (f) **Lot Width.** Width of lots shall conform to the requirements of, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
- (g) **Corner Lots.** Corner lots which are one (1) acre or less in area shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (h) **Plats Abutting a Lake or Stream.** In any plat abutting a lake or stream, lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications.
- (i) **Land Remnants.** All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (j) **Large Lots.** Where lots are created of a size larger than the minimum lot size required by the underlying zoning district, the Village Board, upon the recommendation of the Plan Commission, may require that the plat be so designed as to allow for the possible future resubdivision of such lots into lot sizes compatible with the underlying zoning district.
- (k) **Flag Lots.** Flag lots shall be prohibited.
- (l) **Re-Division of Lots.** Wherever a lot, parcel, or tract is subdivided into lots or parcels that are more than twice the minimum lot area required in the zoning district in which the lot

or parcel is located, the Village Board, upon the recommendation of the Plan Commission, may require that such lots or parcels be arranged and dimensioned to allow re-division into smaller lots or parcels that will meet the provisions of, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.

- (m) **Lands Lying Between the Meander Line and the Water's Edge.** Lands between the meander line and the water's edge and any otherwise unplatted lands which lie between a proposed land division or condominium and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream.
- (n) **Restrictions Prohibiting Development.** Whenever a lot appearing on a Final Plat, Condominium Plat, or Certified Survey Map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Village, shall appear on the face of the plat or map.

Sec. 14-1-74 Building Setback Lines.

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Village Board, upon the recommendation of the Plan Commission, and shall be shown on the Final Plat, Certified Survey Map, and Condominium Plat. This provision includes requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line; requiring greater setbacks to conform to setbacks of existing adjacent development; requiring greater setbacks to accommodate a unique design; requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles; setting special yard requirements to protect natural resources or requiring greater setbacks along arterial streets and highways to meet the requirements of TRANS 233, Wis. Adm. Code.

Sec. 14-1-75 Access to Public Streets.

This Section sets forth vehicular access requirements for Certified Survey Maps, Subdivision Plats, and Condominiums which abut both arterial, collector, and minor streets. This Chapter recognizes that public streets are a public investment which require control mechanisms in order to assure both public safety and functional capacity. Proposed Certified Survey Maps, Subdivision Plats, and Condominiums for residential and nonresidential uses shall meet the following requirements:

- (a) **Access Standards for All Residential and Nonresidential Uses.** All proposed Certified Survey Maps, Subdivision Plats, and Condominiums proposed for residential and/or

nonresidential uses located in residential and/or nonresidential zoning districts shall meet the following standards:

- (1) **Controlled Access to Public Streets.** Lot and parcel vehicular access points shall be permitted only at locations in accordance with this Chapter and other Village of Bristol adopted Comprehensive Plan(s) or elements thereof, ordinances, or other plans approved by the Village Board, upon the recommendation of the Plan Commission. The Village Board, upon the recommendation of the Plan Commission, may limit vehicular access to any adjoining arterial, collector, or minor street.
- (2) **Distance Between Vehicular Access Points.** The spacing of vehicular access points from arterial, collector, and minor streets (which are under the jurisdiction of the Village) to lots and parcels shall be determined as a function of arterial street and highway collector street, and minor street operating speeds. The minimum spacing between vehicular access points along such streets or highways shall be determined according to Table 2. These spacings are based upon average vehicle acceleration and deceleration rates and are considered necessary to maintain safe traffic operation.
- (3) **Limitation of Access to Interstate, Federal, and State Trunk Highways.** No new direct vehicular access shall be allowed to interstate, federal, and state trunk highway public rights-of-way unless approved by the Wisconsin Department of Transportation, Kenosha County, and the Village Board.
- (4) **Temporary Access.**
 - a. **Village Streets.** On Village streets, the Village Board may grant temporary access to properties and require their closure when access through adjoining properties is acquired upon recommendation by the Plan Commission. Such access shall be temporary, revocable, and subject to any conditions required and shall be issued for a period not to exceed twelve (12) months.
 - b. **County Highways.** Temporary access to County highway rights-of-way shall be reviewed and may be approved by the Kenosha County Highway Department. It is the Subdivider's or Condominium Developer's responsibility (as applicable) to obtain all necessary approvals from the Kenosha County Highway Department for all such temporary access points proposed prior to Certified Survey Map, Subdivision Plat, or Condominium approval by the Village of Bristol.
 - c. **State Highways.** Temporary access to State highway rights-of-way shall be reviewed and may be approved by the Wisconsin Department of Transportation. It is the Subdivider's or Condominium Developer's responsibility to obtain all necessary approvals from the Wisconsin Department of Transportation for all such temporary access points proposed prior to the Certified Survey Map, Subdivision Plat, or Condominium approval by the Village of Bristol.
- (5) **Area Circulation Plan.** The Village Board, upon the recommendation of the Plan Commission, may require the preparation of an area circulation plan for the proposed Certified Survey Map, Subdivision Plat, or Condominium or covering several

properties in an area surrounding a proposed Certified Survey Map, Subdivision Plat, or Condominium. The delineation of this area for the preparation of an area circulation plan shall be determined by the Village Board, upon the recommendation of the Plan Commission. Such a plan may require the sharing of access locations or temporary access. All landowners, except those with a previously approved Certified Survey Map, Subdivision Plat, or Condominium shall be required to conform to such an area circulation plan once it is adopted by the Village Board, upon the recommendation of the Plan Commission, as a component, or element, of the Village Comprehensive Plan. The Village Board, upon the recommendation of the Plan Commission, may require that such an area circulation plan be prepared based upon the conduct of a traffic impact analysis conducted by a licensed professional engineer with expertise in traffic engineering. The Village Engineer shall review all such studies and assist the Plan Commission and Village Board.

- (6) ***Vehicular Non-Access Reservations Required.*** The Village Board, upon the recommendation of the Plan Commission, may require that deed restrictions be placed on Certified Survey Maps, Subdivision Plats, or Condominiums in order to limit vehicular access to abutting arterial, collector or minor streets and highways. A landscaped bufferyard of adequate opacity, as determined by the Village Board, upon the recommendation of the Plan Commission or by Village ordinances, shall be provided in vehicular non-access reservations along the property line abutting a public street right-of-way. In such situations, vehicular access to such lots may be provided by an abutting minor or collector street at designated access driveways. Such vehicular non-access reservations shall be graphically so noted on Certified Survey Maps, Subdivision Plats, or Condominium Plats prior to their approval by the Village.
- (7) ***Arterial Street and Highway Access and Street Intersections.*** No new direct public or private access shall be permitted to an arterial street or highway within one hundred and fifteen (115) feet of the intersection of the right-of-way lines of another arterial street or highway; and, where lot or parcel size permits, no new direct public or private access shall be permitted to an arterial street or highway within five hundred (500) feet of the intersection of the right-of-way lines of another arterial street.
- (8) ***Minor Streets and Vehicular Access Point Alignments.*** Minor streets and vehicular access points along both sides of a collector and/or arterial street shall be aligned to assist in reducing the number of driveways needed and to improve safety conditions related to access to the street system.
- (9) ***Sight Distance and Driveway Placement.*** Direct vehicular access placement on abutting minor, collector, and arterial streets and highways shall be such that an exiting vehicle has a minimum, unobstructed sight distance according to Table 3 based upon the operating design speed of the abutting collector or arterial street or highway.
- (b) ***Access Standards for Nonresidential and Multiple-Family Residential Uses.***
 - (1) ***Standards.*** All proposed Certified Survey Maps, Subdivision Plats, and Condominiums proposed for nonresidential and multiple-family residential uses

located in nonresidential and/or multiple-family residential zoning districts and taking access to/from arterial, collector, and minor streets (which are under the jurisdiction of the Village) shall meet the highway design speed and minimum required sight distance in Table 3 for direct vehicular access point placement standards.

- (2) **Maximum Number of Vehicular Access Points Per Lot.** Generally, along arterial streets and highways (including lots which abut the frontage roads of said rights-of-way), where the abutting street frontage is less than four hundred (400) feet, a maximum of one (1) vehicular access point shall be permitted to a particular lot from each of any one (1) or two (2) abutting arterial streets and highways. One (1) additional driveway entrance along a single continuous lot with frontage in excess of four hundred (400) feet may be permitted by the Village Board, upon the recommendation of the Plan Commission. When a shared vehicular access point is used by two (2) or more abutting lots, said shared vehicular access point shall be considered as one (1) single vehicular access point for each lot or parcel served.
- (3) **Provision of Shared Vehicular Access Points Between Lots.** Vehicular access points planned to be located along property lines or within five (5) feet of a property line shall be shared vehicular access points with the abutting lot or parcel. The vehicular access point centerline may be the property line between two (2) lots or parcels of land or may be a mutually agreed upon land access easement.

Sec. 14-1-76 Drainage System.

- (a) **Drainage System Required.** As required by Sec. 14-1-56, 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 or Condominium Plan 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 Board, upon the recommendations of the Plan Commission and Village Engineer (if consulted).
- (b) **Drainage System Plans.**
 - (1) The Subdivider shall submit to the Village at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the Subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without 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 storm water 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, Certified Survey Map Developer, or Condominium Developer 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, upon the recommendation of the Village Engineer.
- (c) **Grading.** The Subdivider, Certified Survey Map Developer, or Condominium Developer 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 (1) or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
- (d) **Drainage System Requirements.** The Subdivider, Certified Survey Map Developer, or Condominium Developer 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 storm water drainage. No storm water shall be permitted to be run into a sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (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 one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)

(f) **Maintenance Agreement.**

- (1) A maintenance agreement shall be required between the Village and the Subdivider or Condominium Developer. The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the stormwater management system, including detention/retention facilities and drainageways, to a homeowners, property owners or condominium association per Section 14-1-23. Prior to Final Plat approval, the Subdivider, Certified Survey Map Developer, or Condominium Developer (as applicable) shall submit to the Village for its approval an on-going maintenance and mowing plan for such facilities, which shall be incorporated by reference into all approvals and development agreements.
- (2) If the Village at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Village of Bristol.

Cross-Reference: Section 14-1-23.

Sec. 14-1-77 Non-Residential 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 of Bristol may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Village Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or the Zoning Code.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the

satisfaction of the Village Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The 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 Board with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village Board with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-78 through Sec. 14-1-79 Reserved for Future Use.

Article H: Park and Public Land Dedications

Sec. 14-1-80 Dedication and Reservation of Public Lands.

In order that adequate public lands and open space sites may be properly located and preserved as the Village of Bristol develops, the following provisions are established:

- (a) **Dedication of Lands for Public Uses.** Whenever any Subdivision or Certified Survey Map is certified, signed, acknowledged, and recorded as prescribed in Section 236.29, Wis. Stats., or a Condominium under the provisions prescribed in Chapter 703, Wis. Stats., every dedication of land to the public intended for the streets, alleys, ways, commons, or other public uses as designated on said Subdivision, Certified Survey Map, or Condominium shall be deemed sufficient conveyance to vest the fee simple title with the Village of Bristol for the public benefit.
- (b) **Suitability of Land for Public Use.** Whenever a Certified Survey Map, Subdivision Plat, or Condominium includes a proposed dedication of land to public use and it is found that such land is not required or not suitable for public use, the Plan Commission may recommend to the Village Board to either refuse to approve such dedication or require the rearrangement of lots in the proposed Certified Survey Map, Subdivision Plat, or Condominium (See also Section 14-1-21).
- (c) **Size of Land for Public Use.** The area of each parcel of land proposed as a dedication of land for public use shall be of such minimum dimensions, as determined by the Plan Commission, so as to be functionally usable.
- (d) **Location.** Whenever a Certified Survey Map, Subdivision Plat, or Condominium includes a proposed dedication shall be so located and sited with sensitivity to surrounding development and existing and planned land uses.
- (e) **Drainageways, Stormwater Detention and Retention Basins and Other Public Ways or Public Access to Navigable Lakes or Streams.**
 - (1) Whenever a tract of land to be subdivided as a Subdivision, divided by a Certified Survey Map, or developed as a Condominium includes lands designated to be owned by the public to include drainageways and stormwater easements, stormwater detention and retention basins, and other public ways or public access to navigable lakes or streams which have been designated or graphically delineated on the adopted Village of Bristol Comprehensive Plan or adopted plan components, or as required by the Wisconsin Department of Natural Resources under Section 236.16(3), Wis. Stats., or required by the Village of Bristol, said public way shall be made a part of the Subdivision Plat, Certified Survey Map, or Condominium and dedicated by the Subdivider or Condominium Developer (as applicable) in the location and dimensions indicated on said plan or map and as set forth in this Chapter.

- (2) Subdivisions or Certified Survey Maps abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3), Wis. Stats., provide access at least sixty (60) feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is approved, and excluding shore areas where public parks or open space and streets or roads on either side of a stream are provided. Such access shall be dedicated to the Village of Bristol.
- (f) **Public Parks or Public Playgrounds.** Whenever a tract of land to be divided by either Certified Survey Map or Subdivision Plat or is developed as a Condominium within the jurisdiction of this Chapter encompasses all or any part of a public park or public playground that has been designated on a duly adopted Village of Bristol or regional Comprehensive Plan or plan component pursuant to Section 62.23(6), Wis. Stats., said public park or public playground shall be made a part of that Certified Survey Map, Subdivision Plat, or Condominium and dedicated or reserved by the Subdivider or Condominium Developer (as applicable) in the locations and dimensions indicated on said plan and based upon a public facilities needs assessment pursuant to the requirements of Section 66.0617, Wis. Stats. (See also Section 14-1-81).
- (g) **Substitution of Private Recreation and Open Space Lands for Required Public Recreational and Open Space Land Reservations or Dedications Not Permitted.** The substitution of private recreation and open space lands for required public recreational and open space land reservations or dedications under this Chapter shall not be permitted.
- (h) **Form of Dedication Documents.** The form of the dedication documents shall be subject to approval by the Village Attorney.

Sec. 14-1-81 Public Sites and Open Spaces.

- (a) **Reservation and/or Dedication of Suitable Sites of Adequate Area for Future Public Schools, Public Parks, Public Playgrounds, Trails, Drainageways, and Other Public Purposes.** In the design of a Subdivision Plat, Certified Survey Map, or Condominium zoned for agricultural or residential uses, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for future public schools, public parks, public playgrounds, trails, drainageways, and other public purposes, as follows:
 - (1) **Dedication Standards.** Provision of public park areas shall be based upon the per capita standards set forth in the adopted Village Comprehensive Plan, or elements thereof [i.e., the type of park area needed per one thousand (1,000) persons served] as follows:
 - a. **Community Level Public Outdoor Recreation Land.**
 - 1. For Park Site: 2.2 acres per one thousand (1,000) persons.

2. For Playfield and Playground Associated With Park Site: 0.9 acre per one thousand (1,000) persons.
 - b. **Neighborhood Level Public Outdoor Recreation Land.**
 1. For Park Site: 1.7 acres per one thousand (1,000) persons.
 2. For Playfield and Playground Associated With Park Site: 1.6 acres per one thousand (1,000) persons.
 - c. **Total Public Outdoor Recreation Land Dedication Required.** 6.4 acres per one thousand (1,000) persons [combined totals of Subsections (a)(1)a-b above].
- (2) **Persons Per Household Determination.** The determination of the persons per household, or dwelling unit, shall be based upon the average number of persons per household as reported in the most recent U.S. Census for the Village of Bristol, Wisconsin [Note: In the year 2000, there were 2.65 persons per household in the Village of Bristol]. Based upon these adopted Village plan standards, the amount of land to be dedicated for public outdoor recreation lands, including public parks and playgrounds, shall be according to those rates set forth in Subsection (d) below.
- (3) **Plan-Designated Areas.** If designated on the Village of Bristol Comprehensive Plan, plan component, Official Map, or component neighborhood or subarea plan, such park areas shall be made a part of the Certified Survey Map, Subdivision Plat, or Condominium as stipulated in Section 14-1-80.
- (4) **Non-Designated Areas.** If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.
- (b) **Selection of Options.** The Plan Commission may, at the time of reviewing the Certified Survey Map, Preliminary Plat, or Condominium recommend to the Village Board one (1) of the following options and record such recommendation in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, or Condominium is presented for approval. The Village Board, at the time of reviewing the Certified Survey Map, Preliminary Plat, or Condominium, and after reviewing the recommendations of the Plan Commission, selects one (1) of the following options and records such selection in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, or Condominium is presented for approval:
- (1) **Dedication.** Dedicate to the public those open space lands designated on the Village of Bristol Comprehensive Plan, or plan component; or
 - (2) **Reservation.** Reserve such open space lands and/or pay a public outdoor recreation land site fee in conformance with the Village's Impact Fee Ordinance, as amended, established pursuant to the requirements of Section 66.0617, Wis. Stats.; or
 - (3) **Payment of a Public Outdoor Recreation Land Site Fee.** Where no open space lands are directly involved, pay a public outdoor recreation land site fee in conformance with the Village of Bristol Impact Fee Ordinance, as established pursuant to the requirements of Section 66.0617, Wis. Stats., as amended.

(c) **Exemptions.**

- (1) **Later Lot Redivisions.** Subject to the requirements and provisions of the Village of Bristol Impact Fee Ordinance established pursuant to the requirements of Section 66.0617, Wis. Stats., as amended, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created, dedication or payment has once been paid is further divided or additional dwelling units created, dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, or Condominium shall be required to pay a public outdoor recreation land site fee.
- (2) **Outlots.** Lots or parcels designated as "outlots", as defined in this Chapter, shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as outlots may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, or Condominium.

(d) **Dedication of Site Option.**

- (1) **Determination of the Amount of Land to be Dedicated.** Whenever a proposed playground, park, or other public open space land designated on the Village of Bristol Comprehensive Plan or component plan, neighborhood unit development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, or Condominium and shall be dedicated to the public by the Subdivider or Condominium Developer at the following rates for the provision of the following public outdoor recreation lands:
 - a. **Community Level Public Outdoor Recreation Land.**
 1. For Park Site: 0.005406 acre per dwelling unit.
 2. For Playfield and Playground Associated With Park Site: 0.002385 acre per dwelling unit.
 - b. **Neighborhood Level Public Outdoor Recreation Land.**
 1. For Park Site: 0.004505 acre per dwelling unit.
 2. For Playfield and Playground Associated With Park Site: 0.00424 acre per dwelling unit.
 - c. **Total Public Outdoor Recreation Land Dedication Required.** 0.016536 acre per dwelling unit [combined total of Subsections (d)(1)a-b.
- (2) **Maximum Period of Land Reservation.** Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having

jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five (5) year period as set forth herein, the land will be released from reservation to the property owner.

- (3) ***Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.*** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

(e) **Reservation of Site Options.**

- (1) ***General Requirement.*** Wherever a proposed public school site, playground, park, or other public open space land designated on the Village of Bristol Comprehensive Plan, neighborhood unit or subarea development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium and whenever the Subdivider or Condominium Developer is given the option to dedicate or reserve public sites and open spaces by the Village Board, upon the recommendation of the Plan Commission, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, or Condominium and reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

- (2) ***Reservation of Public Playground, Park or Open Space Lands.*** For reserved public playground, park, or other open space lands:

a. ***Public Outdoor Recreation Land Site Fee Payment.*** The Subdivider or Condominium Developer (as applicable) shall pay a public outdoor recreation land site fee under the requirements and provisions of the Village of Bristol Impact Fee Ordinance established pursuant to Section 66.0617, Wis. Stats., as amended, at the time of application for Final Plat or Condominium approval at the rate and according to the procedures set forth in Subsection (f) below.

b. ***Reservation by Restrictive Covenant.*** Restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.

- (3) ***Reservation of Public School Sites.*** For reserved public school sites, restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.

- (4) ***Release of Reserved Lands.*** Reserved lands will be released from reservation to the owner if the lands in excess of the established rate are not acquired within the five (5) year period.

- (f) **Public Outdoor Recreation Land Site Fee Option.** See the requirements and provisions of the Village of Bristol Impact Fee Ordinance established pursuant to Section 66.0617, Wis. Stats., as amended.

- (g) **Designation of Outlots as Public Sites.** Lots or parcels designated as outlots, as defined by this Chapter, may be dedicated or reserved as public sites by the Subdivider or Developer as long as the intended public use of said outlots is so designated on the face of the Subdivision Plat, Certified Survey Map, or Condominium Plans.
- (h) **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify as suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be considered public open space.
- (i) **Public Bicycle Path, Equestrian Trail, and Pedestrian Way Access.** In addition to those requirements set forth in Section 14-1-80, where a Certified Survey Map, Preliminary Plat, or Condominium abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Subdivider or Developer (as applicable), at the option of the Village of Bristol and/or the appropriate municipality, may be required to provide a bicycle path, equestrian trail, or pedestrian way access easement, as determined by the Village Board, at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street.
- (j) **Effective Date of Dedication of Land for Public Purposes.** The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, rights-of-way, or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, or Condominium development.
- (k) **Building and Development Restrictions on Lands Reserved for Public Acquisition.** On lands reserved for eventual public acquisition, no building or development shall be permitted during the period of reservation:
 - (1) **Length of Reservation.** The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider or Developer.
 - (2) **Land Delineation.** Land so reserved must be clearly delineated and dimensioned (including square footage or acreage) on the Final Plat, Certified Survey Map, or Condominium plans.
- (l) **Determination of the Value of the Land to be Dedicated.** Determination of the value of land to be dedicated for public school site, playground, park, or other public open space purposes shall be agreed upon by the Village and the Subdivider or Condominium Developer (as applicable) on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the Village and the Subdivider or Condominium Developer (as applicable), an appraisal board consisting of one (1) appraiser selected by the Village and retained at the Village's expense, one (1) appraiser selected by the Subdivider or Condominium Developer (as applicable) and retained at the Subdivider's or Condominium Developer's expense (as applicable), and a third appraiser selected by the other two (2) appraisers and retained at a cost shared equally by the Village and the Subdivider or Condominium Developer (as applicable), shall determine the value of the land.

- (m) **Minimum Site Preparation Required of Dedicated Public Sites.** When public sites are dedicated as public sites, the Subdivider or Developer (as applicable) shall:
- (1) **Proper Drainage.** Properly grade and contour the public site for proper drainage and for the anticipated use of the area.
 - (2) **Topsoil.** Cover areas to be seeded with a minimum of four (4) inches of quality topsoil. Said topsoil furnished for the park site shall consist of 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.
 - (3) **Contractual Arrangements.** Provide such improvements to the public site as may be agreed upon and as set forth in the Subdivider's Agreement between the Village and the Subdivider or Developer (as applicable).
 - (4) **Developer Failure to Prepare Site.** If the Subdivider or Developer (as applicable) fails to satisfy the requirements of this Section, the Village Board may take action to satisfy the requirements and bill such costs to the Subdivider or Developer (as applicable) following written notice to the Subdivider or Developer (as applicable) of noncompliance. Failure of the Subdivider or Developer (as applicable) to pay such costs may result in the immediate withholding of all building permits for the Subdivision, Certified Survey Map, or Condominium, until such costs are paid.

Sec. 14-1-82 Private Recreation and Open Space Lands.

- (a) **Declaration of Covenants and Deed Restrictions Required for Lands Designated as Private Recreation and Open Space Lands.** For lands designated by a Subdivision, Certified Survey Map, or Condominium to be set aside for private recreation and/or open space use (including mini-parks as defined in this Chapter) and owned and maintained by a Wisconsin non-profit membership corporation (homeowners' association or condominium association), the Subdivider or Condominium Developer (as applicable) shall file a declaration of covenants and deed restrictions, pursuant to the requirements of Sections 14-1-31(c), 14-1-41(g) and 14-1-42(c), that will govern said homeowner or condominium association with the Preliminary Plat or Certified Survey Map.
- (b) **Minimum Required Provisions of Declaration of Covenants and Deed Restrictions for Private Recreation and Open Space Lands.** The provisions of said declaration of covenants and deed restrictions shall incorporate the requirement that a Wisconsin non-profit membership corporation be formed for the purpose of maintaining, improving, policing and preserving property(s), including mini-parks as defined in this Chapter, in which its members shall have common rights of usage and enjoyment by virtue of their ownership of lots in the Subdivision, Certified Survey Map, or Condominium, and shall further include the requirements:

- (1) That the corporation be established before any lots, building sites or units are sold.
- (2) That membership in the corporation be mandatory and automatic upon the purchase of a lot, building site, or unit.
- (3) The recreation and open space restrictions must be perpetual and not just for a period of years.
- (4) That title to the private recreational areas or facilities be transferred to the corporation.
- (5) That the corporation be responsible for liability insurance, property taxes, and all maintenance of recreational and open space areas.
- (6) That the corporation have all powers granted and exercised under Chapters 703 and 799, Wis. Stats., as applicable and, in particular, to levy assessments upon all properties in the Subdivision, Certified Survey Map, or Condominium for the purposes specified therein.
- (7) That in the event the Wisconsin non-profit membership corporation ceases to exist, does not enforce the provisions of said declaration of covenants and deed restrictions, or fails to fulfill its obligations as stated herein or to collect, remit, or pay the assessments or real estate taxes against its properties within the Subdivision, Certified Survey Map, or Condominium, the Village may cause such maintenance to be performed and levy the cost thereof as a special assessment against all of the properties within the Subdivision, Certified Survey Map, or Condominium under the applicable provisions of Chapter 66, Wis. Stats. Similarly, any real estate taxes remaining unpaid, together with any penalties and interest thereon, may be collected by the Village as a special assessment against all of the properties in the Subdivision, Certified Survey Map, or Condominium, or the Village may seek a mandatory injunction requiring the Wisconsin non-profit membership corporation to levy and collect assessments for such purpose.
- (8) The declaration of covenants and deed restrictions and governance documents for the Wisconsin non-profit membership corporation shall be prepared by the applicant in a form acceptable to the Village Attorney.

Sec. 14-1-83 Private Mini-Parks and Their Required Improvements.

In the design of all Subdivisions or Condominium Plats, the Village shall require the Subdivider or Condominium Developer (as applicable) to meet the standards below and install all mini-park related improvements in accordance with the provisions of this Chapter as follows:

- (a) **Stormwater Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Mini-Park Land Area Requirements.** Areas used or required for stormwater detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for private mini-parks. If such sites are to be used for private

recreation and/or private open space use, they shall be in addition to suitable land area that meets the land area requirements for mini-parks set forth herein.

- (b) **Suitability of Land for Private Mini-Park Use.** Whenever a Subdivision Plat or Condominium includes a proposed private mini-park and it is found that such land is not required or not suitable for private mini-park use, the Plan Commission may recommend to the Village Board to either refuse to approve such private mini-park or require the rearrangement of lots in the proposed Subdivision Plat or Condominium.
- (c) **Size of Land Area for Private Mini-Park Use.** The area of each parcel of land proposed as land for private mini-park use shall be of such minimum dimensions as required below so as to be functionally useable:
 - (1) The provision of private mini-park areas shall be based upon the provision of 0.10 acre of land per one (1) dwelling unit. The maximum area of mini-park(s) for any single development shall be five (5) acres and the minimum area for any mini-park(s) shall be twenty thousand (20,000) square feet.
 - (2) All mini-parks shall front upon a dedicated public street right-of-way for a minimum distance of sixty (60) feet.
- (d) **Location.** Whenever a Subdivision Plat or Condominium includes a proposed private mini-park use said location of the proposed private mini-park(s) shall be so located and sited with sensitivity to surrounding development and existing and planned land uses.
- (e) **Improvements.** The Subdivider or Developer (as applicable) shall, at a minimum, be required to provide the following improvements to each private mini-park:
 - (1) Properly grade and contour the mini-park site for proper drainage and for the anticipated use of the area.
 - (2) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil. Said topsoil furnished for the mini-park site shall consist of 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.
 - (3) Provide the following facilities at the mini-park(s):
 - a. Picnic tables at the rate of one (1) per 0.07 acre of mini-park area (excluding those areas of the mini-park occupied by other improvements and/or woodlands).
 - b. A furnished children's play area to include the development of pre-school and school-age play areas in compliance with the Americans with Disabilities Act, Barrier Free Design Standards, and Consumer Product Safety Commission requirements (including both play equipment and surfacing).
 - c. A minimum of three (3) shade/canopy trees per ten thousand (10,000) square feet of mini-park area (or fraction thereof) shall be required to be installed by the Subdivider or Developer (as applicable). Said required shade/canopy trees shall be a minimum of two and one-half (2.5) inch caliper at the time of installation. Existing trees of a similar or larger size already located at the mini-park site may be substituted for the required trees on a one-to-one basis.

- d. Provide those other facilities as may be agreed upon by the Village Board and as set forth in the Subdivider's Agreement between the Village and the Subdivider or Developer.
- (4) If the Subdivider or Developer (as applicable) fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the Subdivider or Developer (as applicable) following written notice of noncompliance to the Subdivider or Developer (as applicable) to pay such costs may result in the immediate withholding of all Building Permits for the Subdivision or Condominium until such costs are paid.

Sec. 14-1-84 through Sec. 14-1-89 Reserved for Future Use.

Sec. 14-1-90 Natural Resource Protection.

- (a) **Natural Resource Protection Standards.** All new Certified Survey Maps, Subdivision Plats, or Condominiums created in the Village of Bristol shall comply with the natural resource protection standards set forth in Table 4 and the Village of Bristol Tree Ordinance (Title 6, Chapter 5 of the Bristol Code of Ordinances). All the natural resources required to be protected under this Article shall remain undisturbed and in a natural state except those natural resources where mitigation is permitted and such mitigation is permitted and such mitigation is in strict accord with those requirements set forth in this Article on natural resource protection.
- (b) **Natural Resource Features Determination.**
- (1) **Steep Slopes.**
- a. The definition of "steep slopes" appears in Section 14-1-10. Steep slopes are to be determined through the use of the following sources and/or methods in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village Board and/or Plan Commission, the succeeding source shall be used:
 1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
 2. Large scale 1"=200' Kenosha County topographic maps.
 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
 - b. The area of steep slopes (in square feet or acres) shall be measured and graphically delineated on a topographic drawing and on the Natural Resource Protection Plan. Such steep slope drawing shall graphically indicate those steep slope areas, by slope type, of the property pursuant to the "steep slope" definition set forth in Section 14-1-10.
- (2) **Woodlands and Forests.**
- a. The definition of "woodlands" and "forests" (mature and young), as applied to this Article, appears in Section 14-1-10. The determination of woodland and forest boundaries shall be based on the following sources:
 1. 1"=400' aerial photographs prepared by the Southeastern Wisconsin Regional Planning Commission (SEWRPC) and available from either SEWRPC or from Kenosha County (most recent date only).
 2. A field survey of trees compiled by a registered land surveyor and identified by a landscape architect, forester, arborist, or botanist with a professional degree in one of those fields of endeavor.
 - b. All land area within a proposed development, Certified Survey Map, Subdivision Plat, or Condominium consisting of the woodlands and forests, as defined in this Chapter, shall be accurately measured as follows:

1. Each woodland and forest area shall include the tree trunk and the area located within the drip line or tree canopy.
2. The area of woodlands and forests (mature and young), in square feet or acres, shall be accurately measured and graphically delineated on the Natural Resource Protection Plan. Such Natural Resource Protection Plan drawing shall indicate all woodland and forest areas of the property. In cases where the drip line or canopy areas overlap, the areas of overlap shall only be counted once for area calculations. In cases where the drip line or canopy areas overlap property lines, the property line(s) are to be used as the boundary for the woodland or forest area, with only that portion of the dripline area located on the subject property counted toward the woodland or forest area.
3. The location, size, and species of all healthy trees having a diameter of six (6) inches or greater diameter at breast height (DBH) that are located in woodland and forest areas within twenty-five (25) feet of any proposed improvement and/or in woodland and forest areas to be demolished due to the placement of improvements or grading are to be graphically shown on the Natural Resource Protection Plan or submitted as a separate drawing.
4. For the remaining undisturbed areas of the development, Certified Survey Map, Subdivision Plat or Condominium only the outline of woodland and forest areas indicating whether they are mature or young woodlands is required.

(3) **Lakes and Ponds.**

- a. Lakes and ponds, as defined in Section 14-1-10, are to be determined through the use of the definitions of "lake" and "pond" as set forth in Section 14-1-10 and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village Board, upon the recommendation of the Plan Commission, the succeeding source shall be used:
 1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
 2. Large scale 1"=200' Kenosha County topographic maps.
 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
- b. The area of lakes and ponds (in square feet or acres) shall be measured and graphically delineated on the Natural Resource Protection Plan.

(4) **Streams.**

- a. Streams, as defined in Section 14-1-10, are to be determined through the use of the definitions of "channel" and "stream" as set forth in Section 14-1-10 and the sources in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village Board, upon the recommendation-Plan Commission, the succeeding source shall be used:

1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
 2. Large scale 1"-200' Kenosha County topographic maps.
 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
 - b. The area of streams (in square feet and acres) shall be measured and graphically delineated on the Natural Resource Protection Plan.
- (5) **Shore Buffers.**
- a. Shore buffers, as defined in Section 14-1-10, are to be determined as the land within seventy-five (75) feet of the ordinary high water mark of all navigable waters and parallel to that ordinary highwater mark. Navigable waters are to be determined through the use of the definition of "navigable water" set forth in Section 14-1-10 and the source in the order indicated below. If the first source is considered inaccurate or inappropriate, as determined by the Village Board, upon the recommendation of the Village Board, upon the recommendation of the Plan Commission, the succeeding source shall be used:
 1. Topographic survey prepared by and certified by a Wisconsin registered land surveyor at a contour interval of not less than two (2) feet.
 2. Large scale 1"=200' Kenosha County topographic maps.
 3. U.S.G.S. 7.5-minute topographic quadrangle maps.
 - b. The area of shore buffers (in square feet and acres) shall be measured and graphically delineated on the Natural Resource Protection Plan.
- (6) **Floodplain/Floodlands.** The definition of "floodplain" and "floodlands" appears in Section 14-1-10. The one hundred (100) year recurrence interval floodplain and floodways shall be determined as set forth in Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
- (7) **Wetlands (including Shoreland-Wetlands).**
- a. "Wetlands" and "shoreland-wetlands" are defined in Section 14-1-10. Wetland areas shall be determined by reference to the following sources in the order shown below. If the first source is considered inaccurate or inappropriate as determined by the Village Board, upon the recommendation of the Plan Commission, the second technique may be used:
 1. Wetland inventory maps prepared for the Village of Bristol as part of the Wisconsin Wetland Inventory prepared by the Wisconsin Department of Natural Resources as amended.
 2. Field survey of plant material by a botanist with a professional degree in either botany or biology.
 - b. The area of wetland and/or shoreland wetlands (in square feet and acres) shall be measured and graphically delineated on the Natural Resource Protection Plan.

- (c) **Natural Resources Measurement.** All land area within a proposed Certified Survey Map, Subdivision Plat, or Condominium consisting of the natural resource features defined in this Chapter shall be accurately measured. The total square feet and acreage of each natural resource feature shall be multiplied by its respective Natural Resource Protection Standard as set forth in Table 4 "Natural Resource Protection Standards" to determine the amount of each natural resource feature to be protected by a conservation easement. If two (2) or more natural resource features are present on the same area of land, only the most restrictive natural resource protection standard shall be used. [For example, if floodlands, woodlands and forests occupy the same space on a site, the natural resource protection standard would be one hundred percent (100%) for this area representing the higher of the two (2) standards.] Those areas to be demolished due to improvements or site grading or disturbed through the application of permitted mitigation techniques shall also be measured and so noted but shall not be counted as a natural resource area to be preserved.

Sec. 14-1-91 Natural Resource Features Mitigation.

- (a) **Intent of Mitigation.** The Village of Bristol recognizes that, under certain circumstances, property owners, Subdividers or Condominium Developers may wish to develop in portions of those protected natural resource feature areas that are shown as eligible for mitigation as indicated in Table 4. In Subsection (b) below, the conditions for mitigation and mitigation standards are set forth for the various natural resource features for which mitigation is allowed under the provisions of Table 4. The intent of this Section is not to permit greater destruction of natural resource features than is permitted under the requirements of this Chapter for typical property or development. This Section sets specific standards for use when the extent of the natural resources on a site and the use of the regulations would create a major hardship for said natural resource feature protection. Thus, mitigation is intended to be used in lieu of a variance request when severe hardships would result from the strict enforcement of the natural resource protection standards and requirements set forth in this Chapter.
- (b) **Mitigation Standards.** The following methods, requirements, standards and/or criteria shall be followed for the mitigation of those natural resource features that may be mitigated under the requirements set forth under Table 4:
- (1) **Woodlands and Forests.** Either of the following two (2) alternative requirements shall be applicable to the mitigation of woodland and forest areas:
- a. *Alternative 1:*
1. Mitigation shall include the planting of one and one-quarter (1.25) acres of new woodland/forest for every one (1) acre of disturbed woodland/forest for which mitigation is required.
 2. Mitigation shall include the replacement of woodlands/forests that have been disturbed. Such mitigation shall consist of the planting of new woodland/

forest areas, as specified in Subsection (b)(1)a.1 above, using the following number of plants per acre of mitigated area:

- i. Fifteen (15) canopy trees, minimum 3.5-inch caliper.
- ii. Twelve (12) canopy trees, minimum of 2-inch caliper.
- iii. Two hundred fifty (250) canopy trees, minimum 4-foot high whips.
- iv. Fifty (50) understory trees, minimum 5-foot high whips.
- v. Twenty-five (25) shrubs, 12-inch high.

[Note: Each 3.5-inch caliper canopy tree may be substituted with two (2) 1.5-inch caliper canopy trees.]

b. *Alternative 2:*

1. Mitigation shall include the planting of one and one-half (1.50) acres of new woodland/forest for every one (1) acre of disturbed woodland/forest for which mitigation is required.
2. Mitigation shall include the replacement of woodlands/forests that have been disturbed. Such mitigation shall consist of the planting of new woodland/forest areas, as specified in Subsection (b)(1)b.1 above, using the following number of plants per acre of mitigated area:
 - i. Twelve (12) canopy trees, minimum 3.5-inch caliper.
 - ii. Ten (10) canopy trees, minimum 2-inch caliper.
 - iii. Two hundred (200) canopy trees, minimum of 4-foot high whips.
 - iv. Forty (40) understory trees, minimum 5-foot high whips.
 - vi. Twenty (20) shrubs, minimum 12-inches high.

[Note: Each 3.5-inch caliper canopy tree may be substituted with two (2) 1.5-inch caliper canopy trees.]

3. The species of plants to be used in the mitigation of woodlands/forests shall be similar to those that are destroyed (that is, those species native to Wisconsin southern xeric forests). A minimum mix of twelve (12) species are to be planted. Acceptable species for souther xeric forest woodland and forest mitigation are as indicated in Table 5. No more than eighty percent (80%) of the total number of trees planted for mitigation purposes, however, shall be of the White Oak, Red Oak, or Black Oak (*Quercus alba*, *Quercus borealis*, or *Quercus velutina*) species.
4. The land upon which the mitigation is to take place shall be protected with a deed restriction and conservation easement as a permanent natural resource features conservation easement.
5. No tree cutting or removal, subsequent to the original adoption of this Chapter, shall reduce the woodland/forest natural resource features protection requirements of this Chapter.

- (2) **Lakes and Ponds.**
 - a. As may be permitted under the requirements of Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
 - b. Where permitted under the requirements of the Village of Bristol Zoning Code and applicable Shoreland-Zoning Code, as amended, the required lakes and ponds natural resource protection standard may be reduced and/or mitigated only if such reduction and/or mitigation is part of a Village Engineer-approved stormwater drainage system that meets, at a minimum, all of the following criteria:
 - 1. The time of concentration of stormwater flows remains unchanged or is lengthened.
 - 2. Stormwater storage capacity is unchanged or increased.
 - 3. Additional water is not backed up onto adjoining properties.
- (3) **Floodplains and Floodlands.** As may be permitted under the requirements of Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County.
- (4) **Wetlands and Shoreland Wetlands.** As may be permitted under the requirements of Chapter 12 entitled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the Municipal Code of Kenosha County, and, upon its adoption, Title 13 Zoning Code of the Village of Bristol Code of Ordinances, which will supercede the general zoning regulations of Kenosha County, as amended. In addition, a permit from the U.S. Army Corps of Engineers pursuant to the requirements of Section 404 of the Clean Water Act (33 U.S.C. 1344) shall be submitted to the Village of Bristol certifying that filling has been approved and permitted by the Corps, as a condition of Village review.
- (c) **Off-Site Mitigation.** Off-site mitigation may be permitted by the Village Board, upon the recommendation of the Plan Commission provided that such off-site mitigation occurs within the same subwatershed as the natural resource feature, or property, being mitigated.

Sec. 14-1-92 through Sec. 14-1-99 Reserved for Future Use.

Sec. 14-1-100 Administrative and Other Fees.

(a) **General.**

- (1) The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Village Board. The submittal of a development proposal application or petition by a Subdivider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may charge the costs for these services to the Subdivider. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Subdivider. Review fees which are charged to a Subdivider, but which are not paid, may be levied by the Village as a special assessment against the subject property. The Subdivider shall be required to provide the Village with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (2) At the time of submission of a Plat or Certified Survey Map, the Village Board, at their sole discretion, may require the Subdivider to make a good faith deposit with the Clerk to cover, in all or part, the expenses anticipated to be incurred by the Village because of the land division. Unused portions of such fund may be refunded to the Subdivider.

- (b) **Engineering Fee.** The Subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map, including inspections required by the Village pursuant to this Chapter. The Subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

- (c) **Administrative Fee.** The Subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the Plat or Certified Survey Map.

(d) **Preliminary Plat.**

- (1) A Subdivider who submits a Preliminary Plat for the Village Plan Commission and the Village Board shall file said Preliminary Plat with the Village Clerk and shall deposit with the Village Clerk a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and

including six (6) lots plus an additional fee per each additional lot over six (6). If the Plat is rejected, no part of the fee shall be returned to the petitioner.

- (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (e) **Final Plat Review Fee.**
 - (1) The Subdivider shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the Village Clerk at the time of first application for Final Plat approval of said Plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (f) **Certified Survey Map.**
 - (1) The Subdivider shall pay an application fee as prescribed in Section 1-3-1 for each Certified Survey Map.
 - (2) Should the Subdivider submit an amended or revised Certified Survey Map, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised Certified Survey Map.
- (g) **Objecting Agency Review Fees.** The Subdivider shall transmit all fees required for state agency review to the Village Clerk at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.
- (h) **Public Site Fee.** If the Subdivision does not contain lands to be dedicated as required in this Chapter, the Village Clerk shall require a fee pursuant to Section 14-1-81(f) for the acquisition and development of public sites to serve the future inhabitants of the proposed land division.
- (i) **Improvement Review Fee.** The Subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to five percent (5%) of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. At the Village Board's sole discretion, this procedure may be used as an alternative to the escrow account in Subsection (l) below. Evidence of cost shall be in such detail and form as required by the Village Engineer.
- (j) **Assessments.** All outstanding assessments due to the Village shall be due prior to the signing of the Final Plat or Certified Survey Map by the Village of Bristol.

(k) **Administrative Costs.**

(1) **Cost Determination.** The Subdivider/Developer of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Village in connection with the Preliminary Plat, Final Plat, Replat or Certified Survey Map. The Village's costs shall be determined as follows:

- a. The cost of Village employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Village Clerk to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- b. The cost of Village equipment employed.
- c. The cost of mileage reimbursed to Village employees which is attributed to the land division.
- d. The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- e. All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall draw against the escrow account or bill the Subdivider monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the Subdivider submits a Preliminary Plat or Certified Survey Map for review by the Village, it shall deposit with the Village Clerk, in escrow, the sum required by the following schedule to guarantee the timely payment of the Village's administrative costs:
 1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).
 2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
- b. In the event the amount deposited with the Clerk falls below twenty-five percent (25%) of the amount required to be deposited, the Subdivider agrees, as a condition of application, to replenish the escrow to the original amount required hereunder. The Subdivider agrees to deposit such additional sum within fifteen (15) days of written demand by the Village Clerk or the consideration and/or approval of the proposed land division may be delayed or rejected. The Village

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is not under any obligation at any time to provide notice to the Subdivider that the escrow funds under this provision are insufficient. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. In the event the Subdivider withdraws his/her plat or Certified Survey Map, or the same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to the Subdivider. The escrow account shall not draw interest for the benefit of the Subdivider. The Village Clerk, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the Certified Survey Map or Subdivision on a periodic basis.

- c. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the Subdivider periodically. The Village will provide the Subdivider with amounts paid from any such escrow account and copies of invoices it receives for any professional review services for the Subdivider's proposed land division. In the event the Subdivider defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the Subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the Certified Survey Map or Subdivision.

- (l) **Payment of Impact Fees.** Unless otherwise expressly provided herein, all required impact fees shall be paid one hundred percent (100%) at the time of *issuance of the building permit* by the Village. The impact fee amount due shall be that amount in effect at the time payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property *for which a building permit is sought*. All fees shall be paid at the Village of Bristol Municipal Building.

Sec. 14-1-101 through Sec. 14-1-109 Reserved for Future Use.

APPENDIX

Sample Agreement as to Costs With the Village of Bristol

_____ The applicant/petitioner

for _____ dated _____, _____.
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Village of Bristol, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Village to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Village for the costs thereof.

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article K: Variances; Penalties and Violations

Sec. 14-1-110 Variations and Exceptions.

- (a) Where the Subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the Subdivider to the Village Clerk-Treasurer at the time when the Preliminary Plat or Certified Survey Map is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Village officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Village Clerk-Treasurer may request that the Village Engineer, Village Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Plan Commission shall make a recommendation to the Village Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Plan Commission shall not recommend, nor shall the Village Board grant, variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) Failure to grant the variation may 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, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (4) There would be no costs (present or future) to the Village resulting from the granting of the variance or exception.
- (c) Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Village Clerk-Treasurer to notify the Plan Commission and the Subdivider.

- (d) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Zoning Ordinances, and any Village of Bristol Comprehensive Plan.

Sec. 14-1-111 Enforcement, Penalties and 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, Certified Survey Map, 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 of Bristol may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Unlawful Activity.** It shall be unlawful to, and no person shall:
 - (1) Record, with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat to which this Chapter is applicable, any Certified Survey Map, Subdivision Final Plat, or Condominium Plat instrument after the original effective date of this Chapter unless and until such time as there has been full compliance with all applicable requirements of this Chapter and all other applicable statutes, rules, regulations, ordinances, and documents enumerated in this Chapter.
 - (2) Convey any portion of a Certified Survey Map, Subdivision Final Plat, or Condominium Plat created in violation of this Chapter.
 - (3) Construct, install, assemble, or place any building, structure, or improvement upon any land subject to Certified Survey Map, Subdivision Final Plat, or Condominium Plat recorded in violation of this Chapter.
 - (4) Fail to comply with any applicable provision of this Chapter.
- (c) **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 Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the Subdivider when a subdivision is created by successive divisions.

- (d) **Zoning, Building, or Occupancy Permit or Approval.** No zoning, building, or occupancy permit or approval shall be granted or issued with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat, or Condominium unit created in violation of this Chapter.
- (e) **Revocation of Permits and/or Approvals.**
- (1) The Village Administrator, Village Engineer, Village President or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivider or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Village Engineer, Village President or Building Inspector, the Subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Village Engineer, Village President or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Village President, Village Administrator or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Village Engineer, Village President, Village Administrator or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

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- (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Village Clerk-Treasurer for consideration by the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
- (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
- (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (f) **Appeals.** Any person aggrieved by an objection to a Plat or Certified Survey Map, or a failure to approve a Plat or Certified Survey Map, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the Plat or Certified Survey Map. 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 may direct that the Plat or Certified Survey Map be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-112 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Village of Bristol. This Chapter shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, Village Attorney, Village Engineer, or the Village of Bristol as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.
- (c) The Village does not guarantee, warrant, or represent that only those areas delineated as floodlands on Plats and Certified Survey Maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

Sec. 14-1-113 Restrictions for Public Benefit.

Pursuant to Sec. 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division, certified survey, or consolidation approval, which was required by the Village and which names a public body or public utility as grantee, promisee or beneficiary, vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Village Board.

Table 1

MINIMUM DIMENSIONAL DESIGN STANDARDS
FOR URBAN AND RURAL STREETS AND OTHER PUBLIC WAYS

Type of Street or Other Public Way	Required Minimum Section in Urban Areas(a)		Required Minimum Section in Rural Areas(a)	
	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)
Minor Streets (Typical)	66	Pavement=22 (between curb flanges) Curb Lawn(c) =13.5 per side Sidewalk=5 (required on one side) Sidewalk Distance to R.O.W. Boundary=1	66	Pavement=24 Shoulders=5 per side Ditch Slopes: Maximum 4:1 Ditch Depth: 2.5 feet
Minor Streets (Non-Public Street Easement Only and Natural Resource Protection Option)	50 (Non Public Street Easement Only)	Pavement=20 (between curb flanges) Curb Lawn(c)=Not applicable. Sidewalk=None required.	50 (Non Public Street Easement Only)	Pavement=22 Shoulders=3 per side Roadside Ditch=9 per side Ditch Slopes: Maximum 3:1 Ditch Depth: 2 feet
Minor Cul-de-Sac (typical and less than 750 feet in length)	66 Width 65 R.O.W. Bulb Radius	Pavement at Bulb=48 radius (at flange portion of the outer edge of cul- de-sac) and 20 (optional center island radius at flange portion of curb) Pavement=20 (between curb flanges) Curb Lawn(c)=14.5 per side Sidewalk=5 (required on one side) Sidewalk Distance to R.O.W. Boundary=1	66 Width 65 R.O.W. Bulb Radius	Pavement at Bulb=45 radius (at flange portion of the outer edge of cul- de-sac) and 20 (optional center island radius) Pavement= 22 Shoulders=5 Ditch Slopes: Maximum 4:1 Ditch Depth: 2.5 feet

Table 1

MINIMUM DIMENSIONAL DESIGN STANDARDS
FOR URBAN AND RURAL STREETS AND OTHER PUBLIC WAYS

Type of Street or Other Public Way	Required Minimum Section in Urban Areas(a)		Required Minimum Section in Rural Areas(a)	
	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)
Arterial Streets (four-lane)	130	Pavement=Dual 36 (between curb flanges) Median=26 Curb Lawn(c)=10 per side Sidewalk=5 (required on each side) Sidewalk Distance to R.O.W. Boundary=1	130	Pavement=Dual 24 Median=18 Shoulders=10 outside, 6 inside Roadside Ditch=16 per side
Arterial Streets (two-lane rural to suburban to urban transitional)	130	Pavement=24 (between curb flanges) Shoulder=10 (paved) (Note: The balance of the right-of-way is to accommodate future improvements)	100	Pavement=24 Shoulder=10 of which 3 are paved and 7 are gravel Ditch Slopes: Maximum 4:1 Ditch Depth: 25 feet (Note: The balance of the right-of-way is to accommodate future improvements)
Collector Street	80	Pavement=36 (between curb flanges) Curb Lawn (c)=13.5 per side Sidewalk=5 (required on each side) Sidewalk Distance to R.O.W. Boundary=1	80	Pavement=24 Shoulder=10 of which 3 are paved and 7 are gravel Ditch Slopes: Maximum 4:1 Ditch Depth: 25 feet (Note: The balance of the right-of-way is to accommodate future improvements)

Table 1

MINIMUM DIMENSIONAL DESIGN STANDARDS
FOR URBAN AND RURAL STREETS AND OTHER PUBLIC WAYS

Type of Street or Other Public Way	Required Minimum Section in Urban Areas(a)		Required Minimum Section in Rural Areas(a)	
	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)	Width of Dedicated Right-of- Way (feet)	Dimensions of Section Components (feet)
Minor Cul-de-Sac (Non-Public Street Easement Only and Natural Resource Protection Option and Less than 750 feet in length)	50 Width 50 Bulb Radius (Non Public Street Easement Only)	Pavement at Bulb=40 radius (at flange portion of the outer edge of cul- de-sac) and 15 (optional center island radius at flange portion of curb) Pavement=20 (between curb flanges) Curb Lawn(c)=Not applicable. Sidewalk=Not applicable.	50 Width 50 Bulb Radius (Non Public Street Easement Only)	Pavement at Bulb=35 radius (at flange portion of the outer edge of cul- de-sac) and 12 (optional center island radius at flange portion of curb) Pavement= 22 Shoulders=3 Ditch Slopes: Maximum 3:1 Ditch Depth: 2 feet
Alleys	25	Pavement=20 Outside Pavement=2.5 per side	Not Permitted	Not Permitted
Bicycle Path	20(b)	Pavement=10 Outside Pavement=5 per side	20(b)	Pavement=10 Outside Pavement=5 per side
Equestrian Trails	20(b)	Trail Surface=10 Outside Trail Surface=5 per side	20(b)	Trail Surface=10 Outside Trail Surface=5 per side
Pedestrian Ways	20(b)	Pavement=5 Outside Pavement=7.5 per side	20(b)	Pavement=5 Outside Pavement=7.5 per side

(a) See definitions of "Urban Area" and "Rural Area."

(b) An easement may be permitted by the Plan Commission rather than a dedicated public right-of-way.

(c) Curb lawn is defined as that area of land located within a public street right-of-way between the curb-gutter and sidewalk.

Table 2

STREET AND HIGHWAY OPERATING SPEED AND MINIMUM
SPACING BETWEEN DIRECT VEHICULAR ACCESS POINTS

Street/Highway Speed Limit (miles per hour)	Minimum Driveway Spacing Measured at the Street Right-of-Way Line (feet)
25	105
30	125
35	150
40	185
45	230
50	275

Source: American Planning Association. *Planning Advisory Service (PAS) Memo*, July 1983.

Table 3

HIGHWAY DESIGN SPEED AND MINIMUM REQUIRED SIGHT DISTANCE
FOR DIRECT VEHICULAR ACCESS POINT PLACEMENT

Highway Design Speed (miles per hour)	Minimum Sight Distance (feet)
30	200
35	225
40	275
45	325
50	350

Source: American Planning Association. *Planning Advisory Service (PAS) Memo*, July 1983.

Table 4

NATURAL RESOURCE PROTECTION STANDARDS

NATURAL RESOURCE FEATURE	ZONING DISTRICT TYPE					
	Agricultural		Residential		Non-Residential	
	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted	Protection Standard	Mitigation Permitted
Steep Slopes: 10-19% 20-30% +30%	0% 65% 90%	N/A No No	60% 75% 85%	No No No	40% 70% 80%	No No No
Woodlands & Forests(a): Mature Young	70% 50%	No No	70% 50%	No Yes	70% 50%	Yes Yes
Lakes & Ponds	100%	No	100%	No	100%	No
Streams	100%	No	100%	Yes	100%	Yes
Shore Buffer(a)	100%(a)	No	100%(a)	No	100%(a)	No
Floodplains/ Floodlands(a)	100%	No	100%	No	100%	Yes
Wetlands & Shoreland Wetlands(a)	100%	No	100%	No	100%	Yes

- (a) As regulated by Chapter 12 titled "Kenosha County General Zoning and Shoreland/Floodplain Zoning Ordinance" of the *Municipal Code of Kenosha County* as amended.
N/A=Not Applicable

Table 5

TREE SPECIES FOR WOODLAND AND FOREST MITIGATION

Species Common Name	Species Scientific Name
White Oak	<i>Quercus alba</i>
Red Oak	<i>Quercus borealis</i>
Black Oak	<i>Quercus velutina</i>
American Basswood	<i>Tilia americana</i>
Black Cherry	<i>Prunus serotina</i>
Bur Oak	<i>Quercus macrocarpa</i>
Hill's Oak	<i>Quercus ellipsoidalis</i>
Chinquapin Oak	<i>Quercus muhlenbergii</i>
Shagbark Hickory	<i>Carya ovata</i>
White Ash	<i>Fraxinus americana</i>
Eastern Hop Hornbeam	<i>Ostrya virginiana</i>
Black Walnut	<i>Juglans nigra</i>
Bitternut Hickory	<i>Carya cordiformis</i>
Butternut	<i>Juglans cinerea</i>
American Elm	<i>Ulmus americana</i>
Slippery Elm	<i>Ulmus rubra</i>

Table 6
STREET TREE PALETTE/LIST OF ACCEPTABLE SPECIES
Ash, Green
Ash, Green "Cimmaron"
Ash, White "Autumn Applause"
Ash, White "Autumn Purple"
Ash, White "Rosehill"
Bald Cypress
Cherry, "Canadian"
Cork Tree, Amur, "Shademaster"
Cork Tree, "Macho Amur"
Dawn Redwood
Elm, "Homestead"
Elm, "Pioneer"
Elm, "Regal"
Ginkgo
Golden Rain Tree
Honey Locust, "Imperial"
Honey Locust, "Moraine"
Honey Locust, "Shademaster"
Honey Locust, "Skyline"
Hop Hornbeam, "American"
Hornbeam, "European Fastigate"
Kentucky Coffee Tree
Linden, "Little Leaf"
Linden, "Sterling Silver"
Maple, "Freeman"
Maple, "Norway"
Maple, Norway, "Cleveland"
Maple, Norway, "Crimson King"
Maple, Norway, "Deborah"
Maple, Norway, "Emerald Lustre"
Maple, Norway, "Emerald Queen"
Maple, Norway, "Schwedler"
Maple, "Pacific Sunset"
Maple, "Tutarian"
Oak, Burr
Oak, Chinquapin
Oak, English
Oak, English, "Skymaster"

Table 6
STREET TREE PALETTE/LIST OF ACCEPTABLE SPECIES
Oak, English, "Skyrocket"
Oak, Northern Red
Pear, "Flowering Autumn Blaze"
Pear, "Flowering Chanticleer"
Pear, "Flowering Red Spire"
Yellowwood
Zelkova, "Green Vase"
Zelkova, "Halka"

Table 7

TREE REPLACEMENT REQUIREMENTS

Size of Tree Destroyed or Razed (in DBH)	Replacement Tree Requirements	
	Number of Trees Required (in Caliper)	Minimum Size of Each Tree Required (in Caliper)
6 to 8 inches	3	3 inches
8 to 10 inches	4	3 inches
10 to 16 inches	5	3 inches
16 to 24 inches	6	3 inches
24 to 30 inches	7	3 inches
30 to 36 inches	8	3 inches
36 inches or greater	9	3 inches

Impact Fees

14-2-1	Background; Needs Assessment
14-2-2	Introduction and Purpose
14-2-3	Definitions
14-2-4	Impact Fee Revenue Administration
14-2-5	Use of Impact Fees
14-2-6	Payment of Impact Fees
14-2-7	Appeals
14-2-8	Refunds of Fees Paid
14-2-9	Water Impact Fees
14-2-10	Fire/EMS and Public Works Impact Fees
14-2-11	Review
14-2-12 through 14-2-19	Reserved for Future Use

14-2-20	Background – Park/Recreational Facilities Impact Fees
14-2-21	Purpose
14-2-22	Applicability
14-2-23	Definitions
14-2-24	Amount of Park and Recreational Facilities Impact Fees
14-2-25	Payment of Fees
14-2-26	Segregation of Impact Fees
14-2-27	Time Limitations on the Use of Impact Fees Collected
14-2-28	Impact Fee Service Districts/Zones for Parks, Playgrounds and Other Recreational Facilities
14-2-29	Park and Recreational Facilities Impact Fees Required
14-2-30	Exemptions
14-2-31	Fee Increases
14-2-32	Administration
14-2-33	Appeals

Article A: Fire/EMS, Buildings, Facilities, Public Works and Water Impact Fees

Sec. 14-2-1 Background; Needs Assessment.

- (a) Land development within the Village of Bristol is creating the need for additional public facilities; and
- (b) The Village Board of the Village of Bristol desires to pay for a portion of the public facilities caused by said development through the imposition of impact fees; and
- (c) Section 66.0617, Wis. Stats., provides the authority for the imposition and use of impact fees; and
- (d) In accordance with Sec. 66.0617, Wis. Stats., the Village has prepared a needs assessment which includes:
 - (1) An inventory of existing public facilities including an identification of any existing deficiencies in the quality and quantity of those public facilities for which it is anticipated that an impact fee may be imposed.
 - (2) An identification of the new public facilities or improvements or expansions of existing public facilities that will be required because of land development for which it is anticipated that impact fees may be imposed.
 - (3) A detailed estimate of the capital costs of providing the new public facilities or the improvements or expansions in existing public facilities.
- (e) Said needs assessment was made available for public inspection and copying in the Municipal Building on April 19, 2004; and
- (f) In accordance with Sec. 66.0617, Wis. Stats., a class one notice under Ch. 985, Wis. Stats., was published in the *Kenosha News* on April 19, 2004; and
- (g) On April 26, 2004, a public hearing was held on a proposed ordinance to create impact fees.

Sec. 14-2-2 Introduction and Purpose.

Pursuant to the authority of Sec. 66.0617, Wis. Stats., the local impact fees enabling legislation, the purpose of this Chapter is to establish the mechanism for the imposition of impact fees upon new development to finance the capital costs of acquiring, establishing upgrading, expanding, and constructing public facilities which are necessary to accommodate land development. This Chapter is intended to assure that new development bears an appropriate share of the cost of capital expenditures necessary to provided public facilities within the Village of Bristol and its service areas as they are required to service the needs arising out of land development.

Sec. 14-2-3 Definitions.

The following definitions shall be applicable in this Chapter:

- (a) **Capital Costs.** The capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than ten percent (10%) of capital costs *may* consist of legal, engineering and design costs unless such costs relate directly to the public improvement for which the impact fees were imposed actually exceed ten percent (10%) of the capital costs.
- (b) **Development.** Any manmade change to improved or unimproved real property, the use of any principal structure or land or any other activity that requires issuance of a building permit (or plat approval).
- (c) **Impact Fee.** A fee to be collected at the time of issuance of a building permit (*or plat approval*).
- (d) **Land Development.** The construction or modification of improvements to real property that creates additional residential dwelling units within the Village or its service areas or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village or its service areas.
- (e) **Public Facilities.** As defined in Sec. 66.0617(1)(f), Wis. Stats., means facilities for storing and distributing water. "Public facilities" also includes facilities for fire and emergency medical services as well in this Chapter.
- (f) **Service Area.** A geographic area delineated by the Village Board within which the Village provides public facilities.
- (g) **Utility.** The Water Utility of the Town of Bristol.
- (h) **Village.** The Village of Bristol, Kenosha County, Wisconsin.

Sec. 14-2-4 Impact Fee Revenue Administration.

- (a) Revenues from impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other Village general and utility funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- (b) Impact fee revenues imposed and collected but not used within a reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded on a pro-rated proportional basis, as determined by the Village Board, to the current recorded owner or owners of the property with respect to which the impact fees were imposed. Reasonable time periods for expenditure of impact fee revenues shall be as follows:

Type of Facility	Years
Fire and EMS	10
Building	10
Facilities (equipment)	10

Type of Facility	Years
Public works	10
Buildings	10
Facilities (equipment)	10
Water	10

Sec. 14-2-5 Use of Impact Fees.

Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that may become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project, to reimburse the Village or utility for advances of other funds or reserves, and such other purposes consistent with Sec. 66.0617, Wis. Stats., which are recorded by the Village Board.

Sec. 14-2-6 Payment of Impact Fees.

All required impact fees, unless expressly excepted in a section of this Chapter, shall be paid in full prior to issuance of a building permit or other required approval is given by the Village Board, whichever is applicable. Impact fee payments shall be assumed to be the responsibility of the developer at the time a building permit is issued.

Sec. 14-2-7 Appeals.

The payment of an impact fee imposed under this Chapter may be contested as to the amount, collection or use of the impact fee to the Town Board, provided that the applicant files a written notice of appeal in the Village Clerk's office within thirty (30) days of payment of the impact fee. Such notice of appeal shall be entitled "Notice of Appeal of Impact Fee" and shall state the applicant's name, address, telephone number, address (if available) and legal description of and land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village Board at a regular meeting as soon as reasonably practicable under the circumstances and shall notify the applicant of the time, date and place of such meeting in writing by regular mail, deposited in the mail no later than at least ten (10) days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee upon just and reasonable cause shown.

Sec. 14-2-8 Refunds of Fees Paid.

Any funds not expended or encumbered by the reasonable period of time as outline in Sections 14-2-9 and 14-2-10 shall be returned to such landowner with interest at a rate of zero percent (0%) per annum.

Sec. 14-2-9 Water Impact Fees.

The basis for the imposition of the water impact fees is the facilities needs assessment titled "Bristol West Water System Report" prepared by the Strand Associates, Inc. in July 2001, which is on file in the office of the Village Clerk of the Village of Bristol. These impact fees shall be collected until the capital costs associated with the projects specified in the "Bristol West Water System Report" have been incurred and satisfied.

Sec. 14-2-10 Fire/EMS and Public Works Impact Fees.

The basis for the imposition of the fire and emergency medical services impact fees is the impact fee report titled "Town [Village] of Bristol Report on Impact Fees", prepared by Virchow Krause & Co., LLP and dated March 2004, which is on file in the office of the Village Clerk of the Village of Bristol. These impact fees shall be collected until the capital costs associated with the projects specified in the Village of Bristol "Report on Impact Fees" report have been incurred and satisfied.

Sec. 14-2-11 Review.

The impact fees contained herein shall be reviewed by the Village Board periodically.

Sec. 14-2-12 through Sec. 14-2-19 Reserved for Future Use.

Article B: Park and Recreational Facilities Impact Fees

Sec. 14-2-20 Background—Park/Recreational Facilities Impact Fees.

- (a) The then Town of Bristol Plan Commission recommended to the Town Board (2004) that amendments be made to the Town of Bristol Code of Ordinances pertaining to the imposition of impact fees in compliance with Section 66.0617, Wis. Stats. [Authority and responsibilities now rest with Village of Bristol officials post-incorporation].
- (b) The Bristol Town Board adopted, in 2004, the *Town of Bristol Comprehensive Outdoor Recreation Plan: 2020* (New Berlin, WI; Meehan & Company, Inc., June 2004), which plan:
 - (1) Is an element of the Town [Village] of Bristol Comprehensive Plan;
 - (2) Addresses the park and open space objectives, principles, and standards of the Town [Village] of Bristol;
 - (3) Addresses the general location, type, number, and size of future parks, and community recreation facilities in the Town [Village] of Bristol; and
 - (4) Represents, in part, the park and open space plan for the Town [Village] of Bristol.
- (c) A public facilities needs assessment for parks, playgrounds, and other recreational facilities in accordance with Section 66.0617, Wis. Stats., has been completed by the Town [Village] of Bristol and is set forth in the document titled *Town [Village] of Bristol Comprehensive Outdoor Recreation Plan: 2020* (New Berlin, WI; Meehan & Company, Inc., June 2004).
- (d) The Town of Bristol Board of Supervisors found and determined that:
 - (1) The impact fees it considered for adoption bear a rational relationship to the need for new, expanded or improved parks, playgrounds, and other recreational facilities required to serve land development;
 - (2) The impact fees do not exceed the proportionate share of the capital costs that are required to serve land development in the Town [Village] of Bristol; and
 - (3) The impact fees are based upon reasonable estimates of the capital costs for new, expanded, or improved public facilities and do not include amounts necessary to address existing deficiencies in public facilities.
- (e) The Bristol Town [Village] Board considered and determined the appropriate planning and financing period for the particular types of public facilities for which the impact fees may be imposed.
- (f) The Bristol Town [Village] Board considered, and the public facilities needs assessment for parks, playgrounds, and other recreational facilities discusses, the effect of recovering public facility costs through the use of impact fees on the availability of affordable housing within the Town [Village] of Bristol and having considered such effect, the Town Board did not find any significant effect upon the availability of affordable housing by the establishment of the impact fees.
- (g) Notice of a public hearing was published in 2004 before the Bristol Town Board pursuant to the requirements of Section 66.0617(3), Wis. Stats.

- (h) A public hearing was held on June 22, 2004 before the Bristol Town Board pursuant to the requirements of both Section 66.0617(3) and Chapter 985, Wis. Stats.

Sec. 14-2-21 Purpose.

In order to provide for the capital costs for the construction, expansion, and improvement of public facilities, including the cost of land, legal, engineering, and design costs to serve growth in the Village of Bristol's population, there are hereby imposed the following impact fees in this Article upon developers to pay for the capital costs that are necessary to accommodate land development in compliance with the requirements of Section 66.0617, Wis. Stats.

Sec. 14-2-22 Applicability.

The provisions of this Article shall be applicable as follows:

- (a) **Applicability to All Land Development for Which an Impact Fee Has Not Been Collected.** The provisions of this Article shall be applicable to all land development for which an impact fee has not been collected by the Town [Village] prior to July 27, 2004.
- (b) **Effects Upon All Building Permits Issued Prior to Article Effective Date.** All building permits issued prior to the effective date of this Article (July 27, 2004) shall not be affected by this Article except as follows:
 - (1) Nothing in this Article, or any amendment thereto, shall be deemed to require any change in the plans, construction, or designated use of any building or structure if a building permit [see also Subsection (b)(2) below] for such building or structure was lawfully and properly issued prior to the effective date of this Article (July 27, 2004), or any such amendment thereto, and such building permit and/or occupancy permit had not by its own terms expired prior to such effective date, and construction pursuant to such building permit is commenced prior to the expiration date of such building permit.
 - (2) Where a building permit for a building or structure has been issued in accordance with the law prior to the effective date of this Article, and provided that construction is begun within ninety (90) days of such effective date and the exterior of the building or structure is completed within six (6) months of such effective date, said building or structure may be completed in accordance with the approved plans on the basis of which the building permit has been issued; and further, may upon completion, be occupied under an occupancy permit by the use for which originally designated, subject thereafter to the provisions of the Village of Bristol Code of Ordinances, as amended.
- (c) **Pending Applications.** This Article, and any amendment thereto, shall apply to all applications for land development pending and not finally decided on the effective date

thereof to which it would apply if such applications were filed on or after such effective date.

Sec. 14-2-23 Definitions.

The following definitions shall be applicable in this Article:

- (a) **Capital Costs.** The capital costs to construct, expand, or improve public facilities, including the cost of land, and including legal, engineering, and design costs to construct, expand, or improve public facilities, except that not more than ten percent (10%) of capital costs may consist of legal, engineering, and design costs unless the political subdivision can demonstrate that its legal, engineering, and design costs which relate directly to the public improvement for which the impact fees were imposed exceed ten percent (10%) of capital costs. "Capital costs" does not include other noncapital costs to construct, expand, or improve public facilities or the costs of equipment to construct, expand, or improve public facilities.
- (b) **Developer.** A person that constructs or creates a land development.
- (c) **Impact Fees.** Cash contributions, contributions of land or interests in land, or any other items of value that are imposed on a developer by a political subdivision under this Article.
- (d) **Land Development.** The construction or modification of improvements to real property that creates additional residential dwelling units within a political subdivision or that results in nonresidential uses that create a need for new, expanded, or improved public facilities within a political subdivision.
- (e) **Political Subdivision.** A city, village, town or county.
- (f) **Public Facilities.** Highways, as defined in Section 340.01(22), Wis. Stats., and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing, and distributing water, parks, playgrounds and other recreational facilities, solid waste recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities, and libraries. "Public facilities" does not include facilities owned by a school district.
- (g) **Service Area.** A geographic area delineated by a political subdivision within which there are public facilities.
- (h) **Service Standard.** A certain quantity or quality of public facilities relative to a certain number of persons, parcels of land, or other appropriate measure, as specified by the political subdivision.

Sec. 14-2-24 Amount of Park and Recreational Facilities Impact Fees.

The amount of impact fees to be collected for each residential dwelling unit created after the effective date of this Article shall be in an amount as specified in Section 14-2-29:

- (a) **Determination.** Impact fee amounts shall be determined from time to time and shall be based upon a detailed estimate of the capital costs of providing new public facilities on the improvement or expansion of existing public facilities which will be required because of land development, in accordance with Section 66.0617, Wis. Stats. Such determination shall include an estimate of the effect of the impact fees on the availability of affordable housing within the Village of Bristol. The full amount of the impact fee shall be determined based upon the number of residential dwelling units created.
- (b) **Guidelines and Criteria for the Impact Fees Imposed by This Article.** The impact fees imposed by this Article:
 - (1) Shall bear a rational relationship to the need for new, expanded, or improved public facilities that are required to serve land development.
 - (2) May not exceed the proportionate share of the capital costs that are required to serve land development, as compared to existing uses of land within the political subdivision.
 - (3) Shall be based upon actual capital costs for new, expanded or improved public facilities.
 - (4) Shall be reduced to compensate for other capital costs imposed by the Village of Bristol with respect to land development to provide or pay for public facilities, including special assessments, special charges, land dedications or fees in lieu of land dedication under Chapter 236, Wis. Stats., or any other items of value.
 - (5) Shall be reduced to compensate for moneys received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.
 - (6) May not include amounts necessary to address existing deficiencies in public facilities.

Sec. 14-2-25 Payment of Fees.

The fees imposed by this Article shall be paid to the Village Clerk (or other Village Board-authorized agent) within ten (10) days of the final approval of a land development by the Village Board or Plan Commission (as applicable) and shall be a condition of recording any final subdivision plat, certified survey map, condominium plat, or other recordable document evidencing land development. No building permit shall be issued for a land development until such fees are paid.

Sec. 14-2-26 Segregation of Impact Fees.

Impact fees shall be placed in segregated, interest-bearing accounts as follows:

- (a) **Revenues From Impact Fees Collected to be Placed in Segregated, Interest-Bearing Accounts.** Revenues from impact fees collected pursuant to this Article shall be placed

in segregated, interest-bearing accounts and a separate account shall be established for each service area district or zone as established in this Article.

- (b) **Expenditure of Impact Fee Funds.** All funds collected from land development activities within a given service area district or zone, and interest thereon, shall be expended only within that service area district or zone and only for capital costs for which they were imposed.
- (c) **Disposition of Prior Collected Funds.** All funds collected and held by the Village as "Park Fees" which were collected prior to the enactment of this Article shall be allocated for public park use as determined by the Bristol Village Board.

Sec. 14-2-27 Time Limitations on the Use of Impact Fees Collected.

Impact fees imposed and collected under this Article but not spent for the acquisition, development or improvement of the specified public facilities shall be refunded to the current owners of the property pursuant to the requirements set forth under Section 14-2-32 of this Article with respect to which the impact fees were imposed within the time periods as set forth in this Section. Said time period shall be twenty (20) years for all public facilities described in this Article.

Sec. 14-2-28 Impact Fee Service Districts/Zones for Parks, Playgrounds and Other Recreational Facilities.

As identified in the *Town [Village] of Bristol Comprehensive Outdoor Recreation Plan: 2020* (New Berlin, WI; Meehan & Company, Inc., 2004) as amended and in conformance with the requirements of Section 66.0617, Wis. Stats., the impact fees collected for parks, playgrounds, and other recreational facilities shall be based upon the following impact fee service districts/zones within the Village of Bristol:

- (a) **Community Park Special Park and Trails Service Districts/Zones.** Three (3) "Community Park, Special Park, and Trails Service Districts/Zones" each of which shall encompass and address the community level park, trails, and other recreational facility needs of the entire Village of Bristol. The impact fees for the "Community Park, Special Park and Trails Service Districts/Zones" shall be in addition to the impact fees specified for any overlapping "Neighborhood Park Service District/Zone." The three (3) "Community Park, Special Park, and Trails Service Districts/Zones" are identified as: "Community Park (Richard Hansen Memorial Park Expansion) Service District/Zone No. 1," "Community Recreation Trails Service District/Zone No. 2", and the "Special Park (Bristol Bay Nature Conservancy) Service District/Zone No. 5" and are delineated on Map 8.1 of the *Town [Village] of Bristol Comprehensive Outdoor Recreation Plan: 2020* (New Berlin, WI; Meehan & Company, Inc., June 2004) as amended and herein as referenced.

- (b) **Neighborhood Park Service Districts/Zones.** Two (2) "Neighborhood Park Service Districts/Zones" which shall encompass and address the neighborhood level park, playground, and other recreational facility needs of the Village of Bristol. The two (2) "Neighborhood Parks Service District/Zone No. 3" and "Neighborhood Park Service Districts/Zones No. 4." The two (2) "Neighborhood Park Service Districts/Zones" are delineated on Map 8.1 of the *Town [Village] of Bristol Comprehensive Outdoor Recreation Plan: 2020* (New Berlin, WI; Meehan & Company, Inc., June 2004) as amended and herein as referenced. The impact fees for each of the two (2) "Neighborhood Park Service Districts/Zones" shall be in addition to the impact fees specified for any overlapping "Community Park, Special Park, and Trails Service Districts/Zones."

Sec. 14-2-29 Park and Recreational Facilities Impact Fees Required.

If a land development does not contain lands suitable for dedication and development for parks, playgrounds, or other recreational uses as determined by the Village Board under the Village of Bristol Subdivision and Land Division Ordinance (Title 14, Chapter 1) as amended; or if the value of such lands, as determined by the methodology set forth under the Village of Bristol Subdivision and Land Division Ordinance, does not equal the cash impact fees imposed by this Article, the developer shall pay to the Village an impact fee for each and every residential dwelling unit created by the land development as follows:

- (a) **Community Park (Richard Hansen Memorial Park Expansion) Service District/Zone No. 1.** For each dwelling unit created by land development within "Community Park (Richard Hansen Memorial Park Expansion) Service District No. 1 the sum as prescribed in Section 1-3-1.
- (b) **Community Recreation Trails Service District/Zone No. 2.** For each dwelling unit created by land development within "Community Recreation Trails Service District/Zone No. 2" the sum as prescribed in Section 1-3-1.
- (c) **Neighborhood Parks Service District/Zone No. 3.** For each dwelling unit created by land development within "Neighborhood Parks Service District/Zone No. 3" the sum as prescribed in Section 1-3-1.
- (d) **Neighborhood Park Service District / Zone No. 4.** For each dwelling unit created by land development within "Neighborhood Park Service District/Zone No. 4" the sum as prescribed in Section 1-3-1.
- (e) **Special Park (Bristol Bay Nature Conservancy) Service District/Zone No. 5.** For each dwelling unit created by land development within "Special Park (Bristol Bay Nature Conservancy) Service District/Zone No. 5 the sum as prescribed in Section 1-3-1.

Sec. 14-2-30 Exemptions.

Any land development for which fees for parks, playgrounds, or other recreational facilities have been paid prior to June 27, 2004 pursuant to the provisions and requirements of the Village of Bristol Code of Ordinances, or other Village ordinances, as said Code of Ordinances or other

Town of Bristol ordinance existed prior to June 27, 2004, shall be exempt from the impact fees imposed under this Article.

Sec. 14-2-31 Fee Increases.

The impact fees imposed in this Article may be adjusted each year by the percentage equal to that of the rate of consumer inflation based upon the percent of change of the yearly Consumer Price Index for the previous year for the Milwaukee-Racine metropolitan area as reported by the U.S. Department of Labor, Bureau of Labor Statistics. The Village Clerk (or other Village Board-authorized agent) shall determine such adjustment and maintain a copy of the said Consumer Price Index upon which such adjustment was made in the office of the Village Clerk.

Sec. 14-2-32 Administration.

All fees collected and special accounts maintained under this Article shall be subject to administration by the Village Clerk as follows:

- (a) **Report Required.** Commencing with the calendar year subsequent to the effective date of this Article, the Village Clerk shall report annually to the Village Board with regard to all deposits, withdrawals, and fund balances in regard to impact fees. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within a reasonable amount of time pursuant to this Article for the purposes intended, and that the amount of fees imposed continues to represent an equitable and reasonable apportionment of the cost of public facilities for land development.
- (b) **Refunds.** Should the Village Board determine that any refunds be made, such refund shall be made by the Village Clerk proportionally to the current owner(s) of the lot(s), parcel(s), or dwelling unit(s), as applicable, and taking into account the time and amount of fees paid for such lot(s), parcel(s), or dwelling unit(s), as applicable.

Sec. 14-2-33 Appeals.

Any developer who disputes the amount, collection, or use of the impact fees provided for herein shall have the right to appeal to the Village Board and the procedure for such appeal shall be as follows:

- (a) **Appeal Initiation and Appeal Application Fee.** An appeal shall be initiated by filing a written notice of appeal with the Village Clerk (or other Village Board-authorized agent) accompanied by an Appeal Application Fee in the amount prescribed in Section 1-3-1.
- (b) **Content of the Written Notice of Appeal.** The written notice of appeal shall include the name, address, and telephone number of the developer; the legal description of the land

development for which the impact fee is imposed and the appeal is requested; the number of residential dwelling units being created, the amount and nature of the impact fee imposed, and the specific objections to the amount of the impact fee, collection of the impact fee, or the use of the impact fee.

- (c) **Hearing the Appeal.** Upon receipt of the written notice of appeal and "Appeal Application Fee," the Village Clerk (or other Village Board authorized agent) shall schedule a special meeting of the Village Board for the special purpose of hearing the appeal. Such special meeting shall be scheduled not more than thirty (30) days from the date of the receipt of the written notice of appeal unless a later date for the hearing is agreed to by the developer in writing.
- (d) **Conduct of the Appeal Proceedings.** The developer may present such oral and documentary evidence as the developer may desire at the hearing and the Plan Commission may similarly submit evidence in support of the impact fee(s). All proceedings shall be electronically recorded or taken by court reporter, at the option of the developer. If a court reporter is requested, the developer shall pay the costs thereof.
- (e) **Village Board Determination.** The Village Board shall make its determination based upon the evidence presented and shall issue its decision in writing within twenty (20) days of the hearing.
- (f) **Certification to the Kenosha County Circuit Court.** The decision of the Village Board may be certified to the Kenosha County Circuit Court as a special writ for judicial review.