

## CHAPTER 3

### Subdivision Regulations

§ 10-3-1	Introduction and Purpose
§ 10-3-2	Definitions
§ 10-3-3	General Provisions
§ 10-3-4	Procedure for Submitting Subdivisions
§ 10-3-5	Design Standards — Streets
§ 10-3-6	Design Standards — Block Design
§ 10-3-7	Design Standards — Lots
§ 10-3-8	Flood Protection
§ 10-3-9	Drainage System
§ 10-3-10	Extra-Size or Off-Site Improvements
§ 10-3-11	Non-Residential Subdivisions
§ 10-3-12	Requirements and Design Standards for Public Improvements
§ 10-3-13	Easements
§ 10-3-14	Public Sites and Open Spaces
§ 10-3-15	Variations and Exceptions
§ 10-3-16	Enforcement, Penalties and Remedies

#### SEC. 10-3-1 INTRODUCTION AND PURPOSE.

- (a) **INTRODUCTION.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of St. Cloud does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
  - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **PURPOSE.** The purpose of this Chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the streets, to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers, to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population, to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village.

State Law Reference: Chapter 236, Wis. Stats.

SEC. 10-3-2 DEFINITIONS.

- (a) ALLEY. A public right-of-way usually not less than thirty (30) feet in width which normally affords a secondary means of vehicular access to abutting property.
- (b) ARTERIAL STREET. A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land. An arterial street system is designated on the Village's master plan.
- (c) 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.
- (d) CUL-DE-SAC. A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (e) EASEMENT. Is the area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (f) LOCAL STREET. A street of little or not continuity designed to provide access to abutting property and leading into collector streets.
- (g) LOT. A piece, parcel or plot of land intended for building development or as a unit for transfer of ownership, and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions, pursuant to the Zoning Chapter, except as specifically authorized by Village Board.
- (h) LOT, CORNER. A lot abutting intersecting streets at their intersection.
- (i) 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.
- (j) 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.
- (k) LOT, AREA. The total area in a horizontal plane within the peripheral boundaries of a lot.
- (l) LOT LINES. The peripheral boundaries of a lot as defined herein.
- (m) LOT WIDTH. The width of a parcel of land measured along the front building line.
- (n) 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.
- (o) MARGINAL ACCESS STREET. A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (p) OWNER. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (q) PEDESTRIAN PATHWAY. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (r) PLAT. The map, drawing or chart on which the subdivider's plan of subdivision is presented to the Village Board for approval.
- (s) SUBDIVISION. A division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development, where:
  - (1) The act of division creates two (2) or more parcels or building sites of two (2) acres each or less in area; or
  - (2) Two (2) or more parcels or building sites of two (2) acres each or less in area are created by successive divisions within a period of five (5) years.

- (t) **CERTIFIED SURVEY MAP/MINOR SUBDIVISION.** Is a map intending to create not more than four (4) parcels of land as provided in Sec. 236.34, Wis. Stats. Certified survey maps shall, in addition to the provisions of Sec. 236.34, bear a certificate of approval of the Village Board, certified by the Village Clerk-Treasurer.

**SEC. 10-3-3 GENERAL PROVISIONS.**

- (a) **COMPLIANCE.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Chap. 236 and Sec. 80.08, Wis. Stats.
  - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H65 not served by public sewer.
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy33, which abut a state trunk highway or connecting street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
- (b) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within one and one-half (1-1/2) miles of the corporate limits as provided in Sec. 236.10 and 62.32, Wis. Stats. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
  - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
  - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **CERTIFIED SURVEY.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **PERMITS.** No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.
- (e) **ZONING REQUIREMENTS.** In addition to the provisions of this Chapter and Chapter 236 of the Wisconsin Statutes, all subdivisions shall conform to the Zoning Code and the Comprehensive Plan for the Village of St. Cloud and its extra-territorial planning area.

**SEC. 10-3-4 PROCEDURE FOR SUBMITTING SUBDIVISIONS.**

- (a) **SUBDIVISIONS.**
- (1) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Village Board and/or its consulting staff for advice regarding general subdivision drawn on a topographic survey map should be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities.

- (2) Preliminary Plat.
  - a. The subdivider shall submit to the Village Board and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes, 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.
  - b. The Village Board may, at its option, submit a copy of the preliminary plat to the Village Engineer and/or Land Planning Consultant for review and written report of their recommendations and reactions to the proposed plat.
  - c. The Village Board shall, within forty (40) days of the date the plat was filed with the Village Clerk-Treasurer, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement by the subdivider. Failure of the Village Board to act within forty (40) days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the plat or map is approved, the Clerk-Treasurer shall endorse it for the Village Board.
  - d. Upon filing the preliminary plat or map with the Village, the owner shall pay a fee of Twenty-five (\$25.00) Dollars.
  - e. Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat, provided the final plat conforms substantially to such layout and conditions of approval have been met.
- (3) Public Improvements, Plans, and Specifications. Simultaneously with the filing of the preliminary plat or map, the owner shall file with the Village Clerk-Treasurer five (5) complete sets of preliminary plans and specifications for the construction of any public improvements required by Sec. 10-3-9 of this Chapter.
- (4) Property Owners Association. The Village Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (5) 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.
- (6) Final Plat.
  - a. Final Plats shall be submitted to the Village within six (6) months of preliminary plat acceptance unless this requirement is waived in writing by the Village Board.
  - b. The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Section 236.12(2), Wisconsin Statutes.
  - c. Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer four (4) copies of the final plans and specifications of public improvements required by Sec. 10-3-9 of this Chapter.

- d. The Village Clerk-Treasurer shall forward copies of the plat to the Director of Local Affairs and Development, as provided by Sec. 236.12(2), Wis. Stats.
- e. At the Board's option, the Village Engineer may examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Board.
- f. The final plat shall be accepted or rejected by the Village Board within sixty (60) days of its submission, unless the time is extended by an agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Village Board meeting and a copy thereof or a written statement of such reasons supplied to the subdivider. If the Village Board fails to act within sixty (60) days and the time has not been extended by agreement and if no unsatisfied objections have been filed within that period, the plat shall be deemed to be approved. Following the approval of the plat as certified by all necessary officials, the plat shall be recorded in accordance with the requirements of the Wisconsin Statutes. The plat shall be recorded prior to the time that lots are offered for sale, reference is made to the map for sales purposes, or use is made of lot and block numbers on the plat.
- g. If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Village Board will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy and all modifications must first be approved.

(b) **MINOR SUBDIVISIONS.**

- (1) **Certified Survey Required.** When it is proposed to divide land into two (2) parcels or building sites, any one of which is less than five (5) acres, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats.
- (2) **Procedure.**
  - a. The subdivider may first consult with the Village Board regarding the requirements for minor subdivisional certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map shall be submitted to the Village Board. The certified survey shall be reviewed, approved or disapproved pursuant to the procedures used for preliminary plats found in Subsection (a)(2)a. through d.
  - b. The Village Board shall, within forty (40) days of the filing, approve conditionally or reject the map and shall notify the subdivider of its decision.
  - c. The subdivider shall record the map with the applicable county register of deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate reapproval of the map by the Village Board.
- (3) **Requirements.** To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements.

(c) **TECHNICAL DETAILS.**

- (1) **Preliminary Plat.** A preliminary plat (or certified survey map) shall be a legible print made from a drawing that shows correctly the following:

- a. Date, scale, and north point.
  - b. Proposed name of the subdivision, if a plat.
  - c. Name and post office address of owner or his agent.
  - d. Small drawing showing the location of the land to be divided.
  - e. Location and names of adjoining subdivisions and the owners of undivided lands.
  - f. Present zoning of land to be divided and adjoining lands.
  - g. Reference to special requirements if the plat is located in a floodplain zoning district.
  - h. Location, width and names of all existing and platted streets, alleys, or other public ways and easements, railroad and public utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges, and other pertinent data, as required by the Plan Commission, within three hundred (300) feet of the proposed division of land or of property owned or controlled by the owner.
  - i. Water elevations of adjoining lakes or streams at the date of survey and the approximate high and low water levels thereof. All elevations shall be referred to Village datum.
  - j. Layout, width, and approximate grades of all streets and rights-of-way such as alleys, highways, easements for sewers, water mains, and other public utilities.
  - k. Direction and distance to nearest water mains and sewer mains.
  - l. Approximate dimensions of and areas of all lots and parcels.
  - m. Proposed building setback lines, if different from that required by the Village Zoning Code.
  - n. Contour lines at an interval of not more than two and one-half (2-1/2) feet, with reference to Village datum.
- (2) Construction Plans. As required by Sections 10-3-5 through 10-3-9 of this Chapter, the owner shall furnish with the preliminary plat or map necessary construction plans of public improvements. If the owner so chooses, he may obtain approval of a preliminary plat as to layout only. If only a portion of the preliminary plat is to be improved and submitted for final approval, construction plans and specifications need be prepared for only such portion. However, the design of public improvements shall be based on the needs of the whole area and such additional area as in the judgment of the Village Board is necessary.
  - (3) Final Plat. A final plat of a subdivision shall comply in all respects with the requirements of Chapter 236, Wis. Stats.
  - (4) Final Certified Survey Map. A final certified survey map of a division of land not requiring a plat shall comply in all respects to the requirements of Sec. 236.34, Wis. Stats.
  - (5) Deed Restrictions. The Village Board shall require that all deed restrictions and covenants be filed with the final plat.
  - (6) Property Owners Association. The Village Board shall require the legal instruments creating a property owners association for the ownership and/or maintenance of common lands be filed with the final plat.
- (d) **ENGINEERING FEE.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map.
  - (e) **ADMINISTRATIVE FEE.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

SEC. 10-3-5 DESIGN STANDARDS — STREETS.

- (a) **COMPLIANCE WITH STATUTES.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of the code section are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **DEDICATION.** The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the official map of the Village.
- (c) **SUFFICIENT FRONTAGE.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (d) **COMPLIANCE WITH OFFICIAL MAP.** Layout of streets shall conform to the Official Map.
- (e) **AREAS NOT COVERED BY OFFICIAL MAP.** In areas not covered by the Official Map, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
- (f) **STREET CLASSIFICATIONS.** Streets shall be classified as indicated below.
  - (1) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
  - (2) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (3) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
  - (4) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
  - (5) **Alleys.** Alleys 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.
- (g) **EXTRATERRITORIAL STREETS.** Streets located in the extraterritorial plat jurisdiction of the Village of St. Cloud must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
- (h) **CONTINUATION.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board such extension is not necessary or desirable for the

coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

- (i) **MINOR STREETS.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (j) **NUMBER OF INTERSECTIONS.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (k) **FRONTAGE ROADS.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway, or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (l) **RESERVE STRIPS.** Reserve strips controlling access to streets shall be encouraged where their control is definitely placed in the Village under conditions approved by the Village Board.
- (m) **TANGENTS.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (n) **VISIBILITY.** Streets shall afford maximum visibility and safety and shall intersect at right angles, where practicable.
- (o) **GRADES.** The grade of major thoroughfares and collector-distributor streets shall not exceed eight (8%) percent unless necessitated by exceptional topography and approved by the Village Board. Grades of local streets shall not exceed ten (10%) percent. The minimum grade of all streets shall be four-tenths of one percent (0.4%).
- (p) **HORIZONTAL CURVES.** A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, three hundred (300) feet on collector-distributor streets, and one hundred twenty (120) feet on all other streets.
- (q) **VERTICAL CURVES.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to thirty (30) times the algebraic difference in grade for major thoroughfares and twenty (20) times this algebraic difference for all other streets.
- (r) **HALF STREETS.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.
- (s) **INTERSECTIONS.**
  - (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Plan Commission considers it necessary.
  - (2) Street jogs with centerline offsets of less than one hundred twenty-five (125) feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.
  - (3) Provisions of the Zoning Code with respect to Traffic Visibility at street intersections shall also apply here.
- (t) **ALLEYS.**
  - (1) Alleys shall be provided in all commercial and industrial districts, except that the Village Board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alley shall connect with a major thoroughfare.
  - (2) Width of alleys shall be not less than twenty-one (21) feet.
  - (3) Dead-end alleys are prohibited.



- (u) **STREET NAMES.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Village Board.
- (v) **STREET DESIGN STANDARDS.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:
  - (1) Urban Section.

<u>Street Type</u>	<u>R.O.W. Width To Be Reserved</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Arterial Streets			
4-lane divided	120 feet	100 feet	Dual: 34 feet (20 foot median)
Not divided	70 feet	70 feet	48 feet
Collector Streets	66 feet	66 feet	44 feet
Minor Streets 1,000 feet or more in length	60 feet	60 feet	34 feet
Minor Streets less than 1,000 feet in length, Cul-de-sac and Frontage Streets	50 feet	50 feet	32 feet
Alleys	25 feet	25 feet	20 feet

(2) Rural Section.

<u>Street Type</u>	<u>R.O.W. Width To Be Reserved</u>	<u>R.O.W. Width To Be Dedicated</u>	<u>Pavement Width (Face of Curb to Face of Curb)</u>
Arterial Streets	150 feet	150 feet	Dual 24 feet: 10 ft. outside shoulders/4 ft. inside shoulders (60 foot median)
4-lane divided			
Not divided	100 feet	100 feet	24 feet: 10 feet outside shoulders
Collector Streets	66 feet	66 feet	24 feet: 10 feet outside shoulders
Minor Streets	50 feet	50 feet	22 feet: 8 feet outside shoulders

- (3) Cul-de-sacs. Cul-de-sac streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.
- (4) Temporary Dead-ends or Cul-de-sacs. All temporary dead-ends shall have a maximum length of one thousand (1,000) feet and a temporary cul-de-sac shall have a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet.

SEC. 10-3-6 DESIGN STANDARDS — BLOCK DESIGN.

- (a) **LENGTH.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length.
- (b) **RIGHT ANGLE INTERSECTIONS.** Wherever possible, right angle street intersections should be encouraged.
- (c) **PEDESTRIAN PATHWAYS.** Pedestrian pathways, not less than ten (10) feet wide, may be required by the Village Board through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- (d) **TREES.** The Village Board may require that certain species of trees be planted on both sides of all streets.

SEC. 10-3-7 DESIGN STANDARDS — LOTS.

- (a) Size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development contemplated, provided that no residential lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Lot dimensions shall conform to the requirements of the Zoning Code, but in no case shall have a frontage of less than sixty (60) feet at the building line or a depth of less than one hundred (100) feet.
- (c) Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.
- (d) Residential lots fronting on major streets and highways shall be platted with extra depth or designed to alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width to permit building setback from both streets, as required by the Zoning Code.
- (f) Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the Village Board.
- (g) Butt lots will be permitted by the Village Board only in exceptional cases.
- (h) Side lot lines shall be substantially at right angles to or radial to abutting street lines.
- (i) In case a tract is divided into parcels of more than one and one-half (1-1/2) acres in area, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (j) Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

SEC. 10-3-8 FLOOD PROTECTION.

- (a) Filling of all lots in each subdivision is required to a point not less than one (1) foot below the flood protection elevation for the particular area as specified on the flood profile appended to the Floodplain Zoning Ordinance.

- (b) Areas to be filled shall also include all street rights-of-way and other appropriate areas, such as park and open space lands, so that they bear a reasonable relationship to adjoining properties.

SEC. 10-3-9 DRAINAGE SYSTEM.

- (a) DRAINAGE SYSTEM REQUIRED. A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer.
- (b) DRAINAGE SYSTEM PLANS.
  - (1) The subdivider shall submit to the Village Engineer and Village Board a report on the ability of existing watercourse channels, storm sewers, culverts, and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream of 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 for the area within the subdivision.
  - (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
  - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Board or Village Engineer.
- (c) GRADING. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
  - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
  - (2) Block grading shall be completed by one or more of the following methods:
    - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
    - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
    - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
  - (3) Lot grading shall be completed so that water drains away from each proposed building at a minimum grade of two (2%) percent and provisions shall be made to prevent excessive drainage onto adjacent properties.
  - (4) The topsoil stripped by grading shall not be removed from the site and shall be uniformly spread over the lots when rough grading is finished.
- (d) DRAINAGE SYSTEM REQUIREMENTS. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

- (1) Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
  - (2) Off-Street Drainage. The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of 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 [1%] percent shall be seeded; those with grades up to four [4%] percent shall be sodded and those with grades over four [4%] percent shall be paved.)

SEC. 10-3-10      EXTRA-SIZE OR OFF-SITE IMPROVEMENTS.

- (a) DESIGN CAPACITY. All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- (b) EXTRA-SIZE IMPROVEMENTS. Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he is required to install to serve his subdivision. The additional costs which result from the extra-size improvement shall be paid for by the Village. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer, for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch utility and bill the Village for the difference in material costs between a twelve (12) inch and eighteen (18) inch sewer pipe.
- (c) OFF-SITE EXTENSIONS. When streets or utilities are not available at the boundary of proposed subdivision, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
  - (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
  - (2) If the Village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

- (d) Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board.

SEC. 10-3-11      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 may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village, and shall conform to the proposed land use standards established in the Comprehensive Plan, Official Map, and Zoning Code.

(b) STANDARDS. In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village that the street, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strip 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. 10-3-12      REQUIREMENTS AND DESIGN STANDARDS FOR PUBLIC IMPROVEMENTS.

- (a) IMPROVEMENTS COMPLETED. All improvements required under this Chapter shall be constructed in accordance with its provisions prior to filing the final plat with the Village Clerk-Treasurer for approval by the Village Board. In lieu of construction of any of the public improvements, the owner may furnish a surety bond as provided in Subsection (b) of this Section.
- (b) FINANCING. Before a Final Plat is approved by the Village Board, the subdivider shall submit an agreement and performance bond or cash escrow agreement to assure the following:

- (1) The subdivider shall pay for the cost of all improvements required in the subdivision by the Village Board.
- (2) Guaranteed completion of the required improvements within a two (2) year period.
- (3) Payment by the subdivider for all costs incurred by the Village for review and inspection. This would include preparation and review of plans and specifications by the Engineer, Planner and Attorney, as well as other costs of a similar nature.
- (4) The Village may elect to install any of the required improvements under the terms of a cash escrow agreement.
- (5) The performance bond or cash escrow agreement shall be equal to one and one-quarter (1-1/4) times the Engineer's estimated cost of the required improvements.
- (6) If the required improvements are not complete within the two (2) year period, all amounts held under the escrow agreement or performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board at its option, may extend the bond period for an additional period not to exceed two (2) years.

(c) **PROCEDURE.**

- (1) Plans and Specifications. Simultaneously with the filing of the preliminary plat with the Village Clerk-Treasurer or as soon thereafter as practicable, four (4) copies of the construction plans and specifications shall be furnished for the following public improvements:
  - a. Street grading and surfacing
  - b. Sanitary sewerage
  - c. Water mains and laterals
  - d. Curb, gutters, and sidewalk
- (2) Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter. If he rejects the plans and specifications, he 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 them in writing. The Village Board shall approve the plans and specifications before the improvements are installed.
- (3) Construction and Inspection.
  - a. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of Subsection (k) below.
  - b. 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 President and Village Board to grant an extension.
  - c. During the course of construction, the Village Engineer shall make such inspections as he deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspection. This fee shall be the actual cost to the Village of inspectors, engineers, and other parties necessary to insure satisfactory work.
- (4) "As-Built" Plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be

made a map showing the actual location of all valves, manholes, stubs, sewers and water mains, and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

(d) **REQUIRED IMPROVEMENTS.**

- (1) The subdivider shall, at its sole expense except as provided, install the following facilities:
  - a. Water and sanitary sewer mains and laterals to the lot line where connection to existing systems can be reasonably provided.
  - b. Streets graded to full width and the roadway graded to subgrade; street lamps; street signs.
  - c. Adequate facilities to provide surface water drainage.
  - d. Final grade and submaterial.
  - e. Sidewalk, if required.
- (2) The adequacy of such facilities shall be subject to approval of the Village Board.

(e) **STREET DESIGN STANDARDS.**

- (1) Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Board, the subdivider shall grade with a gravel surface 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 Board. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
- (2) Surfacing. After the installation of all utility improvements, the Village shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations of the Village. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board. Where there is an existing blacktop street, the Village will pay one-half (1/2) of the cost of the curb and gutter and will install the blacktop from the curb to the paved portion of the street.
- (3) Street Lamps. The Village Board shall require the subdivider to install street lamps along all streets proposed to be dedicated of a design comparable with the neighborhood and type of development proposed. Such lamps should be placed at each street intersection and at such interior block spacing as may be required by the Village Board.
- (4) Street Signs. The subdivider shall install at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the Village Engineer.

(f) **SIDEWALKS.**

- (1) The subdivider shall provide a concrete sidewalk on both sides of all collector streets within subdivisions and land divisions. The Village Board may require the construction of sidewalks on minor streets that serve subdivisions and land divisions with a gross density of four (4) dwelling units per acre. Sidewalks shall be constructed pursuant to the standards found in Sec. 4-2-2 of this Code of Ordinances.
- (2) Wider than standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage and the Village Board may require the construction of sidewalks in locations other than those required under the preceding provisions of this Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (3) Alternative pedestrian ways may be approved in lieu of sidewalks where the proposed alternative pedestrian ways are constructed of all-weather material,

are dedicated to the Village or are owned and maintained by a properly registered homeowners association and have frontage on each parcel otherwise required to be provided with a sidewalk.

- (g) **CURB AND GUTTER.** Curb and gutter will be assessed against the subdivider, or owners, and installed prior to street paving. Street paving will be paid by the Village. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (h) **SANITARY SEWERAGE SYSTEM DESIGN STANDARDS.** There shall be provided a sanitary sewerage system in conformity with the Master Plan of sewers as approved by the Village Board. The cost of providing and installing sewer pipe of sizes larger or at a greater depth than required to serve the area shall be borne by the Village, as agreed upon between the land owner and the Village Board prior to approval of the preliminary plat or certified survey map.
- (i) **WATER SUPPLY SYSTEM DESIGN STANDARDS.** There shall be provided a water supply system in conformity with the Master Plan of the water system as approved by the Village Board. The cost of providing and installing water pipe of sizes larger than required to serve the area shall be borne by the Village, as agreed upon prior to the approval of the preliminary plat or certified survey map. Hydrants and valves will be furnished by the Village at no cost to the owner.
- (j) **OTHER UTILITIES.** No electrical or telephone service shall be located on overhead poles except where impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.
- (k) **FINAL CONSTRUCTION PLANS.** Shall be legible prints of a size acceptable to the Village Engineer and shall include the following:
  - (1) Map of plat or subdivision of lands, including title of plat or map.
  - (2) Layout of streets.
  - (3) Layout of sanitary sewers.
  - (4) Layout of water supply system.
  - (5) Plans and profiles of streets and sewers at a scale of not more than forty (40) feet per inch horizontal and four (4) feet per inch vertical.
  - (6) All necessary details.
- (l) **MATERIAL STANDARDS.** All improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.
- (m) **STORM WATER DRAINAGE FACILITIES.** Pursuant to Sec. 10-3-9, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board.

SEC. 10-3-13      EASEMENTS.

- (a) **UTILITY EASEMENTS.** The Village Board, on the recommendation of the other appropriate agencies of the Village shall require utility easements for poles, wires,



conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

- (b) **DRAINAGE EASEMENTS.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
- (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
  - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
  - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. In all cases, such watercourse shall be of a minimum width established at the high water mark, or in the absence of such specification, not less than thirty (30) feet.
- (c) **EASEMENT LOCATIONS.** Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SEC. 10-3-14      PUBLIC SITES AND OPEN SPACES.

- (a) **PURPOSE.** The requirements of this Subsection are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows. It has also been established to insure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by the development. The requirements shall apply to all lands proposed for all residential development.
- (b) **DESIGN.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites as are shown on the Official Map, Master Plan or Parks and Open Space Plan, if applicable, shall be made a part of the design. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds and ravines and woodland, prairie and wet-land plant and animal communities.
- (c) **DEDICATION.**
- (1) the subdivider shall dedicate adequate developable land for the park, recreation and open space needs of the development, subject to a determination of acceptability by the Village Board.
  - (2) The subdivider shall dedicate sufficient land area that is suitable and readily developable to provide adequate park, playground, recreation and open space to

meet the needs to be created by and to be provided for the subdivision, land division, group housing project or planned community development project. These proposed public lands shall be made a part of the plat and shall be dedicated to the public at the rate of one (1) acre for each fifteen (15) proposed dwelling units.

(d) FEE IN LIEU OF DEDICATION.

- (1) Where, in the discretion of the Village Board, there is no land suitable for parks within the proposed subdivision or the dedication of land would not be compatible with the Village's comprehensive development plan, or the Board determines that a cash contribution would better serve the public interest, the Village Board may require that the subdivider pay a fee in lieu of making the required land dedication.
- (2) If the amount of land required to be dedicated, other than for streets and drainageways as indicated on the master plan, comprehensive plan component or official map of the Village totals less than the ratio of one (1) acre for each fifteen (15) proposed dwelling units, the subdivider shall pay to the Village a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated, other than the streets and drainageways, as indicated on said plans or maps and the rate of dedication established herein. The fair market value shall be determined by the Village Assessor. Said fees required in lieu of dedication shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision.
- (3) All funds so collected by the Village shall be deposited as "Special Fund for the Acquisition and Development of Public Sites, Recreation Areas, Open Spaces and Greenways" (Park Special Fund), and that said funds so levied and collected shall be used for such purposes at such places and in such manner as shall be approved, ordered and directed by the Village Board. Any and all interest accumulated upon such funds shall be added to the Special Fund and be used only for acquisition and developments for said purposes.

(e) DEDICATION AND FEE.

- (1) The Village Board may request that the subdivider satisfy the requirements by combining land dedication with fee payments. The fee, in such cases, shall be determined by subtracting the fair market value of the dedicated land, from the total fee which would have been imposed had no land been dedicated by the subdivider. The fair market value shall be determined by the Village Assessor.
- (2) Payment may be made by one of the following methods:
  - a. Lump Sum. A lump sum minus a discount of the current interest rate of the Park Special Fund on the day the Village Board accepts the final plat or on the day the certified survey is approved for recording by the Clerk-Treasurer shall be paid prior to the issuance of any building permit for a development; or
  - b. Payment of one-third (1/3) of all land dedication and fee payments.
    1. The subdivider shall pay the Village 33.4% of the total fee by the date the first building permit is issued. At such time that 33.4% of the building permits are issued for the approved development or after one (1) year from the date that the Village issued the first building permit, whichever occurs first, the subdivider shall pay the second installment of 33.3% of the total fee. At such time that 66.7% of the building permits are issued for the approved development or after two (2) years from the date that the Village issued the first building permit, whichever occurs first, the subdivider shall pay the final installment of 33.3% of the total fee.

2. If this method of payment is used, the outstanding balance after the first payment is made shall be charged the interest rate earned by the Park Special Fund for the period of time that the second and third installments are outstanding.
  - (3) Subdividers shall be given the options identified above in Subsection (e)(2) except under the following circumstances:
    - a. The development is less than twenty-five (25) units; or
    - b. No plat of subdivision or certified survey is involved in the development.
  - (4) In either event, the subdivider will be required to pay the lump sum minus the discount (as defined above) prior to the issuance of any building permits.
  - (5) All fees required by Subsection (e) shall be paid within three (3) years from the date of the issuing of the first building permit. Failure to make the proper payments as defined in either option in Subsection (e)(2) shall result in the immediate withholding of all building permits until all delinquent payments are made to the Village.
- (f) DEVELOPMENT OF AREA.
- (1) When park land is dedicated, the subdivider is required to bring the dedicated land up to the contours established in the approved street and utility plans, topsoiled with a minimum of four (4) inches of quality topsoil, seeded as specified by the Village Board, fertilized with 16-6-6 fertilizer at the rate of seven (7) pounds per one thousand (1,000) square feet and mulched as specified in the Standard Specifications for Road and Bridge Construction Section 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that subdivision unless otherwise authorized by the Board.
  - (2) It shall be the duty of the Village to maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its maintenance or liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owner shall reside on one of the subdivided parcels, in which case he shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village.
- (g) DEFINITIONS.
- (1) Subdivider. Any person, firm, partnership, corporation, association, estate, or other legal entity using land for residential development. This shall include all residential development whether or not there is an actual subdivision of land. Property which does not require subdivision but will be used for residential development shall be included.
  - (2) Fair Market Value (Market Value). The highest price in terms of money which a property will bring in a competitive and open market under all conditions requisite to a fair sale, the buyer and seller, each acting prudently, knowledgeably and assuming the price is not affected by undue stimulus.
  - (3) Land Use Regulation. Broadly, any legal restriction, such as zoning ordinances which control the uses to which land may be put. A land use regulation may include such controls as those established by restrictive covenants or by redevelopment or urban renewal plans approved by local governing bodies.
  - (4) Phase. A phase ends with the completion of public improvements (as shown in the final plat documents) and a new phase begins with the start of public improvements (as shown in the final plat documents) in the portion of the plat being developed.
  - (5) Public Improvements. Installation of streets, electric service, sewer and water, gas lines and telephone lines.

SEC. 10-3-15      VARIATIONS AND EXCEPTIONS.

- (a) Where the Village Board finds that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, it may decide to permit 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.
- (b) The Village Board shall not allow variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) The granting of the variation will not be detrimental to the public safety, health, or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
  - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable, generally to other property;
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.

SEC. 10-3-16      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 or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b)
  - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Twenty-five (\$25.00) Dollars nor more than Five Hundred (\$500.00) Dollars and the costs of prosecution for each violation and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. 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.