

Chapter 6

Land Division Regulations

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Article A: Introduction

Sec. 10-6-1 Authority.

These regulations are adopted under the authority granted by Chapter 236, Wis. Stats.

Sec. 10-6-2 Purpose and Intent.

- a) The purpose of this Chapter is to:
- 1) Promote the public health, safety and general welfare of the Village;
 - 2) Lessen congestion in the streets and highways;
 - 3) Further the orderly layout and use of land, secure safety from fire, panic and other dangers;
 - 4) Provide adequate light and air;
 - 5) Prevent the overcrowding of land;
 - 6) Avoid undue concentration of population;
 - 7) Facilitate the adequate provision for transportation, water, sewerage, surface drainage, schools, parks, playgrounds and other public requirements; and
 - 8) Facilitate the further resubdivision of larger parcels into smaller parcels of land.
- b) All decisions made by the Plan Commission pursuant to the provisions of this Chapter are recommendations to the Village Board and are subject to Village Board review and action.

Sec. 10-6-3 Definitions.

- a) The following terms, whenever they occur in this Chapter, are defined as follows:
- 1) **Act of Division.** The division of a lot or parcel of land into two (2) or more parcels.
 - 2) **Certified Survey Map.** A map or plan of record of a land division, not a subdivision, meeting all the requirements of Sec. 236.34, Wis. Stats., and of this Chapter.
 - 3) **Development Plan.** A total site plan for an area of land forty (40) acres or more in size under the control of a developer(s) at the time of submission for review. Said plan specifies and illustrates the location, relationship and nature of all uses, easements, streets, pedestrian paths, common open space and other public ways.
 - (j) **Drainage System.** Land treatments, including channels, drainageways, streets, overland flow paths, inlets, piping, gutters, channels, ditching, pumping, and/or other facilities designed to direct stormwater drainage to stormwater structural measures, as defined by section 10-8-2(ao). Created Ord. 2004-04-02

- (k) **Drainage System, Major or Major Drainage System.** Components of the Drainage System designed to accommodate post-development runoff in excess of that resulting from a 10-year storm event, as defined by section 10-8-2(aq). Major Drainage System components include large drainageways and streets. (Created Ord. 2004-04-02)
- (m) **Drainage System, Minor or Minor Drainage System.** Components of the Drainage System designed to accommodate post-development runoff up to and including the runoff resulting from a 10-year storm event, as defined by section 10-8-2(aq). Minor Drainage System components include inlets, piping, gutters, channels, ditching and pumping facilities. (Created Ord. 2004-04-02)
 - (p) **Drainageway.** Any natural or artificial watercourse (including, but not limited to, streams, rivers, creeks, ditches, channels, canals, conduits, culverts, drains, waterways, gullies, ravines, swales or washes) in which stormwater flows in a definite direction or course, either continuously or intermittently; and including any area adjacent thereto which is subject to inundation by reason of overflow or flood water. (Created Ord. 2004-04-02)
- 4) **Driveway.** A surfaced vehicle access from private property to a public street.
- 5) **Extraterritorial Jurisdiction.** The unincorporated area within one and one-half (1- 1/2) miles of the corporate limits.
- 6) **Final Plat.** The map or plan of record of a subdivision and any accompanying material as required in Section 10-6-22 and Section 10-6-43.
- 7) **Governing Body.** The Village Board of the Village of Belleville.
- 8) **Greenway.** An open area of land included under the definition of "Parkway," the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to, vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development, and other related uses.
- 9) **Impervious Lot Area.** Roof areas, concrete, gravel, or bituminous surfaces, sidewalks, decks, or other hard surface areas.
- 10) **Land Division.** The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where the act of division creates two (2) or more parcels, lots or building sites, any one (1) of which is fifteen (15) acres or less in area. The successive land division of a lot or parcel shall not create more than two (2) parcels in any five (5) year period.
- 11) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.

- 12) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- 13) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- 14) **Lot, Double Frontage.** A lot having a pair of opposite lot lines along two (2) or more or less parallel public streets and which is not a corner lot. On a "double frontage" lot, both street lines shall be deemed front lot lines.
- 15) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- 16) **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.
- 17) **Lot Width.** The width of a parcel of land measured along the front building line.
- 18) **Master Plan.** The comprehensive plan for guiding and shaping the growth and development of the Village of Belleville, including all of the component parts, as prepared by the Plan Commission and certified to the Village Board.
- 19) **Meander.** A curve in the course of a river which continually swings from side to side in wide loops, as it progresses across flat country.
- 20) **Official Map.** The map indicating the location, width and/or extent of existing and proposed streets, highways, parkways, parks and playgrounds, as adopted by the Village Board pursuant to Sec. 62.23(6), Wis. Stats.
- 21) **Parcel.** Contiguous lands under the control of a subdivider(s), not separated by streets or highways.
- 22) **Parkway.** Any right-of-way for vehicular or pedestrian traffic, or both, with full or partial control of access and usually located within a park or a ribbon of park-like development. Said parkway may include greenways required for storm water drainage purposes where the drainage improvement is to include park-like treatment and where pedestrian or vehicular travel may be permitted.
- 23) **Plan Commission.** The Village of Belleville Plan Commission.
- 24) **Plat.** A map of a subdivision.
- 25) **Preliminary Plat.** A map delineating the features of a proposed subdivision or land division as described in Section 10-6-40, submitted to the Plan Commission for preliminary consideration prior to the final plat and, when required, prior to a land division.
- 26) **Public Way.** Any public road, street, highway, walkway, drainageway, greenway, parkway, or part thereof.
- 27) **Replat and Resubdivision.** The process of changing, or the map which changes, the boundaries of a recorded plat or part thereof. The legal division of a larger block, lot or outlot within a recorded plat, without changing the exterior boundaries of said block, lot or outlot is not a replat. See Sec. 236.36, Wis. Stats.
- 28) **Street.** A public way for vehicular and pedestrian traffic, whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated:

- a. **Arterial Streets and Highways.** Those streets which provide for rapid movement of concentrated volumes of traffic over relatively long distances, including State Trunk Highway 69.
 - b. **Collector Streets.** Streets which provide moderate speed movement of persons and goods between major arterials and/or activity centers, including: State Trunk Highway 92, County Trunk Highways D, and CC. They are basically local streets which, because of directness of routing and higher capacity, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
 - c. **Local Streets.** Streets designed for low speeds and low volumes which provide access from low traffic-generating areas to collector and arterial systems.
 - d. **Alley.** A public right-of-way which affords a secondary means of access to abutting property.
 - e. **Cul-de-Sac Streets.** Streets closed at one end with turnarounds.
 - f. **Dead-End Streets.** Streets closed at one end without turnarounds.
- 29) **Subdivider.** Any person, firm, partnership, corporation, association, estate, trust, or other legal entity requesting review of action on a land division or subdivision.
- 30) **Subdivision.** The division of a lot or parcel of land for the purpose of ownership transfer or building development, where:
- a. The act of division creates three (3) or more parcels or building sites of five (5) acres each or less in area; or
 - b. The act of division creates three (3) or more parcels or building sites of five (5) acres or less in area by successive divisions within a period of five (5) years.
- 31) **Urban Service Area.** That area which the Village Board has designated as the area within which it expects the provision of the full range of urban facilities and services. For purposes of this Chapter, the full range of services includes, but is not limited to, sanitary sewer, storm sewer, water supply and distribution, fire service and police, parks and open space, recreation, schools, and transportation.
- 32) **Utility Easement.** An easement to place, replace, maintain, or move utility facilities.
- 33) **Village.** The Village of Belleville, Wisconsin, or its duly elected Village Board.
- 34) **Village Board.** The Village Board of the Village of Belleville, Wisconsin.
- 35) **Zoning Code.** The Village of Belleville Zoning Ordinance.
- 36) **Other.** All other pertinent terms not defined above shall be defined in the Village Zoning Ordinance and in Ch. 236, Wis. Stats.

Sec. 10-6-4 Jurisdiction in Unincorporated Areas.

(Reserved for Future Use.)

Sec. 10-6-5 General Provisions.

- a) **Compliance; Additional Regulations.** Any person dividing land within the Village, or within its extraterritorial plat approval jurisdiction which results in a subdivision, shall prepare a plat of the subdivision or a certified survey map in accordance with the requirements of this Chapter, and:
- 1) The provisions of Ch. 236, Wis. Stats.;
 - 2) The rules of the State Department of Transportation contained in the Wisconsin Administrative Code (Chapter HY 33) for subdivisions which abut a state trunk highway or connecting street;
 - 3) Village ordinances and regulations (only within the Village);
 - 4) Master plan or master plan component adopted by the Village;
 - 5) The rules of the Division of Plumbing, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85 for subdivisions not served by public sewer;
 - 6) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program;
 - 7) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board;
 - 8) Provided, however, that this Chapter shall not apply to:
 - a. Transfers of interest in land by will or pursuant to court order;
 - b. Leases for a term not to exceed ten (10) years, mortgages or easements;
 - c. 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.
- b) **Compliance; Issuance of Permits.** The Village of Belleville shall not recognize, and no building or other permits shall be issued by the Village authorizing, the building on, occupancy, 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 fully complied with and a resolution approving the land division has been adopted by the Village Board.
- c) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Sec. 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.

Sec. 10-6-6 Dedication of Lands for Streets and Public Ways.

Whenever a lot or parcel of land to be divided as a subdivision or as a land division contains all or in part a street, highway, greenway, water course, or a drainageway or utility easement designated in the Master Plan or Official Map, said public way shall be platted and dedicated by the subdivider in the location and width indicated along with all other streets.

Sec. 10-6-7 Dedication of Lands for Parks and Playgrounds.

a) The subdivider shall designate on every new preliminary plat of a residential subdivision an area of land suitable for park or playground purposes and shall dedicate such land to the public. The amount of land to be provided shall be at least one (1) acre of land for every fifteen (15) proposed residential units within the plat. However, the total amount of land dedicated for public purposes or otherwise provided for meeting the objectives of this Section and Section 10-6-6 need not exceed one-third (1/3) of the total area of the plat. The Village Board reserves the right to select those lands within the plat it considers best suited to meeting the recreational needs of the Village, providing such selection does not violate other provisions of this Section. Lands required for drainageways or stormwater retention/detention required by this Chapter shall not be used to satisfy the requirements of this Section. If no land in the plat is selected for park purposes, the Village Board shall require the subdivider to pay the Village the sum of Six Hundred Dollars (\$600.00) per permitted residential dwelling unit created by such plat with the following schedule designating the fee based on the designated zoning:

District	Units	Per Lot
Amended Ord. 2004-06-05		
R-SL, SM, SH, RE, R-MH	1	\$ 600
R-T	2	1,200
R-M	4	2,400
B-G	2	1,200

- b) If the subdivider of a lot designated R-M, B-G, or other residential zoning desires to build more units on the lot than is set forth on the above schedule, the developer shall pay the Six Hundred Dollars (\$600.00) for each unit in excess of that listed on the schedule. Residential units approved on lots in other residential zoning districts shall also be assessed Six Hundred Dollars (\$600.00) per unit.
- c) As a part of the review of each preliminary plat, the Plan Commission shall refer the plat to the Parks Committee for its recommendation as to whether land should be dedicated, or fees paid in lieu of dedication (see Section 10-6-21). If land is to be dedicated, the Committee will make its recommendation as to amount and location. The Plan Commission will make its recommendation to the Village Board as a part of its review of the preliminary plat. The Village Board will make the final decision on payment or land dedication as a condition of approval of the preliminary plat.
- d) The sums due in Subsection (a) and (b) above shall be paid in cash at the time of the signing of the final plat by the Village. In the alternative, the subdivider may elect, by written agreement, to pay the fee in five (5) equal installments. The parkland dedication fee agreement will be a recordable instrument and the land divider will pay the cost of recording. The first installment shall be paid to the Clerk-Treasurer at the time of the signing of the final plat by the Village. A flat interest rate of twelve percent (12%) per annum will be charged for the installment payments.

- (1) Thereafter, the balance, together with interest thereon, may be paid in cash and if not, one-fifth (1/5) shall, together with interest, be paid in four (4) equal annual installments, the second installment and each installment due thereafter shall be billed and paid a part of the real estate taxes for the year. Interest shall be one percent (1%) higher than interest paid by the Village for its standard borrowing rate. There shall be no refunds if a lesser number of units are built than are authorized by the above schedule. In any event, full payment of the sums due hereunder shall be paid upon sale of the unit property.
- e) The developer of residential land divided by a Certified Survey Map shall also be required to pay the Village the sum of Six Hundred Dollars (\$600.00) per permitted dwelling unit created by such land division pursuant to Subsections (a) and (b) above. Such fee shall be paid on or before the time the survey map is signed by the Village.
- f) Should any landowner hereafter request a zoning change creating higher density lots, such request shall be accompanied by a signed statement by the petitioner that should the zoning change be granted by the Village Board, he or she will, within five (5) days thereafter, pay the amounts in accordance with the above schedule. The Board may, however, determine that payment may be made in installments upon compliance with the terms of this Chapter.
- g) Funds generated by this Section shall go into a designated park fund to be used by the Village for public park purposes.

Sec. 10-6-8 Development of Park Areas.

- a) When parklands are dedicated to the Village, the subdivider is required to:
 - 1) Properly grade and contour for proper drainage;
 - 2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - 3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Village Engineer, fertilized with 16-6-6 or 10-10-10 at a 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 (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
- b) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.

- c) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- d) The Village Board may require certification of compliance with this Article by the subdivider. The cost of such report shall be paid by the subdivider.
- e) If the subdivider fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

Sec. 10-6-9 Reservation of Lands for Public Sites.

Whenever a parcel of land to be divided as a subdivision or as a land division contains all or in part a site for a park or playground which has been designated on the master plan, and the area of which is in excess of the amount of land required to be dedicated in Section 10-6-7 above; or a school site, or other public site which has been designated on the master plan, such park, playground, school site or public site shall be reserved for purchase by the Village for a period of two (2) years from the date of approval of the final plat unless extended by mutual agreement.

Sec. 10-6-10 Land Suitability.

- a) No land shall be divided or subdivided for a use which is held unsuitable by the Village for reason of flooding or potential flooding, soil limitations, inadequate drainage, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community.
- b) The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability. In addition to the data required to be submitted with the preliminary plat, the subdivider may be required to submit some or all of the following additional information for development located in an area where flooding or potential flooding may be a hazard:
 - 1) Two (2) copies of an aerial photograph, or two (2) maps prepared by a registered land surveyor or engineer which accurately locate the proposed development with respect to floodplain zoning district limits, if present, channel or stream fill limits and elevations, and flood-proofing measures taken or proposed to be taken;
 - 2) Two (2) copies of a typical valley cross-section showing the channel or the stream, the floodplain adjoining each side of the channel, cross-sectional area to be occupied by the proposed development, and high water information;

- 3) Two (2) copies of a profile showing the slope of the bottom of the channel or flowline of the stream;
 - 4) Such other data as may be required;
 - 5) The subdivider may, as a part of the pre-application procedures, request a determination of land suitability providing that he or she shall provide all necessary maps, data and information for such a determination to be made at that time.
- c) After referral from the Village Board, should the Plan Commission determine that the land is unsuitable for the intended use or development, it shall state its reasons, in writing to the subdivider and make its recommendation to the Village Board.
- d) When a proposed subdivision is located in an area where flooding or potential flooding may be a hazard, the Plan Commission may transmit to the Division of Environmental Protection, Wisconsin Department of Natural Resources, one (1) set of the information required and shall request that Division to provide technical assistance in determining whether the land is suitable or unsuitable for the use proposed (refer to Title 13, Chapter 2).

Sec. 10-6-11 Determination of Adequacy of Public Facilities and Services.

- a) A preliminary plat or final plat shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services are available to meet the need of the proposed subdivision.
- b) The applicant shall furnish any data requested by the Village Board, or its designee, who shall transmit this information to the appropriate commission (s) and Committee(s) for review and shall act as coordinator of their reports to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire, police and emergency medical services, parks and open space and recreation facilities, transportation facilities and schools.

Sec. 10-6-12 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 of Belleville determines that this factor makes a condominium development dissimilar, both physically and in 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 area parks, recreation areas, utility facilities and schools;
 - d. Additional traffic and street use.

b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:

- 1) Section 10-6-10 relating to land suitability and construction practices.
- 2) Section 10-6-21 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 10-6-40 shall not apply, since condominiums have separate technical standards set forth in Ch. 703, Wis. Stats.
- 3) Section 10-6-101 relating to fees for review.
- 4) Article E relating to required improvements.
- 5) Article D relating to design standards for improvements.
- 6) Sections 10-6-6, 10-6-7 and 10-6-8.

c) **Exceptions.** 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 10-6-13 through Sec. 10-6-19

Reserved for Future Use.

Article B: Land Division Procedures

Sec. 10-6-20 Pre-Application Conference.

- a) **Consultation.** Prior to filing an application for approval of a preliminary plat, development plan, or certified survey, the subdivider shall consult with the Plan Commission for advice and assistance for the purpose of determining land suitability and reviewing the procedures and requirements of this Chapter and other ordinances, and any plans or data which may affect the proposed development within the timelines approved on the Plan Commission Action Table. (Revised 00-10-1)
- b) **Environmental Assessment Checklist.**
 - 1) **Application.** All applications hereunder shall use the Environmental Assessment Checklist, available from the Village Clerk-Treasurer.
 - 2) **Purpose.** The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability under Section 10-6-9. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - 3) **Coverage.** The Environmental Assessment Checklist shall apply to all renewable subdivisions and certified survey maps. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for certified surveys of less than five (5) acres total area.

Sec. 10-6-21 Preliminary Plat Procedure.

- a) Prior to submitting a final plat for approval, the subdivider shall prepare and submit a preliminary plat. The subdivider shall file with the Village within the timelines approved on the Plan Commission Action Table prior to a scheduled Plan Commission meeting a written application for approval of the preliminary plat, including completion of a "Checklist for Preliminary Plats" provided by the Village Clerk-Treasurer, and pay the required fees (see Section 10-6-85). The application shall include all data required by this Chapter accompanied by five (5) copies of the plat. The preliminary plat shall cover the entire parcel owned or controlled by the subdivider, even though only a portion thereof is proposed for development at the time. The subdivider may elect to submit a development plan in lieu of a preliminary plat when he or she owns or controls forty (40) contiguous acres or more of land. The subdivider shall still submit a preliminary plat for that part which is to be included in the final plat. The Village shall, within ninety (90) days from the date all required information has been received, as determined by the Chairperson of the Plan Commission, or within such extended time as agreed by the developer, approve, approve conditionally, or reject the preliminary plat or the development plan based on its determination of conformance with the provisions of this Chapter. The Village Board shall refer the application to the Plan Commission for a recommendation regarding the conformity of the preliminary plat or development plan within the provisions of this Chapter. (Revised 00-10-01)
- b) The Plan Commission shall refer the preliminary plat or development plan to the Village Engineer, the Parks Committee, and all appropriate committees for comments and recommendations prior to making a recommendation to the Village Board (see Section 10-3-50).

Sec. 10-6-22 Final Plat Procedure.

If the preliminary plat has been approved or approved conditionally by the Village Board, the subdivider may make written application to the Village and pay the required fees for the approval of a final plat. The application shall be submitted within the timelines approved on the Plan Commission Action Table prior to the scheduled Plan Commission meeting, and shall be accompanied by five (5) copies of the plat. The final plat may be for all or part of the preliminary plat. The Village Board shall refer the final plat to the Plan Commission for a recommendation that the final plat conforms to provisions of this Chapter. The Plan Commission shall refer the plat to the Village Engineer and appropriate committees for comments and recommendations. After receipt of these comments and recommendations, the Plan Commission shall make a determination and forward its recommendation to the Village Board. Upon determining that the final plat meets the requirements of this Chapter and any additional requirements, has been submitted within twenty-four (24) months from the approval date of the preliminary plat, and all preliminary plat conditions have been met, the Village Board shall approve the final plat within sixty (60) days of the date all required information has been received by the Board. A copy of the recorded plat shall be returned to the Village Clerk-Treasurer prior to the issuance of a building permit.(Rev 98-10-2) (Revision 00-10-01)

Sec. 10-6-23 Certified Survey Map Procedure.

When a land division is created as defined herein, the subdivider shall first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, a copy of the final map in the form of a certified survey map, in accordance with Sec. 236.34, Wis. Stats., and this Chapter, shall be submitted to the Plan Commission within the timelines approved on the Plan Commission Action Table prior to the regular meeting of the Plan Commission. The Plan Commission shall, within sixty (60) days of the filing, approve, approve conditionally, or reject the map and shall notify the subdivider of its decision. When the certified survey map involves the dedication of streets or other public areas to the Village as required in 10-6-21 of this Chapter, the Village Board shall also approve the map. The subdivider shall record the map with the applicable county register of deeds within thirty (30) days of its approval by the Plan Commission and any other approving agencies. Failure to do so shall necessitate reapproval of the map by the Plan Commission. To the extent reasonably practicable, the certified survey plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. A copy of the recorded survey map shall be returned to the Village Clerk-Treasurer prior to the issuance of a building permit. (Revised 00-11-02)

Sec. 10-6-24 through Sec. 10-6-39 Reserved for Future Use.

Article C: Plat Submission Requirements

Sec. 10-6-40 Preliminary Plat.

- a) **General.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. A preliminary plat shall be prepared on paper of good quality capable of clearly legible reproduction 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) Title under which the proposed subdivision is to be recorded.
 - 2) Location of proposed subdivision by: Government lot, quarter-quarter section, township, range, county, and state; and a location map showing the relationship between the plat and its surrounding area and existing streets.
 - 3) Date, graphic scale and north point.
 - 4) Names and addresses of the owner, subdivider, surveyor, engineer, and the professional land planner involved in the plat preparation.
 - 5) The 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 subdivider may elect to submit a development plan in lieu of a preliminary plat for that part of the land not to be included in the final plat if the total contiguous area owned or controlled by the subdivider is greater than forty (40) acres.
 - 6) The present zoning and any proposed change for the plat and all lands adjacent thereto.
 - 7) Location and elevation of any land situated within a floodplain.
- b) **Plat Data.** All preliminary plats shall show the following:
- 1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - 2) Contours at vertical intervals of not more than two (2) feet where average slope is less than five percent (5%) or four (4) feet where slope is five percent (5%) or greater. Elevations shall be marked on such contours based upon U.S.G.S. data where available and upon the best available data in all other cases.
 - 3) Water elevation of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based upon U.S.G.S. data where available and upon the best available data in all other cases.
 - 4) Location, right-of-way width, and names of all existing streets, alleys, or other public ways, easements, and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
 - 5) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

- 6) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established center line elevations, based upon or established by the best available data.
 - 7) Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes; the location of manholes, catchbasins, hydrants, power, and telephone poles; 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 their direction and distance from the tract, size, and invert elevations.
 - 8) Locations of all existing property boundary lines, structures, drives, streams, and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
 - 9) Location, width, and names of all proposed streets and public rights-of-way such as alleys and easements.
 - 10) Any proposed lake and stream improvement or relocation.
 - 11) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use.
 - 12) Corporate limit lines.
 - 13) Approximate dimensions of all lots and outlots together with proposed lot, outlot, and block numbers.
 - 14) When requested by the Village, a draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- c) **Street Plans and Profiles.** Where required, the subdivider shall provide street profiles showing existing ground surface of the proposed center line, right-of-way lines, and building setback lines, including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon U.S.G.S. data, and profiles shall meet the approval of the Village Engineer.
- d) **Testing.** The Village Engineer may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to groundwater table.
- e) **Affidavit.** The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this Chapter.

Sec. 10-6-41 Development Plan.

The development plan, as provided for in Section 10-6-21, shall be submitted at a scale not more than two hundred (200) feet to one (1) inch and shall show:

- a) Information required under Section 10-6-40(a): (1), (2), (3), (4), (5), (6), and (7); Section 10-6-40(b): (3), (4), (5), (6), (7), (8), (9), (10), (11), (12), and (13); and Section 10-6-44(a), (b), and (c).
Recreated Ord. 2004-04-02
- b) Contours at vertical intervals of not more than ten (10) feet.

Sec. 10-6-42 Final Plat.

- a) The final plat of the proposed subdivision shall comply with the requirements of Ch. 236, Wis. Stats., and Section 10-6-22 of this Chapter.
- b) Drainageways shall be shown upon the final plat with arrows indicating direction of stormwater drainage flow. The following restriction shall be noted on the plat: "Arrows indicate the direction of stormwater drainage. No substantial grading activities may be undertaken within drainageways, except in accordance with Title 10, Chapter 13, Village of Belleville, Code of Ordinances."
Recreated Ord. 2004-04-02

Sec. 10-6-43 Certified Survey Map.

The certified survey map shall comply with the provisions of Sec. 236.34, Wis. Stats., and Section 10-6-23.

Sec. 10-6-44 Master Site Grading and Drainage Plan

Created Ord. 2004-04-02

A master site grading and drainage plan consistent with the drainage design standards set forth in Article D to this Chapter shall be required for all subdivisions and certified survey maps. This master site grading and drainage plan shall be prepared at a scale of not more than one hundred (100) feet to the inch and shall legibly show correctly on its face the following information:

- a) Arrows indicating the flow direction of stormwater drainage.
- b) Proposed ground elevation at every lot corner.
- c) Proposed top of curb elevation at every lot corner.
- d) A nominal home or building shape on each lot.
- e) Proposed first floor elevation on each lot.
- f) If applicable, stormwater structural measures before and after grading, if different.
- g) If applicable, location of any off-site stormwater structural measures releasing water onto the site.
- h) Peak discharge rate of stormwater draining from the site to adjacent properties.

- i) Regional and local flood elevations.

Sec. 10-6-45 through Sec. 10-6-59 Reserved for Future Use.

Article D: Design Standards

Sec. 10-6-60 Streets.**a) Street Arrangement.**

- 1) Street layout shall conform to the arrangement, width and location indicated on the official map, master plan, or development plan where applicable. In areas for which such plan has not been completed, the street layout shall recognize the functional classification 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. The land division or subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
- 2) Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of government activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- 3) 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 the mass transportation system, to special traffic generators such as schools, churches, shopping centers, and other concentrations of population, and to the major streets into which they feed.
- 4) Local and 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. Minor streets shall not exceed 800' in length measured from centerline to centerline of intersecting streets. (Rev 96-8-1)
- 5) 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 Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.
- 6) Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets.

- 7) Stream or lake shores shall have 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. The Village shall not be required to improve any lands provided for public access pursuant to this Subsection.
 - 8) Reserve strips (usually owned parcels) controlling access to streets or alleys are prohibited except where control of such strips is placed with the Village under conditions approved by the Plan Commission.
 - 9) Alleys shall be provided in commercial and industrial districts for off-street loading and service access when required by the Plan Commission, but shall not be used in residential areas. When required, alleys shall not be less than twenty-four (24) feet wide and shall be continuous through blocks. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
- b) **Street Names and Building Numbers.**
- 1) Duplication of existing streets names in the Village and adjacent towns by similar word, spelling, or sound shall not be permitted.
 - 2) Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
 - 3) A street name shall be changed when required to conform to the proposed or existing house number base.
 - 4) A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
 - 5) The following designations shall be used only in the situations indicated:
 - a. **Boulevard.** A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall continue.
 - b. **Lane.** A street having a maximum length of five hundred (500) feet, serving a maximum of ten (10) single-family dwellings.
 - c. **Circle.** A cul-de-sac of nine (9) lots or more.
 - d. **Court.** A cul-de-sac of eight (8) lots or less.
 - e. **Parkway.** A street abutting park or greenway or creek.
 - 6) The maximum number of street names at one intersection shall be three (3).
 - 7) Street names shall be assigned so that no two (2) intersections have the same exact street names.
 - 8) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
 - 9) The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this Section.

- 10) Service roads and highways served by them shall have the same street name and designation.
- 11) Approval of street names on a preliminary plat will not reserve the names nor shall the Village be required to accept such names at the time of final platting.
- 12) A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed twelve (12).

Sec. 10-6-61 Street Design Standards.

a) **Minimum Right-of-Way.** The minimum right-of-way of all proposed streets and alleys shall be of the width specified by an applicable master plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

Type of Street R.O.W. Width

Arterials:	(4-Lane Divided)	100 feet
	(Not Divided)	80 feet
Collector Streets		70 feet
Local Streets		60 feet
Cul-de-sacs		60 feet
Alleys		24 feet
Minor		60 feet (Rev 96-8-1)

- b) **Cul-de-sac Streets.**
 - 1) Cul-de-sacs shall not exceed seven hundred fifty 750 feet in length from the centerline of the intersecting street to the center of the cul-de-sac circle.
 - 2) Cul-de-sacs shall terminate in a circular turnaround having a right-of-way diameter of one hundred twenty (120) feet. The reverse curve on a cul-de-sac shall have a fifty (50) foot minimum radius when the bulb is centered on the street and a one hundred (100) foot minimum radius when the bulb is offset.
- c) **Street Grades.**
 - 1) Unless necessitated by exceptional topography and subject to the approval of the Village Public Works Committee, the maximum street grades shall not exceed the following:

Street Classification	Maximum Grade
Arterial Streets	6 %
Collector Streets	8
Local Streets	10
Cul-de-sacs	10
Alleys	8
Minor	10 (Rev 96-8-1)

- 2) The grade of any street shall in no case be less than fifty one-hundredths percent (0.50%).
- 3) All changes in street grades shall provide safe stopping sight distances as conditions require.
- 4) Street grades shall be set at elevations which, to the greatest extent possible, maintain the existing topography, therefore, eliminating the need for removal of natural ground cover for areas outside the street right of way.

d) **Radii of Curvature.**

- 1) When a continuous street center line deflects at any one point by more than five (5) degrees, a horizontal curve shall be introduced having a radius of curvature on said center line of not less than the following:
 - a. **Arterial streets and highways:** Four hundred fifty (450) feet.
 - b. **Collector streets:** Two hundred fifty (250) feet.
 - c. **Local streets:** One hundred fifty (150) feet.
 - d. **Minor streets:** One hundred fifty (150) feet (Rev. 96-8-1)

(2) A tangent at least one hundred fifty (150) feet in length shall be provided between reverse curves on arterial and collector streets, and one hundred (100) feet in length between reverse curves on local streets.

- e) **Half Streets.** Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side, and a reserve strip as determined by the Plan Commission.
- f) **Pavement Widths.** Pavement widths for the various street types shall be established by the Village Engineer, approved by the Village Board, and be shown on Table 1 of this Chapter.

Sec. 10-6-62 Street Intersections.

- a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- b) The number of streets converging at one intersection shall not be more than two (2).

- c) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than one thousand (1,000) feet from centerline to centerline.
- d) Local streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.
- e) Whenever practicable, the distance between local street intersections shall be no less than two hundred fifty (250) feet measured from center line to center line.

Sec. 10-6-63 Blocks.

- a) The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
- b) Blocks in residential areas as measured in the long dimension from street centerline to street centerline shall not be less than six hundred (600) feet nor more than one thousand two hundred (1,200) feet in length unless otherwise dictated by exceptional topography or other limiting design factors.
- c) Pedestrian ways of not less than ten (10) 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 Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities.
- d) Blocks shall have sufficient width 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.
- e) All utility lines for electric power and telephone service shall be placed underground within easements along rear lot lines.

Sec. 10-6-64 Lots.

- a) 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 should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

- b) 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 lake orientation.
 - c) Lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the land is located.
 - d) Every lot shall front or abut on a public street for a distance of at least fifty (50) feet, or in the case of cul-de-sacs, forty (40) feet. The minimum lot width measured at the building setback line shall be seventy-five (75) feet. (This applies in lieu of less stringent standard.)
 - e) Side lot lines shall, as nearly as practicable, be at right angles to straight streets or radial to curved street lines.
 - f) Lots shall follow municipal boundary lines rather than cross them whenever practicable.
 - g) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
 - h) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
 - i) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
 - j) Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow the future division of any such parcel into normal lots in accordance with the provisions of this Ordinance.
 - k) 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 in any plat abutting a lake or stream.
 - l) Lots shall be graded to provide drainage as indicated on the master site grading and drainage plan.
- Created Ord. 2004-04-02

Sec. 10-6-65 Building Setback Lines.

Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be recommended by the Plan Commission.

Sec. 10-6-66 Utility and Drainage Easements.

- a) Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, water mains, electric lines, telephone and cable television communication lines.
- b) Easements for electric, telephone, gas, and cable television communication lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified

survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map (see Section 10-6-42).

- c) All easements for storm and sanitary sewers, water mains, pedestrian walks, and other public purposes shall be noted on the plat or certified survey as "Public Easement for" followed by reference to the use or uses for which they are intended.
- d) Where the electric or communications facilities or both are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or the need to alter such facilities.
- e) Where a land division, subdivision, or development plan is traversed by a water course, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel to streets or parkways and may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow; these sizes and design details to be subject to review and approval by the Village Engineer and Plan Commission. Where feasible, drainage easements should substantially maintain existing water flow patterns onto neighboring lands.

Sec. 10-6-67 Drainage System Created Ord. 2004-04-02

- a) Minor drainage system facilities must be designed to prevent stormwater from encroaching on any traffic lane of a collector street, arterial street, or the center 24 feet of any local street.
Notwithstanding the foregoing, water may inundate to the limits of any drainageway, cul-de-sac, or permanently dead end streets serving less than ten (10) dwelling units.
- b) Major drainage system facilities shall be capable of preventing stormwater accumulation from inundating any buildings at the ground line, unless such buildings are flood-proofed or otherwise designed to prevent inconvenience or damage from infrequent storm events. On arterial streets and in commercially-zoned districts, the major drainage system facilities shall be designed to prevent the depth of water at the crown of the street from exceeding six (6) inches to permit the operation of emergency vehicles.
- c) Multi-family residential, commercial and industrial developments shall discharge stormwater to the drainage system at a rate of discharge no greater than the pre-development 10-year storm event.
- d) Subdivisions and CSMs shall be graded to provide drainageways between lots, blocks and adjacent properties. All grading must ensure that all stormwater drainage discharges from the site to the

public right-of-way or dedicated drainageways, including storm sewers. Drainageways shall be located, to the extent possible, along property lines and may be encumbered by easements dedicated to the public.

- e) All grades adjacent to the public right-of-way shall be graded consistent with the grades established by the Village Engineer.
- f) Concentrated stormwater drainage shall not be allowed to discharge across sidewalks, bike paths or driveway aprons if that flow originates from:
 - 1) Any lot zoned commercial, industrial, or institutional; or
 - 2) An area contributing stormwater runoff from eight (8) or more residential units.
- g) All building floors and basement openings shall be a minimum of two (2) feet above the regional and/or local flood elevation, or be flood-proofed.
- h) The master site grading and drainage plan shall accommodate stormwater drainage through the site as well as from the site.

Sec. 10-6-68 through Sec. 10-6-79 Reserved for Future Use.

Article E: Required Public Improvements

Sec. 10-6-80 Required Improvements.

- a) **Statement of Intent.** It is the intent of the Village to insure quality in land development and to insure that each development pays its share of the cost of public facilities and services. The Village will encourage the use of planned developments employing innovative techniques for the design of functional and aesthetic neighborhoods and which maximize open space and preserve the natural environment.
- b) **Monuments.** The subdivision shall be monumented (boundaries marked by iron pipes) in accordance with the requirements of Sec. 236.15, Wis. Stats. If the topography is such that grading is required, or when requested by the Village Engineer, the subdivider shall place the monuments after the grading is completed. The subdivider shall execute a surety acceptable to the Village, in an amount required by the Village Engineer, to insure that the monuments will be placed within the required time.
- c) **Improvements.**
 - 1) **Building Permit Issuance.** Prior to the issuance of any building permits in a subdivision or a land division located within the corporate limits of the Village, the subdivider shall have completed the installation of all required street and utility improvements as hereinafter provided. A building permit may be issued prior to the completion of required improvements if the following conditions are met:
 - a. Direct access to the lot may be obtained from other improved streets not under construction;
 - b. The Village has received approval for required sewer and water main extensions from the Wisconsin Department of Natural Resources;
 - c. The subdivider has executed an agreement with the Village for the installation of the required improvements;
 - d. All required deposits and fees have been paid by the subdivider;
 - e. The Village or the subdivider has awarded a contract for the installation of improvements;
 - f. The subdivider has executed a waiver of notice and protest of special assessments.
 - 2) **Public Water Supply.** Water mains and appurtenances shall be installed in accordance with plans and specifications prepared by the Village Engineer so as to provide service to each lot within the subdivision or land division. The subdivider shall assume the cost of installing all water mains up to eight (8) inches in diameter.
 - 3) **Sewage Collection System.** Sanitary sewer mains and appurtenances shall be installed in accordance with plans and specifications prepared by the Village Engineer so as to provide service to each lot within the subdivision or land division. The subdivider shall assume the cost of installing all sanitary sewers up to ten (10) inches in diameter.

- 4) **Streets.** Standard street improvements shall be installed in all subdivisions and, where required, in any land division in accordance with plans and specifications prepared by the Village Engineer. (See Table 1.)
- 5) **Sidewalks.** On streets so designated by the Public Works Committee and the Plan Commission, sidewalks shall be installed in accordance with plans and specifications prepared by the Village Engineer.
- 6) **Drainage System.** Recreated Ord. 2004-04-02
 - a. The subdivider shall install a drainage system, including storm sewers, necessary to manage all stormwater draining through the lands being developed in accordance with the design standards set forth in sec. 10-6-67, and as approved by the Village Engineer.
 - b. The Village Engineer shall review the master site grading and drainage plan at the time it is submitted for Plan Commission review. At this time, the Village Engineer shall determine if it is necessary to increase the capacity of the proposed drainage system to enable said system to serve the entire basin or sub-basin. Where the Village Engineer determines such increase in capacity is necessary, the Village Engineer shall also determine that portion of the estimated cost of constructing the required drainage system components which is attributable to such increase in capacity of the drainage system components.
 - c. The cost of constructing the drainage system components which serve the plat or planned development shall be borne solely by the developer. If the Village Engineer determines that the drainage system components must be oversized to accommodate flows originating off-site, the village shall be responsible for the difference between the costs to construct a drainage system serving the development, and the costs to increase the capacity of the drainage system to accommodate off-site flows.
 - d. Final approval of the master site grading and drainage plan shall be made by the Village Engineer in writing.
- 7) **Street Lamps.** The subdivider shall install street lamps along all streets proposed to be dedicated of a design comparable with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board.
- 8) **Street Signs.** The subdivider shall install street lamps along all streets proposed to be dedicated, a street sign of a design specified by the Village Engineer.

Sec. 10-6-81 Erosion, Sediment, and Water Runoff Control.

All subdivisions and land divisions shall comply with Title 10, Chapter 8 of this Code of Ordinances.

Sec. 10-6-82 Additional Improvements.

Additional improvements, reasonable in nature, may be required by the Village even though the same are not herein specified. Such improvements shall be installed in accordance with the plans and specifications prepared by the Village Engineer.

Sec. 10-6-83 Qualification of Contractors.

All improvements shall be installed by contractors approved by the Public Works Committee in accordance with the plans and specifications prepared by the Village Engineer.

Sec. 10-6-84 Inspection of Improvements.

The improvements specified shall be installed under the inspection of the Village Engineer at the expense of the subdivider. The required improvements shall be approved and accepted by the Village Board prior to the issuance of any building permits in the subdivision.

Sec. 10-6-85 Land Divider's Agreements.

- a) **Cost Reimbursement; Agreements.** Developers shall reimburse the Village for all administrative, engineering and legal service costs incurred in map or plat review and shall execute the agreements and file the securities required under Section 1-3-1. Amended 2004-06-05
- b) **Preliminary Land Divider's Agreement.** At the time of filing a preliminary application under Section 10-6-21, the developer shall execute for the benefit of the Village an agreement agreeing to pay and providing adequate security guaranteeing payment of the cost of review of the preliminary application and the final plat or map by the Plan Commission and Village Board, without limitation by enumeration, legal, engineering, and general administrative costs. No preliminary application shall be processed by the Village until a Preliminary Land Divider's Agreement is executed and filed with the Village Clerk-Treasurer and the required security, approved by the President, is provided. The Village Board may, from time to time, adopt a model Preliminary Land Divider's Agreement. A copy of the model agreement shall be kept on file in the office of the Village Clerk-Treasurer.
- c) **Final Land Divider's Agreement.** At the time of submission of the final map or plat under Section 10-6-22, the developer shall execute a Final Developer's Agreement agreeing to pay and providing adequate security guaranteeing payment to the Village of the costs of required public improvements described in Section 10-6-80, including without limitation by enumeration, the legal, engineering, general administrative and construction costs. No final map or plat shall be reviewed or processed until the Village Clerk-Treasurer states on the face of the proposed final map or plat that the contract required by this Section has been executed and the required security provided. The Village Board may, from

time to time, adopt a model final Land Divider's Agreement. A copy of the model agreement shall be kept on file in the office of the Village Clerk-Treasurer.

Sec. 10-6-86 Installation of Improvements.

a) By Private Contract.

- 1) All required improvements specified herein shall be installed at the sole expense of the subdivider, including construction staking and inspection provided by the Village Engineer and other indirect costs. The subdivider shall contract with one general contractor for the installation of all required improvements. The general contractor and all subcontractors shall meet the qualifications under Section 10-6-83. Before the subdivider enters into a construction contract, the Village shall approve the completion terms called for by such contract. The subdivider shall also enter into an agreement with the Village setting forth the subdivider's obligation to the Village.
- 2) To guarantee the satisfactory installation of the required improvements, and as a condition for approval of the final plat, the subdivider shall file with the Village a surety document acceptable to the Village in the amount of one hundred twenty-five percent (125%) of the estimated direct and indirect costs of the required improvements. As work progresses, the Village may permit a reduction in the amount guaranteed by the surety document equal to the value of the improvements installed and approved by the Village. However, the surety amount shall not be less than fifteen percent (15%) of the original amount. The subdivider shall guarantee all improvements constructed against defects in material and workmanship for a period of one (1) year from the date of acceptance by the Village. During the guaranteed period, the subdivider shall promptly repair or replace any work determined to be defective by the Village Engineer. Upon completion of the guarantee period, and if all defects have been corrected, the Village shall release the remaining surety.

b) By Public Contract.

- 1) The Village Board may, upon written request of a subdivider, elect to contract on behalf of the Village for installation of the required improvements. Prior to the Village entering into such contract, the subdivider shall furnish an irrevocable letter of credit, with the Village as beneficiary, in an amount equal to one hundred twenty-five percent (125%) of the estimated cost of all required improvements as determined by the Village Engineer.
- 2) The cost of all required improvements shall be assessed by the Village against the property benefited thereby. As a condition for approval of the final plat, the subdivider shall waive, pursuant to Section 66.60(18), Wis. Stats., the notice and hearing otherwise required for the levy of a special assessment for the cost of the installed improvements.

Sec. 10-6-87 Special Assessment Procedure.

- a) Special assessments levied for the cost of improvements provided by public contract may be paid in full within thirty (30) days' notice of the amount due, or, at the subdivider's option, in five (5) equal annual installments, the first such installment being due on the date the real estate taxes become due for the year in which the improvements were completed and the remaining installments being due on each anniversary thereafter.
- b) After each annual installment hereunder is paid, the letter of credit amount required under Section 10-6-86(b)1 shall be reduced by twenty percent (20%).
- c) Any unpaid balance due hereunder shall bear interest in favor of the Village at an annual rate which is one percent (1%) greater than the interest rate at which the Village has borrowed funds for a particular project. Such interest shall accrue from the date the Village expenditures for such project first exceed the ten percent (10%) payment required by Section 10-6-85.
- d) Notwithstanding anything stated herein to the contrary, upon the sale of any parcel for which a special assessment has been levied under this Section, the full balance of the special assessment, including accrued interest for such parcel, shall become due and payable and if not immediately paid, in addition to any other available remedies, the Village may at its option withhold issuing a building permit for construction on such parcel.

Sec. 10-6-88 Reimbursement of Assessment to Subdivider.

If the Village Board elects not to defer the assessments, the subdivider shall pay the costs of all required improvements and shall be entitled to reimbursement therefore which benefits other undeveloped lands. The right to reimbursement shall, however, be delayed until such other lands are also improved or otherwise subdivided or developed. The Village may enter into an agreement with the subdivider requiring payment for the cost of public improvements which have benefitted undeveloped lands. The Village shall condition the approval of any future land divisions or subdivisions of the benefitted property upon such payment. Calculations of sums reimbursable hereunder shall be determined by the Village Engineer and be based upon original costs only, without accrued interest or introduction of inflationary factors. All rights to reimbursement shall expire twenty (20) years from the date of plat approval for the subdivision which necessitated the original improvements for which such reimbursement is sought.

Sec. 10-6-89 through Sec. 10-6-99 Reserved for Future Use.

Article F: Exceptions, Fees and Penalties

Sec. 10-6-100 Exceptions.

- a) Where the Village finds that unnecessary hardship may result from strict compliance with these regulations, it may vary the regulations so that substantial justice may be done; provided that the public interest is secured and that such exceptions will not have the effect of nullifying the intent and purpose of these regulations.
- b) Any modifications or exception thus granted shall be entered in the minutes of the Village Board setting forth the reasons which, in the judgment of the Village, justified the modification or variance.
- c) Appeals by land dividers of certified survey map decisions by the Plan Commission may be filed with the Village Board. Appeals must be filed within thirty (30) days of the decision being appealed.

Sec. 10-6-101 Fees.

At the time of submitting a plat or certified survey application, the developer shall pay to the Village Clerk-Treasurer filing fees. All filing fees shall be set by Village Board resolution.

Sec. 10-6-102 Penalty.

Except as otherwise provided for herein, any person who fails to comply with the provisions of this Chapter, or any order, rule, or regulation made hereunder, upon conviction thereof shall be subject to penalties and forfeitures as provided in Sec. 236.30, 236.31, 236.32, 236.335 and 236.35, Wis. Stats.