

TITLE 14

Subdivision Regulations

Chapter 1

Subdivision Regulations

4

11

12

Title 14 ► Chapter 1

Subdivision Regulations

Article A Adoption; Introduction

| | |
|-----------------------|-------------------------------------|
| 14-1-1 | Introduction and Purpose |
| 14-1-2 | Abrogation and Greater Restrictions |
| 14-1-3 | Interpretation |
| 14-1-4 | Severability |
| 14-1-5 | Repeal |
| 14-1-6 | Title |
| 14-1-7 through | |
| 14-1-9 | Reserved for Future Use |

Article B Definitions

| | |
|------------------------|-------------------------|
| 14-1-10 | Definitions |
| 14-1-11 through | |
| 14-1-19 | Reserved for Future Use |

Article C General Provisions

| | |
|------------------------|--|
| 14-1-20 | General Provisions |
| 14-1-21 | Land Suitability |
| 14-1-22 | Preliminary Consultation |
| 14-1-23 | Site Assessment Checklist and Concept Plan Submittal |
| 14-1-24 | Condominium Developments |
| 14-1-25 through | |
| 14-1-29 | Reserved for Future Use |

Article D Plat Review and Approval

| | |
|----------------|--|
| 14-1-30 | Submission of Preliminary Plat |
| 14-1-31 | Preliminary Plat Review and Approval |
| 14-1-32 | Technical Requirements for Preliminary Plats |

| | |
|------------------------|--|
| 14-1-33 | Technical Requirements for Final Plats |
| 14-1-34 | Final Plat Review and Approval |
| 14-1-35 | Land Divisions and Consolidations by Certified Survey Map |
| 14-1-36 | Technical Requirements for Certified Survey Land Divisions |
| 14-1-37 | Replat |
| 14-1-38 | Determination of Adequacy of Public Facilities |
| 14-1-39 through | |
| 14-1-49 | Reserved for Future Use |

Article E Required Improvements

| | |
|------------------------|---|
| 14-1-50 | Improvements Required |
| 14-1-51 | Required Agreement Providing for Proper Installation of Improvements; Surety |
| 14-1-52 | Required Construction Plans; Village Review; Inspections |
| 14-1-53 | Street Improvements |
| 14-1-54 | Curb and Gutter |
| 14-1-55 | Sidewalks and Bikeways |
| 14-1-56 | Sanitary Sewerage System |
| 14-1-57 | Water Supply Facilities |
| 14-1-58 | Storm Water Drainage Facilities |
| 14-1-59 | Other Utilities |
| 14-1-60 | Street Lamps |
| 14-1-61 | Street Signs |
| 14-1-62 | Erosion Control |
| 14-1-63 | Partition Fences/Hedges |
| 14-1-64 | Easements |
| 14-1-65 | Extra-Sized and Off-Site Facilities |
| 14-1-66 | Acceptance of Improvements and Dedications |
| 14-1-67 | Site Grading |
| 14-1-68 through | |
| 14-1-69 | Reserved for Future Use |

Article F Design Standards

| | |
|----------------|---|
| 14-1-70 | General Street Design Standards |
| 14-1-71 | Specifications for Preparation, Construction and Dedication of Streets and Roads |
| 14-1-72 | Block Design Standards |

| | |
|------------------------|---|
| 14-1-73 | Lot Design Standards |
| 14-1-74 | Drainage and Stormwater Management System |
| 14-1-75 | Non-Residential Subdivisions |
| 14-1-76 | Grading |
| 14-1-77 | Erosion Control |
| 14-1-78 through | |
| 14-1-79 | Reserved for Future Use |

Article G Park and Public Land Dedication

| | |
|------------------------|--|
| 14-1-80 | General Park and Public Land Dedication Requirements |
| 14-1-81 | Land Dedication |
| 14-1-82 | Reservation of Additional Land |
| 14-1-83 | Development of Park Area |
| 14-1-84 through | |
| 14-1-89 | Reserved for Future Use |

Article H Fees

| | |
|------------------------|--|
| 14-1-90 | Administrative and Other Fees |
| 14-1-91 through | |
| 14-1-99 | Reserved for Future Use |
| | Appendix: Sample Agreement as to Costs With the Village of Livingston |

Article I Variances; Penalties and Violations

| | |
|-----------------|-------------------------------------|
| 14-1-100 | Variances and Exceptions |
| 14-1-101 | Enforcement, Penalties and Remedies |
| 14-1-102 | Disclaimers on Approvals |
| 14-1-103 | Restrictions for Public Benefits |

Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Livingston, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Livingston.
 - (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.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Livingston in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
 - (2) Insuring proper legal description and proper monumenting of land;
 - (3) Preventing overcrowding of land and avoiding undue concentration of population;
 - (4) Lessening congestion in the streets and highways;
 - (5) Securing safety from fire, flooding, water pollution and other hazards;
 - (6) Providing adequate light and air;
 - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
 - (8) Facilitating further resubdivision of larger parcels into smaller parcels of land;
 - (9) Insuring enforcement of the development concepts, policies and standards delineated in the Village of Livingston Master Plan ("Smart Growth Plan") and related components, and, but not limited to, the Official Map, the Parks and Open Space Plan, the Transportation Plan, the Zoning Code, Erosion Control and Storm Water Runoff Code, and the Building Code of the Village of Livingston, if such plans are adopted by the Village.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;

- (2) **Lessen Congestion** in the streets and highways;
 - (3) **Further the Orderly** layout and appropriate use of land;
 - (4) **Secure Safety** from fire, panic, and other dangers;
 - (5) **Provide Adequate Light** and air;
 - (6) **Facilltate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
 - (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
 - (10) **Preserve Natural Vegetation and Cover** and promote the natural beauty of the Village of Livingston;
 - (11) **Restrict Building Sites** in areas covered by poor soils or in other areas poorly suited for development;
 - (12) **Facilltate the Further Division** of larger tracts into smaller parcels of land;
 - (13) **Ensure Adequate** legal description and proper survey monumentation of subdivided land;
 - (14) **Provide for the Administratlon** and enforcement of this Chapter;
 - (15) **Provide Penalties** for its violation; and
 - (16) **Implement** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village Zoning Code, Village Building Code and other planning documents of the Village of Livingston described in Subsection (b)(9) above.
- (d) **Dedication and Reservation of Land.**
- (1) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Master Plan or Official Map (if adopted by the Village), the subdivider shall plat said public way in the locations and dimensions indicated on said Master Plan or Official Map (if adopted by the Village). The Village Board, upon the recommendation of the Planning Committee, shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
 - (2) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Master Plan, Park and Open Space Plan, or Official Map (if adopted by the Village), said public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Village Board, upon the recommendation of

- the Planning Committee, in the locations and dimensions indicated on said plans or map in accordance with the requirements of Article H of this Chapter.
- (3) Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Village Board, upon the recommendation of the Planning Committee.

State Law Reference: Chapter 236, Wis. Stats.

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

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

Sec. 14-1-3 Interpretation.

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

Sec. 14-1-4 Severability.

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

Sec. 14-1-5 Repeal.

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

Sec. 14-1-6 Title.

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

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

Article B: Definitions

Sec. 14-1-10 Definitions.

(a) The following definitions shall be applicable in this Chapter:

- (1) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
- (2) **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 and to collector and minor streets.
- (3) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (4) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (5) **Building Line or Building Setback Line.** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
- (6) **Certified Survey Map.** See "Minor Land Division."
- (7) **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.
- (8) **Committee.** The Planning Committee created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
- (9) **Comprehensive Plan (Master Plan).** The extensively developed plan, also called a Smart Growth Plan or master plan, adopted by the Village Planning Committee and certified to the Village Board pursuant to Sections 61.35 and 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
- (10) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
- (11) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (12) **Consolidation.** Legally merging two (2) or more recorded parcels into a single parcel.
- (13) **Conveyance.** Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.

- (14) **Cul-de-sac.** A local street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.
- (15) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (16) **Development.** Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the alternating of land and land cover and have detrimental impact on the ground and surface waters.
- (17) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale, development, foreclosure or condemnation.
- (18) **Drainageway.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses.
- (19) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
- (20) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (21) **Floodlands.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (22) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (23) **Frontage Street.** A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

- (24) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (25) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (26) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (27) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (28) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (29) **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.
- (30) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (31) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (32) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (33) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (34) **Lot Lines.** The peripheral boundaries of a lot as defined herein.

- (35) **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.
- (36) **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.
- (37) **Lot Width.** The width of a parcel of land measured along the front building line.
- (38) **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.
- (39) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village agency which may pertain to the division of lands, including the Comprehensive Plan, Smart Growth Plan, the Official Map, comprehensive utility plans, and other planning documents (if available) including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (40) **Minor Land Division (Certified Survey Map).** Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.
- (41) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (42) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (43) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (44) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to the Wisconsin Statutes.

- (45) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
- (46) **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, having any pecuniary interest in lands regulated by this Chapter.
- (47) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (48) **Person.** Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (49) **Planned Unit Development or PUD.** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (50) **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.
- (51) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (52) **Preliminary Plat.** The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Planning Committee for its consideration as to compliance with the Comprehensive Plan (if one is adopted) and these regulations along with required supporting data.
- (53) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (54) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (55) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot

- or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (56) **Residential Dwelling Unit or Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
 - (57) **Right-of-Way.** A public way dedicated to the public for its intended use.
 - (58) **Sewer Service Area.** If the Village adopts such a classification, that portion of the Village and the area within its extraterritorial jurisdiction which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
 - (59) **Shorelands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
 - (60) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.
 - (61) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
 - (62) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
 - (63) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.
 - (64) **Subdivision.** Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
 - a. The act of division creates five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of one and one-half (1.5) acres each or less in area are created by successive divisions within a period of five (5) years.
 - (65) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
 - (66) **Village.** The Village of Livingston, Iowa and Grant Counties, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.

- (67) **Wetlands.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (68) **Wisconsin Administrative Code.** The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

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

Article C: General Provisions

Sec. 14-1-20 General Provisions.

- (a) **Compliance.** No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Plumbing, Wisconsin Department of Commerce, contained in Wis. Adm. Code Chapter H85 for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for the Floodplain Management Program, and the Shoreland/Wetlands Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
 - (6) All applicable Village of Livingston and county regulations, including zoning, sanitary, building and official mapping ordinances.
 - (7) The Village of Livingston Master Plan, Smart Growth Plan and Official Map (if adopted by the Village Board) or components thereof:
 - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
 - b. Where a proposed school site or other public ground shown on the Master Plan or Official Map of the Village of Livingston is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the Village of Livingston, or any other appropriate agency having the authority to purchase said property. The Village, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.
 - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

- (9) The Village's sewer and water rules on file with the Public Service Commission of the State of Wisconsin concerning sewer and water installations and services. These rules, and the Village's sewer use ordinance (Title 9, Chapter 2), are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within the extraterritorial jurisdiction of the Village of Livingston, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and 66.32 of Wisconsin Statutes.
- (c) **Jurisdiction.** 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) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (d) **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., subject to approval of the Village Board.
- (e) **Compliance; Issuance of Permits.** The Village of Livingston 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 of the Village of Livingston.
- (f) **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.
- (g) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Village Board of the Village of Livingston, must be recorded together with the adopting resolution, with the County Register of Deeds within thirty (30) days of the date of the last resolution of preliminary approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Village until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Village Clerk-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the Village Clerk-Treasurer.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Planning Committee, upon the recommendation of the Village Engineer or any other agency or consulting professional designated by the Village, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Planning Committee, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Engineer or any other agency or consulting professional designated by the Village Board, upon the recommendation of the Planning Committee, may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.
- (c) **Miscellaneous Provisions.** Village officials shall also consider, but not be limited to, the following items in determining land suitability:
 - (1) **Floodlands.** No lot served by public sanitary sewer facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
 - (2) **Lands Having a Slope** of twenty percent (20%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (d) **Application of Standards By Planning Committee.** The Village Planning Committee, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he/she so desires. Thereafter the Planning Committee may affirm, modify, or withdraw its determination of unsuitability.

Sec. 14-1-22 Preliminary Consultation.

Before filing a Preliminary Plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Planning Committee and Village staff for advice regarding general

subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his/her development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

Cross-Reference: Section 14-1-90, Administrative Fees; Cost Recovery Agreement

Sec. 14-1-23 Site Assessment Checklist and Concept Plan Submittal.

In planning and developing a subdivision of five (5) acres or more (minor subdivisions are excluded from the provisions of this Section), the subdivider or agent shall, in every case, pursue the following course:

- (a) **Site Assessment and Concept Plan Procedure.** Before filing an application for approval of a preliminary plat map, the subdivider shall consult with the Village's staff and shall prepare the following:
 - (1) A Site Assessment Checklist per the requirements of Subsection (b) below.
 - (2) A Concept Plan per the requirements of Subsection (d) below.
 - (3) Written requests for any water main and sanitary sewer extensions necessary to serve the proposed plat.
 - (4) A signed statement listing development projects for which the applicant has received Village approval in the last five (5) years and indicating any outstanding performance or financial obligations on such projects which derive from application of Village land use regulations. If this statement is found to contain information which is contrary to fact or to omit the listing of such projects or obligations or to describe obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is cured.
- (5) On completion of the above documents [Subsections (a)(1)-(4)], a preapplication meeting may be held with the Planning Committee and/or Village staff to assist the subdivider in appraising the objectives of these regulations, the Master Plan, the Official Map and any pertinent ordinances and to reach conclusions regarding the objectives and general program for the development.
- (6) The subdivider shall revise the submitted documents per the direction of the Planning Committee. Ten (10) copies of said revised documents shall be submitted to Village

Clerk-Treasurer, which shall distribute the copies for review and comment by the Planning Committee.

- (b) **Site Assessment Checklist.** A Site Assessment Checklist shall be prepared by the subdivider for review and approval by the Planning Committee.
- (1) **Purpose.** The purpose of this Site 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 Sec. 236.45(1), Wis. Stats. The Planning Committee will use these procedures in determining land suitability. 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 storm water 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.
 - (2) **Coverage.** The Site Assessment Checklist requirement shall apply to all land divisions, except for minor subdivisions.
 - (3) **Site Assessment Checklist for All Land Divisions and Community Development Plans.** NOTE: All "yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

SITE ASSESSMENT CHECKLIST

| ITEM # | ITEM OF INFORMATION | Yes | No |
|---------------|---|------------|-----------|
| I. | Land Resources. Does the project site involve: | | |
| A. | Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum, two (2) foot contour intervals.) | ___ | ___ |
| B. | A landform or topographical feature including perennial streams | ___ | ___ |
| C. | A floodplain (If "yes", attach two (2) copies of the 100-year floodplain limits and the floodway limits (if officially adopted)) | ___ | ___ |
| D. | An area of soil instability — greater than 20% slope and/or organic soils, peats, or mucks at or near the surface as depicted in the applicable "County Soils Atlas" | ___ | ___ |
| E. | An area of bedrock within 6 ft. of the soil surface as depicted in the applicable "County Soils Survey" | ___ | ___ |
| F. | An area with groundwater table within 10 ft. of the soil surface as depicted in the applicable "County Soils Survey", based on the seasonal high water table per soil classifications | ___ | ___ |
| G. | An area with fractured bedrock within 10 ft. of the soil surface as depicted in the applicable "County Soils Atlas" | ___ | ___ |
| H. | Gravel extraction operations | ___ | ___ |
| I. | A drainageway for 5 or more acres of land | ___ | ___ |
| J. | Lot coverage of more than 50% impermeable surfaces | ___ | ___ |

- K. Prime agricultural land as depicted in adopted farm land preservation plans if so identified in Village planning documents _____
- L. Wetlands as depicted on wetland inventory maps _____
- M. Officially Mapped environmental corridors _____

II. Water Resources. Does the project involve:

- A. Location in an area traversed by a navigable stream or dry run _____
- B. Impact on the capacity of a storm water storage system or flow of a waterway within 1 mile _____
- C. The use of septic tank for on-site waste disposal (if allowed) _____
- D. Lowering of water table by pumping or drainage _____
- E. Raising of water table by altered drainage _____
- F. Lake or river frontage _____

III. Biological Resources. Does the project site involve:

- A. Critical habitat for plants and animals of community interest per DNR inventory _____
- B. Endangered, unusual or rare species of:
1. Land animals per DNR inventory _____
 2. Birds per DNR inventory _____
 3. Plants per DNR inventory _____
- C. Removal of over 30% of the present trees on the site _____

IV. Human and Scientific Interest per State Historical Society Inventory. Does this project site involve:

A. An area of archeological interest

B. An area of historical interest

1. Historic buildings or monuments

V. Energy, Transportation and Communications.

A. Does the development increase traffic flow on any arterial or collector street by more than 10% based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers (ITE)

B. Is the development traversed by an existing or planned utility corridor (Gas, Electrical, Water, Sewer, Storm, (Communications)

VI. Population.

A. Which public school service areas (elementary, middle and high) are affected by the proposed development, and what is their current available capacity?

E:_____

Cap:_____

M:_____

Cap:_____

H:_____

Cap:_____

VII. Comments on any of the above which may have significant impact.

VIII. Appendices and Supporting Material.

Subdivision Regulations

14-1-23

Developer/Applicant _____ Telephone _____

Address _____

Attorney _____ Engineer _____

Date Submitted _____

Legal Description (to be attached)

(c) **Site Assessment Report.**

- (1) **Determination of Need for Site Assessment Report.** The Site Assessment Checklist, Concept Plan, Utility Extension Request and Financial Obligation Report required in Subsection (a), above, shall be reviewed by the Planning Committee upon receipt of reports from the Applicant. The Planning Committee may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, decide that the Site Assessment Checklist raises unusually significant questions on the effects on the environment and/or that an unusually high level of citizen interest has resulted from questions raised in the Site Assessment Checklist and that review by other Village committees and commissions is required. The listing of questions can include items which this Chapter already enables the Planning Committee to obtain, or it may include additional information which is relevant to the questions specified in the resolution. The resolution may also request data on the specific impact questions from other governmental agencies or from the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data is to be presented.
- (2) **Optional Hearing on Site Assessment Report.** Following the return to the Planning Committee of the data required in the resolution adopted under the Section above, the Planning Committee shall make such report available for scrutiny by the applicant or petitioner, by Village departments, commissions and committees and by other interested persons or agencies. The Planning Committee may schedule and hold a public hearing on the findings of the report. The hearing shall be preceded by a Class I notice under Chapter 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
- (3) **Review of Site Assessment Report.** The Planning Committee shall review the Site Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within forty-five (45) days after submission to the Planning Committee of the final expanded Site Assessment Report, the Planning Committee shall decide whether said land is suitable for development and proceed as required by Subsection (d) below.

(d) **Concept Plan Requirements.** A Concept Plan shall be prepared by the subdivider for review and approval by the Planning Committee.

- (1) **Purpose.** The purpose of this Concept Plan is to depict the general intent of the subdivider in terms of general layout of the land division, and its relationship to nearby properties, utilities and other public facilities. In conjunction with the Site Assessment Checklist, the Concept Plan provides an opportunity to review the general intent and impact of the proposed land division, without the need for detailed engineering, surveying and other time-consuming and costly processes associated with the Preliminary Plat.

- (2) **Coverage.** The Concept Plan requirement shall apply to all land divisions, including minor subdivisions. The Planning Committee may waive the requirement for the filing of a Concept Plan for minor subdivisions of less than five (5) acres total area.
- (3) **Concept Plan Submission Requirements.** The Concept Plan shall be submitted in at a scale of not more than two hundred (200) feet to one (1) inch and shall show all lands under the control of the applicant which are contiguous or separated only by existing public roads, or railroad rights-of-way. The Concept Plan shall show the following information:
 - a. Name of the proposed subdivision.
 - b. Name, address and telephone number of the owner, subdivider, engineer, land surveyor and land planner.
 - c. Date, graphic scale and north point.
 - d. Location of the proposed subdivision by government lot, quarter section, township, range and county, and a location map showing the relationship between the plan and its surrounding area.
 - e. The exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - f. The location of existing property lines, buildings, drives, streams and water courses, dry runs, lakes, marshes, rock outcrops, wooded areas, environmental corridors, and other similar significant features within the parcel being subdivided.
 - g. The location, right-of-way width and names of any adjacent existing streets, alleys or other public ways, easements, and railroad and utility rights-of-way within or adjacent to the proposed subdivision.
 - h. The name and width of any adjacent existing street pavements for streets located outside the Village limits.
 - i. The location and size of any existing sanitary and storm sewers, culverts, or drain pipes, and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance and the size of those to be connected to by the development shall be indicated.
 - j. Location and names of adjacent subdivisions, parks and cemeteries.
 - k. Existing land use and zoning included within or adjacent to the proposed subdivision.
 - l. General location and right-of-way width of all proposed streets.
 - m. General layout and size of all lots.
 - n. General location and approximate area and dimensions of any sites proposed to be reserved or dedicated for parks, playgrounds, greenways or other public uses or which are to be used for group housing, shopping centers, church sites or other nonpublic uses.

- o. General location and area of stormwater drainage facilities.
- p. A preliminary listing of dwelling unit counts by single-family, two-family, three-family, four-family and multi-family types, and the approximate area devoted to non-residential uses.
- q. The preliminary development schedule indicating the approximate timing of the proposed development.

Sec. 14-1-24 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 Livingston determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon Village 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 14-1-21 relating to land suitability and construction practices.
- (2) Sections 14-1-30 through 14-1-32 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-32 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.

- (3) Article H relating to fees for review.
- (4) Article E relating to required improvements.
- (5) Article F relating to design standards for improvements.
- (6) Article G relating to dedication requirements.
- (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. 14-1-25 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Planning Committee at which consideration is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Planning Committee and to the Village Engineer and Village Attorney for review and written report of their recommendations and reactions to the proposed plat. An abstract of title or registered property report may be requested at this time by the Village Attorney at this time for his/her examination and report.
- (b) **Public Improvements; Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer a report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.
- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
- (f) **Street Plans and Profiles.** The subdivider shall provide general street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** If requested by the Village Engineer, the subdivider shall be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their

effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table, pursuant to Section 14-1-32(c).

- (h) **Drafting Standards.** The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

Cross-Reference: Section 14-1-90, Administrative Fees; Cost Recovery Agreement

Sec. 14-1-31 Preliminary Plat Review and Approval.

- (a) **Referral to Other Agencies.**

- (1) The subdivider shall, within two (2) days after filing with the Village, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies. The subdivider shall provide written verification to the Village that these submittals have been made.
- (2) The Village Clerk-Treasurer shall also transmit two (2) copies of the Preliminary Plat to the Village Planning Committee and additional copies to utilities and all affected Village committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Planning Committee within thirty (30) days from the date the Preliminary Plat is filed. The Preliminary Plat shall then be reviewed by the Planning Committee for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

- (b) **Objecting Agency Response.** Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (a)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat.
- (c) **Advisory Planning Committee Review.** After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Planning Committee shall, within sixty (60) days of the date the plat was filed with the Village Clerk-Treasurer, make a recommendation to approve, 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 with the subdivider. The Planning Committee may obtain an extension of time from the subdivider by which the Planning Committee must act on said Plat from the developer (this procedure is recommended in those cases where objections are made to the layout, design or similar aspects of said Preliminary Plat and there is insufficient time in which said corrections may be made by the subdivider and resubmitted to the Planning Committee for action). The subdivider shall be notified in writing of any conditions for approval or the reasons for rejection. The recommendations of the Planning Committee shall be submitted to the Village Board for approval.
- (d) **Board Action.** After receipt of the Planning Committee's recommendations, the Village Board shall, within ninety (90) days of the date the plat was filed with the Village Clerk-Treasurer, approve, 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 with the subdivider. Failure of the Village Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
- (e) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval. Conditional approval may be granted subject to satisfactory compliance with pertinent provisions of this Chapter and Ch. 236, Wis. Stats. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Planning Committee and Village Board at the time of its submission.

- (f) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

Sec. 14-1-32 Technical Requirements for Preliminary Plats.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the Village unless considered an addition to the subdivision.
 - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, subdivider, land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider may be required by the Planning Committee and/or Village Board to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Village Board, upon the recommendation of the Village Engineer, may waive these requirements where adjacent development patterns have already been established or where severe hardship would result from strict application thereof.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon National Geodetic Vertical Datum of 1929 (mean sea level) at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to National Geodetic Vertical Datum of 1929 (mean sea level) and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Location, Width and Suggested Names** of all proposed streets and public rights-of-way such as alleys and easements; the Village Board shall have final approval authority over street names.
- (14) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.

- (15) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (16) **Approximate RadII of all Curves.**
- (17) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (18) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (19) **Soil Tests and Reports** as may be required by the Village Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
- (20) **Setbacks and Building Lines** for each lot consistent with the pertinent requirements of the Village Zoning Code.
- (21) **Design Features.**
 - a. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - c. Minimum front, rear, side, and street yard building setback lines.
 - d. Location and size of proposed sanitary sewer lines and water mains.
 - e. Gradients of proposed streets, sewer lines (and water mains, if required).
 - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - g. Location and description of survey monuments.
 - h. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - i. Sites, if any, to be reserved for parks or other public uses.
 - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
 - l. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.
 - m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (22) **Where the Village Board, Planning Committee or Village Engineer** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.

- (c) **Testing.** The Village Board, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. The Village does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. H85, Wis. Adm. Code, shall be complied with; and the appropriate data submitted with the preliminary plat.
- (d) **Soil and Water Conservation.** The Village Board shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the latest revision of publication WR-222, *Wisconsin Construction Site Best Management Practice Handbook*, as prepared by the Wisconsin Department of Natural Resources Bureau of Water Resources Management Nonpoint Source and Land Management Section.

Sec. 14-1-33 Technical Requirements for Final Plats.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, or on a supporting document, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) **Exact Street Width** along the line of any obliquely intersecting street.
 - (2) **Exact Location and Description** of street lighting and lighting utility easements.
 - (3) **Railroad Rights-of-Way** within and abutting the plat.
 - (4) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
 - (5) **Special Restrictions** required by the Village Board, upon the recommendation of the Planning Committee, relating to access control along public ways or to the provision of planting strips.
 - (6) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (7) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

Subsoil information indicates the presence of high ground conditions on Lot(s) _____. On these lots, either basement elevations must be elevated above the groundwater level or the basement exteriors must be fully water-proofed.

- (8) **Dimensions of Lot Lines** shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- (9) **A Numbered Identification System** for all lots and blocks.
- (c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Street Dedication.** Public rights-of-way for streets and other public areas shall be dedicated to the Village with Final Plat approval. Such dedications shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.
- (f) **Survey Accuracy.**
 - (1) **Examination.** The Village Engineer shall examine all Final Plats within the Village and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, thirty (30) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (g) **Engineer's Report.** The Village Board shall receive the results of the Village Engineer's examination prior to approving the Final Plat.
- (h) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (i) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (j) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 14-1-34 Final Plat Review and Approval.

(a) Filing Requirements.

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Planning Committee at which action is desired. The Village Clerk-Treasurer shall give notice of the Planning Committee's meeting in the manner prescribed in Section 14-1-31(a)(2). The owner or subdivider shall file copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant. A written transmittal letter shall

identify all substantial changes that have been made to the plat since the approval of the Preliminary Plat.

- (2) The Village Clerk-Treasurer shall, within two (2) days after filing with the Village, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies.
 - (3) 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 Sec. 236.12(2).
 - (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer twelve (12) copies of the final plans and specifications of public improvements required by this Chapter, and a signed copy of the developer's contract required by Section 14-1-51.
 - (5) The Village Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Planning Committee, one (1) copy to the Village Engineer, one (1) copy to the Village Attorney, and a copy each to the telephone and power and other utility companies. The proposed developer's agreement and abstract of title or registered property report and Final Plat shall be referred to the Village Attorney for his/her examination and report. The Village Clerk-Treasurer shall also refer the proposed developer's agreement and final plans and specifications for public improvements required by this Chapter to the Village Engineer for review. The recommendations of the Planning Committee, Village Attorney, and Village Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Planning Committee. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Planning Committee.
- (b) **Planning Committee Review.**
- (1) The Planning Committee shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.

- (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Agriculture, Trade and Consumer Protection has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (4) The Planning Committee shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Planning Committee may hold the matter in abeyance if there is incomplete or inadequate information, provided the timetables in Subsection (c) below are complied with.
- (c) **Board Review and Approval.**
- (1) a. The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer.
 1. Approve the Final Plat.
 2. Approve the Final Plat with conditions.
 3. Reject the Final Plat with reasons.
 4. Obtain a written agreement from the developer extending the time in which the Village Board must act on the Final Plat (this method is recommended in those cases in which objections are made to the layout, design or similar aspects of said Final Plat and there is insufficient time for said corrections to be made and resubmitted to by the developer to the Board for action.
 - b. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
 - c. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (2) The Village Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved. In the case of time extensions, the Village Board and applicant must mutually agree upon such extension.
- (d) **Recordation.** After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed,

the Village Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of Preliminary Plat approval or thirty (30) days after the date of Final Plat approval.

- (e) **Copies.** The subdivider shall file ten (10) copies of the adopted Final Plat with the Village Clerk-Treasurer for distribution to the Village Engineer, approving agencies, and other affected agencies for their files.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

Sec. 14-1-35 Land Divisions and Consolidations by Certified Survey Map.

(a) Use of Certified Survey Map.

- (1) When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites; or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot; or when it is proposed to divide any number of parcels greater than one and one-half (1.5) acres in size (thus not constituting a "subdivision" as defined in Section 14-1-10), the subdivider may subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Chapter and shall file ten (10) copies of the Map and the letter of application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Village Planning Committee at which action is desired.
- (2) A preliminary certified survey map shall be required when the division provides for land to be dedicated to the public.
- (3) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
- (4) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The applicant shall comply with all requirements of this Chapter including, but not limited to, Article F (Design Standards), Article E (Required Public Improvements), and Article G (Park and Public Land Dedications) when a certified survey map is used. A certification of the approval of the certified survey map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.

- (5) The applicant for a land division shall file ten (10) acceptable reproductions of a certified survey map and a written application requesting approval with the Village Clerk-Treasurer.
- (b) **Referral to Planning Committee.** The Village Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Planning Committee.
- (c) **Review by Other Village Agencies.** The Village Clerk-Treasurer shall transmit a copy of the map to the Village Engineer, Village Attorney, and to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Planning Committee within ten (10) days from the date the map is filed. The map shall be reviewed by the Planning Committee for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The applicant shall be required to file at the time of application public improvement plans as required for Final Plats.
- (d) **Planning Committee Review and Board Approval.** The Planning Committee shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the applicant.
- (e) **Recordation.**
- (1) The applicant shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the applicant.
- (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) **Copies.** The subdivider shall file ten (10) copies of the adapted Certified Survey Map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector and other affected departments for their files.

Sec. 14-1-36 Technical Requirements for Certified Survey Land Divisions.

- (a) **Certified Survey Requirements.** A Certified Survey Map prepared by a registered land surveyor shall be required for all land divisions. It shall comply with the provisions of Sec. 236.34, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Village Board and the Village Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale and North Arrow.**
 - (6) **Name and Address** of the owner, subdivider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.
 - (9) **Existing and Proposed Contours** at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than four (4) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.
 - (10) **All Proposed Streets,** roads, or highways within three hundred (300) feet of the boundaries of the parcels created by the minor land division.
 - (11) **Floodplain Limits** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
 - (12) **Location of Soil Boring Tests,** where required by Sec. H85.06(2), Wis. Adm. Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.
 - (13) **Entire Area** contiguous to the land outlined in the proposed Certified Survey Map owned or controlled by the subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Village Planning Committee or Village Board may waive this requirement where it

is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.

- (c) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (d) **Certificates.** The surveyor shall certify on the face of the Map that he/she has fully complied with all the provisions of this Chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map. The Village Clerk-Treasurer and the County Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the land included in the Map. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Sec. 126.21(2)(a), Wis. Stats.
- (e) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (f) **Recordation.** The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Village Board, of the surveyor, and those certificates required by Sec. 236.21, Wis. Stats., are placed on the face of the Map. The Map shall be recorded by the subdivider within thirty (30) days of its approval by the Village Board. The Certified Survey Map shall be resubmitted for approval if not recorded within ninety (90) days.

Sec. 14-1-37 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat for a replat is filed, the Planning Committee shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published and mailed to adjacent property owners following the same procedures as found in Section 14-1-31(b).

- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Village Board. No Final Plats shall be reapproved by the Village Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Village.

Sec. 14-1-38 Determination of Adequacy of Public Facilities and Services.

- (a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Planning Committee and the Village Board determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required; the Village Board, at its discretion, may waive this provision if the Board agrees to use bonding/ borrowing for the project.
- (b) The applicant shall furnish any data requested by the Village Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Village Clerk-Treasurer shall act as coordinator of the reports from staff to the Planning Committee and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Village Board for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Planning Committee and the Village Board shall consider the recommendations of the Village Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Planning Committee and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and

- the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
- (3) The Village Clerk-Treasurer and Village Engineer verifies to the Planning Committee and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Planning Committee and the Village Board that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing Village residents.
 - (5) The Planning Committee verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Village's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and Village Standards.
- (d) Where the Planning Committee and the Village Board determine that two (2) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
 - (e) The above requirements shall not apply to those areas outside the corporate limits of the Village of Livingston and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Livingston public water distribution and/or public sewerage system if determined by the Village Engineer to be feasible. If such connection(s) are not determined feasible by the Village Board, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such Village public water and/or sewerage systems are determined by the Village Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the Village public water and sewerage facilities upon a determination by the Village Engineer that such facilities are available for feasible connection.

Sec. 14-1-39 through Sec. 14-1-49 Reserved for Future Use.

Article E: Required Improvements

Sec. 14-1-50 Improvements Required.

(a) **General Requirement.**

- (1) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Village of Livingston hereby requires that, as a condition of Final Plat or certified survey approval, the subdivider agree to make and install all public improvements required by this Chapter and that the subdivider shall provide the Village with security, of the Village's choice, to ensure that the subdivider will make the required improvements. As a further condition of approval, the Village Board hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- (2) As a condition for the acceptance of dedication of public rights-of-way, the Village may require, at the Village's choice, that the public ways have been previously provided with all necessary facilities constructed to Village specifications, including, but not limited to, sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Village Board.

(b) **Options.**

- (1) The required public improvements shall be installed by the subdivider at his/her cost; and/or
- (2) In addition to the above, the Village, if so authorized by the Village Board, may enter into an agreement to reimburse the subdivider, at the end of the seven (7) year period, for his/her cost (at the time of construction) of those oversized improvements constructed within the proposed land division, but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control, and which have not, during the seven (7) year period, been reimbursed to the subdivider. Said payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The Village shall then establish special assessments against those benefitting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within development areas identified in the Village's Master Plan or other adopted comprehensive development or public facilities plan.
- (3) Any workable combination of the above determined by the Village Board as acceptable.

- (4) If the Village finds that Village construction of such public improvements 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/she wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions.
- (c) **General Standards.** The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the Village Engineer. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within eighteen (18) months of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Village Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (d) **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

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

- (a) **Contract.** The Village may require that the subdivider enter into a contract with the Village for land division improvements agreeing to install improvements as herein provided before final approval of any plat, certified survey or land division. The contract form shall be provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (b) **Financial Guarantees.**
 - (1) The subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check

- in an amount equal to one hundred ten percent (110%) of the estimate of the cost of the improvements, as determined by the Village Engineer; said filing of surety shall guarantee that such improvements will be completed by the subdivider or his contractors not later than eighteen (18) months from the date of recording the final plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Village. When a letter of credit is posted as security, the Village must be the beneficiary.
- (2) However, the subdivider may elect, with the approval of the Village, to install the improvements in construction phases provided that:
- a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer.
 - c. The developer records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Village's approval is obtained;
 - d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the subdivider from time to time, is authorized to recommend to the Village Clerk-Treasurer a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, in his/her sole discretion, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to one hundred ten percent (110%) of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for noncompletion, the Village Clerk-Treasurer is authorized, in his/her sole discretion, to accept a reduction in the amount of surety to an amount in the estimate of the Village Engineer,

sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Village Engineer prior to commencing construction. The Village Board, at its option, may extend the bond period for additional periods not to exceed one (1) year each.

- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
- (6) The subdivider shall agree in the development contract to pay all Village legal fees, Village engineering fees, Village administrative fees, street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).
- (c) **Waiver of Special Assessment Notice and Hearing.** The subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of special assessment notices and hearings such that the subdivider, his/her heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with Sec. 66.60(18), Wis. Stats.
- (d) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Village Engineer's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause

the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.

- (e) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half ($1/2$), one quarter ($1/4$), one quarter-one quarter ($1/4-1/4$), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

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

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-30, engineering reports shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat or certified survey stage, construction plans and specifications for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Said plans and specifications shall be accompanied by such supporting calculations and reports as required by the Village Engineer to enable him to review the plans and specifications. Such plans and specifications, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat or certified survey with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
- (1) **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.

- (2) **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) **Storm Sewer and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (4) **Water Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) **Erosion and Sedimentation Control** plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Village's Erosion Control Chapter (Building Code), if applicable.
- (6) **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (7) **Additional** special plans or information as required by Village officials.
- (b) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
 - (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter. Building permits shall not be issued until all improvements up through concrete curb and gutter are satisfactorily completed.
 - (2) During the course of construction, the Village Engineer shall make such inspections as he or the Village Board 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 inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two (2) copies of record plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release

of the surety bond assuring their completion. Such plans shall be filed with the Village Clerk-Treasurer.

Sec. 14-1-53 Street Improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter, particularly Sections 14-1-70 and 14-1-71:

- (a) **General Considerations.** The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) **Construction Standards.** Construction of all streets shall conform to the current standards as established by the Village in this Chapter and elsewhere and shall be subject to approval of the Village Engineer before acceptance.
- (c) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map (if adopted).
- (d) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a survey to insure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes and established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.
- (e) **Street Construction.** After the installation of all required utility and storm water drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street, in a manner and quality consistent with this Chapter and plans and specifications approved by the Village Engineer. Construction shall be to Village standard specifications for street improvements.
- (f) **Street Cross Sections.** When permanent street cross sections have been approved by the Village, the subdivider shall finish grade all shoulders and road ditches, install all necessary

culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer.

Sec. 14-1-54 Curb and Gutter.

In any subdivision or minor land division, the Village Board shall require the subdivider to construct concrete curb and gutter in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer. Concrete curb and gutter shall be installed when deemed necessary for erosion control, surface water drainage or run-off management. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. Where required, the subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The cost of the curb and gutter required inspection, supervision and engineering fees shall be paid for by the subdivider. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

Sec. 14-1-55 Sidewalks and Bikeways.

- (a) **Specifications.** In all subdivisions, the Village Board shall require subdividers to construct a concrete sidewalk on streets only in such locations deemed necessary by the Village Board. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer. All required sidewalks shall satisfy the design specifications in Section 6-2-2.
- (b) **Extra-Sized Sidewalks.** 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 required under the preceding provisions of this Chapter if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

Cross-Reference: Section 6-2-2.

Sec. 14-1-56 Sanitary Sewerage System.

- (a) When public sanitary sewerage facilities are available to the subdivision plat, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary

sewerage service available to each lot within the subdivision. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The subdivider shall pay all the costs of all sanitary sewer work including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question as well as providing all sanitary sewer work within the land division. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.

- (b) (1) Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Village. Installation shall be required all the way across each lot. Where sewers larger than twelve (12) inches in diameter are required solely to serve areas outside the subdivision, the land owner shall be responsible only for the costs of the sewers necessary to serve the area within the subdivision. The difference in the costs of the sewers necessary to serve the subdivision and the costs of the sewers actually installed, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount (See Section 14-1-65).
- (2) In the event the Village establishes a sewer connection fee, in addition, the subdivider shall pay to the Village a sanitary sewer connection fee based on the added cost of installing larger sewers and lift stations in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
- (c) The subdivider shall be responsible for the installation, and cost thereof, of public sanitary sewerage facilities. Plans for such sewer facilities shall be approved by the Village Engineer. Construction related services and engineering fees shall be paid by the subdivider.
- (d) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Village Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with Village Comprehensive Sanitary Sewer Plans as determined by the Village Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The Village Board shall require the installation of sewer laterals to the street lot line for residential lots. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin" shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material

meeting the requirements of the "Standard Specifications" and/or Title 6, Chapter 2 of this Code of Ordinances, whichever is more restrictive. All sanitary sewer facilities shall be floodproofed.

- (e) The ends of the services for each lot shall be accurately measured and recorded with the Village Engineer and marked in the field with appropriate staking.

Sec. 14-1-57 Water Supply Facilities.

- (a) (1) When public water supply and distribution facilities are available, as determined by the Village Board, to the subdivision plat or land division, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. There shall be provided a water supply system in conformity with the master plan of the water system as approved by Village utilities. The subdivider shall install and connect Village water to serve all lots subject to specifications and inspection by Village utilities and the State of Wisconsin. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine. The subdivider shall pay all costs of connecting adequate Village water, including bringing water mains from where they exist to the land division in question, providing all water works within the land division, and looping the water mains in all locations deemed important and financially feasible by the Village Engineer. The subdivider shall provide for a minimum watermain diameter of eight (8) inches and the location of public fire hydrants along the public streets at not greater than a four hundred fifty (450) foot spacing for residential or commercial areas. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation.
- (2) The subdivider shall be responsible for the installation, and cost thereof, of public water supply facilities. Plans for such water facilities shall be approved by the Village Engineer. Construction related services and engineering fees shall be paid for by the subdivider.
- (3) Unless otherwise excepted by the Village Engineer, water mains shall not be located within five (5) feet of other underground utilities.
- (4) Where water mains larger than ten (10) inches in diameter are required solely to serve areas outside the subdivision, the land owner shall be responsible only for the costs of the water mains necessary to serve the area within the subdivision. The difference in the costs of the water mains necessary to serve the subdivision and the costs of the water mains actually installed, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount. Installation shall be required all the way across each lot.

- (5) The rules of the Village's utilities on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.
- (b) (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- (2) The Village Board shall require the installation of water laterals to the street lot line.
- (3) The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision necessary to provide adequate flow and pressure, as determined by the Village Engineer. Where water mains larger than necessary to provide adequate flow and pressure are required to serve areas beyond the proposed subdivision, the difference in costs, as determined by the Village Engineer, shall be borne by the developer, with the right of recoupment, without inflation or interest adjustment in the recoupment amount.

Sec. 14-1-58 Storm Water Drainage Facilities.

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.

Sec. 14-1-59 Other Utilities.

- (a) (1) In so far as possible, all utilities, including but not limited to natural gas, telephone, cable television and electric service, shall be installed underground with an affidavit by the subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic.
- (2) Prior to any maintenance, repair or replacement being performed by the developer during the bond period, it shall notify the Village Engineer at least one (1) work day prior to the doing of the work and obtain approval of the Village Engineer as to the nature and manner of work to be done.

- (b) The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution television cables and telephone lines from which lots are individually served shall be underground unless the Village Board, upon the recommendation of pertinent Village utilities or Planning Committee, specifically allows overhead poles for the following reasons:
 - (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
 - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be provided by the appropriate private utilities.

Sec. 14-1-60 Street Lamps.

The Village Board shall require the subdivider to install street lamps, where the Village Board deems such lights necessary, within eighteen (18) months of the Village's approval of the project along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Engineer. Street light design and placement will be determined by the Village Board.

Sec. 14-1-61 Street Signs.

- (a) The subdivider shall pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs, traffic control signs, and such temporary barricades and "road closed" signs as may be required by the Village Engineer or Director of Public Works until the street improvements have been accepted by Village Board resolution.
- (b) The Director of Public Works shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the Village as he may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

Sec. 14-1-62 Erosion Control.

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented, in compliance with Village ordinances. The

subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

Sec. 14-1-63 Partition Fences/Hedges.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map. Rear yard fences shall not be permitted on zero-lot line lots.

Sec. 14-1-64 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate departments, utilities and agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area. All such utilities shall be installed underground, as required in Section 14-1-59.
- (b) **Drainage Easements.** Drainage easements shall comply with the requirements of Section 14-1-74(f).
- (c) **Easement Locations.**
 - (1) Utility easements shall be at least fifteen (15) feet wide, unless the utilities, in writing, approve a narrower width, and may run across lots or alongside of rear lot lines (along front lot lines for gas and electric service). Such easements shall be located along rear lot lines, unless otherwise placed by the Village Engineer if rear yard placement is not feasible. Evidence shall be furnished the Village 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.
 - (2) All easements dedicated on final plat or certified survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force

- mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.
- (3) Village staff shall approve, prior to construction, the placement location of specific utilities using the easement.
 - (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

Sec. 14-1-65 Extra-Sized and Off-Site Facilities.

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or certified survey map, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) **Design Capacity.** All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- (b) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-50.
- (c) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Village Engineer's requirements. Equipment similar to existing Village equipment shall be utilized whenever possible. 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. Gravity sanitary sewer service shall be employed whenever determined by the Village Engineer to be feasibly accessible.

Sec. 14-1-66 Acceptance of Improvements and Dedications.

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the

required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the Village free and clear of any encumbrances. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Village Board by resolution. In the event the Village must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the subdivider in accordance with the provisions of this Chapter.

(b) Inspection and Certification of Improvements.

- (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are owned to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
 - a. Sewer mains and services (either storm or sanitary).
 - b. Water mains and services.
 - c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
 - d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, street lighting, street signing, etc.
- (2) The Village Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Village Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Village Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection, taxes, special assessments and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Village Engineer, together with the recommendation of the Village Clerk-Treasurer, shall be forwarded to the Village Board for approval and acceptance of the improvements and dedications.

Sec. 14-1-67 Site Grading.

The subdivider shall be required to grade the full land division in accordance with the requirements of Section 14-1-76.

Sec. 14-1-68 through Sec. 14-1-69 Reserved for Future Use.

Article F: Design Standards

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

- (a) **Compliance with Statutes.** In laying out a certified survey or subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply. [See also Section 14-1-73(f)].
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Village Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road. [See also Section 14-1-73(f).]
- (c) **Compliance with Comprehensive Plan and Ordinances.**
 - (1) **Land Division Compliance With Plans.** The arrangement, character, features, and layout of land divisions in the Village of Livingston shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Village Board. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the Village Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the Village Engineer and to the right-of-way widths required in this Article for the classification of street required.
 - (2) **Street Locations to Comply With Plans.** The arrangement, character, extent, width, grade, and location of all streets shall conform to Village master plans, the Official Map, and to this Chapter, and other Village planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (3) **Continuation.** The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.

- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or a Village Comprehensive Plan, 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.
- (e) **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.
- (f) **Streets Classifications.** Streets shall be required and classified by the Village Engineer in accordance with the Village's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below with the designated minimum widths:
 - (1) **Arterial Streets.** Arterial streets, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (2) **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 the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
 - (3) **Minor Streets.** Minor streets, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided 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 for the advantageous development of the adjacent tracts.
- (g) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

- (h) **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.
- (i) **Alleys; Cul-de-Sac Streets.**
 - (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
 - (2) **Residential.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) **Dead End.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Temporary dead-end streets shall not be over one thousand (1,000) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turnarounds as approved by the Village Engineer. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth below, or by construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
 - (4) **Design of Cul-de-Sac Streets.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed seven hundred fifty (750) feet in length. All urban cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular or tear-drop turn-around having a minimum right-of-way radius of sixty-six (66) feet and a minimum outside curb radius of fifty-one (51) feet to the face of the curb. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provisions 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 Planning Committee 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.
- (k) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Frontage Roads.** Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider shall provide a frontage road, platted

access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Village Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.

- (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (o) **Visibility.** Streets shall afford maximum visibility and safety for motorist bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
- (p) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- (q) **Intersections.**
 - (1) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than fifteen (15) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (2) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred fifty (150) feet from each other.
 - (3) **Number of Intersections — Arterial Streets.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Village Engineer to provide better safety.
 - (4) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets or collector streets shall, wherever practicable, be spaced no closer than one hundred fifty (150) feet between right-of-way lines, nor closer than two hundred fifty (250) feet to the right-of-way of an arterial street.
 - (5) **Property Lines at Street Intersections.** Property lines at street intersections shall be rounded with a minimum radius of twenty-five (25) feet or of a greater radius when required by the Village Engineer.
 - (6) **Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the

centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.

- (7) **Additional Sight Easements.** At any intersection determined by the Village Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.

(r) **Street Names.**

- (1) Street names shall be assigned by the Planning Committee following the guidelines of this Subsection. Duplication of existing street names 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 numbering 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." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
 - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
 - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
 - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
- (6) The maximum number of street names at one (1) intersection shall be three (3).
- (7) Street names shall be assigned to avoid intersections which 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 Subsection.
- (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).
- (s) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
- (1) **Subdivision Lots.** When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."
 - (2) **Commercial and Industrial Districts.** Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
 - (3) **Streets Parallel to a Limited Access Highway.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
 - (4) **Minor Streets.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
- (t) **Street and Pedestrian Way Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study, or jurisdictional highway system plan, or if no width is specified therein, the minimum widths shall be as shown as follows. Street sections are for standard arterial, collector and minor streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. The type of street cross section to be used shall be determined by the Village Board.

(1) **Street Cross Sections - Urban Streets.**

| Type of Street or Public Way | Minimum Right-of-Way to be Dedicated | Minimum Dimensions |
|---|---|---|
| Arterial Streets (four-lane) | 120 feet | *Dual 36-foot pavement (face of curb to face of curb) *24-foot median *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |
| Arterial Streets (two-lane) | 80 feet | *48-foot pavement (face of curb to face of curb) *10.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |
| Collector Streets | 80 feet | *48-foot pavement (face of curb to face of curb) *10.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |
| Minor Streets | 66 feet | *36-foot pavement (face of curb to face of curb) *9.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |
| Minimum Cul-de-Sac | 66 foot radius | *51-foot face of curb radius *9.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |

| | | |
|-------------------|---------|---|
| Cul-de-Sac Barrel | 60 feet | *32-foot pavement (face to curb to face of curb) *8.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks |
|-------------------|---------|---|

- (2) **Street Grades.** Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length necessary to provide adequate stopping site distance (per maximum centerline slopes):
 - a. Arterial streets: Six percent (6%).
 - b. Collector streets: Eight percent (8%).
 - c. Minor streets, alleys, frontage streets: Twelve percent (12%).
 - d. Pedestrian ways: Twelve percent (12%) unless steps or stairs of acceptable design are provided.
 - e. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%).
- (3) **Radius of Curvature.** When a continuous street centerline deflects at any one point by more than ten degrees (10°), a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - a. Arterial street and highways: Five hundred (500) feet.
 - b. Collector streets: Three hundred (300) feet.
 - c. Minor Streets: One hundred fifty (150) feet.

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

(a) General Requirements.

- (1) **Construction Standards.** All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, the Village of Livingston's Engineering Guidelines (if such Guidelines are adopted by the Village Board), and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Village, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be

adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Village Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Village Engineer.

- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.
- (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Livingston, the applicant shall notify the Village Engineer. An on-site meeting will then be arranged to be attended by the Village Engineer and the applicant. Plans must be provided in order for the Village Engineer to check the design and the drainage.
- (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Village before the Village approves the final construction.
- (5) **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the Village Engineer, at least one (1) workday in advance, as to the nature of the work being done. The Village Engineer shall be contacted for required inspections before and after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Concrete gutters, curbs and sidewalks;
 - d. Bituminous surface course; and
 - e. Shouldering.Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.
- (6) **Tests of Materials.** The Village reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (7) **Pavement Samples.** Samples of bituminous concrete may be taken by the Village during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Construction Standards.** All streets and highways constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:

- (1) **General.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Village Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Village Engineer, or his/her designee.
- (2) **Street Right-of-Ways.** Streets shall have a right-of-way width as established on the Official Map or as designated in Section 14-1-71(t), provided, however, that a greater or lesser roadway width may be required by the Village Engineer where necessary to assure uniformity along the entire length of any street.
- (3) **Temporary Streets.** Construction of temporary streets shall require authorization of the Village Board.
- (4) **Standard Street Improvements.**
 - a. Standard street improvements shall include street lights, concrete curb and gutter, bituminous base course, bituminous surface course and, when required, walkways.
 - b. The construction of standard street improvements can begin only when either:
 1. The underground utilities were installed in the previous construction season;
or
 2. The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Village Engineer.
 - c. Upon obtaining the written approval of the Village Engineer the subdivider can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Village Engineer.
 - d. Where he/she deems appropriate, the Village Engineer may require that pavement construction take place over a two (2) year period, with the lower coat being placed in the same year as the underground utilities are constructed and with the upper coat being placed in the following year, after thorough cleaning and application of a tack coat to the first coat.
- (5) **Roadway Base Standards.**
 - a. After the installation of temporary block corners monuments by the subdivider and approval of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
 - b. Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser and covered with permanent vegetation.

- c. Residential streets shall have a minimum ten (10) inch thick, compacted in-place, crushed limestone aggregate base, gradation No. 2, conforming to requirements of Section 304 — Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, which conforms to following gradation specifications:

| Sieve Size | Percentage Passing by Weight |
|------------|------------------------------|
| 3-inch | 100 |
| 2-1/2-inch | 90-100 |
| 2-inch | 35-70 |
| 1-1/2-inch | 0-15 |
| 3/4-inch | 0-5 |

- d. On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a twelve (12) inch minimum depth crushed limestone aggregate base course, gradation No. 2, shall be constructed upon an inspected and approved subgrade conforming to the specifications in Subsection (b)(5)c above.
- e. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.
- f. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
- g. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
- h. The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the Village Engineer and adoption by the Village Board, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.
- (6) **Roadway Subgrade Quality.** If deemed necessary by the Village Engineer, tests may be required according to the following standards:
- All subgrade material shall meet standards required by the Village Engineer. Inferior subgrade material shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions.
 - Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-

bearing capacity when wet, or are highly elastic shall be removed to a minimum depth of fifteen (15) inches below the top of the subgrade and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet, an underdrain system shall be installed to remove water from the sub-base. Unstable and organic material must be subcut, removed and replaced with a suitable granular material placed over a geotextile fabric laid on top of the subgrade. Granular material shall be approved by Village Engineer. Geotextile material shall be Type SAS material.

- (7) **Roadway Grading; Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four-to-one (4:1) backslope where ditches are allowed. The roadway shall be compacted and graded to a subgrade using, where necessary, approved fill material in accordance with Wisconsin Department of Transportation standards. Roadside ditches, where allowed by the Village, shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Village Engineer. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three-to-one (3:1) ditch from the edge of the shoulder to the bottom of the ditch and two-to-one (2:1) on the back slope.
- (8) **Pavement Thickness.**
 - a. Residential and rural-type roads shall have a minimum of three and one-half (3-1/2) inches thick compacted hot-mix asphalt concrete pavement, placed in two (2) layers — a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inch.
 - b. On commercial, arterial or other heavy-use roads, there shall be a minimum of four (4) inches of bituminous concrete pavement, placed in two (2) layers — a binder course of two and one-half (2-1/2) inches thick and a surface course of one and one-half (1-1/2) inches thick.
 - c. The binder course being placed initially upon completion of the utilities, and the surface course being placed within one (1) year after the date the binder course was placed. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
 - d. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads with a greater thickness after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to. In no event shall paving occur later than eighteen (18) months from the Village's approval of the final or official plat. All subsequent shouldering where ditches are allowed shall be brought to even grade with bituminous mat.

- (9) **Shoulder Width — Rural Profile Streets.**
- a. A shoulder a minimum of four (4) feet wide on each side of the road is required where curb and gutter is not used, and wider when required by the "Town Road Standards" as noted in Sec. 86.26, Wis. Stats.
 - b. Where ditches are allowed, road shoulders shall have a minimum thickness of two and one-half (2-1/2) inches of compacted in-place crushed state-approved aggregate base course, over a minimum six (6) inches of compacted in-place crushed state-approved aggregate base course, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of six (6) inches.
- (10) **Roadway Culverts and Bridges.** Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. The developer shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's subgrade, drainage facilities shall be installed before road construction is started.
- (11) **Driveways.**
- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved pursuant to Title 6, Chapter 3 of this Code of Ordinances.
 - b. Driveway specifications shall be as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
 - c. Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls. Driveway culverts shall be installed as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
- (12) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.
- (13) **Drainage Improvements.** In the case of all new roads and streets, the Village Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
- (14) **Continuity and Transitions.**
- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.

- b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15:1) unless the Village Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).
- (15) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets. Curb and gutter in residential areas shall be either barrier type or mountable type. Barrier type curb and gutter shall have a six (6) inch barrier curb with a twenty-four (24) inch flag; except at driveway aprons where a depressed curb shall be constructed. Mountable type curb and gutter shall have been thirty (30) inches wide with an eighteen (18) inch flag. The top of the back of the mountable curb shall be three (3) inches above the gutter flowline. Depress curb shall be constructed at all handicap ramps for sidewalks and bikeways. Said curb and gutter shall be constructed of concrete, 3500 PSI strength at twenty-eight (28) days. Expansion joints one-half (1/2) inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding three hundred (300) feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements. The standards of Section 14-1-54 shall also be complied with.
- (16) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Village Engineer to protect the new pavement.
- (c) **Final Inspection.** Upon completion of proposed streets, the Village Engineer will proceed to make a final inspection, accepting or rejecting the street as the case may be. After all of the provisions of this Chapter have been complied with, the street will be inspected by Village officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for, or arrangements have been made for the payment through written instrument by the subdivider. If the street is rejected, corrections shall be made as required by the Village Board, upon the Village Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall dedicate to the Village all land necessary for streets. The subdivider shall warranty the fitness of street improvements for one (1) year after construction.

Sec. 14-1-72 Block Design Standards.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in

the long dimension from street centerline to street centerline) shall not be less than six hundred (600) feet nor exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.

- (b) **Pedestrian Pathways.** Pedestrian pathway easements 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.
- (c) **Sidewalks.** Sidewalks shall be constructed according to the standards in Section 6-2-2 of this Code of Ordinances. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of one-half (1/2) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street — unless public drainage is available behind the sidewalk or bikeway.
- (d) **Bikeways.** Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard Village specifications.

Sec. 14-1-73 Lot Design Standards.

- (a) **Lot Dimension.** Area and dimensions of all lots shall conform to the requirements of the Village of Livingston Zoning Code for the subdivisions within the Village and to the Town Zoning Code for lands within the Village's extraterritorial jurisdictional limits. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with Ch. H83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an onsite soil absorption sewage disposal system shall not be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area.
- (b) **Depth of Lots.** Excessive depth in relation to width shall be avoided and a proportion of three to two (3:2) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (c) **Width of Lots.** Width of lots shall conform to the requirements of the Village Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than one hundred (100) feet in width at the building setback line.

- (d) **Lands Lying Between Meander Line.** Lands lying between the meander line and the water's edge and any otherwise unplatted lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (e) **Commercial or Industrial Lots.** 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 Village Zoning Code.
- (f) **Minimum Lot Frontage.** In addition to the standards in Subsection (c) above, all lots on curved streets or cul-de-sacs shall have a minimum of forty (40) feet of platted frontage on a public street [(100) feet at the building setback line] to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Village Board. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (g) **Lots Where Abutting Arterial Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
- (h) **Corner Lots.** Corner lots for residential use shall have extra width of fifteen (15) feet to permit full building setback from both streets, or as required by applicable zoning regulations.
- (i) **Access to Public Street.** Every lot shall front or abut on a public street. Every lot shall front or abut on a public street for a distance of at least forty (40) feet.
- (j) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street center lines. Lot lines shall follow Village boundary lines.
- (k) **Double and Reversed Frontage Lots.** 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.
- (l) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (m) **Land Remnants.** All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (n) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Village Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (o) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than

fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The subdivider may appeal this requirement to the Village Engineer. Upon written request of the Village Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

- (p) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (q) **Drainage Way and Watercourses.** Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the Village Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year storm.

Sec. 14-1-74 Drainage and Stormwater Management System.

(a) Purpose.

- (1) The subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.
- (2) Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- (3) The subdivider shall assume the cost of installing all storm sewers of thirty-six (36) inches or smaller within the proposed subdivision, except for the added cost of installing storm sewers greater than thirty-six (36) inches which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village, a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which

shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

- (4) The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.

(b) **Drainage System Required.**

- (1) As required by Section 14-1-58, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. 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 or modified by the Village Board, upon the recommendations of the Planning Committee and Village Engineer.
- (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) The Planning Committee shall not recommend for approval any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

(c) **Drainage System Plans.**

- (1) The subdivider shall submit to the Village at the time of filing a Final Plat a drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.

- b. Quantities of flow at each inlet or culvert.
- c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider 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 Engineer.
- (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development:
 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division 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 pursuant to Subsection (e) of the Village to provide for the future maintenance of said system.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded.)
- (f) **Drainage Easements.** Where a land division is traversed by a watercourse, drainageway, 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, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a 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; or

- (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements 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.
- (g) **Dedication of Drainageways.** Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a Village Comprehensive Storm Water Management Plan, master plan and/or official map or any portion thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the Village in accordance with Chapter 88.83, Wis. Stats.
- (h) **Dedication/Preservation of Storm Water Management Facilities.** The subdivider shall dedicate sufficient land area for the storage of storm water to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the Village Engineer. Whenever a proposed storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future dedication to the Village or other appropriate agency.
- (i) **Storm Drainage Facilities.**
 - (1) The subdivider, at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the Village Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
 - (2) The subdivider shall submit to the Village Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any

- damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
- a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
 - (4) The design criteria for storm drainage systems shall be reviewed by the Village Engineer and approved or modified.
 - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by Village ordinance and/or the Village Engineer.
- (j) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55) or the "Rational Method". Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not allow the water to flow across the crown of the street from one side to the other. For arterial streets and streets located in commercial districts, ponding within normal traffic lanes [ten (10) feet on each side of the centerline of the street] is prohibited. In drainage-ways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.00%).
- (k) **Major Drainage System.** The subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). Runoff resulting from a one hundred (100) year, twenty-four (24) hour rainfall event shall be contained within the street right-of-way or designated storm drainage easement or detention facility.

(l) **Drainage Piping Systems.**

- (1) Unless otherwise approved by the Village Engineer, all drainage piping of twelve (12) inches diameter and greater in street rights-of-way shall be constructed of Class Three reinforced concrete or PVC pipe. Piping materials outside of rights-of-way shall be subject to approval of the Village Engineer. All storm sewer outlets shall be equipped with steel bar or iron pipe debris gates.
- (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.

(m) **Open Channel Systems.**

- (1) Unpaved road ditches and street gutters shall be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install check dams, flumes, or other energy dissipating devices.
- (2) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the Village for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways where subject to high ground water, continuous flows, or other conditions as determined by the Village Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (3) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the Village's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those presented in the Village's Surface Water Management Study, if one is adopted.

(n) **Standards for On-Site Detention Storage.** When the subdivider employs on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) Temporary on-site detention for erosion and sedimentation control shall be designed in conformance with the "Wisconsin Construction Site Best Management Practices Handbook".

- (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
- (3) Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. Curve numbers of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C and D respectively shall be used when computing pre-development runoff rates.
- (4) All detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
- (5) All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
- (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55 or TR-20," and as accepted and approved by the Village Engineer.
- (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
- (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.
- (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action, or other slope stabilization methods approved by the Village Engineer, for protection from wave action.
- (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the Village Engineer.
- (11) The Village Board, upon recommendation by the Village Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

Sec. 14-1-75 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 Village Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map and the Village Zoning Code.
- (b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
 - (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 Grading.

The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

- (a) **Master Site-Grading Plan.**
 - (1) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the Village.
 - (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider. Grading plans shall

- include topographic contours at one (1) foot intervals. Grading plans shall show top of foundation elevations for proposed lots and at existing structures on surrounding properties.
- (3) After approval or modification of these plans by the Village Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grade plan. The owners of the subdivision lots shall adhere to those plans.
 - (4) The Village Engineer shall be contacted to inspect and approve the grading and related work at each of the following stages:
 - a. Completion of the grading of all street right-of-way areas.
 - b. Completion of the grading of all lots.
 - c. Completion of the filling with topsoil and leveling of the public right-of-way behind the curbs.
 - (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider.
- (b) **Right-of-Way Grading.** The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods:
- (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities, provided any ditches or swales are in public drainage easements, provided that a deed restriction is adopted which prohibits alteration of the grades within five (5) feet of any property line from the grades shown on the master site grading plan.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale.
- (d) **Miscellaneous Grading Requirements.**
- (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a grade approved by the Village Engineer and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility. Buildable lots shall be graded so that the elevation of each building site is at least one (1) to two (2) feet above the centerline elevation of the adjacent public street.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access. Cut on filled land shall be graded to a maximum slope of three to one (3:1).
 - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the Village Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded

for erosion control prior to the Village releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.

- (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.
 - (5) The Village Board shall require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures. Seeding of the site shall occur within thirty (30) days of rough grading.
 - (6) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.
 - (7) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (8) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.
 - (9) Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Planning Committee as they deem appropriate.
- (e) **Drainage Flows.** The subdivider shall cause to be set upon the master grading plan arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the master grading plan with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the Village Engineer.

Sec. 14-1-77 Erosion Control.

The Village finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Village. Therefore, it is declared to be the purpose of this Section to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village. All land disturbing activities shall be subject to the provisions of the Village's Construction Site Erosion Control Ordinance (Title 15).

Cross-Reference: Title 15, Chapter 2, "Construction Site Erosion Control".

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

Article G: Park and Public Land Dedications

Sec. 14-1-80 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a certified survey or subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- (c) **Site Reservations Required.**
 - (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the master plan of the Village, such area shall either be dedicated to the proper public agency, or, at the Village Board's determination, it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means if such lands exceed dedication requirements. If the land is not acquired during this period, it shall be released to the subdivider.
 - (2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.

Sec. 14-1-81 Land Dedication.

- (a) **Dedication of Sites.** Where feasible and compatible with the comprehensive or master plan of the Village, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village of Livingston. The location of such land to be dedicated shall be determined by the Village Board, upon the recommendation of the Planning Committee. Where the dedication is not compatible with the comprehensive or master plan, or for other reasons

is not feasible as determined by the Village Board, the subdivider shall, in lieu thereof, pay to the Village a fee as established by this Article, or a combination thereof.

- (b) **Dedication of Parks, Playgrounds, Recreation and Open Spaces.** The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be one (1) acre for each sixty (60) potential dwelling units, or ten percent (10%) of the land area planned for single-family residential use, whichever provides the most park area.
- (c) **Combination of Residential Uses.** Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding the potential residential units intended for single-family and two-family dwellings, and the potential residential units intended for multi-family dwellings. Where a definite commitment is made to the Village by the developer with respect to those portions of the project intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
- (d) **Minimum Size of Park and Playground Dedications.**
 - (1) In general, land reserved for recreation purposes shall have an area of at least one (1) acre. Where the amount of land to be dedicated is less than one (1) acre, the Village Board may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
 - (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.
- (e) **Fees in Lieu of Land.**
 - (1) Where, in the sole discretion of the Village Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Village's comprehensive development or park plan, the minimum size under Subsection (d) cannot be met, or Village officials determine that a cash contribution would better serve the public interest, the Village Board shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under the Zoning Code. For each proposed residential development, the fee shall be as prescribed in Section 1-3-1 for each residential unit. The fee shall be paid to the Village at the time of

final plat or certified survey approval. This fee shall be annually adjusted by the Clerk-Treasurer by adding to the base fee the Consumer Price Index (CPI) cost on March 1st of that year for each possible dwelling unit within the plat/land division allowed by the Zoning Code.

- (2) The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of this Article by combining a land dedication with a fee payment. If a land dedication of twenty-five percent (25%) of the required dedication is made, the subdivider shall also contribute an amount equal to seventy-five percent (75%) of the required per unit fee in lieu of land. If a land dedication of fifty percent (50%) of the required dedication is made, the subdivider shall also contribute an amount equal to fifty percent (50%) of the required per unit fee in lieu of land. If a land dedication of seventy-five percent (75%) of the required dedication is made, the subdivider shall also contribute an amount equal to twenty-five percent (25%) of the required per unit fee in lieu of land.
- (3) The Village shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (f) **Extraterritorial Areas.** Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the Village, Sections 14-1-23 shall be followed.
- (g) **Limitations.** A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of this Section.
- (h) **Suitability of Lands.** The Village Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (i) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street or shall have unrestricted public access.
- (j) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

Sec. 14-1-82 Reservation of Additional Land.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

Sec. 14-1-83 Development of Park Area.

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

Article H: Fees

Sec. 14-1-90 Administrative and Other Fees.

(a) **General.**

- (1) The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village of Livingston in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Village of Livingston and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board, Planning Committee, or Village staff in connection with the land division being considered.
- (2) The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Village Board. The submittal of a development proposal application or petition by a subdivider, shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village may charge the costs for these services to the subdivider. The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the subdivider. Review fees which are charged to a subdivider, but which are not paid, may be levied by the Village as a special assessment against the subject property. The subdivider shall be required to provide the Village with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
- (3) At the time of submission of a plat or certified survey, the Planning Committee or Village Board, at their sole discretion, may require the subdivider to make a good faith deposit with the Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Village because of the land division. Unused portions of such fund may be refunded to the subdivider.

- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village pursuant to Section 14-1-52(d). The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.

- (c) **Administrative Fee.** The subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

- (d) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat.**
 - (1) A subdivider who submits a Preliminary Plat for the Village Planning Committee and the Village Board shall file said Preliminary Plat with the Village Clerk-Treasurer and shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (f) **Final Plat Review Fee.**
 - (1) The subdivider shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the Village Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.
- (g) **Certified Survey.**
 - (1) The subdivider shall pay an application fee as prescribed in Section 1-3-1 for each certified survey.
 - (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised Certified Survey.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the Village Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the Village Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **Improvement Review Fee.** The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to five percent (5%) of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance

with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. At the Village Board's option, this procedure may be used as an alternative to the escrow account in Subsection (l) below. Evidence of cost shall be in such detail and form as required by the Village Engineer.

- (k) **Assessments.** All outstanding assessments due to the Village shall be due prior to the signing of the Final Plat or Certified Survey by the Village.

(l) **Administrative Costs.**

- (1) **Cost Determination.** The subdivider of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Village in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:

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

(2) **Escrow for Fees.**

- a. At such time as the subdivider submits a Preliminary Plat or Certified Survey Map for review by the Village, it shall deposit with the Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Village's administrative costs:
 1. Minor Subdivision (Certified Survey Map): Three Hundred Dollars (\$300.00).
 2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).

- b. In the event the amount deposited with the Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the Village Board shall have the option of requiring the subdivider to replenish the escrow to the original amount required hereunder. In the event the subdivider withdraws his/her plat or minor subdivision, or the same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to the subdivider. The escrow account shall not draw interest for the benefit of the subdivider. The Clerk-Treasurer, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the minor subdivision or subdivision on a periodic basis. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the subdivider periodically. In the event the subdivider defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the subdivider's request. Failure to replenish the escrow shall be sufficient cause to reject the minor subdivision or subdivision.

Sec. 14-1-91 through Sec. 14-1-99 Reserved for Future Use.

APPENDIX

Sample Agreement as to Costs With the Village of Livingston

_____ The applicant/petitioner

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

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

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article I: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

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

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

Sec. 14-1-101 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village of Livingston may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
 - (1) The Village Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.

- c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Village Engineer, Director of Public Works or Building Inspector, the subdivider has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Village Engineer, Director of Public Works or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.
 - (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Director of Public Works or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Village Engineer, Director of Public Works or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Village Clerk-Treasurer for consideration by the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (d) **Appeals.** Any person aggrieved by an objection to a plat or certified survey, or a failure to approve a plat or certified survey, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15 of the Wisconsin Statutes, within thirty (30) days

of notification of the rejection of the plat or certified survey. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the plat or certified survey be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Disclaimers on Approvals.

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

Sec. 14-1-103 Restrictions for Public Benefit.

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