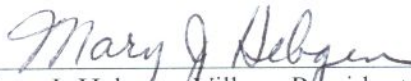


**SUBDIVISION ORDINANCE
OF THE VILLAGE OF HIGHLAND,
IOWA COUNTY WISCONSIN**

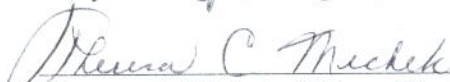
The Board of Trustees of the Village of Highland, Iowa County, Wisconsin, does hereby duly ordain, as follows:

SECTION 1: The attached subdivision ordinance consisting of sixteen (16) numbered pages, is hereby adopted.

SECTION 2: This ordinance shall be in full force and effect from and after its passage and posting as required by law.



Mary J. Hebgren, Village President



Theresa C. Michek, Village Clerk

Date Adopted: February 4, 1999.

Date Posted: February 26, 1999, at:
Highland State bank
Highland Post Office
Village Bulletin Board

Date Effective: February 26, 1999.

SUBDIVISION ORDINANCE

OF THE VILLAGE OF HIGHLAND, IOWA COUNTY, WISCONSIN

Chapters:

- 1.0 General Provisions, p. 1
- 2.0 Definitions, pp. 2-3
- 3.0 Procedure, pp. 4-6
- 4.0 Procedure for Minor Subdivision, pp. 6-7
- 5.0 Requirements and Design Standards, pp. 8-11
- 6.0 Improvements, pp. 11-15
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Chapter 1.0

GENERAL PROVISIONS

Sections:

- 1.1 Purpose
- 1.2 Scope and Applicability; Responsibility for Village's Administrative Costs

1.1 **Purpose.** The purpose of this ordinance is to promote the public health, safety and general welfare of the community in exercise of the home rule powers and the police powers of the Village Highland, Iowa County, Wisconsin, a Wisconsin Municipal Corporation. These regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further re-subdivision of larger tracts into smaller parcels of land. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of the buildings placed upon land, the financial benefits and burdens which may accrue to the Village and its taxpayers by creating subdivisions within its boundaries, providing to the Village's residents with the best possible environment for human habitation and economic development, and encouraging the most appropriate use of land throughout the Village.

- 1.2. **Scope and Applicability; Administrative Costs.** Any division of land within the Village, or in its extraterritorial plat-approval jurisdiction, which results in a "subdivision" as defined in this ordinance, shall be, and any other division may be

surveyed, and a plat thereof approved and recorded as required by this and all other Village ordinances, and by Chapter 236, Wisconsin Statutes. All administrative costs, including legal, engineering, accounting, consultative service, special meetings, and other costs incurred by the Village and specifically made necessary by a development under this subdivision ordinance, shall be at the expense of the subdivider and shall be assessed against the subdivider and/or the subdivision as described hereafter.

Chapter 2.0 **DEFINITIONS**

Sections:

- 2.1 Major Street
- 2.2 Subdivision
- 2.3 Certificate
- 2.4 Certified Survey Map
- 2.5 Letter of Intent
- 2.6 Minor Subdivision
- 2.7 Sketch Map

2.1 Major Street. "Major street" means a street which is used principally for fast or heavy traffic.

2.2 Subdivision.

A. "Subdivision" means a division of a lot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where: (1). The act of division creates five or more parcels or building sites of one and one-half acres or less in area; or, (2). Five or more parcels of buildings sites of one and one-half acres each or less in area are created by successive divisions within a period of five years.

B. Any division of less than five lots may be allowed by following the provisions of Section 236.34, Wisconsin Statutes, and of Chapter 4 hereof, relating to certified survey maps with a copy of such certified survey being filed with the Village clerk. The area requirements, however, of this ordinance shall be applicable.

2.3 Certificate. Certificates, as required on the certified survey map, shall be in conformity with the requirements of Section 236.21(2)(a) and additionally shall have plan commission/ Village council approval certificates in the following form:

Highland Village Board Certificate

Approved this _____ day of _____, 199__/20__

Village President

Village Clerk

2.4 **Certified survey map.** "Certified survey map" means a survey map prepared by a registered land surveyor which must comply in all respects with Section 236.34 of the Wisconsin Statutes and additionally show the following:

- A. Date of map;
- B. Graphic scale;
- C. Name and address of owner, subdivider and surveyor;
- D. All existing buildings, watercourses, drainage ditches and other features pertinent to the proper division;
- E. Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes and wetlands;
- F. Acreage included in each parcel;
- G. Certificate as provided for in Section 2.3

2.5 **Letter of intent.** "Letter of intent" means a written application to the Village Board which shall include:

- A. The name and addresses of the owner of the property under consideration;
- B. The name and address of the subdivider;
- C. The name and address of the surveyor who will be doing the work;
- D. The location and size of the property and a legal description thereof;
- E. The present use of the land;
- F. The intended future use of the land.

2.6 **Minor subdivision.** "Minor subdivision" means the division of a lot, parcel or tract of land which creates one parcel or more, not to exceed four parcels or building sites, any one of which is four acres or less in area, excluding any area for street right-of-way.

2.7 **Sketch map.** "Sketch map" means a rough diagram prepared by or on behalf of the subdivider to a scale of not more than two hundred feet to the inch containing the following:

- A. North arrow;
- B. Date of preparation;
- C. Reference to a section corner;
- D. Approximate dimension of the parcel and easements;
- E. The location of existing buildings, water wells, sewer systems, watercourses, drainage ditches and other features pertinent to the proper division;
- F. Setback or building lines required by any approving agency;
- G. The use of land adjacent to the property and existing roads, dedicated areas and utilities.

3.0

REQUIRED PROCEDURE

Sections:

- 3.1 Preliminary meeting.
- 3.2 Preliminary plat—Required.
- 3.3 Preliminary plat—Approval or rejection—When—Notification.
- 3.4 Preliminary plat—Approval—Entitlement.
- 3.5 Preliminary plat—Materials and scale—Contents.
- 3.6 Preliminary plat—Supplemental information.
- 3.7 Final plat—Submittal when.
- 3.8 Final plat—Approval or rejection—When—Notification.
- 3.9 Final plat—Materials and scale—State statutes adopted.
- 3.10 Final plat—True copy—Filing.
- 3.11 Security for Performance Required

3.1 **Preliminary meeting.** Before filing a preliminary plat or a certified survey map, the subdivider shall consult with the Village clerk for written instructions as to the various requirements of the village ordinances and other requirements affecting the proposed development. A sketch of the proposed subdivision shall be submitted to the clerk at that time together with the location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation with the Village Clerk shall be used to facilitate the developer in determining whether or not an acceptable preliminary plat can be presented to the Village Board.

3.2 **Preliminary plat—Required.** Before submitting a "final plat" for approval, the subdivider shall submit a "preliminary plat", and as many copies thereof as may be required, to the Village Board of Trustees for preliminary approval or rejection.

3.3 **Preliminary plat—Approval or rejection—When—Notification.** After a formal meeting of the Board for the purpose of review of the "preliminary plat", and after the conclusion of such negotiations with the subdivider regarding changes as may be deemed by the Board to be advisable and/or required, as to the kind and extent of public improvements which shall be required to be considered for approval, the Village Board of Trustees shall, **within thirty days** of its meeting on preliminary plat submission, or within 30 days of its final negotiations with the subdivider regarding required improvements, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection, or he shall be notified of approval.

3.4 **Preliminary plat—Approval—Entitlement.** The Board's formal approval of the "preliminary plat" shall entitle the subdivider to final approval of the **layout**, that is of the sizes and location of the lots, streets, and other areas as required to be shown on a "preliminary plat" by this ordinance, as shown on the face of such "preliminary plat", if, and only if, the final plat conforms substantially to such layout and all conditions of approval have been met.

3.5 **Preliminary plat—Materials and scale—Contents.** The "preliminary plat" shall be drawn with waterproof, non-fading black ink; or, be legibly drawn with pencil or tracing cloth or tracing paper of good quality, on a scale of not more than one hundred feet to an inch, and shall be in sufficient detail and contain such information as will enable the Village Board of Trustees to determine whether the design of the final plat will conform to this chapter.

3.6 **Preliminary plat—Supplemental information.** The subdivider shall furnish the following information with his preliminary plat:

- A. A brief description of the improvements, such as grading, paving, tree planting, installation of utilities, etc. which the subdivider proposes to make and the time frame in which the subdivider proposes to make them;
- B. A brief description of the deed restrictions, if any, which will be put on the plat.

3.7 **Final plat—Submittal when.** The "final plat" and such copies as shall be required shall be submitted within six months of the final official approval of the "preliminary plat". However, if approval of the preliminary plat must be obtained from another approving authority after approval by the Village Board of Trustees, then the final plat shall be submitted within six months after granting of such approval. The Board may waive, in its sole discretion, failure to comply with this requirement.

3.8 **Final plat—Approval or rejection—When—Notification.** The Village Board shall approve or reject the "final plat" within thirty days of a formal meeting of the Board to consider its submission, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in the minutes of the Village Board of Trustees meeting, and a copy thereof or a written statement of such reasons shall be supplied the subdivider. Regardless of any other approvals which may be indicated on the face of said plat, dedications of improvements, to be made by the subdivider and required to be shown as accepted on the face of said final plat, shall not be deemed accepted until such time as they are completed, inspected and approved by the Board or its agents and representatives, or if formal waiver of this condition is made by the Board upon posting of adequate security to insure completion as required by the Board.

3.9 **Final plat—Materials and scale—State statutes adopted.**

- A. The final plat of subdivided land shall comply with the requirements all Village Ordinances and of Section 236.20, Wisconsin Statutes, which is hereby adopted by reference, and in addition thereto, a copy of such plat on mylar twenty-two inches wide by thirty inches long shall be filed with the Village Clerk.
- B. The affidavits and certificates required by Chapter 236, Wisconsin Statutes, shall be lettered or printed legibly with black, durable ink, or typed legibly with black ribbon on the final plat.

3.10 **Final plat—True copy—Filing.** If the original of the final plat has been filed with another approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before the "approval" of the "final plat" by the Village Board of Trustees may be inscribed/written on the original of the "final plat", the surveyor or the subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved before approval of the Village Board of Trustees. Before recording, three (3) copies of the final plat proposed for recording shall be filed with the Village Board of Trustees; and, after recording three (3) additional photographic copies of the actual recorded plat showing all required notations and recording data, shall be provided to the Village Board of Trustees within 3 days after the recording thereof.

- 3.11 **Security for Performance Required.** All subdividers shall furnish to the Village of Highland, before the Village Board "signs off" on the "final plat" evidencing its final approval on the face of the plat or of a certified survey for a "minor subdivision", a performance bond acceptable to the Village Board, certificate of deposit negotiable by the Village, irrevocable letter of credit acceptable to the Village Board or certified check made in favor of negotiation by the Village, in an amount equal to 125% of the cost of the subdivision improvements required by the Village Board of Trustees to be made by the developer/subdivider, in an amount to be determined by the Village Engineer. This bond is for the purpose of insuring that all improvements required by the Village Board and the Village Ordinances are installed in a timely manner and according to the Village's specifications. This security shall remain in effect for one year from the date of completion of the improvements and acceptance of the Village Board of Trustees. Unless defects appear and have not been repaired, the Village will release this security to the subdivider. Applications for partial releases from time to time as development is completed satisfactorily to the Board may be made to the Board of Trustees and shall be granted or denied at the Board's discretion.

Chapter 4.0

PROCEDURE FOR MINOR SUBDIVISION

Sections:

- 4.1 Preliminary certified survey map or letter of intent required.
- 4.2 Preliminary approval or rejection of letter of intent or sketch map and Notification.
- 4.3 Certified survey map—Submittal.
- 4.4 Certified survey map—Review by utilities.
- 4.5 Certified survey map—Review by Village Board of Trustees.
- 4.6 Certified survey map—Review by Village planning commission.
- 4.7 Certified survey map—Approval rejection notification.
- 4.8 Certified survey map—Waiver of requirements-Adjoining landowners.

4.1 **Preliminary certified survey map or letter of intent required.** Before the final approval of any minor subdivision can be made, the subdivider or any one he may designate shall hold a preliminary meeting with the Village Board of Trustees and present a sketch map or a "preliminary certified survey map", which will be designated as such on its face. The Village clerk shall distribute copies of these items to "all appropriate Village officials" including the Village Attorney, Village Engineer, and all members of the Village Board of Trustees, along with any other pertinent information.

4.2 **Preliminary approval or rejection of letter of intent or sketch map—Notification.** The subdivider will be informed in writing by the Village clerk whether or not his preliminary proposal meets ordinance requirements, or what additional information will be required, as soon as possible after the subdivider's preliminary formal meeting with the Village Board of Trustees. This letter shall be preliminary and shall not constitute approval of the plat/map.

4.3 **Certified survey map--Submittal.** The subdivider shall cause a certified survey map to be prepared in accordance with the definitional requirements of this ordinance and the subdivider shall cause the original drawing and seven copies to be submitted to the Village clerk who shall, transmit the original and three (3) copies to the "all appropriate Village officials" and one copy to any affected private and/or public utility.

- 4.4 Certified survey map—Review by all Village and Other Utilities.** The utilities shall review the said certified survey map and shall transmit their recommendations in writing to the subdivider, the Village Engineer, and Village Clerk, as to the need for dedication of easements and other appropriate comments.
- 4.5 Certified survey map—Review by Village clerk.** Within five days of receipt of the certified survey map the Village Clerk shall submit to the subdivider and the Village Board of Trustees certification in writing as to whether there exist any unpaid taxes or special assessments on the subject premises, or whether there are unpaid taxes or special assessments which the subdivider shall be responsible to bring current before any further action will be taken.
- 4.6 Certified survey map—Review by Village Board of Trustees.** The Village Board of Trustees shall review the certified survey map upon receipt of the Village Clerks' certification and the receipt of the utility companies' comments. If the Village Board of Trustees determines in its discretion that there is a need for easement dedication, that matter shall be considered by the Village Board of Trustees for approval of the said easement dedication. Subject to approval of easement dedications, the Village Board of Trustees shall otherwise review the certified survey map for conformance with this chapter ordinance and other Village regulations. The Village Board of Trustees shall approve in total, or conditionally, or reject such map outright within thirty days from the date of a formal meeting of the Board to consider said map, unless the time is extended by agreement with subdivider.
- 4.7 Certified survey map—Approval rejection notification.**
- A. The Village Board of Trustees shall report in writing to the subdivider its actions in approving, conditionally approving or rejecting the proposed subdivision. The report shall set forth the basis of its decision. If the Village Board of Trustees approves the subdivision, the Village Board President and Village Clerk shall sign the original drawing and three copies, and a record of said vote, signing and approval by the board shall be made in the minutes of the Board.
 - B. The original drawing and one copy shall be returned to the surveyor or subdivider. One copy shall be retained by the Village clerk.
 - C. The subdivider or surveyor shall record the map with the county register of deeds within thirty days of its approval by the Village Board of Trustees. The subdivider shall pay the recording fee. No building permit shall be issued until the final , approved plat has been duly approved and recorded.
 - D. The subdivider shall, at his expense, provide a certified copy of the certified survey map to the Village clerk showing the recording date.
 - E. The subdivider shall post and otherwise comply with the security bond requirement generally required in the previous section. The requirements and provisions of sec. 3.8 and 3.11 hereof are incorporated herein by reference.
- 4.8 Certified survey map--Waiver of requirement--Adjoining landowners.** In the case of lot splits or sale of land between adjoining owners, the Village Board of Trustees may waive the requirements of the certified survey map if no new lot is created and provided it will not be in conflict with the purpose of this chapter. However, in every case where a waiver is granted, the new lot lines shall be monumented by a registered land surveyor and two copies of such shall be submitted to the Village Clerk.

Chapter 5.0
REQUIREMENTS AND DESIGN STANDARDS

Sections:

- 5.1 Generally.
- 5.2 Streets.
- 5.3 Intersections.
- 5.4 Alleys.
- 5.5 Underground utilities.
- 5.6 Block.
- 5.7 Lots.
- 5.8 Requirements, design standards and fees for minor subdivisions.

5.1 Generally: The proposed subdivision shall conform to:

- A. The provisions of Chapter 236, Wisconsin Statutes;
- B. All applicable ordinances of the Village;
- C. The Village Sewer User Ordinance;
- D. The rules of the State Highway Commission relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.

5.2 Streets.

- A. **General Considerations.** Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, to public convenience and safety, and in appropriate relation to the proposed uses of the land to be served by such-streets. Standard Village detailed street designs must be utilized.
- B. **Width.** All streets rights-of-way shall be not less than ~~sixty-six~~ feet in width., except that cul-de-sacs or dead-end streets rights-of-way may be no less than fifty feet. *60' amendment*
- C. **The grade of streets.** shall not exceed eight percent, unless necessitated by topography and approved by the Village Board of Trustees.
- D. **Alignment and Visibility.** There shall be a minimum sight distance with clear visibility along the centerline of all major streets of not less than three hundred feet.
- E. **Dead-end streets.** Cul-de-sacs or streets designed to have one end permanently closed shall not exceed five hundred feet in length, and shall terminate with a turnaround of not less than one hundred feet in diameter.

5.3 Intersections.

- A. Where streets intersect and cross major streets, their alignment shall be continuous and street jogs or off-center intersections shall be avoided.
- B. Streets shall intersect within fifteen degrees of perpendicular to the intersected street.
- C. Not more than two streets shall intersect at one point, unless approved by the Village Board of Trustees.

5.4 Alleys. Alleys shall not be less than twenty-four feet wide, and shall be continuous through blocks. Alleys shall not be used in residential areas, unless approved by the Village Board of Trustees.

5.5 **Underground utilities.**

A. Lines to be Underground in Newly Platted Areas.

1. All new electric distribution lines (excluding lines of fifteen thousand volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly platted area, mobile home park or planned development, shall be underground unless the Village Board of Trustees shall specifically find after study that:
 - a. The placing of such facilities underground would not be compatible with the planned development;
 - b. Location, topography, soil, stands of trees or other physical conditions would make underground installation unreasonable or impracticable; or,
 - c. The lots to be served by said facilities can be served directly from existing overhead facilities.
2. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above grade pedestal-mounted terminal boxes may be located above ground.
3. The subdivider or his agent shall furnish proof to the Village Board of Trustees that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground, as required by this section, as a condition precedent to approval of the final plat or certified survey map.
4. Temporary overhead facilities may be installed to serve a construction site, or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated, such temporary facilities shall be removed, subject to any exception permitted by the Village Board of Trustees under subdivision 1 of this subsection.
5. Utility Easements.
 - a. Adequate easements shall be provided and dedicated on each side of all rear lot lines and on side lot lines, across lots or along front lot lines where necessary, for the installation of electric and communication facilities. Such easements shall be noted as "utility easements" on the final plat or certified survey map. Prior approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map.
 - b. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas.

- c. Where the electric and/or communications facilities are to be installed underground, a note shall be placed on the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six inches by the subdivider, his agent or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved.

B. Lines to be Underground in Existing Plats. Utility lines and services of the kind described in this section, constructed in an area which was platted prior to the effective date of this provision and in which such lines and services have not previously been installed, shall also be placed underground, subject to the applicable provisions of this section. To implement these provisions, all owners of the lots in such platted area shall grant the necessary easements for such lines and services, and shall make with the owner or owners of such lines or services such arrangement as may be required under applicable rates and rules filed with the State Public Service Commission for the placing of such facilities underground.

C. Street Lights. In a newly platted area, the subdivider shall provide for the location of all street lights within the area being developed, upon consultation with the electric utility serving the subdivision, and as approved by the Village Board of Trustees.

5.6 **Blocks.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block lengths in residential areas shall not be more than one thousand five hundred feet nor less than four hundred feet, measured along the long portion of the block where blocks are odd shaped and not square. The short portion of the block may be less than four hundred feet to accomplish the full utilization of the land. Pedestrian crosswalks not less than ten feet wide may be required by the council through the center of blocks more than nine hundred feet in length, where deemed essential to provide circulation and access to community facilities.

5.7 **Lots.**

A. Generally. The size, shape and facing of lots with a setback line of not less than twenty-five feet shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.

B. Dimensions.

1. Residential lots shall meet the minimum area and yard requirements of the zoning district in which they are located.
2. Residential lots to be served by private sewage disposal facilities shall comply with the rules of the State Department of Health and Social Services.
3. Residential lots fronting on major streets should be platted with extra depth to permit generous distances between the buildings and such streets.

C. Corner lots for residential use shall have width sufficient to provide a building setback required by the Village zoning ordinance, and all plantings in the terrace or parkway shall maintain the same setback as required for buildings.

D. Access to Public Street. Every lot shall front or abut on a public street.

- E. Lot Lines. Side lot lines shall be substantially at right angles or radial to street lines.
- F. Large Lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the re-subdivision standards.
- G. Municipal Boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

5.8 **Requirements, design standards and fees for minor subdivisions.**

- A. Generally. The proposed subdivision shall conform to all applicable ordinances of the Village including, but not limited to, ordinances codified and found in this ordinance.
- B. Soil Borings. Soil borings shall be performed if the lots being created will not be served by an approved public sewer system. The tests shall show they were performed in accordance with Section H.62.20 and/or H.65 of the Wisconsin Administrative Code, and pp. 10-12 of the Village Sewer User Ordinance, and the test results shall be submitted with the certified survey map.
- C. Fees. The certified survey map review fees shall be twenty-five dollars plus three dollars for each lot or parcel shown.

Chapter 6.0 **IMPROVEMENTS**

Sections:

- 6.1 General provision.
- 6.2 Improvements by Village.
- 6.3 Financing of improvements.
- 6.4 Improvements by subdivider.
- 6.5 Other improvements to be paid for and installed by developer.
- 6.6 Extraordinary costs.
- 6.7 Special assessments.
- 6.8 Acceptance of dedications.
- 6.9 Construction plans and inspection required.
- 6.10 Grinder Pumps

6.1 **General Provision.** The following provisions of this article shall apply to subdivisions platted within the Village.

6.2 **Improvements by Village.** The following improvements (A-H) shall be designed, engineered and installed by the Village in such manner as the Village deems necessary and proper, except that the Village may permit a developer to provide for his own installation of services as long as the developer can assure the Village that the installation shall be done in conformity with all the rules and regulations and specifications of the Village and posts the required bond, as previously provided.

- A. Sanitary sewers;
- B. Storm sewers;
- C. Bridges and culverts;
- D. Curb and gutter;

- E. Street lights;
- F. Streets, subsurface grade and final covering;
- G. Water and electricity in cooperation with the local utility.
- H. Any apparatus associated with the above-listed items.

6.3 Financing of improvements. Excepting extraordinary costs, as set out below, and excepting projects financed by Tax Incremental Financing (TIF), the entire cost and expenses incurred by the Village relating to the design, inspection, engineering, legal expenses and installation of improvements, including all of those listed herein, shall be assessed under Section 66.60 of the Wisconsin Statutes as a special assessment by the Village to the buildable lots of the subdivision in the following manner:

- A. If the Village of Highland agrees to provide financing for a portion or all of the infrastructure of the improvements, including streets, the Village will agree to finance a portion of the said infrastructure of the development of subdivisions as follows:
 - 1. The Village will assess the improvements, as follows: The Village will assess the cost of the improvements against the property owner and defer any payment toward principal for a period of five years commencing with the year after the construction has been initiated. During those five years the property owner shall be responsible to pay only the interest due on the assessment at the rate of one-half percent above the current rate of interest paid by the Village. After the five-year period referred to herein has expired the Village will accept payments at the rate of twenty percent (20%) of the total principal, together with interest for a period of five (5) years with the rate of interest to be one-half percent above the current rate of interest paid by the Village.
 - 2. Upon conveyance of any leasehold or fee interest in or on a buildable lot by a "record title holder", the assessment on that lot may, in the discretion of the Village Board, be continued on the same terms and conditions as outlined under the applicable subsection of this section, and become payable by the new owner. The record title holder is that person(s) who hold(s) the record title on the date the property is assessed by the Village Board of Trustees. Where real estate is developed into condominium units, each condominium unit shall be assessed by the record title holder and the entire assessment for that unit shall become immediately due and payable. Payment of the assessment on such conveyed lots shall not be applied to nor credited toward the assessment due upon un conveyed lots under this section. It is anticipated, however, that the portion of the assessment made against each individual lot shall be paid in full at the time that each lot is sold, exchanged or is otherwise conveyed by the record title-holder.

6.4 Improvements by subdivider. The following improvements shall be designed, engineered and installed at the sole expense of the subdivider, and in accordance with engineering standards and specifications established by the Village Ordinances and/or Board of Trustees in conjunction with, and subject to, the approval and acceptance of the Village Board and the Village Engineer. Where standards and specifications have not been established, the improvements shall be made according to good engineering practices:

- A. Right-of-way shall be subsurface graded from property line to property line. The proposed street grade shall be submitted in writing to the Village Board of Trustees prior to the commencement of the work of improvement on the street.
- B. If the Village Board deems it to be necessary, it may require that: concrete sidewalks, concrete driveway aprons and handicap ramps be provided to each individual lot

when the property owner secures a building permit if curb and gutter has been installed; that if curb and gutter has not been installed at the time a building permit is issued, then sidewalks must be installed at the same time as curb and gutter construction.; that a subdivider be required to install, at it's own cost, a concrete sidewalk, driveway apron and handicap ramp at all intersections at the time curb and gutter is installed; that the sidewalk, driveway aprons and handicap ramps shall be installed according to the engineering standards and specifications established by the Village and subject to the Village's approval; that upon request and upon receipt of evidence of an escrow account established to pay for installation, then the Village Board of Trustees, at it's discretion, may allow the subdivider a six-month extension, if inclement weather would increase the cost of pouring concrete.

6.5 Other improvements to be paid for and installed by developer.

- A. Trees. The subdivider shall cause no trees to be planted within the street right-of-way.
- B. Utilities. The subdivider shall cause telephone, cable television facilities and natural gas connections to be installed. All installations, unless specifically excluded shall be underground. Maintenance easements must be provided to the utility providing the service and recorded.

6.6 Extra-ordinary Costs. The Village shall pay and be responsible for extraordinary costs for major utility and street improvements (including right-of-way acquisition) which benefit a broader area of the Village than the subdivision under consideration. The Village shall pay the equivalent cost for the difference of installing improvements over and above the minimum dimensions as may be required by ordinance or law. Such improvements may include:

- A. Sanitary sewers where mains larger than eight (8) inches in diameter are required;
- B. Sewage lift stations and force mains required to serve in area beyond the subdivision;
- C. Water lines where mains larger than eight (8) inches in diameter are required;
- D. Storm sewers where pipes larger than twenty-four (24) inches in diameter are required;
- E. Street improvements (including right-of-way acquisition) where more than sixty-six (66) feet of right-of-way (ROW) width or more than thirty-two feet of pavement width are required;
- F. Bridges, or culverts larger than twenty-four (24) inches required to serve an area beyond the subdivision;
- G. Street improvements, installation of water lines, storm and sanitary sewers on boundary streets or easements abutting properties not included within the subdivision.

6.7 Extra-ordinary costs. Expenditures by the Village for "extraordinary costs" as outlined in the above section 6.6 may be assessed against all benefiting properties, both within and without the proposed subdivision under Section 66.60, Wisconsin Statutes.

6.8 Acceptance of dedications. The approval of the final plat by the Village Board of Trustees shall constitute approval and acceptance of the dedications to the public of the following locations and areas as shown on the final plat which shall be dedicated in such plat:

- A. Any public street, road, park, or highway;
- B. Storm sewer and "sanitary sewer"(as the term is defined and used in page 8 of the Village sewer use ordinance) including any pumps as may be required;
- C. Maintenance easements for such utilities.

Such acceptance does not, however, constitute the acceptance of improvements required to be performed by the subdivider nor relieve the subdivider to complete all improvements in the manner required by the Board.

6.9 Construction plans and inspection required.

- A. Construction Plans. Whenever any improvements are required by the Village, construction plans for the improvements to be installed shall be furnished by subdividers in accordance with the specifications of the Village Board of Trustees and subdividers shall first seek and receive approval from the Village Board before the said required improvements are installed. The following plans shall be required, where applicable:
1. Street plans and profiles showing existing and proposed grades, including extension for a reasonable distance beyond the subdivision elevations and cross-sections of required improvements;
 2. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials;
 3. Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials or method of storm water disposal in lieu of sewers;
 4. Water main plans and profiles showing locations, sizes, elevations and materials;
 5. Grading plans for the entire subdivision if it appears that erosion and sediment control will be a problem;
 6. Additional special plans or information as required by the official having jurisdiction.
- B. Inspections. The Village Board of Trustees may conduct or order conducted such inspections as it may deem necessary and proper to carry out the purpose of this title. Prior to starting any of the work covered by the plans approved as above, arrangements for a preliminary inspection shall be made for the Village Engineer or the designated agent of the Village Board to inspect the work to insure compliance with the plans and specifications as approved. At least one week prior to starting work, written notice shall be mailed by the subdivider to the Village Clerk..
- C. Stop Work Order. The Village Board President and Village Engineer are empowered to issue a "stop work" order to cease further work on the improvements when he or she determines that the work of improvement does not conform to the requirements of the plans and specifications. The "stop work order" shall be in writing signed by the Village Board President or the Village Engineer and shall identify the items of the plans and specifications which are not in conformity and the manner of nonconformity. Personal service of the "stop work order" shall be made upon the subdivider and/or contractor or other person performing the work in question. The "stop work order" shall be released only in writing, signed by the Village Board President or the Village Engineer at such time as the Village Board of Trustees determines the work in question has been corrected so as to conform to the plans and specifications. Upon written request by a subdivider or other person aggrieved, the Village Clerk shall schedule a special meeting of the Board of Trustees, which shall be held within five business days after the receipt of such request. Notice of the time and place of such hearing shall be sent by mail to each person upon whom the stop work order was served and to the person requesting the hearing. The Village Board of Trustees shall hear the

evidence submitted, and shall affirm or set aside the stop work order. All costs are to be the responsibility of the subdivider.

- D. Building permits. No building permits shall be issued for the erection of any structure on any lot of any subdivision hereunder, until satisfactory completion of the requirements of this ordinance specifically and of the Highland Village Ordinances, generally, has been demonstrated to the satisfaction of the Village Board of Trustees, and the required improvements have been inspected and accepted by the Village Board. It is understood that the subdivider and the Village Board shall cooperate and act in good faith to ensure that all provisions of the ordinances of the Village of Highland, including this ordinance, have been complied with.

- 6.10 **Grinder Pumps.** No sewer grinder pumps shall be permitted, installed or used in any subdivision once access to a municipal gravity sewer main becomes available in accordance with the terms of the Village Sewer User Ordinance, which is incorporated herein by reference.

Chapter 7.0 **RESERVATIONS**

- 7.0 **Green Space--consideration to be required of subdivider.** The Village Board may at its discretion, require every subdivision developer under this chapter to pay five percent of the market value of the land being developed or dedicate five percent of land without charge to the Village for parks, playgrounds or open green space. The Village shall have the authority and sole discretion to decide whether the proposed dedicated land is suitable and may require the five percent payment of market value. This fee shall be payable prior to the recording of the final plat. Failure to pay shall result in a special assessment against the lots in the subdivision.

Chapter 8.0 **SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS**

Sections:

- 8.1 Assessor's plat—Permitted when.
8.2 Compliance with provisions.
- 8.1 **Assessor's Plat—Permitted—when.** Where it is not practicable to require that a final plat of a subdivision created by "successive divisions" be filed in accordance with this ordinance, the Village Board of Trustees may in lieu thereof order an assessor's plat to be made under Section 70.27, Wisconsin Statutes, and may assess the cost thereof as provided in such section, or to the subdivider. "Successive divisions" as used in this paragraph refers to a situation in which landowner/subdivider or its agent creates a subdivision of 5 or more lots over a period of time, under Chapter 4 hereof (Minor Subdivisions not requiring a "final plat") or otherwise, so that the number of lots created would otherwise require a "final plat" approval under Chapter 3 hereof.
- 8.2 **Compliance With Provisions.** Regardless of the type of plat filed, any subdivision shall comply with all provisions of this subdivision ordinance to the extent that they may reasonably be applied.

CHAPTER 9.0
MODIFICATIONS AND WAIVERS OF THIS ORDINANCE BY THE VILLAGE
BOARD OF TRUSTEES

- 9.0** **Modifications by Village Board of Trustees—When Permitted.** Where in the opinion of the Village Board of Trustees, unusual, exceptional, extraordinary factors, conditions or circumstances exist, then the Village Board of Trustees may in its discretion, decree or grant, by way of a Special Resolution, a variance from any of the provisions and requirements contained herein, and/or impose any other conditions as it deems proper, either more or less stringent, as the Board deems to be necessary to accomplish the spirit and purpose of this subdivision ordinance under the circumstances. Any such resolution shall contain a statement expressing the terms of the variance and the reasons for such variances, and said statement shall be attached to all copies of the construction plans. Actions hereunder may not be cited or used as precedent for such modifications or waivers in any general manner for any other situation or at any other time.

Chapter 10.0
PENALTY

- 10.0** **Penalty.** Any person who violates any provision of this ordinance or any order, rule or regulation made under this ordinance, shall be subject to a penalty as provided in Chapter 15 of the Municipal Code of the Village of Highland. In addition, the procedures and remedies provided in Sections 236.30 and 236.31, Wisconsin Statutes, and by Chapters 66 and 823, Wisconsin Statutes, and/or by the Municipal Code and Ordinances of the of the Village of Highland, shall be available to the Village.