

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

Title 14 ► Chapter 1

Subdivision Regulations

14-1-1	Introduction and Purpose
14-1-2	Definitions
14-1-3	General Provisions
14-1-4	Condominium Developments
14-1-5	Procedure for Submitting Subdivisions
14-1-6	Technical Requirements for Preliminary and Final Plats
14-1-7	Replat
14-1-8	Minor Subdivisions
14-1-9	Design Standards — Streets
14-1-10	Design Standards — Block Design
14-1-11	Design Standards — Lots
14-1-12	Drainage System
14-1-13	Extra-Size or Off-Site Improvements
14-1-14	Non-Residential Subdivisions
14-1-15	Requirements and Design Standards for Public Improvements
14-1-16	Easements
14-1-17	Grading
14-1-18	General Park and Public Land Dedication Requirements
14-1-19	Administrative and Other Fees
14-1-20	Variations and Exceptions
14-1-21	Enforcement, Penalties and Remedies

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Boyd does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

14-1-1

- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare. The regulations are designed to lessen congestion in the streets; to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry and providing for the most appropriate use of land in the Village.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 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.
 - (3) **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.
 - (4) **Building Line.** A line parallel to a lot line and at a distance from the lot line to comply with the Village Zoning Ordinance's yard requirement.
 - (5) **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.
 - (6) **Commission.** The Plan Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes, if one is created.
 - (7) **Comprehensive Development Plan.** A comprehensive plan prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendment to such plan or parts thereof.
 - (8) **Cul-de-sac.** A short street having but one (1) end open to traffic and the other end being permanently terminated in a vehicular turnaround.

- (9) **Division of Land.** Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.
- (10) **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.
- (11) **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.
- (12) **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. Said plat must conform to all State laws.
- (13) **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 are not available, the maximum flood of record.
- (14) **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.
- (15) **High-Water Elevation.** The average annual high-water level of a pond, stream, river, 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 distance mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic geological or vegetative characteristic.
- (16) **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.
- (17) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (18) **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.
- (19) **Lot, Area.** The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- (20) **Lot, Corner.** A lot abutting intersecting streets at their intersection.
- (21) **Lot, Double Frontage.** A lot which has a pair of opposite lot lines along two (2) substantially parallel streets, and which is not a corner lot. On a double frontage lot, both street lines shall be deemed front lot lines.

- (22) **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.
- (23) **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.
- (24) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (25) **Lot Width.** The width of a parcel of land measured along the front building line.
- (26) **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.
- (27) **Marginal Access Street.** A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (28) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties.
- (29) **Minor Subdivision.** The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites.
- (30) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe, of the shallowest draft used for recreation purposes.
- (31) **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.
- (32) **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.
- (33) **Plat.** The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (34) **Preliminary Plat.** The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Village Board for their consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (35) **Protective Covenants.** Contracts entered into between private parties which constitute a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (36) **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.

- (37) **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.
- (38) **Subdivider.** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (39) **Subdivision.** The division of a lot, outlot, parcel, or tract of land by the owner thereof or his/her agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres or less in area, or where the act of division creates five (5) or more parcels or building sites by successive division within a period of five (5) years, whether done by the original owner or a successor owner.
- (40) **Wetlands.** Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high-water table.
- (41) **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 Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Sec. 14-1-3 General Provisions.

- (a) **Compliance.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
 - (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H 85 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy 33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (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 local and county regulations, including zoning, sanitary, building and official mapping ordinances.

14-1-3

- (b) **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.
- (c) **Permits.** No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.
- (d) **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.
- (e) **Land Suitability.** No land shall be subdivided which is held unsuitable for its proposed use by the Village Board for reason of flooding, inadequate drainage, adverse soil or rock formation, severe erosion potential, unfavorable topography, inadequate water supply or sewage disposal capabilities, 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 Village. The Village Board in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Board may affirm, modify, or withdraw its determination of unsuitability.

Sec. 14-1-4 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 Boyd 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) Sections 14-1-5 through 14-1-6 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 14-1-6 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (2) Section 14-1-15.
 - (3) Sections 14-1-9 through 14-1-17.
 - (4) Section 14-1-18.
- (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. 14-1-5 Procedure for Submitting Subdivisions.

- (a) **Preliminary Meetings.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Village Board for advice regarding general subdivision requirements. 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.
- (b) **Preliminary Plat Review Within the Village.**
- (1) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file an adequate number of

copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Village Board at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Village Engineer for review and written report of their recommendations and reactions to the proposed plat.

- (2) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Clerk-Treasurer fifteen (15) complete sets of preliminary plans and specifications for the construction of any public improvements required by this Chapter.
- (3) **Property Owners Association.** The Village Board may require submission of a draft of the legal instruments and rules for proposed property owners associations when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners.
- (4) **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.
- (5) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the preliminary plat:
 - a. 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
 - b. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - c. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Village Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (6) **Referral to Other Agencies.**
 - a. The Village Clerk-Treasurer shall, within two (2) days after a preliminary plat is submitted, transmit four (4) copies of the plat to the County Planning Agency and two (2) copies for each of the state agencies required to review the plat to the Department of Administration.
 - b. The Village Clerk-Treasurer shall transmit a copy of the Preliminary Plat to all affected Village boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Board within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall

then be reviewed by the Board for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.

- (7) **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.
- (c) **Preliminary Plat Approval Within the Village.**
 - (1) **Objecting Agencies' Recommendations.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any 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 Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (2) **Board Review.** The Village Board shall, within ninety (90) days of the date the preliminary 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 written agreement by 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 plat or map is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
 - (3) **Approval or Conditional 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 as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. 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 Village Board at the time of its submission.
 - (4) **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 hearing and 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.

(d) Final Plat Review.

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file copies of the Plat and the application with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Village Board at which action is desired. If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat, unless the Village Board and the applicant have agreed, in writing, to an extension; the owner or applicant shall file six (6) copies of the Final Plat with the Clerk-Treasurer. 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.
- (2) The Village Clerk-Treasurer shall, within two (2) days after a final plat is submitted, transmit four (4) copies of the plat to the County Zoning Agency; and two (2) copies for each of the State Agencies required to review the plat to the Wisconsin Department of Administration. In lieu of this procedure, the subdivider may submit the original plat directly to the Department of Administration in accordance with Sec. 236.12(6), Wis. Stats.
- (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 Section 236.12(2).
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
- (5) The Village Clerk-Treasurer shall refer two (2) copies of the final plat to the Village Board, one (1) copy to the Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report shall be referred to the attorney for his/her examination and report. The Village Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the 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 Village Board. 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 Village Board.
- (6) The Final Plat shall be examined by the Village Engineer, Village Planner, Village Attorney or other qualified staff to determine whether the Final Plat conforms

substantially to the Preliminary Plat. Any such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11(1)(e), Wis. Stats.

- (7) The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it.
- (e) **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.
- (f) **Final Plat Approval.**
 - (1) The objecting 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. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (2) If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (3) The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer, approve or reject such Plat unless the time is extended by agreement with the subdivider. 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. 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.
 - (4) 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.
 - (5) 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. Pursuant to Sec. 236.25(2)(b), Wis. Stats., the County Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from the date of last approval of the Final Plat or thirty-six (36) months from the last required approval of the Preliminary Plat.
 - (6) The subdivider shall file ten (10) copies of the Final Plat with the Village Clerk-Treasurer for distribution to the approving agencies and other affected agencies for their files.

14-1-5

- (g) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Village of Boyd for all engineering work incurred by the Village in connection with the plat or certified survey map.
- (h) **Administrative Fee.** The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.
- (i) **Recording of Plats or Certified Survey Maps.** Plats and certified survey maps, approved by the Village Board of the Village of Boyd, 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 thirty-six (36) months following the date of the last required approval of the Preliminary Plat. 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 ten (10) certified copies of the approved land division with the Village Clerk-Treasurer.

Sec. 14-1-6 Technical Requirements for Preliminary and Final Plats.

- (a) **General Preliminary Plat Information.** 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 tracing cloth 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.
 - (2) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and under hardship would result from strict application thereof.
- (b) **Preliminary 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 Mean Sea Level Datum 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 Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Board, 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) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.

- (14) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Section H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
 - (15) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
 - (16) **Approximate Dimensions of All Lots** together with proposed lot and block numbers.
 - (17) **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.
 - (18) **Approximate Radii of all Curves.**
 - (19) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (20) **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.
 - (21) **Soil and Water Conservation.** The Village Board upon determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. In addition, the Board may request a review of such plans by the County Land Conservation Department.
 - (22) **Street Plans and Profiles.** The Village Board may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon the same datum as above and plans and profiles shall meet the approval of the Village Board.
 - (23) **Covenants.** The Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
 - (24) **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.
 - (25) **Where the Village Board** 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) **Proposed Layout.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

- (d) **Design Requirements.** To the extent reasonably practicable, the certified survey/minor subdivision plat shall comply with the provisions of this Chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than one and one-half (1-1/2) acres or three hundred (300) feet in width.
- (e) **Final Plat Technical Requirements.**
- (1) **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 Sec. 236.20, Wis. Stats.
 - (2) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Sec. 236.20, Wis. Stats., the following:
 - a. Exact street width along the line of any obliquely intersecting street.
 - b. 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, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
 - c. Location of individual lot soil boring and percolations tests as required by Ch. H82.20, Wis. Adm. Code for all lots not served by public sewer. The results of the tests shall be submitted with the Plat.
 - d. Railroad rights-of-way within and abutting the Plat.
 - e. Setbacks or building lines required by any approving or reviewing agency.
 - f. All lands reserved for future public acquisition or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the Plat.
 - g. Special restrictions required by the Board and other approving or objecting agency relating to access control along public ways, the provision of planting strips, or shorelands or floodlands.
 - h. Where the Village Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the Final Plat, it shall have the authority to request in writing such information from the subdivider.
 - (3) **Deed Restrictions.** The Village Board may require that deed restrictions be filed with the Final Plat.
 - (4) **Survey Accuracy.** A qualified person shall examine all Final Plats within the Village's jurisdiction and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
 - (5) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Sec. 236.15, Wis. Stats.

14-1-6

- (6) **Relocate Quarter Section Corners.** Where the Final 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 (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat.
- (7) **Certificates.** All Final Plats shall provide all the certificates required by Sec. 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this Chapter.

Sec. 14-1-7 Replat.

- (a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Subsections (a) through (f) of Section 14-1-5.
- (b) The Village Clerk-Treasurer shall schedule a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.

Sec 14-1-8 Minor Subdivisions.

- (a) **Certified Survey Use.** When it is proposed to divide land into not more than four (4) parcels or building sites, the subdivider may subdivide by use of a Certified Survey Map.
- (b) **Letter of Intent.** The subdivider shall submit to the Village Clerk-Treasurer a letter of intent. The letter of intent shall specify:
 - (1) The name and address of the owner of the property under consideration.
 - (2) The name and address of the subdivider.
 - (3) The name and address of the surveyor who will be doing the work.
 - (4) The names and addresses of all prospective buyers.
 - (5) The location and size of the property.
 - (6) The present use of the land.
 - (7) The intended future use of the land.
 - (8) The estimated time table of development.

- (c) **Sketch Map.** Accompanying the letter of intent, for areas outside the flood plain, the subdivider shall submit a sketch map at a scale of one (1) inch = two hundred (200) feet or other appropriate scale. More than one (1) sketch map may be used to show the required information but they shall be of the same scale and no one (1) map shall be larger than eight and one-half (8-1/2) x fourteen (14) inches. Each submission shall include all contiguously owned land except the sketch need not show more than twenty (20) times the area of the intended certified survey. This sketch map shall show the following information:
- (1) North arrow, date and scale.
 - (2) Reference to a section corner.
 - (3) Approximate dimensions of the parcels and easements.
 - (4) The location of existing buildings, water wells, sewerage systems, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Setback or building lines required by any approving agency.
 - (6) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.
- (d) **Flood Plain Areas.** The Board may require that two (2) foot contour maps prepared by a registered surveyor or engineer, be the basis of the sketch in flood plain areas.
- (e) **Proposed Layout.** The Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.
- (f) **Additional Information.** The Board may require contour maps and individual lot percolation tests and soil borings prior to tentative approval where limiting conditions are suspected.
- (g) **Tentative Approval.** The Board may grant tentative approval based on the letter of intent and sketch map pending submission of the certified survey map. Tentative approval shall assure final approval if the certified survey submitted within the six (6) months is substantially the same plan and all requirements for division are met.
- (h) **Certified Survey.** The subdivider shall cause a certified survey map to be prepared in accordance with the design requirements of Section 14-1-6 and submit then five (5) copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Village Clerk-Treasurer. The map shall be reviewed by the Board for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which effect it. The Village Board shall approve or reject such map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Board shall cause the Village Clerk-Treasurer to so certify on the face of a copy of the map and return it to the submitter.
- (i) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Village Board.

(j) **Certified Survey Map Technical Requirements.**

- (1) **General.** A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Sec. 236.34, Wis. Stats. The minor subdivision shall comply with the design standards set forth in this Chapter.
- (2) **Additional Information.** The map shall show correctly on its face, in addition to the information required by Sec. 236.34, Wis. Stats., the following:
 - a. Date of map.
 - b. Graphic scale.
 - c. Name and address of the owner, subdivider and surveyor.
 - d. All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - e. Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds streams, lakes, flowages and wetlands.
 - f. Acreage included in each parcel.
 - g. 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 are not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
 - h. Location of individual lot soil boring and percolation tests, as required by Ch. H82.20, Wis. Adm. Code, for all lots not served by public sewer. The results of the tests shall be submitted with the map.
 - i. Setbacks or building lines required by any approving or reviewing agency.
 - j. All lands reserved for future public acquisition.
 - k. Where the Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the Certified Survey Map, it shall have the authority to request in writing, such information from the subdivider as information on shoreline and bottom characteristics.
- (3) **Relocated Quarter Sections.** 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 (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map.
- (4) **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.
- (5) **Recordation.** The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map.

Sec. 14-1-9 Design Standards — Streets.

- (a) **Compliance With Comprehensive Plans.** In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, comprehensive plan or component neighborhood development plan of the Village of Boyd. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as rivers and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivisions shall be designed so as to provide each lot with satisfactory access to a public street.
- (b) **Street Classification.**
 - (1) **Arterial Streets.** Arterial streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. 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, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping areas and other concentrations of population and to the major streets into which they feed.
 - (3) **Minor Streets.** Minor streets, as hereafter defined, 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 provide the minimum street area necessary to provide safe and convenient access to abutting property. Minor street locations and street grades shall be established wherever practicable in such a manner as to avoid excessive grading and to avoid the excessive removal of tree growth and general leveling of the topography.
- (c) **Environmental Factors.** Street, block, and lot layouts shall be adjusted to the capacity of the soil and water resources and shall be designed so as to least disturb the existing terrain, flora, fauna, and water regimen and to meet all of the use, site sanitary, floodland, and shoreland regulations contained in the Village Zoning Code and other applicable ordinances.
- (d) **Lake Front Access.** River or lake shores shall have sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half (.5) mile as required by Sec. 236.16(3), Wis. Stats.
- (e) **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 Board.

14-1-9

- (f) **Compliance With Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (g) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the official map of the Village.
- (h) **Sufficient Frontage.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
- (i) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the Village of Boyd must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.
- (k) **Minor Streets.** Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Number of Intersections.** The number of intersections of minor streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements.
- (m) **Frontage Roads.** Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, nonaccess reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (n) **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 reverse frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (o) **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.

- (p) **Visibility.** Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable.
- (q) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length in feet equivalent to thirty (30) times the algebraic difference in grade for major thoroughfares and twenty (20) times this algebraic difference for all other streets.
- (r) **Half Streets.** Where a half street is adjacent to the subdivision, the other half street shall be dedicated by the subdivider.
- (s) **Intersections.**
 - (1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of fifteen (15) feet or of a greater radius where the Village Board considers it necessary.
 - (2) Provisions of the Zoning Code with respect to Traffic Visibility at street intersections shall also apply here.
 - (3) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
 - (4) Number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
- (t) **Alleys.**
 - (1) Alleys shall be provided in all commercial and industrial districts, except that the Village Board may waive this requirement where other definite and assured provisions are made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. No alleys shall connect with a major thoroughfare. Alleys in residential areas other than those zoned for multiple-family use shall not be permitted. The width of alleys shall be no less than twenty-four (24) feet.
 - (2) Dead-end alleys are prohibited.
- (u) **Street Names.** New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Village Board.
- (v) **Street Design Standards.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified in Section 14-1-15.
- (w) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway 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 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.

Sec. 14-1-10 Design Standards — Block Design.

- (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 in residential areas shall not generally be less than five hundred (500) feet or 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.
- (b) **Pedestrian Pathways.** Pedestrian pathways, not less than ten (10) feet wide, may be required by the Village Board through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

Sec. 14-1-11 Design Standards — Lots.

- (a) Size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.
- (b) Lot dimensions and setbacks shall conform to the requirements of the Zoning Code for the appropriate district in which the property is located.

- (c) Lots shall have a minimum average depth of one hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two (2) to one (2:1) shall be considered a desirable ratio under normal conditions. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Zoning Code.
- (d) Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.
- (e) Corner lots for residential use shall have extra width of ten (10) feet to permit building setback from both streets, as required by the Zoning Code.
- (f) Every lot shall abut or face a public street. Lots outside the corporate limits may abut or face a private street, if permitted by the Village Board. Every lot shall front or abut for a distance of at least thirty (30) feet at the property line on a public street.
- (g) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- (h) In case a tract is divided into parcels of more than one and one-half (1-1/2) acres in areas, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (i) 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.
- (j) In the subdividing 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.
- (k) All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (l) In the case where a proposed plat is adjacent to a limited access highway, other major highway or thoroughfare, there shall be no direct vehicular access from individual lots to such streets and roads. In the platting of small tracts of land fronting on limited access highways or thoroughfares where there is no other alternative, a temporary entrance may be granted; as neighboring land becomes subdivided and more preferable access arrangements become possible, such temporary access permits shall become void.
- (m) Lands lying between the meander line, established in accordance with Sec. 236.20(2)(g), Wis. Stats., 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 parts of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which he/she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream as provided in Sec. 236.16(4), Wis. Stats.

Sec. 14-1-12 Drainage System.

- (a) **Drainage System Required.** A drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Engineer. The cost of any storm sewer construction shall be paid for by the Village.
- (b) **Drainage System Plans.**
 - (1) The subdivider shall submit to the Village Engineer and Village Board a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream 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 Board or Village Engineer.
- (c) **Grading.** The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
 - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one (1) or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.

- (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.
- (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.
- (2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement of the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded and those with grades over four percent [4%] shall be paved.)
- (f) **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.** 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, except that storm sewer drainage improvements shall be paid for by the Village of Boyd. 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.
- (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 five (5) year, twenty-four (24) hour rainfall [ten (10) year, twenty-four (24) hour rainfall for commercial zoning district] event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). 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 (1) 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 drainageways 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.
- (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 (3) reinforced concrete 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) 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.
 - (2) 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:

14-1-12

- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a five (5) year storm event of twenty-four (24) hour duration.
- (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.
- (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," 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.
- (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.
- (12) The maximum depth of a detention pond shall be two (2) feet and shall be protected, if required by the Village, by fencing according to specifications by the Village Engineer.

Sec. 14-1-13 Extra-Size or Off-Site Improvements.

- (a) **Design Capacity.** All improvements shall be installed to satisfy the service requirements for the service or drainage area in which the subdivision is located and the improvements shall be of sufficient capacity to handle the expected development of the overall service or drainage area involved.
- (b) **Extra-Size Improvements.** Where improvements in excess of the size needed to serve just the proposed subdivision are required, the subdivider shall pay for the total cost of improvements he/she is required to install to serve his/her subdivision. The additional costs which result from the extra-size improvement shall be paid for by the subdivider. Thus, when conditions within the whole drainage area will require an eighteen (18) inch sanitary sewer, for example, and a twelve (12) inch sewer will adequately serve the subdivision involved, the subdivider shall construct the eighteen (18) inch utility.
- (c) **Off-Site Extensions.** When streets or utilities are not available at the boundary of the proposed subdivision, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat, assurances that such improvement extensions shall be provided as follows:
 - (1) Extensions of utilities onto the property involved shall be adequate to serve the total development requirements of the service or drainage area. Utilities leaving the property shall be constructed in such a manner as to make their extension practical for servicing the adjacent areas of the service or drainage area.
 - (2) If the Village, or its duly authorized representative, find that extensions across undeveloped areas would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he/she wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such extensions. Such improvements shall be available for connections by subdividers of adjoining land and the subdivider may contract with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
- (d) Where sanitary sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles and specifications prepared for the installation of such facilities. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon the Village Board.

Sec. 14-1-14 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.

14-1-14

- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Zoning Code. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by the Comprehensive Plan, Official Map and Zoning Ordinance.
- (b) **Standards.** In addition to the principles and standards in these regulations, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
 - (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
 - (3) Special requirements may be imposed by the Village with respect to street, curb, gutter and sidewalk design and construction.
 - (4) Special requirements may be imposed by the Village with respect to the installation of public utilities, including water, sewer and storm water drainage.
 - (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer 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. 14-1-15 Requirements and Design Standards for Public Improvements.

- (a) **General Requirement.**
 - (1) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the Village of Boyd 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 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 requires 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.

- (3) The following required improvements shall be installed in accordance with the standards of this Chapter and any additional engineering standards and specifications which have been adopted by the Village Board and filed with the Village Clerk-Treasurer. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices.

(b) **Guarantee for Installation of Required Improvements.**

- (1) ***Payment for Installation of Required Improvements.*** The required improvements to be furnished and installed by the Developer, which are listed and described in this Chapter. For any project to be considered where there will be Village financial involvement, the plat must be approved by November 1st of the year preceding the beginning of construction in order to comply with budget process requirements; provided, however, that in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of the general tax levy, provision may be made for payment of a portion of the cost by the Subdivider and the remaining portion of the cost by the Village. If any improvement installed within the land division will be of substantial benefit to land beyond the boundaries of the land division, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the Developer will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the land division.
- (2) ***Subdivider's Agreement; Security for Improvements.*** Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall enter into a contract ("Subdivider's Agreement") with the Village of Boyd agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and shall file with said contract a performance bond, irrevocable letter of credit, or certified check in the amount equal to, or not exceeding, one hundred twenty percent (120%) of the Village Engineer's estimate. Such security amount determination shall be made by the Village Board after review and recommendation of the Village Engineer's estimated total cost to complete the required public improvements. It shall be the Developer's option whether to execute a performance bond or whether to provide a letter of credit or certified check to satisfy the Village's requirement that the Developer provide security to ensure that the required public

improvements are made within a reasonable time per the Subdivider's Agreement. Security phasing, pursuant to Subsection (b)(3) below, shall be utilized if the project is to be completed pursuant to an approved phasing plan.

- a. The purpose of the guarantee and surety is to ensure that such required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Subdivider's Agreement.
- b. The contract form shall be approved by the Village Attorney and 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 and sequence so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases. The amount of security that can be required by the Village is limited to the phase of the project that is currently being constructed.
- c. The Village may allow for the reduction of the performance bond, irrevocable letter of credit, or certified check as work is completed on the project or phases of the project.
- d. In addition, the following requirements shall apply:
 1. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Village or its agent, and approval of the Village of Boyd.
 2. Governmental units to which these security and contract provisions apply may file, in lieu of said contract and security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the Village Attorney.
- e. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall agree in the development contract to pay all 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 bituminous pavement).

(3) **Phasing.**

- a. Pursuant to Sec. 236.13(2)(a), Wis. Stats., if the project is approved to be constructed in phases, which approval shall not be unreasonably withheld, the

security required to be deposited shall be limited to the phase of the project currently being constructed. The agreement shall provide a reasonable time not exceeding fourteen (14) months by which such security shall be provided, which shall be no sooner than is reasonably necessary before the commencement of the installation of the improvements. In addition, the Village may require by agreement that the Developer provide non-secured improvements warranties. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) may elect, with the approval of the Village, to install the improvements in construction phases provided that:

1. The phases are specified in the contract for land division improvements;
 2. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) submits security in an amount equal to one hundred twenty percent (120%) of the estimated costs of improvements required for the installation and construction schedules for that phase. Improvements constructed during that phase shall not be accepted nor shall any building permit be issued for construction within the completed area of that phase of the land division unless required infrastructure for that phase has been properly installed pursuant to this Chapter;
 3. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) is responsible for recording 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;
 4. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 5. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- b. The time period for completion of a phased improvement program shall take into account the needs of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and/or within the land division.
- c. As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the Subdivision, Condominium or Certified Survey Map Developer (as applicable) from time to time, is authorized to recommend 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, upon submission of lien waivers by the Subdivision, Condominium or Certified

Survey Map Developer (as applicable)'s contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred twenty percent (120%) of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to ensure performance of the fourteen (14) month guarantee as specified herein against defects in workmanship and materials on work accepted.

- d. 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 fourteen (14) month 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.
 - e. The Village Board, in the Subdivider's Agreement, may require a non-secured warranty period beyond the secured fourteen (14) month period.
- (4) **Approval of Subdivider's Agreement.** The Subdivider's Agreement shall be drafted or approved as to form and content by the Village Attorney, and shall be approved by the Village Board prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.
- (5) **Improvement Guarantee.**
- a. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) of said public improvements which deteriorate or fail to meet performance or operating standards during the bond/security term, or any penalties which may be incurred as a result thereof, equal to one hundred twenty percent (120%) of the Village Engineer's estimate of the cost of the public improvements.
 - b. If within fourteen (14) months after the date the public improvements for which the security is provided are substantially completed are found by the Village to

be deficient or substandard, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.

- c. The agreement may require a non-secured warranty period longer than the fourteen (14) month secured guarantee period.
- d. For purposes of this Section pursuant to Section 236.13(2)(a)2, Wis. Stats., public improvements reasonably necessary for a project or phase of a project are considered to be "substantially completed" at the time the binder course is installed on streets or roads to be dedicated or, if the required public improvements do not include a street or road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The Village Board may allow for the reduction of the security as work is completed on the project.

(6) **Survey Monuments.**

- a. Before final approval of any plat within the corporate limits of the Village, the Subdivider or Condominium Developer (as applicable) shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the Village Engineer.
- b. The Village Engineer may waive the placing of monuments, as provided in Section 236.15(1)(6), Wis. Stats., for a reasonable time, not to exceed one (1) year, on condition that the Subdivider or Condominium Developer (as applicable) provide a letter of credit, certified check, or surety bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (a) above. Additional time may be granted by the Village Engineer upon show of cause.
- c. 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable).

(c) **Procedure.**

- (1) **Construction Plans and Specifications.** Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by professional

engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his/her approval and for his/her 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 preliminary plat 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:

- a. **Street Plans and Profiles** showing existing and proposed grades, elevations and cross sections of required improvements.
 - b. **Sanitary Sewer** plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - c. **Storm Sewer and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - d. **Water Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - e. **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.
 - f. **Planting Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - g. **Additional** special plans or information as required by Village officials.
- (2) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Code of Ordinances and other pertinent Village design standards recommended by the Village Engineer and approved by the Village Board. If he/she rejects the plans and specifications, he/she shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (3) **Construction and Inspection.**
- a. Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Chapter.
 - b. Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the preliminary plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension.
 - c. During the course of construction, the Village Engineer shall make such inspections as he/she 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.

- (4) **"As-Built" Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be in black pencil on tracing paper and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the map shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.
- (d) **Street, Alley and Sidewalk Improvements.** The developer shall construct streets and sidewalks as outlines on the approved plans based on the requirements of this Code of Ordinances:
 - (1) **Grading.** With the submittal of the final plat, the subdivider shall furnish drawings which indicate the existing and proposed grades of streets and alleys shown on the plat. Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approved of the Village Board after receipt of the Village Engineer's recommendations. After approval of the street grades, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.
 - (2) **Street and Sidewalk Construction.**
 - a. After sanitary sewer, storm sewer and water utilities have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets, curbs and gutters and sidewalks including those adjacent to platted lots in existing street rights-of-way abutting the plat. The subdivider shall surface roadways to the widths prescribed by the Village Board on recommendation of the Village Engineer. Construction shall be to Village standard specifications for street improvements.
 - b. The subdivider shall construct a concrete sidewalk on both sides of all streets within the subdivision. The Board may permit the construction of a concrete sidewalk on only one (1) side of streets that serve lots having an average width of one hundred (100) feet or more fronting on said street and may waive the construction of sidewalks on streets that serve lots having an average width of one hundred fifty (150) feet or more fronting on said street. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Board.

- c. Wider than standard sidewalks may be required by the Board in the vicinity of schools, commercial areas and other places of public assemblage; and the Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks or necessary, in their opinion, for safe and adequate pedestrian circulation.
 - d. Dedicated walkways shall be improved by the subdivider to a grade and width approved by the Village Engineer and with surfacing as required by the Village Board based on the location and the amount and character of use. The subdivider shall submit standard drawings indicating the existing and proposed grades.
- (3) **Completion of Street and Sidewalk Construction.**
- a. Prior to any building permits being issued on lands adjacent to streets and/or sidewalks, all street and sidewalk construction shall be completed by the subdivider, approved by the Village Engineer and accepted by the Village Board.
 - b. The Village Engineer may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Engineer and shall be based upon the written request of the subdivider.
 - c. The subdivider requesting a waiver shall present such information and documentation required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.
- (4) **Curb and Gutter.** The subdivider shall install concrete curb and gutter along both sides of all streets shown on the plat prior to installation of the bituminous binder or base. The subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board or its designee. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (e) **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:
- (1) **Right-of-Way and Pavement Width.** The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

Type of Street	R-O-W to be Reserved and Dedicated	Pavement Width (Face of Curb to Face of Curb)
Arterial Street	80 feet	46 feet
Boulevard	120 feet	Dual 34 ft. with 24 ft. median
Collector Street	80 feet	40 feet
Minor Street	66 feet	36 feet
Cul-de-sac	60 feet	36 feet
Pedestrian Ways	10 feet	5 feet
Alleys	32 feet	30 feet

- (2) **Cul-de-Sac Streets.** Cul-de-sac streets designed to have one end permanently closed shall not exceed one thousand (1,000) feet in length. All cul-de-sac streets designed to have an end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty (40) feet.
- (3) **Grades.**
- a. Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:
 1. Arterial streets: six percent (6%).
 2. Collector streets: eight percent (8%).
 3. Minor streets, alleys and frontage streets: ten percent (10%).
 4. Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.
 5. The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (0.5%) of one percent (1%).
 - b. 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 equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.
- (4) **Radius of Curvature.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
- a. Arterial streets and highways: 500 feet.
 - b. Collector streets: 300 feet.
 - c. Minor streets: 100 feet.
- (5) **Tangents.** A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
- (6) **Full Street Width.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.
- (7) **Roadway Ditches.** Where curb and gutter is not required by the Village for rural cross-section streets, the minimum ditch slope shall be fifty one hundredths percent (0.50%).
- (8) **Roadway Base Thickness.**
- a. Residential streets shall have a minimum roadway base thickness of six (6) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.
 - b. On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a base course of eight (8) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-

approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.

- c. 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.
 - d. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - e. 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.
- (9) **Roadway Sub-Base.** Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular of breaker-run material approved by the Village Engineer.
- (10) **Pavement Thickness.**
- a. Residential streets shall have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers - a binder course and one and one-half (1-1/2) inches thick and a surface course of one (1) inch. On commercial, arterial or other heavy-use streets, there shall be a minimum of three and one-half (3-1/2) inches of bituminous 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) inches thick. 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 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.
 - b. Between six (6) months to one (1) year after the installation of the roadway, a bituminous binder or base at a compacted depth of one and three-fourths (1-3/4) inches to two (2) inches shall be laid flange of curb to flange of curb, by the subdivider. The thickness and type of bituminous surfacing shall be specified by the Board.
 - c. Within nine (9) months after the installation of the base course, the finish coat of bituminous surfacing shall be installed to a minimum compacted length of one and one-fourth (1-1/4) inches to one and one-half (1-1/2) inches. The thickness and type of bituminous surfacing shall be specified by the Board.
 - d. The costs for final surfacing, including inspection, supervision and engineering fees shall be paid by the Village; all other street construction costs shall be borne by the subdivider.

- (11) **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.
 - (12) **Driveway Culverts.** 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, be provided with concrete, metal or landscape timber endwalls, and shall comply with the provisions of Title 6, Chapter 3.
- (f) **Sanitary Sewerage System Design Standards.**
- (1) The subdivider shall have plan and profile drawings and specifications prepared for the installation of sanitary sewerage facilities including lateral house connections for each lot in the subdivision, extended to the lot line.
 - (2) The subdivider shall cause to be installed in accordance with the "Standard Specifications for Sewer and Water Constructions in Wisconsin" all facilities required.
 - (3) Where the subdivision is not within reasonable access to connection with the Village sanitary sewer system, or where it can be shown that other types of sewage treatment may be advantageous to the development, the subdivider shall submit a proposed sewage disposal plan. This plan shall be approved by a registered engineer and all state and local agencies empowered with such approval. It shall be certified in writing that satisfactory, adequate and safe sewage disposal is possible at the site.
 - (4) The Village reserves the right to reject any plat which is not served by municipal sewerage facilities if it considers these proposed systems not to be in the best interests of the Village.
 - (5) If, at the time of final platting, sanitary sewer facilities are not available to the plat, as determined by the Village Board, but will become available within a period of five (5) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this Section and shall cap all laterals. 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 Board.
 - (6) Subdivider shall assume the cost of installing all sanitary sewers eight (8) inches in diameter or less in size. If greater than eight (8) inch diameter sewers are required to handle the contemplated sewage flows, the cost of such larger sewers 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 sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.
 - (7) If a new sewage lift station is necessary to serve the subdivision, or improvements are necessary to existing facilities to accommodate the needs of the subdivision, the subdivider shall share in the cost of the lift station and associated force main. The cost of the lift station 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 the lift station and the excess cost either borne by the Village or assessed against the total tributary drainage area.

(g) **Water Supply System Design Standards.**

- (1) There shall be provided a water supply system in conformity with the master plan of the water system as approved by the Village Board. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as specified in applicable ordinances. The Village may require the installation of water laterals to the street lot line. 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.
- (2) The subdivider shall assume the cost of installing all water mains eight (8) inches in diameter or less in size. If greater than eight (8) inches diameter water mains are required, the excess cost of such mains over and above the cost of an eight (8) inch main shall be borne by the subdivider.

(h) **Storm Water Drainage Facilities.** Pursuant to Section 14-1-12, the subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate the twenty-five (25) year storm. Storm drainage facilities shall be so designed as to present no hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Engineer. The Village shall pay all costs of all storm sewer work.

(i) **Other Utilities.**

- (1) The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- (2) If cable television is available, it shall also be installed underground with service provided for each lot.
- (3) All telephone, electric and gas service lines shall be placed underground entirely throughout a subdivision area, unless otherwise approved by the Board. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services.
- (4) No such electrical or telephone service shall be located on overhead poles along the front lot lines unless otherwise allowed due to exceptional topography or other physical barrier.
- (5) All utility lines for telephone and electric service shall be placed in rear lot line easements where practicable and side lot line easements, where necessary.
- (6) The subdivider shall have written statements from all the utilities that the easements as shown on the final plat are acceptable to them.
- (7) All piping must be laid in a sand or stone bed.
- (8) The cost for the plans, installation, inspection, supervision and engineering fees shall be paid by the subdivider.

- (9) 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 replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Village Board.
- (j) **Street Lamps.**
- (1) The subdivider shall install street lamps 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 Board.
 - (2) The subdivider shall provide for the location of all street lights within the area being developed after consultation with the Board and the electric utility serving the subdivision.
 - (3) In areas where underground electric facilities are installed, poles for street lights shall be of an ornamental type.
 - (4) There shall be no cost obligation to the Village for supplying and installing the required street lights.
 - (5) The Village shall provide and pay the cost of the energy needed to operate the street lights within the corporate limits of the Village.
- (k) **Street Signs.** The subdivider shall install at the intersections of all streets proposed to be dedicated a street sign of a design specified by the Village Board.
- (l) **Material Standards.** All improvements constructed under this Chapter shall be of the standards, where applicable, established by the State Highway Commission's "Standard Specifications for Roads and Bridges." Where the Highway Commission's specifications do not apply, the standards shall be as approved by the Village Engineer.
- (m) **Improvements Complete Prior to Approval of Final Plat.** Improvements within a subdivision which have been completed prior to application for approval of the final plat or execution of the contract for installation of the required improvements shall be accepted as equivalent improvements in compliance with the requirements only if the Village Engineer shall certify that he/she is satisfied that the existing improvements conform to applicable standards.
- (n) **Construction.**
- (1) **Commencement.** No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat has been approved and the Board has given written authorization.
 - (2) **Building Permits.** No building permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met.
 - (3) **Plans.** The following plans and accompanying construction specifications may be required by the Board before construction or installation of improvements is authorized:
 - a. Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - b. Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

14-1-15

- c. Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - d. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - e. 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.
 - f. Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (4) ***Maintenance of the Landscape.*** Proper construction techniques should be followed so as to maintain as many of the natural features of the site as is practical.
- a. All 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. The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Board.
 - b. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
 - c. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
 - d. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
 - e. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
 - f. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, soil absorption waste disposal areas, paths and trails.
 - g. Trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.
 - h. Tree cutting and shrubbery clearing shall not exceed thirty percent (30%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and during foliation, substantially screen any development from stream or lake uses.
 - i. Path and trails shall not exceed ten (10) feet in width 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.

- (o) **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.
- (p) **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 owed 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. 14-1-16 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate agencies of 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 interest of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Where a subdivision is traversed by a watercourse, drainage way, channel or stream:
 - (1) There shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainage way, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a storm water easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section.
 - (3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet.
- (c) **Easement Locations.** Such easements shall be at least twelve (12) feet wide and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

Sec. 14-1-17 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.

- (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) Upon completion of all street and subdivision grading, the grades shall be checked and certified by the Village Engineer to determine that the completed grading work is in accordance with the master site-grading plan.
- (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.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access.
 - (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.
- (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. 14-1-18 General Park and Public Land Dedication Requirements.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses in the Village of Boyd 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 may be equitably apportioned on the basis of additional need created by the 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 development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the preliminary and final plats as stipulated in this Chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, standards of fine trees, marshes, lakes, ponds, watercourses, watersheds and ravines.
- (c) **Provision of Suitable Sites for Public Areas.** Each subdivider of land in the Village of Boyd shall, at the discretion and direction of the Village Board, upon the recommendation of the Plan Commission, dedicate open space lands designated on the Village's official map or comprehensive plan or plan component. The Village Board, upon the recommendation of the Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one (1) of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval. Suitable sites for public areas, such as but not limited to, park recreational areas, parkways, public building areas or other public uses, but excluding schools, shall be provided in one (1) or more of the following manners:
 - (1) The subdivider shall designate on every new preliminary plat, at least five percent (5%) of the gross area of such lands shall be dedicated by the owner or developer to the Village for parks, recreation or open space purposes. The location of such park and recreation site (s) shall be clearly shown and no plat shall be accepted without these areas clearly shown. The location of such park and recreation site is subject to the approval of the Village Board. Where property abuts a river, the Village may require that the five percent (5%) dedication include up to five percent (5%) of the river frontage included in the subdivision.
 - (2) Transfer of ownership by deed to the Village of Boyd of the areas of land equivalent to the requirements of Subsection (a)(1) above.

- (3) Where the dedication of land under Subsections (a)(1) or (2) above would result in lands which would not be useful to the Village, the Village Board may stipulate to the owner some other equitable means for making a dedication or park improvements, such as the developer agreeing to install and construct all or part of park improvements through a development agreement with the Village Board.
- (d) **Reservation of Greater Public Area.** In the event the suitable sites for public areas, as shown on the Comprehensive Plan or Official Map, lie within the area proposed for development and are greater in area than required by Subsection (a)(1) above, 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.
- (e) **Determination of Dedicated Lands.** The Village Board shall determine which land shall be dedicated. Wetland, street rights-of-way and land dedicated for drainageways are not a credit towards park dedication requirements.
- (f) **Development of Dedicated Area.** Unless otherwise established by development agreement, it shall be the duty of the Village to properly develop and maintain the dedicated areas and the owner who dedicated said land shall in no way be responsible for its development, maintenance or liability thereon, except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property and except if such owned shall reside on one of the subdivided parcels, in which case he/she shall be responsible for the maintenance of adjacent public property as may be required in other laws of the Village of Boyd.
- (g) **Grading; Seeding.** When parklands are dedicated to the Village of Boyd, 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 six (6) inches of quality topsoil, seed as specified by the Village, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village Board. 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.
- (h) **Maintenance Responsibilities.** It shall be the responsibility of the Village of Boyd to maintain the dedicated areas upon their dedication and acceptance by the Village of Boyd. The owner of said land shall be responsible for its maintenance and liability thereon except that said

owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.

- (i) **Utilities Required.** 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.
- (j) **Compliance Certification.** The Village of Boyd may require certification of compliance by Village officials. The cost of such report shall be paid by the subdivider.
- (k) **Non-Performance.** 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.
- (l) **Adjacent Public Improvements Costs.** The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (m) **Park Development Completion.** Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Village Board.

Sec. 14-1-19 Administrative and Other Fees.

- (a) **General.** The subdivider shall pay the Village of Boyd all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map. At the time of submission of a plat or certified survey, the Village Board, at its 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. 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 of 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 to 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 Fifty Dollars (\$50.00) for up to and including six (6) lots plus Five Dollars (\$5.00) 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 of Twenty-five Dollars (\$25.00) 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 of Five Dollars (\$5.00) 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 of Twenty-five Dollars (\$25.00) 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 of Twenty-five Dollars (\$25.00) for each certified survey.
- (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Twenty Dollars (\$20.00) for each amended or revised Certified Survey.

(h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review at the time of application. Said review fees shall be retransmitted to the proper state review agency by the developer. 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 14-1-18 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

(j) **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.

(k) **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 and real estate fees incurred in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:

- (1) 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.

14-1-19

- (2) The cost of Village equipment employed.
- (3) The cost of mileage reimbursed to Village employees which is attributed to the land division.
- (4) 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.
- (5) 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 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 (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.

Sec. 14-1-20 Variations and Exceptions.

- (a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits or because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the preliminary plat 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 the Village Board 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.
- (b) The Village Board shall not 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) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
- (c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the community in accordance with the Comprehensive Plan or Zoning Code, if applicable, of the Village. A three-fourths (3/4) majority vote of the entire membership of the Village Board shall be required

to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Board.

- (d) The Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

Sec. 14-1-21 Enforcement, Penalties and Remedies.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Code until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **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 One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding thirty (30) days. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Section 70.27, Wis. Stats., may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10 to 15, Wis. Stats., within thirty (30) days of notification of the rejection of the plat. 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 shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

