

TITLE 14

Subdivision Regulations

Chapter 1 Subdivision Regulations

CHAPTER 1

Subdivision Regulations

Article A Adoption; Introduction

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

Article B Definitions

14-1-10 Definitions
14-1-11 Through
14-1-19 Reserved for Future Use

Article C General Provisions

14-1-20 General Provisions
14-1-21 Land Suitability
14-1-22 Condominium Developments
14-1-23 Through
14-1-29 Reserved for Future Use

Article D Plat Review and Approval

14-1-30 Preliminary Consultation
14-1-31 Submission of Preliminary Plat
14-1-32 Preliminary Plat Review and Approval
14-1-33 Final Plat Review and Approval
14-1-34 Land Divisions and Consolidations By Certified Survey Map
14-1-35 Replat
14-1-36 Determination of Adequacy of Public Facilities and Services

- 14-1-37 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction
- 14-1-38 Reserved for Future Use
- Appendix A - Village of Spencer Environmental Assessment
Checklist for Subdivisions and Land Divisions by Certified Survey

Article E Technical Requirements for Plats and Certified Surveys

- 14-1-40 Technical Requirements for Preliminary Plats
- 14-1-41 Technical Requirements for Final Plats
- 14-1-42 Technical Requirements for Certified Survey Land Divisions;
Review and Approval
- 14-1-43 through
- 14-1-49 Reserved for Future Use

Article F Required Improvements

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

Article G Design Standards

- 14-1-70 General Street Design Standards
- 14-1-71 Specifications for Preparation, Construction and Dedication of Streets and
Roads
- 14-1-72 Block Design Standards
- 14-1-73 Lot Design Standards

14-1-74	Drainage and Stormwater Management System
14-1-75	Non-Residential Subdivisions
14-1-76	Grading
14-1-77	Erosion Control
14-1-78	Through
14-1-79	Reserved for Future Use

Article H Park and Public Land Dedication

14-1-80	General Park and Public land Dedication Requirements
14-1-81	Land Dedication
14-1-82	Reservation of Additional Land
14-1-83	Development of Park Area
14-1-84	Through
14-1-85	Reserved for Future Use

Article I Fees

14-1-90	Administrative and Other Fees
14-1-91	Through
14-1-99	Reserved for Future Use

Article J Variances; Penalties and Violations

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

ARTICLE A

Adoption; Introduction

SEC. 14-1-1 INTRODUCTION AND PURPOSE.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Spencer, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Spencer.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) **Purpose.** The purpose of this Chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for 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, protecting farming and open spaces, and providing for the most appropriate use of land in the Village of Spencer.

State Law Reference: Chapter 236, Wis. Stats.

SEC. 14-1-2 ABROGATION AND GREATER RESTRICTIONS.

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

SEC. 14-1-3 INTERPRETATION.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Spencer

and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

SEC. 14-1-4 SEVERABILITY.

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

SEC. 14-1-5 REPEAL.

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

SEC. 14-1-6 TITLE.

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

SEC. 14-1-7 THROUGH SEC. 14-1-9 RESERVED FOR FUTURE USE.

ARTICLE B

Definitions

SEC. 14-1-10 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter:
- (1) Alley. A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land and to collector and minor streets.
 - (3) Bikeway. A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
 - (4) Block. An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
 - (5) Building Line or Building Setback Line. A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
 - (6) Village. The Village of Spencer, Marathon County, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.
 - (7) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (8) Commission. The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
 - (9) 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.
 - (10) Concept Plan. A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.
 - (11) Condominium Development. A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
 - (12) 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.
 - (13) Dead End Street. A street permanently or temporarily closed at one end, with or without turnarounds.
 - (14) 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.

- (15) Drainageway. An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. Drainageways may also be referred to as "greenways."
- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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.
- (20) Half Street. A street, either existing as or proposed to be, half of the required right-of-way width with the Intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (21) 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.
- (22) Land Division. A division of a parcel of land where the act of division, including by certified survey, creates less than five (5) lots, parcels or building sites of thirty-five (35) acres each or less in area.
- (23) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (24) 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.
- (25) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (26) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (27) Lot Depth. The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (28) Lot Lines. The peripheral boundaries of a lot as defined herein.

- (29) 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.
- (30) 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.
- (31) Lot Width. The width of a parcel of land measured along the front building line.
- (32) 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.
- (33) Master Plan. An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village agency which may pertain to the division of lands, including the Comprehensive Development Plan, the Official Map, comprehensive utility plans, and other planning documents including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (34) Minor Street. A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."
- (35) Minor Subdivision (Certified Survey). The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one (1) of which is thirty-five (35) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.
- (36) Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Chapter 62, Wis. Stats.
- (37) Outlot. A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development, in the proposed land division.
- (38) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (39) Parcel. Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.
- (40) Person. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

- (41) Planned Commercial Site. A specified area of land comprising one (1) or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village recorded in the office of the Marathon County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (42) Planned Unit Development or PUD. A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments require greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (43) 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.
- (44) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.
- (45) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Comprehensive Development Plan and these regulations along with required supporting data.
- (46) Protective Covenants. Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to Impair stability of values.
- (47) 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.
- (48) Residential Dwelling Unit or Dwelling Unit. A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.

- (49) Right-of-Way. A public way dedicated to the public for its intended use.
- (50) 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.
- (51) Street. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (52) Structure. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (53) Subdivider. Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter.
- (54) Subdivision. Subdivision is a division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:
 - a. The act of division creates five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of thirty-five (35) acres each or less in area are created by successive divisions within a period of five (5) years.
- (55) Urban Service Area. That portion of the Village and the area within its extraterritorial jurisdiction which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (56) Wetlands. An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)
- (57) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

SEC. 14-1-11 THROUGH SEC. 14-1-19 RESERVED FOR FUTURE USE.

ARTICLE C

General Provisions

SEC. 14-1-20 GENERAL PROVISIONS.

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

- (9) The Village's water rules on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within the Village of Spencer, has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and 66.32 of Wisconsin Statutes. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (c) **Certified Survey.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Compliance; Issuance of Permits.** The Village of Spencer shall not recognize, and no building or other permits shall be issued by the Village authorizing the building on, occupancy, or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully complied with and a resolution approving the land division has been adopted by the Village Board of the Village.
- (e) **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.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Village Board of the Village of Spencer, 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 approval and not later than six (6) months following the date of the first resolution of approval. Land divisions shall not be recognized by the Village until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Village Clerk-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six (6) certified copies of the approved land division with the Village Clerk-Treasurer.

SEC.14-1-21 LAND SUITABILITY.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the

recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The 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 residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.

- (b) **Existing Flora.** The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the subdivider.

SEC. 14-1-22 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 Spencer determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
 - a. Additional population density.
 - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
 - c. Additional demands upon Village area parks, recreation areas, utility facilities and schools.
 - d. Additional traffic and street use.

- (b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
- (1) Section 14-1-21 relating to land suitability and construction practices.
 - (2) Sections 14-1-30 through 14-1-32 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Article I relating to fees for review.
 - (4) Article F relating to required improvements.
 - (5) Article G relating to design standards for improvements.
 - (6) Article H relating to dedication requirements.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
- (1) Any condominium flat 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. 14-1-23 THROUGH SEC. 14-1-29 RESERVED FOR FUTURE USE.

ARTICLE D

Plat Review and Approval

SEC. 14-1-30 PRELIMINARY CONSULTATION.

Before filing a Preliminary Plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his 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.

SEC. 14-1-31 SUBMISSION OF PRELIMINARY PLAT.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission and to the Village Engineer for review and written report of his recommendations and reactions to the proposed plat.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer fifteen (15) complete sets of engineering reports and plans for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.
- (d) **Environmental Assessment.**

- (1) Filing Requirement. An Environmental Assessment Checklist shall be completed by the subdivider for review by the Plan Commission with the Preliminary Plat, or preferably as part of the pre-application conference, for any subdivision or land division by certified survey which the Village has authority to approve.
- (2) Purpose. The purpose of this Environmental Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
- (3) Coverage. The Environmental Assessment Checklist shall apply to all reviewable subdivisions, and land divisions by certified survey. The Plan Commission may waive the requirement for the filing of an Environmental Assessment Checklist for land divisions by certified survey of less than five (5) acres total area.
- (4) Preliminary Checklist for Environmental Assessment of Plats, Land Divisions and Community Development Plans. An Environmental Assessment Checklist form as required under this Subsection is available from the Village Clerk-Treasurer.
- (e) **Affidavit**. The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- (f) **Supplementary Data to be Filed with Preliminary Plat**. The following shall also be filed with the Preliminary Plat:
 - (1) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) Area Plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or 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.
- (g) **Street Plans and Profiles**. The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.

(h) **Soil Testing.** The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

(i) **Referral to Other Agencies.**

(1) The subdivider shall, within two (2) days after filing with the Village, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.

(2) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (h)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat.

(3) In lieu of the procedure under Subsection (h)(1), the subdivider or the subdivider's agent may submit the original plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection which shall forward two (2) copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within twenty (20) days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Agriculture, Trade and Consumer Protection. After each agency and the Department have certified that they

have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within twenty (20) days from the date of the receipt of copies of the plat, and the Department fails to act within thirty (30) days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

- (j) **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.

SEC.14-1-32 PRELIMINARY PLAT REVIEW AND APPROVAL.

- (a) **Plan Commission Review.** After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within sixty (60) days, or within such time as extended by agreement with the subdivider of its submission, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions for approval of the reasons for rejection. Such action of the Plan Commission shall be submitted to the Village Board for approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor.
- (b) **Public Hearing.** The Clerk-Treasurer shall schedule a public hearing on the Preliminary Plat before the Plan Commission. The Clerk-Treasurer shall give notice of the Plan Commission's review and public hearing on the Preliminary Plat or certified survey by listing it as an agenda item in the Commission's meeting notice published in the official Village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within two hundred (200) feet of the proposed land division shall receive written notice of the public hearing.
- (c) **Board Action.** After receipt of the Plan Commission's recommendation, the Village Board shall, within ninety (90) days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action

of the Village Board. If the Preliminary Plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.

- (d) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval. 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 Plan Commission and Village Board at the time of its submission.
- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

SEC. 14-1-33 FINAL PLAT REVIEW AND APPROVAL.

(a) **Filing Requirements.**

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Section 14-1-32(a)(2). The owner or subdivider shall file fifteen (15) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.
- (2) The subdivider shall, within two (2) days after filing with the Village, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, and the Wisconsin

Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.

- (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
 - (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer twelve (12) copies of the final plans and specifications of public improvements required by this Chapter, and a signed copy of the developer's contract required by Section 14-1-51.
 - (5) The Village Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Village Engineer, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Village Attorney for his 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 Plan Commission and Village Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. 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 Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.
 - (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Agriculture, Trade and Consumer Protection has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. If an Objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Plan

Commission may hold the matter in abeyance if there is incomplete or inadequate information.

(c) Board Review and Approval.

- (1) 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.
- (2) The Village Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk-Treasurer of any municipality within one thousand (1,000) feet of the Final Plat.
- (3) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (d) **Recordation.** After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of last approval.
- (e) **Copies.** The subdivider shall file eight (8) copies of the Final Plat with the Village Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

SEC. 14-1-34 LAND DIVISIONS AND CONSOLIDATIONS BY CERTIFIED SURVEY MAP.

(a) Use of Certified Survey Map.

- (1) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Village Board, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Village and recorded with the County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or

mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or

- b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than thirty-five (35) acres in size and which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
- (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
- (3) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The subdivider shall comply with all requirements of this Chapter including Article G (Design Standards) and Article F (Required Public Improvements) when a certified survey map is used. A certification of the approval of the certified survey map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
- (4) The applicant for a land division shall file twenty (20) acceptable reproductions of a certified survey map and a written application requesting approval with the Village Clerk-Treasurer.
- (b) **Referral to Plan Commission.** The Village Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) **Review by Other Village Agencies.** The Village Clerk-Treasurer shall transmit a copy of the map to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.
- (d) **Review and Approval.** The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the 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 Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.

(e) Recordation.

- (1) The subdivider shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within sixty (60) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the subdivider.
 - (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) Re-Approvals.** Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Village Board shall be in accordance with Section 14-1-35.

SEC. 14-1-35 REPLAT.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat or a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published as a Class 3 notice and be mailed at the subdivider's expense, 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 proposed replat.
- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Village Board. No Final Plats shall be reapproved by the Village Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Village.
- (d) Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

SEC. 14-1-36 DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES AND SERVICES.

- (a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities

and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required.

- (b) The applicant shall furnish any data requested by the Village Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Village Clerk-Treasurer shall act as coordinator of the reports from staff to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Village Board for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Village Board shall consider the recommendations of the Village Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
 - (3) The Village Clerk-Treasurer verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Plan Commission and the Village Board that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing Village residents.
 - (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Village's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and Village Standards.

- (d) Where the Plan Commission and the Village Board determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) Noland shall be divided which has been officially mapped as public lands storm water management facility or is determined by the Village Board to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.
- (f) The above requirements shall not apply to those areas outside the corporate limits of the Village of Spencer and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Spencer public water distribution and/or public sewerage system if determined by the Village Engineer to be feasible. If such connection(s) are not determined feasible, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such Village public water and/or sewerage systems are determined by the Village Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the Village public water and sewerage facilities upon a determination by the Village Engineer that such facilities are available for feasible connection.

SEC. 14-1-37 PROCEDURES AND CRITERIA FOR LAND DIVISIONS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.

- (a) **Application Required.** No person, firm or corporation shall divide any land located within the one and one-half (1-1/2) mile extraterritorial plat approval jurisdiction of the Village of Spencer without first filing an application and a certified survey map with the Village for approval by the Plan Commission.
- (b) **Pre-application Procedure.**
 - (1) Before filing an application for approval of a certified survey, the subdivider shall consult with the Plan Commission and shall:
 - a. Prepare a preliminary sketch for review and approval.
 - b. Complete an Environmental Assessment Checklist.
 - (2) This procedure will assist the developer in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances.
 - (3) The pre-application information shall be submitted to the Plan Commission for review and approval, fifteen (15) days prior to when the application will be considered.

- (c) **Land Division by Certified Survey Procedure.** For land divisions by certified survey as defined in Section 14-1-34, the procedure for approval by the Village shall be as specified in Section 14-1-34. The Plan Commission may require approval of the certified survey map by the pertinent Town Board before acting as specified under this Section.
- (d) **Extraterritorial Land Division Policies.** The following policies shall govern the Village Plan Commission in approving division of land within the one and one-half (1-1/2) mile extraterritorial area in order to protect the rural character and farming viability:
- (1)
 - a. No subdivisions without public sanitary sewer service as defined in this Chapter except for land divisions by certified survey as referred to in Section 14-1-34 will be permitted within the one and one-half (1-1/2) mile extraterritorial limits of the Village of Spencer.
 - b. At the time of submission of a final subdivision plat, the subdivider shall present evidence of a binding commitment for public sanitary sewer service to each lot within the proposed subdivision prior to the sale of any lot within the subdivision.
 - (2) Land divisions by certified survey as referred to in Section 14-1-34 will be permitted for farm-related dwellings, for rural residential dwellings, and for commercial use not exceeding an overall density of one (1) unit for three to five (35) acres. The only exception to this policy is that lots resulting from the infill of existing subdivisions may also be permitted. Approval will be determined based on the provisions of Sec. 236.13, Wis. Stats.
 - (3) The Village of Spencer will attempt to seek consistency of locally adopted Town Plans. To the extent that the policies of the Village of Spencer are more restrictive and are applicable under law, the Village's policies shall prevail unless Town requirements control. All land divisions within the one and one-half (1-1/2) mile extraterritorial area will be subject to the land preservation or dedication requirements of this Chapter. This specifically means the following:
 - a. Any waterway or stormwater management area identified on the Village Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
 - b. Any lands falling within the limits of an environmental corridor, as mapped by the Village of Spencer or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village Zoning Code.
 - (4) Lands falling within the one and one-half (1-1/2) mile extraterritorial area shall be required to meet all of the design standards contained in Article G of this Chapter, where applicable, unless Town requirements control.
 - (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this Chapter.
 - (6) The Plan Commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan

Commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.

- (7) In all cases, the time period within which action is required shall not begin until the Town Board, pertinent county reviewing officials, and the Village of Spencer have received all maps, drawings and data required for plat approval, applications have been completed and fees have been paid.

SEC. 14-1-38 AND SEC. 14-1-39 RESERVED FOR FUTURE USE.

APPENDIX A

Village of Spencer Environmental Assessment Checklist for Subdivisions and Land Divisions by Certified Survey

All "yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

Land Resources

Yes

No

Does the project site involve:

- | | | | |
|----|---|-------|-------|
| A. | Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals). | _____ | _____ |
| B. | A floodplain. (If yes, attach two (2) copies of a typical stream valley cross-section showing the channel of the stream, the 100-year floodplains limits and the floodway limits (if officially adopted), of each side of the channel and a cross-section of area to be developed). | _____ | _____ |
| C. | An area of soil instability - greater than 20% slope and/or organic soils, peats, or mucks at or near the surface. | _____ | _____ |
| D. | Prime agricultural land (Class I, II or III soils). | _____ | _____ |
| E. | Wetlands and mapped environmental corridors. | _____ | _____ |

Water Resources

Does the proposed project involve:

- | | | | |
|----|--|-------|-------|
| A. | Location within the area traversed by a navigable stream or dry run. | _____ | _____ |
| B. | Lake frontage | _____ | _____ |

Human and Scientific Interest

Does the project site involve:

- | | | | |
|----|---|-------|-------|
| A. | An area of archeological or geological interest | _____ | _____ |
| B. | An area of historical interest. | _____ | _____ |
| C. | An area of buildings or monuments with unique architecture. | _____ | _____ |

Energy, Transportation and Communications

- | | | | |
|----|--|-------|-------|
| A. | Does the development encompass any future street appearing on the Village of Spencer Official Map? | _____ | _____ |
| B. | Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)? | _____ | _____ |

ARTICLE E

Technical Requirements for Plats and Certified Surveys

SEC. 14-1-40 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

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

- (5) Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon 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 Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (14) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.
- (15) Approximate Dimensions of All Lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (16) 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.

- (17) Approximate Radii of all Curves.
 - (18) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (19) 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.
 - (20) Soil Tests and Reports as may be required by the Village Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
 - (21) Design Features.
 - a. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - c. Minimum front, rear, side, and street yard building setback lines.
 - d. Location and size of proposed sanitary sewer lines and water mains.
 - e. Gradients of proposed streets, sewer lines (and water mains, if required).
 - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - g. Location and description of survey monuments.
 - h. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - i. Sites, if any, to be reserved for parks or other public uses.
 - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
 - l. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.
 - m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
 - (22) Where the Plan Commission or Village Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) **Additional Information.** The Plan Commission and/or Village officials may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

SEC. 14-1-41 TECHNICAL REQUIREMENTS FOR FINAL PLATS.

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

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) _____ to be at elevation _____ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table as determined by the Village Engineer from the soils information.

- (10) Dimensions of Lot Lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- (11) A Numbered Identification System for all lots and blocks.
- (c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Survey Accuracy.**
 - (1) Examination. The Village Board and Plan Commission, or their designees, shall examine all Final Plats within the Village of Spencer and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) Street, Block and Lot Dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
 - (4) Plat Location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of

closure herein specified for the survey of the exterior boundaries of the subdivision.

- (f) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (g) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (h) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

SEC. 14-1-42 TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY LAND DIVISIONS; REVIEW AND APPROVAL.

- (a) **Certified Survey Requirements.** When it is proposed to divide land into not more than four (4) parcels or building sites, anyone of which is less than four (4) acres in size, or when it is proposed to divide a block, lot or outlot into not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of the block, lot or outlot, the subdivider shall subdivide by use of a certified survey map, prepared in accordance with Section 236.34, Wis. Stats., and this Chapter.
- (b) **Submission and Review.** The subdivider is encouraged to first consult with the Plan Commission regarding the requirements for certified surveys before submission of the final map. Following consultation, two (2) copies of the final map in the form of a certified survey map shall be submitted to the Village. The certified survey shall be reviewed, approved or disapproved by the Plan Commission and Village Board pursuant to the procedures used for Preliminary Plats in Sections 14-1-30 through 14-1-32, including notice and hearing requirements.
- (c) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
 - (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (2) Setbacks or Building Lines required by the Village Board and the Village Zoning Code.
 - (3) All Lands Reserved for future acquisition.
 - (4) Date of the Map.
 - (5) Graphic Scale.
 - (6) Name and Address of the owner, subdivider and surveyor.

- (7) Square Footage of each parcel.
- (8) Present Zoning for the parcels.
- (d) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (e) **Certificates.** The surveyor shall certify on the face of the certified survey map that he 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.
- (f) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (g) **Recordation.** The subdivider shall record the map with the County Register of Deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.
- (h) **Requirements.** To the extent reasonably practicable, the certified survey 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.

SEC. 14-1-43 THROUGH SEC. 14-1-49 RESERVED FOR FUTURE USE.

ARTICLE F

Required Improvements

SEC. 14-1-50 IMPROVEMENTS REQUIRED.

(a) General Requirement.

- (1) In accordance with the authority granted by Sec. 236.13 of the Wisconsin Statutes, the Village of Spencer 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 or that a specific portion of the costs be paid in advance as provided in Sec. 66.54(3), Wis. Stats.

(b) Options.

- (1) The required public improvements shall be installed by the subdivider at his cost; or
- (2) The subdivider may petition the Village for the installation of the required improvements by Village contract. The petition must be received by the Village prior to August 15 of the year preceding the required installation so that the petition may be considered for inclusion in the Village budget. If the Village Board elects to install the petitioned improvements, it shall establish special assessments for the recovery of the costs. The special assessments due from the subdivider for the portion of the petitioned improvements necessary to serve the proposed land division shall be due to the Village, together with interest, within six (6) months of the date of Village acceptance of the improvements; or
- (3)
 - a. The subdivider may petition the Village for the installation of the required public improvements through the Special Assessment B Bond process as provided for in Sec. 66.54(10), Wis. Stats., or another acceptable special assessment process with the special assessments being payable at the time of lot sale, payable in a maximum of seven (7) annual installments together with interest.
 - b. The Village may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements

from those properties benefiting from the improvements. The Village shall prohibit development on those properties until payment has been made. The subdivider may contract directly with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.

- c. In addition to the above, the Village may enter into an agreement to reimburse the subdivider, at the end of the seven (7) year period, for his cost (at the time of construction) of those oversized improvements constructed within the proposed land division, but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control, and which have not, during the seven (7) year period, been reimbursed to the subdivider. Said payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The Village shall then establish special assessments against those benefiting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within areas identified in the Village's Master Plan or other adopted comprehensive development or public facilities plan.
- (4) Any workable combination of the above determined by the Village Board as acceptable.
- (5) If the Village finds that Village construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (b)(1) or (2) above.
- (c) **General Standards.** The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the Village Engineer. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within five (5) years of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Village Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required public improvements.
- (d) **Project Manager.** The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or

verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

**SEC. 14-1-51 REQUIRED AGREEMENT PROVIDING FOR PROPER
INSTALLATION OF IMPROVEMENTS; SURETY.**

- (a) **Contract.** The subdivider shall be required to enter into a contract with the Village for land division improvements agreeing to install improvements as herein provided before final approval of any plat or land division. The contract form shall be provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (b) **Financial Guarantees.**
 - (1) The subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost prepared by the Village Engineer as surety to guarantee that such improvements will be completed by the subdivider or his contractors not later than eighteen (18) months from the date of recording the plat or certified survey map. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Village. When a letter of credit is posted as security, the Village must be the beneficiary. When the security is furnished to insure the construction of required improvements within the extraterritorial jurisdiction of the Village, it may name the town and the county, or either of them, as additional obligees, payees or beneficiaries.
 - (2) When the land is situated within the extraterritorial jurisdiction of the Village, the subdivider shall, at the time the contract is entered, furnish a bond, certificate of deposit, irrevocable letter of credit or certified check to the Village in an amount equal to twenty-five percent (25%) of the estimated cost of all required improvements as determined by the Village Engineer.
 - (3) However, the subdivider may elect, with the approval of the Village, to install the improvements in construction phases provided that:
 - a. The phases are specified in the contract for land division improvements;
 - b. The developer submits surety in an amount equal to one hundred ten percent (110%) of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer. Improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Village.
 - c. The developer records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction

phases of the land division will not be transferred or sold unless the Village's approval is obtained;

- d. The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (4) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (5) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the subdivider from time to time, is authorized to recommend a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to one hundred twenty-five percent (125%) of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for noncompletion, the Village Clerk-Treasurer is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Village Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Village Engineer prior to commencing construction. The Village Board, at its option, may extend the bond period for additional periods not to exceed one (1) year each.
- (6) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this Section.
- (7) The subdivider shall agree in the development contract to pay all street costs except bituminous pavement, 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.

- (c) **Waiver of Special Assessment Notice and Hearing.** The subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of special assessment notices and hearings such that the subdivider, his heirs and assigns (including purchasers of property from the subdivider), waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with Sec. 66.60(18), Wis. Stats.
- (d) **Improvement Guarantee.** The subdivider shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15%) of the Village Engineer's estimate of the cost of the public improvements. If within one (1) year after the date of final acceptance of any public improvement by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements), any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.
- (e) **Survey Monumentation.** Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

SEC. 14-1-52 REQUIRED CONSTRUCTION PLANS; VILLAGE REVIEW; INSPECTIONS.

- (a) **Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, 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 a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the Final Plat with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
- (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
 - (2) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
 - (3) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
 - (4) Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
 - (5) Erosion and Sedimentation Control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Village's Erosion Control Chapter (Building Code), if applicable.
 - (6) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
 - (7) Additional special plans or information as required by Village officials.
- (b) **Action by the Village Engineer.** The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction

methods of this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.

- (2) During the course of construction, the Village Engineer shall make such inspections as he or the Village Board deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) **Subdivider to Reimburse the Village for Costs Sustained.** 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 for the required public improvements for the land division. The Village's costs shall be determined as follows:
 - (1) The cost of Village employees' time engaged in any way with the required public improvements 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.
 - (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 associated with the public improvements 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 percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.
- (e) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two (2) copies of record plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

SEC. 14-1-53 STREET IMPROVEMENTS.

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

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

SEC. 14-1-54 CURB AND GUTTER; DRAINAGE FACILITIES.

- (a) After the installation of all utility and storm water drainage improvements, the subdivider shall be required to construct concrete curbs and gutters or, if approved by the Village, a system of ditches and culverts. The subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The cost of the curb and gutter required inspection, supervision and engineering fees shall be paid for by the subdivider. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the Village.
- (b) Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. Curb and gutter in residential areas shall have a six (6) inch barrier curb with a twenty-four (24) inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3500 PSI strength at twenty-eight (28) days, and contain two (2) continuous one-half (1/2) inch diameter reinforcing rods in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the Village Engineer. Expansion joints three quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding three hundred (300) feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
- (c) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet and on each side of any structures located in the concrete (i.e. inlets).

SEC. 14-1-55 SIDEWALKS AND BIKEWAYS.

- (a) **Where Required.** Sidewalks shall be installed where required by the Village Board at the cost of the subdivider according to specifications in Title 6, Chapter 2.
- (b) **Extra-Sized Sidewalks.** Wider-than-standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage; and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.
- (c) **Location.**
 - (1) The subdivider shall be required to provide sidewalks and bikeways to Village specifications as follows: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be

prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the Village Engineer. Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping as required by Sec. 66.625, Wis. Stats., and in accordance with Village standards. In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street [Ref. Sec. 66.615(2), Wis. Stats.]. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of one-half (1/2) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street -- unless public drainage is available behind the sidewalk or bikeway.

- (2) Sidewalks in street right-of-ways shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.

(d) Bikeways.

- (1) Bikeways shall be intended to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage or access to the street or are not being served by the bikeway. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
- (2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
- (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by Village ordinance, persons may ride a bicycle upon public sidewalks.

- (e) Location Determination.** The Village Engineer shall determine where sidewalks and/ or bikeways are required in accordance with this Section.

- (f) Construction Standards.** Bikeways shall be constructed of bituminous pavement, at least eight (8) feet in width, in accordance with standard Village specifications. Sidewalks shall be constructed according to the standards in Section 6-2-2.

- (g) Required Locations.** The subdivider shall be required to install sidewalks and/or bikeways in accordance with the following:

- (1) All "through highways," or extensions thereof, shall have sidewalks and/or bikeways Installed in any number of block-long increments between consecutive intersections [one (1) block being from one intersection to the next consecutive intersection] regardless of length or location within or outside of plat boundaries.
- (2) Other streets, both major and minor, which serve as major pedestrian access routes to and from such pedestrian traffic generators as business

establishments, restaurants, schools, neighborhood parks, high density multifamily developments, etc.

- (3) All streets which currently have sidewalk along only a portion of street between consecutive intersections shall be completed from intersection to intersection.

Cross-Reference: Section 6-2-2.

SEC. 14-1-56 SANITARY SEWERAGE SYSTEM.

- (a) There shall be provided a sanitary sewerage system to all lots, approved by the Village Engineer. The subdivider shall install adequate sanitary sewer facilities and connect them to Village sewer mains subject to specifications and inspection by the Village Engineer. All sanitary sewers shall be in accordance with NR 110, Wis. Adm. Code. The assessment charge for sanitary sewer main, construction and installation, and for water main, construction and installation, shall be the actual cost of the construction and installation of such water mains and sewer mains and shall be charged to the adjoining property owners on a frontage basis. If more than one (1) frontage is affected, the assessment shall be divided equally.
- (b) Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Village. Where sewers larger than eight (8) inches in diameter are required, the land divider shall be responsible for the cost of an eight (8) inch sewer. The difference in cost between the eight (8) inch sewer and that installed shall be borne by the Village.
- (c) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Village Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with Village Comprehensive Sanitary Sewer Plans as determined by the Village Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. All sanitary sewer facilities shall be flood proofed.
- (d) The ends of the services for each lot shall be accurately measured and recorded with the Village Engineer and marked in the field with appropriate staking.

SEC.14-1-57 WATER SUPPLY FACILITIES.

- (a)
- (1) There shall be provided a water supply system in conformity with the master plan of the water system as approved by Village utilities. The subdivider shall install and connect Village water to serve all lots subject to specifications and inspection by Village utilities and the State of Wisconsin. The assessment charge for sanitary sewer main, construction and installation, and for water main, construction and installation, shall be the actual cost of the construction and installation of such water mains and sewer mains and shall be charged to the adjoining property owners on a frontage basis. If more than one (1) frontage is affected the assessment shall be divided equally. The subdivider shall provide for a minimum watermain diameter of eight (8) inches and the location of public fire hydrants along the public streets at not greater than a six hundred (600) foot spacing. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation.
 - (2) The land divider shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with Village master water main plan, including the water main, pipe fittings, valves, hydrants and lateral house-connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the Village Engineer and by Village utilities, the land divider shall cause to be installed, in accordance with the "Standard Specifications for Sewer and Water Construction in Wisconsin", all facilities required, and the cost of same, including inspection. Supervision and engineering fees, shall be paid for by the subdivider.
 - (3) Where water mains larger than eight (8) inches in diameter are required, the subdivider shall be responsible for the cost of an eight (8) inch main. The difference in cost between the eight (8) inch main and that installed shall be borne by the Village or its utilities.
 - (4) The rules of the Village's utilities on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.
- (b) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each lot and required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- (c) The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Village Engineer to be available, extensions of the public sanitary sewer system shall be

made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with Village Comprehensive Sanitary Sewer Plans as determined by the Village Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. All sanitary sewer facilities shall be flood proofed.

SEC.14-1-58 STORM WATER DRAINAGE FACILITIES.

Pursuant to Section 14-1-74, the subdivider shall provide storm water drainage facilities which include curb and gutter, catch basins and inlets, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Storm sewer laterals of the sizes and materials required by the Director of Public Works or Village Engineer shall be installed from the mains to the lot line of every lot in the subdivision when storm sewer mains shall be required by this Section. Storm drainage facilities shall be so designed as to present no hazard to life or property, minimize shoreland erosion and siltation of surface waters, shall prevent excess run-off on adjacent property and shall provide positive drainage away from on-site sewage disposal facilities. The size, type and installation of all storm water drain and sewers proposed to be constructed shall be in accordance with this Chapter and plans and standard specifications approved by the Village Engineer. Storm drainage facilities shall be so designed as to minimize hazards 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. Storm sewers oversized to handle runoff from offsite properties will be installed by the subdivider; however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer shall be paid by other users connecting to the system.

SEC.14-1-59 OTHER UTILITIES.

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

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

SEC. 14-1-60 STREET LAMPS; STREET TREES.

- (a) **Street lighting.** 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 Engineer.
- (b) **Street Trees.** Street trees shall be planted throughout all residential land divisions. Such trees shall be planted in the parkways equidistant between the sidewalks and curb, or in street tree easements, and no closer than five (5) feet from any sanitary sewer service, water service, or driveway apron. The trees shall be spaced not more than fifty (50) feet apart. At street corners, trees shall be located at least twenty (20) feet from the intersection of right-of-way lines.

SEC. 14-1-61 STREET SIGNS.

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

SEC. 14-1-62 EROSION CONTROL.

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

SEC.14-1-63 PARTITION FENCES.

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the Final Plat or certified survey map.

SEC. 14-1-64 EASEMENTS.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate departments, utilities and agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.
- (b) **Drainage Easements.** Drainage easements shall comply with the requirements of Section 14-1-74(e).
- (c) **Easement Locations.**
 - (1) Utility easements shall be at least fifteen (15) feet wide, or wider where recommended by the Village Engineer, 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 Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
 - (2) All easements dedicated on final plat or certified survey maps for survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement". All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

- (d) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place, and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him, or any subsequent landowner by more than six (6) inches.

SEC. 14-1-65 EXTRA-SIZED AND OFF-SITE FACILITIES.

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

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

SEC. 14-1-66 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.

- (a) **Acceptance of Improvements.** The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the required public improvements within the intended dedication are necessary because of the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such

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

(b) Inspection and Certification of Improvements.

- (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys are 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. 14-1-67 SITE GRADING.

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

SEC. 14-1-68 THROUGH SEC. 14-1-69 RESERVED FOR FUTURE USE.

ARTICLE G

Design Standards

SEC. 14-1-70 GENERAL STREET DESIGN STANDARDS.

- (a) **Compliance with Statutes.** In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **Dedication.** The subdivider shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Village Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- (c) **Compliance with Comprehensive Plan and Ordinances.**
 - (1) The arrangement, character, features, and layout of land divisions in the Village of Spencer shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Village Board. Where no such planning documents have been adopted, subdivisions shall be designed according to engineering and planning standards approved by the Village Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. The absence of a street being shown on the official map, streets shall be provided in locations determined necessary by the Village Engineer and to the right-of-way widths required in this Article for the classification of street required.
 - (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to Village master plans, the Official Map, and to this Chapter, and other Village planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
 - (3) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or a Village Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and

officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

- (e) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Streets Classifications.** Streets shall be required and classified by the Village Engineer in accordance with the Village's Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:
 - (1) Arterial Streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall have a right-of-way width of not less than eighty-six (86) feet for a median-divided roadway, nor less than sixty-six (66) feet for a single roadway, with a roadway width of thirty-six (36) feet.
 - (2) Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed. Collector streets have a right-of-way width of not less than sixty-six (66) feet, with a roadway width of thirty-six (36) feet.
 - (3) Local/Minor Streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Local streets have a right-of-way width of not less than fifty (50) feet, with a roadway width of thirty-six (36) feet.
 - (4) Alleys. Alleys shall be located at rear property lines, shall discourage through traffic, shall serve less than fifty (50) vehicles/day, shall be intended to provide access to off-street loading and service areas and not primary access to parcels.
- (g) **Reserve Strips.** Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- (h) **Extraterritorial Streets.** Streets located in the extraterritorial plat jurisdiction of the Village shall provide for the dedication of the minimum widths of right-of-way in accordance with the standards of this Chapter. Extraterritorial streets within the Urban Service Area shall be provided to the structural standards of this Chapter and minimum pavement widths of twenty-four (24) feet and without curb and gutter. Other streets within the extraterritorial plat jurisdiction of the Village shall meet or exceed the town road standards of Sec. 86.26, Wis. Stats.
- (i) **Alleys; Cul-de-Sac Streets.**

- (1) Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts, except that the Village Board, upon the Plan Commission's recommendation, may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty (30) feet. Alley right-of-ways shall be fifty (50) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
- (2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
- (3) Dead End. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "I" alleys shall be discouraged. Temporary dead-end streets shall not be over one thousand (1,000) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turn arounds as approved by the Village Engineer.
- (4) Cul-de-Sac Streets. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed seven hundred (700) feet in length and shall terminate with a turnaround of not less than one hundred twenty (120) feet in diameter and a roadway turnaround of ninety-six (96) feet in diameter. In all cul-de-sacs, there shall be an unobstructed sight distance from the intersection of the intersecting street to the far end of the cul-de-sac bulb.
- (j) **Continuation**. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts.
- (k) **Minor Streets**. Minor streets shall be so laid out so as to discourage their use by through traffic.
- (l) **Frontage Roads**. Where a land division abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Village Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- (m) **Private Streets**. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.

- (n) **Horizontal Curves.** When connecting street lines, deflect from each other at any one point by more than five (5) degrees, they shall be connected by a curve with a radius of not less than one hundred fifty (150) feet on local streets, two hundred fifty (250) feet on collector streets, and four hundred fifty (450) feet on arterial streets.
- (o) **Visibility.** Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred twenty (120) feet on all other streets.
- (p) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
- (q) **Street Grades.** The grade of major thoroughfares and collector streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. Grades of local streets shall not exceed ten percent (10%). The minimum grade of all streets shall be four-tenths percent (.4%)
- (r) **Vertical Curves.** All changes in street grades shall be connected by vertical curves of a minimum length, in feet, equivalent to twenty (20) times the algebraic difference in the rate of grade for major thoroughfares, and one-half (1/2) this minimum length for all other streets.
- (s) **Half Streets.** Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- (t) **Intersections.**
- (1) Angle of Intersect. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than fifteen (15) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (2) Number of Streets Converging. The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred twenty-five (125) feet from each other.
 - (3) Number of Intersections -- Arterial Streets. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Village Engineer to provide better safety.
 - (4) Local Street Spacing. Local streets and frontage roads intersecting with other local streets or collector streets shall, wherever practicable, be spaced no

closer than one hundred fifty (150) feet between right-of-way lines, nor closer than two hundred fifty (250) feet to the right-of-way of an arterial street.

- (5) Property Lines at Street Intersections. Property lines at street intersections shall be rounded with a minimum radius of twenty-five (25) feet or of a greater radius when required by the Village Engineer.
- (6) Local Streets. Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
- (7) Additional Sight Easements. At any intersection determined by the Village Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.

(u) **Street Names.**

- (1) 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.
- (2) All streets shall be named in conformity with the street naming plan of the Village or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets, provided, however, that streets that are obviously in alignment with others already existing and names shall bear the names of the existing streets. Long or continuous thoroughfares running north and south shall be named avenues; those running east and west shall be named streets; diagonal thoroughfares shall be named roads; and curving thoroughfares shall be named drives. Short or discontinuous thoroughfares running north and south shall be named courts; those running east and west shall be named places; diagonal thoroughfares shall be named ways; and curving thoroughfares shall be named lanes.

(v) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

- (1) Subdivision Lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least thirty (30) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face

of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) Commercial and Industrial Districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) Streets Parallel to a Limited Access Highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor Streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

SEC. 14-1-71 SPECIFICATIONS FOR PREPARATION, CONSTRUCTION AND DEDICATION OF STREETS AND ROADS.

(a) General Requirements.

- (1) Construction Standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, and this Chapter, whichever is more restrictive. The design requirements of this Section and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Village, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Village Engineer. Combination concrete curb and gutter is required on all streets. (Refer to the Section describing requirements for curbs and gutters.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Village Engineer.
- (2) Project Costs. All roadway surveys, dedications, plans and specifications and construction which will be shared on a 50/50 basis by the Village. This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.

- (3) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Spencer, the applicant shall notify the Village Engineer. An on-site meeting will then be arranged to be attended by the Village Engineer and the applicant. Plans must be provided in order for the Village Engineer to check the design and the drainage.
- (4) Material Slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Village before the Village approves the final construction.
- (5) Required Inspections. Prior to the commencement of any street construction, the subdivider shall notify the Village Engineer, at least one (1) workday in advance, as to the nature of the work being done. The Village Engineer shall be contacted for required inspections after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Bituminous surface course; and
 - d. Shouldering.Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.
- (6) Tests of Materials. The Village reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.
- (7) Pavement Samples. Samples of bituminous concrete will be taken by the Village during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Construction Standards**. All streets and highways constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:
 - (1) General. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless excepted, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Village Engineer, or his designee.
 - (2) Street Right-of-Ways. Streets shall have a right-of-way width as established on the Official Map or as designated in Section 14-1-70(f), provided, however, that a greater or lesser roadway width may be required by the Village Engineer where necessary to assure uniformity along the entire length of any street.
 - (3) Temporary Streets. Construction of temporary streets shall require authorization of the Plan Commission.
 - (4) Standard Street Improvements.
 - a. Standard street improvements shall include street lights, concrete curb and gutter, bituminous base course, bituminous surface course and, when required, walkways.

- b. The construction of standard street improvements can begin only when either:
 - 1. The underground utilities were installed in the previous construction season; or
 - 2. The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Village Engineer,
- c. Upon obtaining the written approval of the Village Engineer the subdivider can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

(5) Roadway Base Standards.

- a. The subdivider must bring all streets and alleys to a grade established by the Village Board. All site work by Village employees in determining grade shall be billed at the Village rate and paid by the owner.
- b. Residential streets shall have a roadway base of six (6) inches 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.
- c. 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.
- d. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis pursuant to Subsection (c) below.
- e. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
- f. 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.
- g. The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the Village Engineer and adoption by the Village Board, the streets shall be graded to full width of the right-of-way of the proposed street to the

subgrade elevations shown on the typical cross-section. The grading is to be completed prior to installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.

(6) Roadway Subgrade Quality.

- a. All subgrade material shall have a minimum California Bearing Ratio (CBR) of three (3). Subgrade material having a CBR less than three (3) shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.
- b. Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet, an underdrain system shall be installed to keep the water level five (5) feet below the pavement surface. Unstable and organic material must be sub cut, removed and replaced with a suitable granular or breaker-run material approved by the Village Engineer.

(7) Roadway Grading: Ditches. Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four-to-one (4:1) backslope where ditches are allowed. The roadway shall be compacted and graded to a subgrade using, where necessary, approved fill material in accordance with Wisconsin Department of Transportation standards. Roadside ditches, where allowed by the Village, shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Village Engineer. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three-to-one (3:1) ditch from the edge of the shoulder to the bottom of the ditch and two-to-one (2:1) on the back slope.

(8) Pavement Thickness.

- a. Residential and rural-type roads shall have a minimum of two and one-half (2-1/2) inches thick compacted hot-mix bituminous concrete pavement, placed in two (2) layers -- a binder course of one and one-half (1-1/2) inches thick and a surface course of one (1) inch.
- b. On commercial, arterial or other heavy-use roads, 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.
- 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 paving such roads with a greater thickness after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to. In no event shall

paving occur later than eighteen (18) months from the Village's approval of the final or official plat. All subsequent shouldering where ditches are allowed shall be brought to even grade with bituminous mat.

(9) Shoulder Width.

- a. A shoulder a minimum of four (4) feet wide on each side of the road is required where curb and gutter is not used, and wider when required by the "Town Road Standards" as noted in Sec. 86.26, Wis. Stats.
- b. Where ditches are allowed, road shoulders shall have a minimum thickness of two and one-half (2-1/2) inches of compacted in-place crushed state-approved aggregate base course, over a minimum six (6) inches of compacted in-place crushed state-approved aggregate base course, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of six (6) inches.

(10) Roadway Culverts and Bridges. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the "Facilities Development Manual" of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls. The developer shall provided adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's subgrade, drainage facilities shall be installed before road construction is started. Existing condition status shall be based on a maximum of a Curve 70.

(11) Driveways.

- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved by the Plan Commission.
- b. When allowed, curb openings for driveways within the public service area shall be no less than fourteen (14) feet nor more than twenty-four (24) feet in width unless the opening is intended to afford access to a commercially zoned parcel. The width of any driveway opening intended to afford access to commercial property shall be as determined and prescribed by the Village Engineer.
- c. Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls. Driveway culverts shall be installed as prescribed in Title 6, Chapter 3 of this Code of Ordinances.

(12) Topsoil, Grass, Seed, Fertilizer and Mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.

- (13) Drainage Improvements. In the case of all new roads and streets, the Village Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
- (14) Continuity and Transitions.
 - a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
 - b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15:1) unless the Village Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).
- (15) Curb and Gutter. Combination concrete curb and gutter is required on all streets. Refer to Section 14-1-54 describing requirements for curbs and gutters.
- (16) Post-Construction Traffic Limited. No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Village Engineer to protect the new pavement.
- (c) **Selection of Alternative Design**. The Village Engineer shall select a pavement structure to be used after reviewing equivalent alternative pavement designs with the subdivider. The Village Engineer shall require one or more of the pavement designs of the subdivider based on the following criteria:
 - (1) Life cycle cost.
 - (2) History of similar pavements in the area.
 - (3) Adjacent existing pavements.
 - (4) Staging of construction.
 - (5) Construction season.
 - (6) Friction requirements.
 - (7) Depressed, surface, or elevated design.
 - (8) Higher governmental preference (e.g. if State Highway).
 - (9) Stimulation of competition.
 - (10) Conservation of materials.
 - (11) Construction considerations.
 - (12) Recognition of local industry.
 - (13) Availability of materials and methods locally.
- (d) **Final Inspection**. Upon completion of the proposed highway, the Village Engineer will proceed to make a final inspection, accepting or rejecting the street as the case may be. After all of the provisions of this Chapter have been complied with, the roadway or easement will be inspected by Village officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills

that all work that has been done has been paid for, or arrangements have been made for the payment through written instrument by the subdivider. If the street is rejected, corrections shall be made as required by the Village Board, upon the Village Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall turn over to the Village the deed of all land necessary for the street as previously mentioned.

SEC. 14-1-72 BLOCK DESIGN STANDARDS.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than five hundred (500) feet nor exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Street Tree Planting Strip Easements.** Tree planting strip easements shall be provided for on both sides of all streets when the street terrace is insufficient. The minimum easement width shall be ten (10) feet and shall be adjacent to the front property line. Street trees shall be maintained by the adjacent property owner in accordance with Village ordinances.

SEC. 14-1-73 LOT DESIGN STANDARDS.

- (a) **Lot Dimension.** Lot dimension shall conform to the requirements of the Zoning Code, but in no case shall have a frontage of less than ninety (90) feet at the front yard building line, or a depth of less than one hundred (100) feet. The requirements of the zoning regulations insofar as they may specify greater areas or distance shall be complied with,
- (b) **Commercial or Industrial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Village Zoning Code.
- (c) **Minimum Lot Frontage.** All lots shall have a minimum of ninety (90) feet of platted frontage on a public street to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Village Board. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.

- (d) **Lots Where Abutting Arterial Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
- (e) **Comer Lots.** Corner lots for residential use shall have extra width to permit full building setback from both streets, or as required by applicable zoning regulations.
- (f) **Access to Public Street.** Every lot shall front or abut on a public street. Every lot shall front or abut on a public street for a distance of at least fifty (50) feet and shall be not less than ninety (90) feet in width at the front building line, including cul-de-sac lots, or as required by the Village Zoning Code, the more restrictive of which shall apply.
- (g) **Side Lots.** Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow Village boundary lines.
- (h) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (i) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (j) **Land Remnants.** All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (k) **Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Village Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this Chapter and with the Zoning Code.
- (l) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The subdivider may appeal this requirement to the Village Engineer. Upon written request of the Village Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- (m) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (n) **Drainage Way and Watercourses.** Lots abutting upon water course, drainage way, channel. or stream shall have such additional depth or width as required by

the Village Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year storm.

SEC. 14-1-74 DRAINAGE AND STORMWATER MANAGEMENT SYSTEM.

- (a) **Purpose.** The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
- (b) **Drainage System Required.**
 - (1) As required by Section 14-1-58, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved or modified by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.
 - (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
 - (3) The Plan Commission shall not recommend for approval any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.
- (c) **Drainage System Plans.**
 - (1) The subdivider shall submit to the Village at the time of filing a Preliminary Plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
 - a. Estimates of the quantity of storm water entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.

- c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
- (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Engineer.
- (d) **Drainage System Requirements.** The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development:
 - (1) Street Drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building storm water drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision.
 - (2) Off-Street Drainage. The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement pursuant to Subsection (e) of the Village to provide for the future maintenance of said system.
- (e) **Protection of Drainage Systems.** The subdivider shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to one percent [1%] shall be seeded; those with grades up to four percent [4%] shall be sodded 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 acquisition by the Village or other appropriate agency having the authority to purchase said property. The subdivider and Village shall enter into an agreement with the Village to provide for the purchase of the lands held in reserve prior to the conclusion of the five (5) year reserve period.
- (i) **Storm Drainage Facilities.**
 - (1) The subdivider, at his cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the Village Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/ or public improvements served by the storm drainage facilities.
 - (2) The subdivider shall submit to the Village Engineer for his review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:

- a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
- (4) The design criteria for storm drainage systems shall be reviewed by the Village Engineer and approved or modified.
- (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by Village ordinance and/or the Village Engineer.
- (j) **Minor Drainage System.** The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a 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 encroach on any traffic lane of any collector or arterial street, nor on the center twenty-four (24) feet of any local street, except on cul-de-sac or permanently dead-end streets serving less than ten (10) dwelling units, where such accumulations may not overtop the curb. 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). On local and collector streets and drainageways and drainage easements, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed. On arterial streets and in commercial zoning districts, accumulations of water shall not inundate any buildings at the ground line, unless such buildings are flood-proofed and the depth of water at the street crown shall not exceed six (6) inches to permit operation of emergency vehicles.

(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. Open drainage inlet pipes or culverts with any opening dimension in excess of eighteen (18) inches shall be equipped With debris grates having an exposed area at least seven (7) times the pipe opening area to avoid backwater accumulations from trash buildup and unsafe stream velocities and a maximum opening size of six (6) inches. Drainage piping outfalls with any opening dimension in excess of twelve (12) inches shall be protected from unauthorized entry by fencing, partial or total submergence of the outlet, debris grates or other methods approved by the Village Engineer unless in such a location as to render routine maintenance operations impossible. Outfalls and their channels shall be protected from damages due to scour and erosion to the satisfaction of the Village Engineer.
- (2) When, on the basis of the soils information, the Village Engineer determines that the ground water elevation is less than nine (9) feet below the proposed street centerline elevation and the adjacent lots have access to a storm drainage piping system, the subdivider shall be required to provide approved sump pump laterals from the storm sewer piping system to the property line of each lot for connection to by the property owner.
- (3) 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 with grades of 0.75% or less, or 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.** The subdivider may employ on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:
- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
 - (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) Detention facility peak discharge rates for the maximum storm required to be contained shall not exceed the predevelopment peak discharge rate from a ten (10) year storm event of twenty-four (24) hour duration or the capacity of the downstream drainage facilities, whichever is less.
 - (4) All temporary 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.

SEC. 14-1-75 NON-RESIDENTIAL SUBDIVISIONS.

(a) General.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A non-residential subdivision shall also be subject to all the requirements of site plan approval set forth in the Village Building Code. A non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map and the Village Zoning Code.

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

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

SEC. 14-1-76 GRADING.

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

(a) Master Site-Grading Plan.

- (1) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the Village.

- (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
- (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-ofway 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.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided any ditches or swales are in public drainage easements.
 - (3) Draining across rear or side lot lines may be permitted provided that the course of drainage is within a public drainage easement and is toward public drainage facilities.
- (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 minimum grade of two percent (2%) 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.

SEC. 14-1-77 EROSION CONTROL.

- (a) **Purpose.** The Village finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Village.

Therefore, it is declared to be the purpose of this Section to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village.

(b) Land-Disturbing Activities Subject to Erosion and Sediment Control.

(1) General Requirement. Any owner, occupant or user who undertakes, commences or performs any land division activities; or who permits another person to do the same on land under his control shall be subject to this Section.

(2) Control Plan Required.

- a. Every land division involving construction of public improvements shall include a plan to control erosion, sedimentation and runoff which would result from the proposed activity with the design of the public improvements submitted to the Village Engineer for review.
- b. Land divisions not involving construction of public improvements are exempted from the requirement of the submission of a control plan if: the proposed land division involves one (1) acre or less of land, and the applicant agrees to install all the control devices and to implement all the control techniques which are set out in Title 15, Chapter 2 of this Code of Ordinances.

(3) Contents of the Control Plan. The control plan required above shall contain such information needed to determine soil erosion, sedimentation and runoff control:

- a. A map of the site location showing the location of the predominant soil types.
- b. A topographic map of the site location, including the contiguous properties, existing drainage patterns and water-courses affected by the proposed development of the site and the existing vegetative cover.
- c. A plan of the site showing:
 1. Name, address and telephone number of the occupant and party responsible for maintaining erosion control.
 2. Limits of natural floodplain(s), based on a 100-year flood, if any.
 3. A timing schedule indicating the anticipated starting and completion dates of the development sequence.
 4. Proposed topography of the site location with a maximum of two (2) foot contour intervals showing:
 - (1) Location of activity, disturbance of protective cover, any additional structure on the site, areas to be seeded or mulched, areas to be vegetatively stabilized and areas to be left undisturbed.
 - (2) Elevations, dimensions, location of all activities including where topsoil will be temporarily stockpiled.
 - (3) The finished grade, stated in feet horizontal to feet vertical of cut and fill slopes.

- (4) Kinds of utilities and areas of installation, including special erosion control practices for utility installation.
 - (5) Paved and covered areas in square feet or to scale on a plan map.
 - (6) Makeup of surface soil [upper six (6) inches] on areas not covered by buildings, structures, or pavement.
 - (7) Kind of cover on areas not covered by buildings, structures or pavement.
 - d. Plans and hydraulic computations for all structural or nonstructural measures or other protective devices to be constructed in connection with the proposed work showing:
 - 1. Estimated rate of discharge in cubic feet per second to all structural or nonstructural measures, and the point of discharge from the site location based upon ten (10) year frequency storm event.
 - 2. The storm event frequency discharge rate in cubic feet per second upon which the design of plans for the site location is based.
 - 3. Provisions to carry runoff to the nearest adequate public drainage facility(s).
 - (1) Design computations and applicable assumptions for all structural measures for erosion and sediment pollution control and water management. Volume and velocity of flow must be given for all surface water conveyance measures and pipe outfalls.
 - (2) Provisions for perpetual maintenance of control facilities including easements.
 - (3) Seeding mixtures and rates, lime and fertilizer application rates, and- kind and quantity of mulching for both temporary and permanent vegetative control measures.
 - e. Methods to prevent tracking of soil off the site of the activity.
- (c) **Review of Control Plan.** The Village Engineer shall review all control plans, and shall determine if measures are adequate to meet all the applicable standards as set out in this Article. The applicant will be informed in writing whether the control plan is approved, disapproved, requires modification, or if additional information is required. In the event that the plan is not approved, the applicant shall resubmit a new control plan.
- (d) **Conditions.** All approvals under this Section' shall be issued subject to the following conditions and requirements:
- (1) All land disturbances will be done pursuant to the approved control plan and the requirements of this Section and Title 15, Chapter 2.
 - (2) The subdivider shall give two (2) working days' notice in advance of the start of any activity.
 - (3) The subdivider shall file a notice within ten (10) days after completion of land disturbing activities.
 - (4) Approval in writing shall be obtained prior to any modifications to the approved control plan.
 - (5) The subdivider shall be responsible for maintaining all proposed public roads, road right-of-ways, streets, runoff and drainage facilities and drainageways as

specified in the approved plan until they are accepted and become the responsibility of the Village.

- (6) The subdivider shall be responsible at his own expense for repairing any damage to all adjoining surfaces and drainageways caused by runoff and/or sedimentation resulting from the permittee's activities.
- (7) The subdivider shall provide and install at his expense all drainage, runoff control and erosion control improvements as required by this Article and the approved control plan and shall provide for the perpetual maintenance of all private control facilities or through dedication to, and acceptance by, the Village.
- (8) No portion of the land which is disturbed will be allowed to remain uncovered for greater than two (2) weeks after the work activity is completed if the Village Engineer determines there exists a potential for erosion to leave the site of the work or the boundaries of the land division.
- (9) The subdivider agrees to permit the Village Engineer or his designee to enter onto the land regulated under this Section for the purpose of inspecting for compliance with the approved control plan.
- (10) The subdivider authorizes the Village to cause or perform any work or operations necessary to bring the condition of the lands into conformity with the approved control plan and further consents to the Village collecting the total of the costs and expenses of such work and operating as a special charge against the property for current services rendered as provided by law.

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

SEC. 14-1-78 THROUGH SEC. 14-1-79 RESERVED FOR FUTURE USE.

ARTICLE H

Park and Public Land Dedications

SEC.14-1-80 GENERAL PARK AND PUBLIC LAND DEDICATION REQUIREMENTS.

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by 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 schools, parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- (c) **Site Reservations Required.**
 - (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the master plan of the Village, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.
 - (2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational use.
 - (3) Whenever a tract of land to be subdivided embraces all or any part of an arterial street or other public way which has been designated in the comprehensive plan component or on the official map of the Village, such public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on such plan.

SEC. 14-1-81 LAND DEDICATION.

- (a) **Dedication of Sites.** Where feasible and compatible with the comprehensive or master plan of the Village, the developer shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village of Spencer. The location of such land to be dedicated shall be determined by the Plan Commission. Where the dedication is

- not compatible with the comprehensive or master plan, or for other reasons is not feasible as determined by the Plan Commission, and as approved by the Village Board, the developer shall, in lieu thereof, pay to the Village a fee as established by this Article, or a combination thereof.
- (b) **Dedication of Parks, Playgrounds, Recreation and Open Spaces.** The developer shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:
- (1) Five percent (5%) of the total acreage intended to be used for commercial or industrial uses;
 - (2) Ten percent (10%) of the total acreage intended to be used for single-family and two-family dwelling units;
 - (3) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings.
- (c) **Combination of Residential Uses.** Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding ten percent (10%) of the acreage intended for single-family and two-family dwellings, and fifteen percent (15%) of the acreage intended for multi-family dwellings. Where a definite commitment is made to the Village by the developer with respect to those portions of the total acreage intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
- (d) **Minimum Size of Park and Playground Dedications.**
- (1) In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Plan Commission may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or comprehensive development so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
 - (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total frontage on one (1) or more streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.
- (e) **Fees in lieu of Land.**
- (1) Where, in the sole discretion of the Plan Commission, there is no land suitable for parks within the proposed land division, subdivision or comprehensive development, the dedication of land required by Subsection (b) is not feasible, the dedication of land would not be compatible with the Village Master Plan or park plan, the minimum size under Subsection (c) cannot be met, or the Plan Commission determines that a cash contribution will better serve the public interest, the Plan Commission shall require the developer to pay a fee in lieu of making the required land dedication.

- (2) The amount of any fee imposed pursuant to Subsection (e)(1) shall be determined as follows: the number of acres which would be required to be dedicated in accordance with Subsection (b) shall be multiplied by thirty percent (30%) of the equalized value of an acre of land within the plat during the assessment period following the installation of public improvements. The equalized value of an acre of land within the plat shall be determined by the Village Assessor. Eighty percent (80%) of the estimated park fee, as determined by the Village Assessor and Village Clerk-Treasurer, shall be payable before construction commences on the utilities and streets. The developer shall pay the balance of the park fee when it is finally determined by the Village.
- (3) The Plan Commission may, in its sole discretion, permit the subdivider to satisfy the requirements of Subsection (e)(2) by combining a land dedication with a fee payment. The fee, in such cases, shall be determined by subtracting the most recent equalized value of the dedicated land, as determined by the Village Assessor, from the total fee which would have been imposed had no land been dedicated by the subdivider.
- (4) The Village shall place any fee collected pursuant to the provisions of this Section in a separate account to be used at the discretion of the Plan Commission in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (f) **Extraterritorial Areas.** Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the Village and the town operates and maintains a park system, the park land area dedicated to the town or fees paid to the town in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this Section.
- (g) **Limitations.** A subdivider shall not be required to dedicate more than one-third (1/3) of the total area of the plat to meet the objectives of this Section.
- (h) **Suitability of Lands.** The Plan Commission shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (i) **Deeded to the Village.** Land dedicated for public purposes shall be deeded to the Village at the time the Final Plat is approved.
- (j) **Access to Dedicated Land.** All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- (k) **Utility Extensions.** The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

SEC. 14-1-82 RESERVATION OF ADDITIONAL LAND.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the Village,

through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

SEC. 14-1-83 DEVELOPMENT OF PARK AREA.

- (a) When parklands are dedicated to the Village, the subdivider is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Village Engineer, 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. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
- (b) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village. 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.
- (c) A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (d) The Village Board may require certification of compliance by Village officials. The cost of such report shall be paid by the subdivider.
- (e) If the subdivider fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (f) The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.

SEC. 14-1-84 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.

ARTICLE I

Fees

SEC. 14-1-90 ADMINISTRATIVE AND OTHER FEES.

- (a) **General.** The subdivider shall pay the Village of Spencer all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.
- (b) **Engineering Fee.** The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village pursuant to Section 14-1-52(d). The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) **Administrative Fee.** The subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.
- (d) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- (e) **Preliminary Plat.**
 - (1) A subdivider who submits a Preliminary Plat for the Village Plan Commission and the Village Board shall file said Preliminary Plat with the Village Clerk-Treasurer and shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be Twenty-five Dollars (\$25.00) 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 Twenty-five Dollars (\$25.00) plus Two Dollars (\$2.00) for each dwelling unit 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 Ten Dollars (\$10.00) 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 Fifty Dollars (\$50.00) for each certified survey.
- (2) Should the subdivider submit an amended or revised Certified Survey, the resubmittal fee shall be Fifty Dollars (\$50.00) for each amended or revised Certified Survey.
- (h) **Objecting Agency Review Fees.** The subdivider shall transmit all fees required for state agency review to the Village Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources.
- (i) **Public Site Fee.** If the subdivision does not contain lands to be dedicated as required in this Chapter, the Village Clerk-Treasurer shall require a fee pursuant to Section 14-1-84 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (j) **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.

SEC. 14-1-91 THROUGH SEC. 14-1-99 RESERVED FOR FUTURE USE.

ARTICLE J

Variances; Penalties and Violations

SEC. 14-1-100 VARIATIONS AND EXCEPTIONS.

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

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

SEC. 14-1-101 ENFORCEMENT, PENALTIES AND REMEDIES.

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or replat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Penalties.**
- (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
 - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (5) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (6) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- (c) **Revocation of Permits and/or Approvals.**
- (1) The Village Engineer, Director of Public Works or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.

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

SEC. 14-1-102 DISCLAIMERS ON APPROVALS.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Village of Spencer. This Article shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, or the Village as a municipal corporation for the granting of approval, or the denial of any approval. . All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- (b) Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.

SEC. 14-1-103 RESTRICTIONS FOR PUBLIC BENEFIT.

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