

SUBDIVISION CODE

TITLE 14

VILLAGE OF FREDONIA

OZAUKEE COUNTY, WISCONSIN

JULY 2003

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ARTICLE A: ADOPTION; INTRODUCTION

SEC. 14-1-1 INTRODUCTION AND PURPOSE.

(a) Introduction. In accordance with the authority granted by Sec. 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 Fredonia, 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 Fredonia.

(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 highway and streets; preventing and controlling erosion, sedimentation and other pollution of surface and subsurface waters; 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 Fredonia.

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 Fredonia 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 section, portion or provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, 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 Fredonia Subdivision Chapter/Ordinance" or "Village of Fredonia Land Division and Subdivision Chapter/Ordinance."

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 fast or heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.
- (3) **Block.** An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.
- (4) **Building Line.** A line parallel to a lot line and at a specified minimum distance from the lot line to comply with the building setback requirements of the Village Zoning Ordinance.
- (5) **Certified Survey Map.** A map of prepared in accordance with Sec. 36.34, Wis. Stats., and in full compliance with this Chapter, for the purpose of dividing land or to document for recording purposes survey and dedication data relating to single parcels.
- (6) **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.
- (7) **Commission.** The Plan Commission created by the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes.
- (8) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
- (9) **Comprehensive Development Plan.** The current comprehensive plan, also called a master 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) **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.
- (11) **Development (Rural).** Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in southeastern Wisconsin when residential development densities are less than 0.2 dwelling units per gross acre {or one (1) dwelling unit per five (5) acres}, such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

(12) Development (Urban). Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal; storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface water. Historically, in southeastern Wisconsin urban development occurs when residential development is concentrated in densities in excess of 0.2 dwelling units per gross acre {or one (1) dwelling unit per five (5) acres}.

(13) 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.

(14) 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.

(15) 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. Whenever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line, all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial power over any area.

(16) Final Plat. The final map, drawing or chart on which the subdivider's plan of subdivision is present for approval and which, if approved, will be submitted to the County Register of Deeds. This map shall be prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance.

(17) Floodlands. Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.

(18) 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.

(19) High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

(20) Improvement, Public. Any sanitary sewer, storm sewer, open channel, curb and gutter, 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.

(21) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets. Also referred to as a "minor street."

(22) 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.

(23) Lot, Area. The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.

(24) Lot, Corner. A lot abutting intersecting streets at their intersection, provided that the corner of such intersection shall have an angle of 135 degrees or less.

(25) Lot, Double-Frontage. A lot other than a corner lot, with frontage on more than one (1) street. Double-frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double-frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double-frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

(26) 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.

(27) Lot Lines. The peripheral boundaries of a lot as defined herein.

(28) Lot Width. The width of a parcel of land measured along the front building line.

(29) 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.

(30) Master Plan. The extensively developed plan adopted by the Plan Commission and certified to the Village Board pursuant to Sec. 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the master plan

(31) Minor Street. A street used, or intended to be used, primarily for access to abutting properties and connecting with not more than two (2) minor or subcollector streets and not exceeding one thousand (1,000) feet in length.

(32) Minor Land Division. A minor land division is any division of land that:

- a. Creates more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a period of five years; or
- b. Divides a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing the exterior boundaries of said plat or the exterior boundaries of blocks within the plat, and division does not result in a subdivision.

(33) National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7 Horizontal and Vertical Survey Control in Southeastern Wisconsin.

(34) Navigable Stream. Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.

(35) Official Map. Section 62.23(6) of the Wisconsin Statutes provides that the Village Board may establish an Official Map for the precise designation of the right-of-way lines and site boundaries of streets, highways, parkways, parks, and playgrounds, both existing and proposed. The Statutes further provide that the Official Map may be extended to include areas beyond the corporate limits but within the extraterritorial plat approval jurisdiction of the municipality.

(36) Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or reserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be redivided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land division.

(37) 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.

(38) 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.

(39) Planned Unit Development (or Cluster 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 buildings, providing common open space, and mixing different types of housing (single-family, duplexes, and apartments). Ordinances permitting planned unit development permit planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. Regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and subdivision regulation since such developments require exceptions from both types of regulation.

(40) Plat. The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.

(41) Preliminary Plat. The Preliminary Plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Village Board for their consideration as to compliance with the Comprehensive Development Plan, Zoning Code and these regulations along with required supporting data. The Preliminary Plat shall precisely describe the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

(41a) Private Street. A street owned and maintained by a private individual, organization, or company rather than by the Village of Fredonia, Ozaukee County, State of Wisconsin or the United States of America. Consequently, unauthorized use of the street may be considered trespassing, and some of the usual rules of the streets may not apply. The most common type of private streets are residential streets maintained by a homeowners association, housing co-op, or other group of individual homeowners.

(42) 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 minor land division or 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.

(43) 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 or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.

(44) 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.

(45) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision (certified survey map) or replat, or any person who creates a condominium under Chapter 703 of the Wisconsin Statutes.

(46) Subdivision. A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building development where:

- a. The act of division creates five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area; or
- b. Five (5) or more parcels or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.
- c. The act of division or the creation of any parcels or building sites results in the creation or alteration of any street or alley.
- d. The definitions herein shall apply with equal effect to the division or creation of parcels or building sites whether or not said tracts shall, at such time, be part of a previously platted subdivision.

(47) Surveyor. A State of Wisconsin registered land surveyor.

(48) Urban Service Area. The area expected to be served by public sanitary sewer and water utility within the next twenty (20) year period as mapped in the Village Master Plan.

(49) Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin published in a loose-leaf, continual revision system, as directed by Sec. 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

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

ARTICLE C: GENERAL PROVISIONS

SEC. 14-1-20 GENERAL PROVISIONS.

(a) Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, minor land division or a replat as defined herein; no such subdivision, minor land division or replat, as defined herein, shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:

- (1)** The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.

(2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85 for minor land divisions and 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 Floodplain Management Program.

(5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.

(6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.

(7) The Village of Fredonia Master Plan, or components thereof, and applicable ordinances of any city or village whose extraterritorial jurisdiction extends into the Village.

(8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.

(b) Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Fredonia and the extraterritorial jurisdiction of the Village. 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) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.

(4) Cemetery plats under Sec. 157.07, Wis. Stats.

(5) Assessors' plats made under Sec. 70.27, Wis. Stats., but such assessors' plats shall comply with Sections 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c), Wis. Stats.

(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) Building Permits. The Village of Fredonia shall not issue any building permit relating to any parcel of land forming all or any part of lands included in a subdivision, land division, replat or certified survey map originally submitted to the Village of Fredonia on or after the effective date of this Chapter until the applicant has complied with all of the provisions and requirements of this Chapter.

(e) Applicability to Condominiums. This Chapter is expressly applicable to any condominium with the Village's jurisdiction, pursuant to Sec. 703.27, Wis. Stats.

SEC. 14-1-21 LAND SUITABILITY.

(a) Suitability and Factors Limiting Subdivision of Lands

(1) 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.

(2) It is the intention of the Village of Fredonia that all development be served by public sanitary sewer facilities. Upon annexation to the Village

all existing development shall connect to the public sanitary system if such connections are currently available or at such time as they become available. In addition:

a. No lot served by public sanitary sewer facilities shall have less than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood.

b. In the case of lands that are not served by public sanitary sewer systems, and where connection to a public system is not yet available:

i. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodlands.

ii. All lots more than one (1) acre in area served by a septic tank system shall contain not less than forty thousand (40,000) square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

iii. No subdivision of such lands shall take place that would result in lots too small to be adequately served by septic tank systems.

c. Lands made, altered or filled with non-earth materials within the preceding twenty (20) years shall not be divided into building sites, which are to be served by soil absorption waste disposal systems.

d. Lands made, altered or filled with earth within the preceding seven (7) years shall not be divided into building sites, which are to be served by on-site soil absorption sanitary sewage disposal systems.

e. Lands having a slope of twelve percent (12%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.

f. Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

g. Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

h. Lands covered by soils having a percolation rate slower than sixty (60) minutes per inch or faster than ten (10) minutes per inch shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

i. Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

j. 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, commercial, industrial or institutional use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board 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 DEDICATION AND RESERVATION OF LANDS

(a) Streets, Highways, and Drainageways. Whenever a proposed subdivision, minor land division, or condominium plat encompasses all or any part of an arterial street, drainageway, or other public way which has been designated in the comprehensive plan or component thereof or the official map of the Village, said public way shall be made a part of the plat or certified survey map and dedicated or reserved, as determined by the Village, by the subdivider in the locations and dimensions indicated on said plan or map and as set forth in this Ordinance.

(b) Park, Open Space, and School Sites. Park and school sites shall be dedicated or reserved as provided in this Ordinance.

SEC. 14-1-23 HOMEOWNER OR CONDOMINIUM ASSOCIATIONS

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners or condominium association, subject to the provisions set forth herein. The homeowners or condominium association shall be governed according to the following:

(a) The Subdivider shall provide the Village with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the subdivider's expense.

(b) The Association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the subdivision or condominium.

(c) Membership in the association shall be mandatory for all purchasers of lots or units therein and their successors and assigns.

(d) The Association shall be responsible for maintenance and insurance of common areas and facilities.

(e) A Land Stewardship Plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.

(f) The Members of the association shall share equitably the costs of maintaining, ensuring, and operating common areas and facilities.

(g) The Association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.

(h) The Subdivider shall arrange with the Village Assessor a method of assessment of any common areas and facilities, which will allocate to each lot, parcel, or unit within the land division or condominium a share of the total assessment for such common areas and facilities.

(i) The Village may require that it receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given to all

members of the association and to the Village at least thirty (30) days prior to such transfer.

(j) In the Event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Village may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Ordinance, in which case the Village shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Village shall be assessed against the properties that have the right of enjoyment of the common areas and facilities.

SEC. 14-1-24 DEVELOPMENT AGREEMENT.

Before or as a condition of receiving final approval from the Village Board of any final plat, condominium plat, or certified survey map for which public improvements are required by this Ordinance; or for which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 9.02 of this Ordinance, the subdivider shall sign and file with the Village Board a development agreement. The development agreement shall be approved as to form by the Village Attorney, and shall be approved by the Village Board prior to approval of the final plat, condominium plat, or certified survey map.

SEC. 14-1-25 ANNEXATION PROCESS AND EVALUATION CRITERIA.

(a) Purpose.

The Village of Fredonia realizes that the purpose of annexation is to provide an orderly means by which the legal boundaries of the Village can be extended and allow the natural progression of growth of the community. The Village realizes also that annexation procedure is not intended merely to serve the best interests in the area proposed for annexation, nor is it intended to serve along the interests of the people living within the existing municipal boundary, but rather annexation must serve the long term interest of the entire community of which both groups are an important part. Therefore, the Village shall equally apply this annexation policy for the following purposes:

- (1)** To ensure that each annexation provides for the ongoing health, safety and welfare of the current and future citizens and property owners within the Village.
- (2)** To continue community growth as stated in the Village of Fredonia Vision 2020 Comprehensive Plan within reasonable parameters as stated in the Comprehensive Plan without compromising the physical and fiscal ability of the Village to economically and equitably provide services and infrastructure utilized and supported by current and future citizens and property owners.
- (3)** To implement the policies of the Comprehensive Plan for the orderly growth of the community.
- (4)** To implement the Village's zoning and building ordinances to the adjacent areas in a logical manner, ensuring orderly future growth.
- (5)** To provide the natural extension of public services that otherwise would not be available to properties not within, but contiguous to, Village boundaries.

(b) Areas of Annexation.

The Village shall annex areas pursuant to the Village Growth Area map of the Comprehensive Plan (Map 7-1). It is the intent of the Village that the boundaries shall be eventually extended to encompass most of the Village Growth Area that has been determined to be within the sphere of influence of the Village.

(1) The Village shall annex areas within the Village Growth Area generally in the order of short term, mid term and long term as shown on Map 7-1.

(2) Annexation areas must be contiguous to the Village and must contribute to the logical growth pattern of the Village, and therefore, irregular boundaries must be minimized.

(3) Every annexation shall include the greatest amount of property within contiguous areas of land use designations as possible, as shown on the Village of Fredonia 2020 Land Use Plan of the Comprehensive Plan (Map 7-3), especially with the five contiguous Traditional Neighborhood Developments areas.

(4) Generally, no pocket or island of unincorporated jurisdiction shall remain or be created from an annexation, and that peninsulas or irregular boundaries shall be minimized.

(5) The annexation shall generally follow existing roads, power lines, utilities or the Milwaukee River, in order to minimize the public expense for extension of main or service lines and streets.

(6) Where practical and feasible, the boundary of an annexation shall be drawn along the boundaries of service area boundaries of sewer, water and other services.

(7) Utilities provided by the Village shall be extended to the annexed areas as soon as practicable after annexation at the cost of annexation applicant, land owner or developer. Pursuant to Section 14-1-26, each annexation shall require a disclosure by the annexation applicant of the anticipated needs of public utilities, street improvements and other necessary public improvements and services to be provided to the annexed area by the Village.

(8) Needed public utilities shall be extended into the annexed area as soon as practicable. Extension of main and service lines shall be the fiscal responsibility of the property development rather than to the public via any Village expense, and fully in compliance with Village ordinances.

(9) To provide for the orderly growth and development of the Village and avoid undue cost to the Village, all public utility and service connections to Village sanitary sewer, storm sewer and public water supply shall be limited to incorporated or annexed areas of the Village and shall not be made available extraterritorially. The only exception shall be those extensions, which are made pursuant to agreement with other units of government.

(c) Annexation Application.

It is hereby stated that the Village of Fredonia policy shall be to allow a property owner or owners contiguous to the Village boundaries, absent of a reasonable public interest, to remain in control of the timing of such annexation, given conformance of the requirements of this policy. When initiated by the property owner or owners (hereinafter known as annexation applicant) of a potentially annexed area, the annexation applicant shall submit the following:

(1) The fee for annexation application as referred to in the fee schedule of the Village of Fredonia.

(2) Annexation application as prescribed by the Village, signed by all legal owners of record of all properties subject to the annexation. In the case of a corporation, the person with the highest office of the corporation shall be the designated signee.

- (3) Complete legal description of the area to be annexed, including annexation of the full width of any adjacent and existing right-of-way.
- (4) A complete plat of survey of the area to be annexed.
- (5) Submittal of the complete information requested in Section 14-1-26 of the Municipal Code.
- (6) Any other information requested by the Village to assist with the decision process.

(d) Annexation Procedure.

The process of annexing property shall be in full compliance with State of Wisconsin statutes, as may be amended from time to time, including all necessary filings, fees and notifications as required by state law. In addition, the Village hereby establishes the following process for the review of annexations:

- (1) Prior to any application for annexation, annexation applicant shall submit a preliminary development plan for the complete area to be annexed. The preliminary development plan shall be submitted at least twenty-one (21) calendar days prior to the Plan Commission meeting at which the preliminary review is to occur, and with a sufficient number of copies for review per the Village Clerk. The Plan Commission shall review the preliminary development plan and shall provide comments to the annexation applicant, within 30 days of initial review, regarding the merits of the preliminary development plan pursuant to the Comprehensive Plan, Village Ordinances and Policies. The comments of the Plan Commission shall be forwarded to the following meeting of the Village Board, where the Village Board shall provide comments to the annexation applicant. The Village Board shall make comments known within 30 days of receipt of Plan Commission comments. The review of the preliminary development plan shall be conceptual, without any official vote of the Plan Commission or Village Board. Comments or commitments made by the Plan Commission or Village Board are not binding.
- (2) After preliminary development review, it is at the discretion of the annexation applicant to proceed.
- (3) The annexation applicant has the option of submitting a second preliminary development plan for review, with the same process as indicated in Section 14-1-25(d) (1).
- (4) The annexation applicant submits the full annexation application as required by Section 14-1-26.
- (5) The Village follows all procedures for notification as may be required by any boundary agreement with any neighboring jurisdiction.
- (6) The Village follows the procedure for annexation as prescribed by Section 66.0217 Wisconsin State Statutes, as may be amended from time to time.
- (7) Concurrent with the annexation application, the annexation applicant shall submit all other information to implement the development, such as rezoning, preliminary plat of subdivision or certified survey map.
- (8) The application is forwarded to the Plan Commission for review and recommendation with the application for rezoning, preliminary plat of subdivision or certified survey map. The timing needed to hold the public hearing for rezoning or to review the land division shall control the time frame for review by the Plan Commission. The Plan Commission shall recommend denial, approval or approval with conditions of the annexation.
- (9) The Village Board shall consider the annexation and shall consider all facts in the case prior to denial, approval or approval with conditions of the annexation.

SEC. 14-1-26 ANNEXATION INFORMATION REQUIREMENTS.

(a) Jurisdiction of Authority.

The Village of Fredonia, under its authority to adopt local land use controls, establishes this section 14-1-26 under the following authority:

(1) The Village of Fredonia Vision 2020 Comprehensive Plan identifies the Village Growth Area (Map 7-1) ultimately increasing the incorporated size of the Village of Fredonia to nearly 4 times the area beyond the size of the Village at time of adoption of this ordinance. Each expansion of the Village occurs through annexation, as regulated by Wisconsin State Statutes Section 66.0217, and each annexation will involve a division of property, with either/or a combination of preliminary or final plat of subdivision, Certified Survey Map, or Condominium Plat. Therefore, through the regulation of the division of property, the Village requests additional information prior to annexation as part of its authority to implement the Comprehensive Plan via subdivision ordinance regulations.

(2) By this jurisdiction of authority, prior to any annexation approved by the Village Board, any applicant for annexation, or assigns, whether the applicant is a single owner or a multiple owner of real property, shall submit all information required by this section, and shall provide the information correctly and clearly for the Plan Commission, Village Board and the general public.

(3) The Village Board shall utilize the information and results of the submittal documents required by this section as a determining factor for acceptance of annexation. Other determining factors for annexation acceptance may include conformance with the Comprehensive Plan, conformance with the zoning ordinance, conformance with other regulations or standards of this subdivision ordinance, conformance with Section 14-1-25 and conformance with all other applicable Village ordinances.

(b) Purpose.

The Village Board of the Village of Fredonia hereby ordains that the provisions of this chapter will be held to be the minimum requirements of this Subdivision Ordinance to promote the general health, safety and welfare of the residents and property owners of the Village of Fredonia. Specifically, the annexation information requirements to be submitted prior to any annexation acceptance, shall be for the following purposes:

(1) To allow community growth as stated in the Comprehensive Plan without compromising the physical and fiscal ability to serve such growth.

(2) To allow community growth that creates a positive impact upon the fiscal ability of the Village of Fredonia to adequately serve all current and future residents and property owners within the Village of Fredonia.

(c) Responsibility of Applicant.

Pursuant to the requirements of this section, the subdivision ordinance, zoning ordinance and all other applicable Village ordinances and codes, the burden of proof to comply with this section shall be upon the annexation applicant in relation to any future division of property. The annexation applicant shall submit all required information, at their expense, without any expense to the Village. Any expense at the election of the Village to request professional assistance to verify the validity of the information submitted by the annexation applicant, shall be the responsibility of the annexation applicant, via direct reimbursement of those costs to the Village.

(d) Submitted Information.

With every application for annexation, the annexation applicant shall submit the required information in a format as prescribed by the Village. Due to the nature of the required information, the applicant shall be responsible for submitting development plans at a level of detail commensurate with the ability to provide proper information for this section with the filing of the annexation application, or subsequent land division and zoning approval, consistent with the subsequent land division and zoning approval process.

(1) Phasing. Information submitted as requested by this section shall be provided for the total property to be annexed, and the development plan of the entire property. At the option of the annexation applicant, in addition to the analysis of providing the impact information of the entire annexation property, the information submitted may be further divided into phasing increments. The phasing increments shall provide the impact upon the provision of Village services on each phase, and each phase shall sum to the total annexed property impact.

(2) Sewer System (Waste Water). The annexation information shall provide complete analysis of the annexation development impact upon the Village of Fredonia Waste Water Treatment Plant and Sanitary Sewer System. It is the expressed intent of the Village that the existing excess capacity of the Village's Waste Water Treatment Plant shall remain for property owners and growth within the Village boundary as of the date of the adoption of this ordinance. Generally, the Village requires each new annexation to support the portion of cost of water treatment plant expansion to support the wastewater to be created by development within the annexation area.

a. Applicant shall provide detailed information regarding the amount of waste water to be created by all land uses per the development plan of the annexed property.

b. Pursuant to the Sewer Service Area Plan applicant shall estimate the amount of waste water to be generated by all of the undeveloped areas available for potential annexation within the Village Growth Area as shown within the Comprehensive Plan (minus the annexation property in question) utilizing projected land use designations and densities as stated in the Comprehensive Plan.

c. Applicant shall calculate the ratio of the portion of costs to upgrade capacity for the property to be annexed to the portion of costs to upgrade capacity for the Village Growth Area, from the Sewer Service Area Plan, as a percentage. The resultant shall be applied to the total upgrade capacity cost to determine the cost allocated to the annexation property.

d. Applicant shall analyze the capacity and condition of all interceptor sanitary sewer lines and local transmission sanitary sewer lines that will be utilized to transmit the wastewater from the annexed property to the waste water treatment facility. If the engineering studies indicate the lines shall be upgraded to handle the capacity from the annexed property, then the cost of upgrading those sanitary sewer facilities shall be provided to the Village.

e. Applicant may be allowed to utilize the information provided to the Village by previous Annexation Information Requirements submittals, provided the information was verified by the Village.

(3) Public Water Supply. The annexation information shall provide complete analysis of the annexation development impact upon the Village of Fredonia to provide a public water supply through a Village operated well and water main system. It is the expressed intent of the Village that the existing excess pumpage capacity of the Village's Well System shall remain for property owners and growth within the Village boundary of the date of the adoption of the Ordinance. Generally, the Village requires each new annexation to support the portion of cost to upgrading the public water system to support the fresh water supply needed by the annexed area.

a. Applicant shall provide detailed information regarding the amount of public water to be utilized by all land uses per the development plan of the annexed property, including for fire suppression.

b. Applicant shall estimate the amount of public water to be utilized by all of the undeveloped areas available for potential annexation within the Village Growth Area as shown in the

Comprehensive Plan (minus the annexation property in question) utilizing projected land use designations and densities as stated in the Comprehensive Plan.

c. Applicant shall calculate the ratio of the portion of costs to upgrade capacity for the property to be annexed to the portion of costs to upgrade capacity for the Village Growth Area, as a percentage. The resultant shall be applied to the total upgrade capacity cost to determine the cost allocated to the annexation property.

d. Applicant shall analyze the capacity, condition and fire suppression pressures of all the water mains that will be utilized to transmit the public water to the annexed property from the Village operated water system. If the engineering studies indicate the mains must be upgraded to handle the capacity from the annexed property, then the cost of upgrading those mains shall be provided to the Village.

e. Applicant shall bear the responsibility of any costs to the Village of amending the Village's water service area plan required to provide public water service to the annexation property.

f. Applicant may be allowed to utilize the information provided to the Village by previous Annexation Information Requirement submittals, provided the information was verified as correct by the Village.

(4) Storm Sewer, Storm Water Management and Storm Water Quality. The annexation information shall provide complete analysis of the annexation property impact upon the Village of Fredonia storm sewer system. The information shall be in addition to any requirements by federal, state, county or local regulations regarding the implementation of proper storm water and water quality management practices, for the development of the annexed property.

a. Applicant shall analyze the capacity and condition of all existing storm sewer lines and other drainage facilities such as swales, creeks and streams that will be utilized to transmit the storm water from the annexed property to the Milwaukee River. If the engineering studies indicate the drainage facilities must be upgraded to accept the storm water from the annexed property, then the cost of upgrading those drainage facilities shall be provided to the Village.

b. Applicant shall bear the responsibility of any costs to the Village of amending the Village's Storm Water Management and Water Quality Plan caused by the annexed property.

c. Applicant may be allowed to utilize the information provided to the Village by previous Annexation Information Requirement submittals, provided the information was verified as correct by the village.

(5) Transportation and Traffic. Applicant shall be responsible for providing all projected costs of improvements to transportation facilities caused by the projected development of annexed properties.

a. Applicant shall submit a complete traffic impact analysis, as prescribed by the administrative rule of Trans. 233, Wisconsin Department of Transportation. If annexation property abuts STH 57, said impact analysis shall be submitted to the Wisconsin Department of Transportation for review and submittal.

b. Said traffic impact analysis shall include, or as an addendum, all the estimated costs of offsite transportation improvements required to implement the development plan for the annexed property.

c. Applicant shall submit estimated costs of all anticipated traffic control signs.

(6) Other Development Costs. The Village provides multiple services to its residents and property owners through a operating budget, and a capital improvement budget for facilities to assist the day-to-day operation of the Village. Village operations include, but are not limited to, police protection, fire protection, ambulance, library, waste collection and recycling, street maintenance, park activities and maintenance, Village Board and Board and Commission operations, record maintenance, elections, property assessments and tax collections. Community growth caused by annexation properties will create demand for increased services in the aforementioned areas and many other daily activities of the Village. Also, the Village, as referenced in the Comprehensive Plan, works closely with the Northern Ozaukee school district, and therefore, desires information regarding annexation properties potential development impact upon the school district.

a. Applicants shall submit data pertaining to the impact upon general Village operation of serving annexation property in a format as prescribed by the Village, as may be revised from time to time. The data for protection services (police, fire and ambulance) shall be submitted as a separate cost.

b. Applicants shall submit school impact information as prescribed by the Village, which may be revised from time to time.

c. With the submittal of a development plan for the annexation property, in conjunction with the annexation application, the Village shall determine if the development plan creates any additional increased responsibility upon the general day-to-day Village operations. In those cases, the applicants shall submit an estimated cost of the additional services to be provided by the Village within the annexation properties. Examples of additional expenses may include, but not limited to, central open space and parks, multi-use trails, unique street lighting, maintenance of boulevard entrances, subdivision identification signs, the cost of maintaining additional cul-de-sac right-of-ways, and maintaining storm water facilities. The cost of such additional services to be provided to the annexation properties shall be estimated and provided to the Village.

(e) Criteria for Decision Making.

The Village Board, with input and recommendations from the Plan Commission or other Boards and Commissions, as deemed appropriate by the Village Board, shall review all submitted information for annexation, shall review the information for completeness and accuracy of calculations and cost of additional services. The Village Board may secure the services of professional assistance to assist the Village Board with such review at the expense of the applicant. The Village Board may base the decision of approving or denying the annexation if the proposed annexation properties development plan does not create or creates an increased burden upon the ability of the Village to provide services to the new growth at the expense of placing a burden upon residents and property owners within corporate limits of the Village of Fredonia at the time of annexation application, although as stated in Sec. 14-1-26(a) (3), other factors may be the basis for approval or denial of annexation.

(1) Applicant shall sum all the costs created by the anticipated development as previously listed in this section. The costs shall be compared to projected property tax generated by the proposed annexed property, any impact fees required by ordinance of the Village that are calculated to offset the impact of the new development upon the existing services of the Village, utility connection fees, and other direct

payments to the Village from the applicant to offset costs. All costs and revenues shall be calculated with the known costs and revenues at the time of the annexation application, and not adjusted for future inflation or discounted for the future money value.

(2) The applicant may offset the cost of development via the use of a Homeowners Association such as to maintain public open space and parks, the direct contribution of funds to the Village to offset the cost, and any other funding mechanisms as proposed by the applicant.

(3) Prior to approving any annexation, the Village Board shall accept the mechanisms to offset the costs as proposed by the applicant, including guarantee of payment.

(4) All proposals by the applicant to offset the costs, shall be duly indicated in a developers agreement approved by the Village board and signed by the applicant, or if the development plans have not advanced to the level specified for a developers agreement, a predevelopment agreement shall be utilized.

(f) Waiver of Requirement.

This section requires annexation information to be submitted to the Village Board for consideration for the majority of annexation applications. Situations might arise where small properties that are either already developed with its long term use without any potential for further division, or public properties, such as school property, will not cause an impact upon the providing of Village services. In those cases the annexation applicant may request a waiver from the Village Board from the provisions of this section.

SEC. 14-1-27 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, 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) Filing Requirements. Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit twenty-one (21) copies of the Preliminary Plat, and any additional copies necessary to meet the full transmittal obligations of Section 14-1-31. The Preliminary Plat shall be prepared in accordance with this Chapter,

and the subdivider shall file copies of the Plat and the completed application packet containing all items as required by this Section with the Village Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired.

(b) Public Notice. The Village Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat by listing it as an agenda item in the Commission's meeting notice. The notice shall include the name of the applicant, the address or description of the property in question and the requested action.

(c) Public Improvements, Plans and Specifications. Simultaneously with the filing of the Preliminary Plat of map, the owner shall file with the Village Clerk-Treasurer a general report and plan 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.

(d) 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.

(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 limit 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 listed 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) Distribution of the Plat and Referral to Other Agencies.

(1) The Village Clerk-Treasurer shall, within two **(2)** days after filing, transmit:

- a.** One (1) copy to each member of the Village Plan Commission and one copy each to the Director of Public Works, Fire Chief, Village Engineer and Village Planner.
- b.** One (1) copy to the Ozaukee County Director of Environmental Health,
- c.** Two (2) copies to the Director of Plat Review in the Wisconsin Department of Administration,
- d.** Additional copies to the Director of Plat Review for retransmission as follows:
 - i.** Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - ii.** Two (2) copies to the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made;
 - iii.** Two (2) copies to the Wisconsin Department of Natural Resources if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake or other navigable body of water, or if any shoreland areas are located within the plat.
- e.** The Village Clerk-Treasurer shall also transmit a copy of the Preliminary Plat to all affected village boards, commissions, or departments, Ozaukee County Soil and Water Conservation Supervisor, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction.

(j) Drafting Standards. The Preliminary Plat (or certified survey map) submitted for review shall be 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.

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

(a) Comment Period.

(1) Recommendations received from any affected village boards, commissions, or departments, Ozaukee County Soil and Water Conservation Supervisor, and any affected local utility companies shall be transmitted to the Village Plan Commission for their consideration, provided they are received by the Village Clerk within thirty (30) days from the date the plat was filed.

(2) Comments received from the Director of Public Works, Fire Chief, Village Engineer and Village Planner shall be transmitted to the Village Plan Commission for their consideration, provided they are received by the Village Clerk within thirty (30) days from the date the plat was filed.

(3) Within twenty (20) days of receiving copies of the plat, any state or county agency having authority to object 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.

(b) Plan Commission Review.

(1) The Village Plan Commission shall promptly review the Preliminary Plat, after objections and comments have been received from the objecting and reviewing agencies and officials, for conformance with this Ordinance and all applicable laws, ordinances, and comprehensive plans and components of such plans.

(2) 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 recommend to the Village Board approval, conditional approval or rejection of the plat. One (1) copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon and, if recommended for conditional approval or rejection, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One (1) copy of each of the plat and letter shall be placed in the Village Plan Commission's permanent file.

(3) Prior to recommending approval, the Plan Commission shall require that all proposed buildable lots have proper area, width and depth to allow construction of a principal structure in conformance with the setbacks, floor area ratio and lot coverage standards of the applicable zoning district placed on the buildable lots.

(c) Board Action. The Village Board shall be informed of the Plan Commission's recommendation prior to their own action on the matter. Related documentation that was provided for Plan Commission consideration shall also be made available to the Village Board. 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. One (1) copy of each of the plat and letter shall be placed in the Village Board's permanent file. 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 twenty-four (24) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the 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 case it shall be refiled.

SEC. 14-1-33 SUBMISSION OF FINAL PLAT.

(a) Filing Requirements.

(1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file twenty-one (21) copies of the Plat and the completed application packet with the Village Clerk-Treasurer at least thirty (30) 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 Sec. 14-1-31(b). 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 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) and this Ordinance.

(3) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer four (4) copies of the final plans and specifications of public improvements required by this Chapter.

(4) Failure to submit a Final Plat for approval in accordance with this section within thirty-six (36) months of Preliminary Plat approval shall cause the approved Preliminary Plat

to be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village.

(b) Distribution of the Plat and Referral to Other Agencies.

(1) The Village Clerk-Treasurer shall, within two (2) days after filing, transmit:

a. One (1) copy to each member of the Village Plan Commission and one copy each to the Director of Public Works, Fire Chief, Village Engineer and Village Planner.

b. One (1) copy to the Ozaukee County Director of Environmental Health,

c. Two (2) copies to the Director of Plat Review in the Wisconsin Department of Administration,

d. Additional copies to the Director of Plat Review for retransmission as follows:

i. Two (2) copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting highway;

ii. Two (2) copies to the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made;

iii. Two (2) copies to the Wisconsin Department of Natural Resources if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake or other navigable body of water, or if any shoreland areas are located within the plat.

e. The Village Clerk-Treasurer shall also transmit a copy of the Preliminary Plat to all affected village boards, commissions, or departments, Ozaukee County Soil and Water Conservation Supervisor, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction.

(2) The abstract of title or registered property report may be referred to the Village Attorney for his examination and report.

(3) 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 forty-five (45) 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.

SEC. 14-1-34 FINAL PLAT REVIEW AND APPROVAL.

(a) Comment Period.

(1) Recommendations received from any affected village boards, commissions, or departments, Ozaukee County Soil and Water Conservation Supervisor, and any affected local utility companies shall be transmitted to the Village Plan Commission for their consideration, provided they are received by the Village Clerk within thirty (30) days from the date the plat was filed.

(2) Comments received from the Director of Public Works, Fire Chief, Village Engineer and Village Planner shall be transmitted to the Village Plan Commission for their consideration, provided they are received by the Village Clerk within thirty (30) days from the date the plat was filed.

(3) Within twenty (20) days of receiving copies of the plat, any state or county agency having authority to object 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.

(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. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. 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 thirty-six (36) 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 forty-five (45) 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, however it is necessary for the Village Board to take action on the Plat within sixty (60) days of its filing unless the time has been extended by agreement with the subdivider.

(c) Board Action.

(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 mutual 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 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 shall not record the Plat unless it is offered within twelve (12) months from the date of last approval and within thirty-six (36) months after the first approval, as required in Section 236.25(2) (b) of the Wisconsin Statutes. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Village Board, of the Surveyor and those certificates required by Sec. 236.21 of the Wisconsin Statutes are placed on the face of the plat.

(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.

(g) Plats Within the Extraterritorial Plat Approval Jurisdiction. When the land to be subdivided lies within one and one-half (1-1/2) miles of the corporate limits of the Village, the subdivider shall proceed as specified in Sections 14-1-31 through 14-1-34 of this Ordinance, except:

(1) Transmittal responsibility lies with the Village Clerk, Town Clerk, or to whomever the plat is first submitted; and the subdivider shall indicate which one in his application.

(2) Approval agencies include the Plan Commission or Village Board and the town board of the town within which the subdivision is located; the subdivider shall comply with the land division ordinances of these agencies.

(3) After approval, the subdivider may proceed with the installation of such improvements and under such regulations as the town board of the town within whose limits the plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

(4) All improvement requirements, specified by the Town Board or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the final plat.

SEC. 14-1-35 MINOR LAND DIVISION (CERTIFIED SURVEY MAP) .

(a) Use of Certified Survey Map. When it is proposed to divide land into at least two (2) but no more than four (4) parcels or building sites inclusive of the original remnant parcel, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than one and one-half (1-1/2) acres in size, and the division does not result in a subdivision as defined in this Chapter, the subdivider may effect the division by use of a certified survey map. The subdivider shall prepare the certified survey map in accordance with this Chapter and Wisconsin Statutes and shall file ten (10) copies of the map and the letter of application with the Village Clerk-Treasurer at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired.

(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 Plan Commission 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 twenty (20) 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. Prior to recommending approval, the Plan Commission shall require that all proposed buildable lots have proper area, width and depth to allow construction of a principal structure in conformance with the setbacks, floor area ratio and lot coverage standards of the applicable zoning district placed on the buildable lots.

(d) Review and Approval. The Plan Commission shall, within sixty (60) 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 ninety (90) 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) Copies. The subdivider shall file five (5) copies of the certified survey map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor and other affected departments for their files.

SEC. 14-1-36 REPLAT.

(a) Except as provided in Sec. 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.

(b) The Village Clerk-Treasurer shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.

(c) 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. 14-1-37 CONDOMINIUM PLATS.

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in this Ordinance. Such plat shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats.

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

ARTICLE E: TECHNICAL REQUIREMENTS FOR PLATS AND CERTIFIED SURVEY MAPS

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

(a) General. A Preliminary Plat shall be required for all subdivisions and condominiums and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar 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. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.

(2) Location of the proposed subdivision by government lot, quarter section, township, range, county and state.

(3) Date, Scale and North Point.

(4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat

(5) Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.

(6) General Location Sketch showing the location of the subdivision within the U.S. Public Land Survey section.

(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 public and private manholes, catch basins, 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 sanitary or storm 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, all to mean sea level (1929 datum).

(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 (National Geodetic Datum of 1929) 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 Soil Boring Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.
- (14) **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. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.
- (15) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
- (16) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (17) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (18) **Approximate Radii of all Curves.**
- (19) **Any Proposed Lake and Stream** Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (20) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (21) **Boundaries of Primary and Secondary Environmental Corridors** and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those

boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided together with the date of the field survey concerned.

(22) The Location of Woodlands as mapped by the Southeastern Wisconsin Regional Planning Commission and existing vegetation to be retained within the proposed subdivision.

(23) Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

(24) Street Plans and Profiles. The Village Engineer or Village Plan Commission may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.

(25) Testing. The Village Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter H 65 of the Wisconsin Administrative Code shall be complied with and the appropriate data submitted with the preliminary plat.

(26) 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) Soil and Water Conservation. The Village Engineer, upon determining from a review of the preliminary plat, that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publication, Soil and Water Conservation District Technical Guide, prepared by the U.S. Soil Conservation Service, as amended.

(d) Covenants. A Draft Copy of any proposed condominium or homeowners association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 14-1-23. The proposed documents shall be subject to review and approval by the Village Attorney as to form.

(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) Additional Information. The Plan Commission 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 centerline 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, as determined by the utilities serving the area.
- (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 Plan Commission relating to access control along public ways or to the provision of planting strips.
- (7) Setback or Building Lines** required by the Plan Commission or other Village codes and ordinances.
- (8) Utility and/or Drainage** easements.
- (9) Floodplain Limits.**

(c) The final plat shall also be submitted to the village in a digital format such as AutoCad. The village intends on using this information to build its GIS database.

(d) Deed Restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the Final Plat.

(e) 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.

(f) Survey Accuracy.

(1) Examination. The Village Engineer shall examine all Final Plats within the Village of Fredonia and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing at the developer's cost.

(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 ten thousand (1:10,000), 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 proved by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in five thousand (1:5,000), 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 or County, the tie required by Section 236.20(3)(b), Wis. Stats., shall 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. The Plan Commission shall receive the results of the Village Engineer's examination prior to approving the Final Plat and making a recommendation to the Village Board.

(g) Surveying and Monumenting. All final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

(h) 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, Ozaukee County or the Southeastern Wisconsin Regional Planning Commission, 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 directly to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

(i) 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.

(j) 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 shall not record the Plat unless it is offered within six (6) months from the date of last approval and within twenty-four (24) months after the first approval, as required in Section 236.25(2)(b) of the Wisconsin Statutes. The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Village Board, of the Surveyor and those certificates required by Sec. 236.21 of the Wisconsin Statutes are placed on the face of the plat.

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

(a) General. A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34, Wis. Stats. The certified survey shall comply with the design standards and improvement requirements set forth in this Chapter.

(b) Additional Information. The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

(1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper land division.

(2) Setbacks or Building Lines required by the Plan Commission or other Village codes and ordinances.

(3) All Lands Reserved for future acquisition.

(4) Date of the Map.

(5) Graphic Scale and north arrow.

(6) Name and Address of the owner, subdivider and surveyor.

(7) Square Footage of each parcel.

(8) Present Zoning of each parcel.

(9) Utility and/or Drainage Easements.

(10) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Proposed elevations shall also include the estimated first floor elevations of the principal structure for each lot shown. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed and no grade changes are intended.

(11) Entire Area Contiguous to the proposed Certified Survey Map owned or controlled by the subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.

(12) Location of Soil Boring Tests, where required by Section H 85.06(2) of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such test shall be submitted along with the Certified Survey Map.

(13) Location of Soil Percolation Tests, where required by Section H 85.06(3) of the Wisconsin Administrative Code, conducted in accordance with Section H 85.06(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the Certified Survey Map.

(14) Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.

(15) The Location of Woodlands, as mapped by the Southeastern Wisconsin Regional Planning Commission, within the proposed certified survey map.

(16) Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.

(c) State Plane Coordinate System. Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Village or County, 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 coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

(d) Certificates. The surveyor shall certify on the face of the Certified Survey Map that he has fully complied with all the provisions of this Chapter. The Village Board, after a recommendation by the review agencies, shall certify its approval on the face of the map.

(e) Street Dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

(f) Recordation. After the Certified Survey Map 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 Certified Survey Map attesting to such approval to be duly executed and the Certified Survey Map returned to the subdivider for recording with the county register of deeds. The register of deeds shall not record the Certified Survey Map unless it is offered within six (6) months from the date of last approval and within twenty-four (24) months after the first approval, as required in Section 236.34(2)(b)1 of the Wisconsin Statutes. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Director of the planning function in the Wisconsin Department of Development, of the Village Board, of the Surveyor and those certificates required by Sec. 236.21 of the Wisconsin Statutes are placed on the face of the plat.

(g) Requirements. The Certified Survey Map 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.

(h) The Certified Survey Map shall also be submitted to the village in a digital format such as AutoCad. The village intends on using this information to build its GIS database.

SEC. 14-1-43 CONFORMANCE WITH POLICIES.

Land divisions and subdivisions shall be consistent with the following land use objectives and policies:

(a) To approach new development within a large framework, with the basic unit being the neighborhood or district, and the conventional subdivision plat forming a part of a neighborhood or district;

(b) To stage new growth concurrent with public improvements in transportation and urban service facilities;

(c) To minimize new development outside the urban service area;

(d) To locate new multi-family development and local commercial development convenient to each other and adjacent to arterials;

(e) To develop a system of interior open spaces to provide for separation of neighborhoods, storm water drainage, and for secondary circulation of pedestrian and bicycle traffic;

(f) To use environmental corridors provided by other units of government and interior open space systems as guidance tools for the location and form of future development;

(g) To encourage the use of clustering of residential development to assist in the development of the policy set forth to provide an interior open space system;

(h) To avoid the wasteful use of land for urban purposes and to maintain economic balance in the community through flexible use of the regional urban land demand standards; and

(i) To continue to develop a system of parks and open spaces for the recreational needs of the Village.

SEC. 14-1-44 THROUGH SEC. 14-1-49 RESERVED FOR FUTURE USE.

ARTICLE F: REQUIRED IMPROVEMENTS

SEC. 14-1-50 IMPROVEMENTS REQUIRED.

(a) Payment for Improvements. The improvements prescribed in this Chapter are required as a condition of approval of a land division. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial, institutional or industrial area, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments.

(b) General Standards. The following required improvements in this Chapter 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 good engineering practices, approved prior to the start of construction by the Village Engineer.

(c) Additional Conditions. As further conditions of approval, the Village Board may require any or all of the following:

(1) That the subdivider make and install any public improvements reasonably necessary or that the subdivider execute a surety bond or provide other security to ensure that he will make those improvements within a reasonable time;

(2) That as a condition for accepting the dedication of public streets, alleys, or other ways, or for permitting private streets, alleys, or other public ways to be placed on the official map, designated facilities shall have been previously provided without cost to the municipality, but which are constructed according to municipal specifications and under municipal inspection, such as, without limitation because of enumeration, sewerage, water mains and laterals, grading and improvements of streets, alley, sidewalks and other public ways, street lighting, street trees, or other facilities designated by the Village Board, or that a specified portion of such costs be paid in advance as provided in Sec. 66.54(3), Wis. Stats.

(3) That the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the plat or the Certified Survey Map, fall within the public right-of-way.

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

(a) Contract. Prior to installation of any required improvements and prior to approval of the Final Plat, the subdivider shall enter into a written contract with the Village requiring the subdivider to furnish and construct said improvements at his sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection of construction details by the Village Engineer.

(b) Financial Guarantees.

(1) Before final approval of any plat located within the jurisdictional limits of this Chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or irrevocable letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Board after review and recommendation by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors no later than two (2) years from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

(2) On request of the subdivider, the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event of the amount of the deposit, irrevocable letter of credit, or bond shall be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. If the required improvements are not complete within the specified period, all amounts held under performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the owner or subdivider. The Village Board, at its option, may extend the security period for additional periods not to exceed two (2) years each period.

(3) The time for completion of the work and the several parts thereof shall be determined by the Village Board upon recommendation of the Village Engineer after consultation with the subdivider. The completion date shall be a component of the contract.

(4) The subdivider shall pay the Village for all costs incurred by the Village for review and inspection of the subdivision. This would include review, and preparation at the Village Board's discretion, of plans and specifications by the Village Engineer and Village Attorney, as well as other costs of a similar nature.

(5) Contracts and contract specifications for the construction of street and utility improvements on dedicated street right-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the Village Engineer.

(6) Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section.

(7) Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.

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 practical, copies in digital format such as AutoCad and paper of the construction plans and specifications and record documents shall be furnished for the following public improvements, with a copy sent to the appropriate sanitary district:

- (1) Street Plans and Profiles** showing existing and proposed grades, elevations and cross section 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, anticipated flows for the design storm, 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.
- (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) Other Requirements.

- (1) Approval by Engineer.** Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the Village Engineer.

(2) Governmental Units. Governmental units to which these bond and contract provisions may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provision of this Section.

(3) Plats Outside the Corporate Limits. Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.

(4) Survey Monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes, and as may be required by the Village Engineer.

(d) 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) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Preliminary Plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension.

(3) During the course of construction, the Village Engineer shall make, or cause to be made, such inspections as 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 inspection.

This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.

(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 three (3) copies of record plans showing the actual 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 alley as outlined on the approved plans based on the requirements of this Chapter:

(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 Board and this chapter, 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, unless waived.

(d) Street Construction. After sanitary sewer, storm sewer, water, and other necessary utilities have been installed, the subdivider shall construct and

dedicate as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by Village specifications. Construction shall be to Village standard specifications for street improvements.

(e) Completion of Streets and Sidewalk Construction.

(1) No building permit shall be issued for the construction of any residential dwelling until sewer, water, grading and graveling are installed in the streets necessary to service the property for which the permit is required.

(2) The Village Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e. cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Board.

(3) The subdivider requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

SEC. 14-1-54 CURB AND GUTTER.

In all urban subdivisions as defined herein, the Village Board shall, and in rural subdivisions may, require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Engineer. 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 on the established arterial street and highway system for the Village shall be borne by the Village.

SEC. 14-1-55 SIDEWALKS.

(a) The Village Board may require the subdivider to construct a concrete sidewalk on one (1) side of all frontage streets and on both sides of all other through and/or continuous streets within the subdivision. The Village Board may also require the subdivider to construct concrete sidewalks on one (1) or both sides of all dead-end or cul-de-sac streets which are in excess of six hundred (600) feet in length or which serve two (2) family or multiple-family development. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

(b) In addition, 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 Code if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

SEC. 14-1-56 SANITARY SEWERAGE SYSTEM.

(a) There shall be provided a sanitary sewerage system in conformity with the master plan of sewers as approved by the Village Board.

(b) The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, Certified Survey Map parcel or minor land division.

(c) Subdivisions and Certified Survey Map parcels shall be served by public sewer facilities. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village. No land shall be subdivided for residential use where

individual lift stations are required for connection to public sewer or where on-site sewage disposal systems are required for the disposal of wastewater, except that on-site sewage disposal systems will be permitted in the extraterritorial area where land is being divided for the construction of housing for members of families of active farmers or for employees of active farmers.

(d) The Village Board shall require the installation of sewer laterals to the street lot line.

(e) The subdivider shall assume the cost of installing all sanitary sewers, ten (10) inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the subdivision or minor land division in question, as well as providing all sanitary sewer work within the subdivision or minor land division. If greater than ten (10) inch diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or Certified Survey Map is to the total drainage area to be served by such larger sewer and the excess cost either borne by the Village or assessed against the total tributary drainage area.

(f) The subdivider shall install sanitary sewers in accordance with this Code and specifications of the Village Engineer where it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area and sanitary sewer facilities are programmed to be extended to the proposed subdivision or minor land division within six (6) years. Until such time as the public sewers within the subdivision or minor land division can be connected to the community public sewer system, they shall be temporarily capped. No private or public use shall be connected to the sewers within the subdivision or minor land division until such sewers are connected to the larger community system. The subdivider shall indicate on the face of the plat or Certified Survey Map that the owner of private uses within the subdivision or minor land division shall connect such uses to the sewers in the subdivision or minor land division at the time such sewers are connected to the community sewer system, and that the Village be held harmless for any damages or costs incurred to disconnect and abandon any on-site sanitary sewer disposal system then in place and any costs associated with connection to the public sewer mains.

SEC. 14-1-57 WATER SUPPLY FACILITIES.

(a) When public water supply and distribution facilities are available to the subdivision plat or minor land division or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations.

(b) The Village Board may require the installation of water laterals to the street lot line.

(c) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standards specifications approved by the Village Board.

(d) The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision or minor land division, except for the added cost of installing water mains greater than eight (8) inches in diameter.

(e) The subdivider shall install water mains in accordance with this Code and specifications of the Village Engineer when it is determined that the proposed

subdivision or minor land division lies within a public sanitary sewer service area and water main facilities are programmed to be extended to the proposed subdivision within six (6) years. Until such time as the public water mains within the subdivision or minor land division can be connected to the larger community water supply system they shall be temporarily capped. No private or public water mains within the subdivision or minor land division can be connected to the larger community water supply system. The subdivider shall indicate on the face of the plat that the owner of private uses within the subdivision or minor land division shall connect such uses to the water mains within the subdivision or minor land division, and that the Village is held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place and any costs associated with connection to the public water mains.

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

(a) Pursuant to Section 14-1-76, the subdivider shall provide storm water drainage facilities adequate to serve the subdivision or minor land division which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, open channels and water retention structures and settling basins, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten (10) year storm; culverts shall be designed to accommodate the ten (10) year storm and shall be sized so that the twenty-five (25) year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Village Engineer, storm water swales and ditches may be sized for twenty-five (25) to one hundred (100) year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. 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 Board, upon the recommendation of the Village Engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider; however, the cost of oversizing such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or minor land division is to the total drainage area to be served by such larger sewer, and the excess cost either borne by the Village or assessed against the total tributary drainage areas.

(b) Unpaved road ditches and street gutters may be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy-dissipating devices.

(c) Drainage facilities shall, if required, include water retention/detention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.

SEC. 14-1-59 OTHER UTILITIES.

(a) The subdivider shall cause gas, electric power, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Village Board 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.

(b) Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Board and such map shall be filed with the Village Clerk-Treasurer.

SEC. 14-1-60 STREET LAMPS.

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 as determined by the Village Engineer. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board, upon the recommendation of the Village Engineer.

SEC. 14-1-61 STREET SIGNS.

The subdivider shall install at the intersections of all streets proposed to be dedicated a street name sign of a design and installation specified by the Village Engineer.

SEC. 14-1-62 EROSION CONTROL.

(a) Pursuant to the Village's Construction Site Erosion Control Chapter (Building Code), 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.

(b) The Village Board may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structure, brush mats, willow poles and grade stabilization structures.

(c) Tree cutting and shrubbery clearing shall not exceed thirty percent (30%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliation, substantially screen any development from stream or lake users.

(d) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

(e) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of

stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.

(f) Review of the conduct of such cutting, clearing and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers and the State District Forester by the Village Engineer or Plan Commission as they deem appropriate.

SEC. 14-1-63 PARTITION FENCES.

When the land included in a subdivision plat or Certified Survey Map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect (at the request of the adjacent property owner), keep, and maintain (his portion under State Law) 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 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.** Where a subdivision 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 water course 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 line of the relocated 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.

(3) Wherever possible, it is desirable that drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such water course shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than thirty (30) feet. If, in the opinion of the Village Engineer, the easement will be for a major drainage swale, the easement shall be of sufficient width to contain a one hundred (100) year frequency storm. If the drainage easement is located in an established floodway or flood fringe district, the entire floodplain area shall be included within the drainage easement.

(c) **Easement Locations.** Such easements shall be at least twelve (12) 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 to the Plan Commission and Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

SEC. 14-1-65 BICYCLE PATHS AND TRAILS.

When required by the Village Board, the subdivider shall install required bicycle paths and trails in accordance with the plans and specifications approved by the Village. The subdivider shall assume the entire cost of such bicycle paths and trails, except in the case of dual bicycle paths and streets. The added cost for streets wider than those required in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of the proposed facility. In the event the subdivider wishes to install dual-lane facilities, which may not be required by the Village, the total cost of such improvements shall be borne by the subdivider.

SEC. 14-1-66 STREET TREES PLAN.

The Village Board may require that the subdivider plant at least one (1) tree of an approved species and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. Tree planting shall be completed in accordance with plans and specifications approved by and at such time as directed by the Village Board. The placement and selection of street trees, however, should not hamper or interfere with solar access to natural light and air for nearby lots.

SEC. 14-1-67 LANDSCAPING

(a) The Subdivider Shall Install landscaping in accordance with a landscaping plan approved by the Village Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the Development Agreement and appropriate sureties shall be provided.

(b) Maintenance of All Landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required in this Ordinance.

SEC. 14-1-68 IMPROVEMENTS EXTENDED TO LIMIT OF PARCEL.

Any and all improvements or utility services required by this Chapter for the subdivision and/or minor land division or lands within the Village or within the Village's extraterritorial plat approval jurisdiction shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is excused by the Village Board, the Plan Commission or Village utilities officials. In the event the improvements are required to the end of the parcel, as defined herein, the owner shall be required to post bond with the Village if improvements are not made.

SEC. 14-1-69 REQUIRED CROSS SECTIONS FOR STREETS AND PUBLIC WAYS.

(a) Required Urban Cross-Sections for Streets and Other Public Ways

Type of Street or Public Way	Right-of-Way Width to be Dedicated	Roadway, Terrace, Sidewalk, and Related Widths
Arterial Street	120 feet, or as required by the Village Official Map or Comprehensive Plan	As determined by the Village Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none">▪ 48-foot pavement (face of curb to face of curb)▪ 10-foot terraces▪ 5-foot sidewalks▪ 1-foot sidewalk buffers
Land Access Streets	60 feet	<ul style="list-style-type: none">▪ 36-foot pavement▪ 6-foot terraces▪ 5-foot sidewalks (a)▪ 1-foot sidewalk buffers
Cul-de-sac	75-foot outside radius	<ul style="list-style-type: none">▪ 61-foot outside curb radius▪ 8-foot terrace▪ 5-foot sidewalk▪ 1-foot sidewalk buffer
Pedestrian and Bicycle Ways	20 feet (b)	<ul style="list-style-type: none">▪ 10-foot pavement▪ 5-foot buffer

(a) Sidewalks may be eliminated on one side of minor land access streets.

(b) Recommended right-of-way width for combined bicycle and pedestrian ways separate from street right-of-ways.

(b) Required Rural Cross-Sections for Streets and Other Public Ways

Type of Street or Public Way	Right-of-Way Width to be Dedicated	Roadway, Terrace, Sidewalk, and Related Widths
Arterial Street	120 feet, or as required by the Village Official Map or Comprehensive Plan	As determined by the Village Plan Commission
Collector Streets	80 feet	<ul style="list-style-type: none">▪ 24-foot pavement▪ 6-foot shoulders (a)▪ 22-foot terraces/drainage swales (b)
Land Access Streets	66 feet	<ul style="list-style-type: none">▪ 32-foot pavement▪ 4-foot shoulders▪ 18-foot terraces/drainage swales (b)
Cul-de-sac	75-foot outside radius	<ul style="list-style-type: none">▪ 53-foot outside pavement radius▪ 18-foot traveled way▪ 22-foot terraces/drainage swales (b)
Pedestrian and Bicycle Ways	20 feet (c)	<ul style="list-style-type: none">▪ 10-foot pavement (d)▪ 5-foot buffer

(a) Shoulders shall be 3 feet of pavement and 3 feet of gravel.

(b) The Plan Commission may require sidewalks to be provided on one or both sides of any street, if the Commission determines that sidewalks will be needed to accommodate anticipated pedestrian traffic. Such sidewalks shall be located at the outside edge of the terrace/drainage swale, with a one-foot wide buffer between the sidewalk and outside edge of the street right-of-way, unless

otherwise directed by the Plan Commission upon the recommendation of the Village Engineer.

(c) Recommended right-of-way width for combined bicycle and pedestrian ways separate from street right-of-way.

(d) The pavement width of pedestrian and bicycle ways in areas of high use may be increased to twelve (12) feet, and the buffers decreased to four (4) feet each.

SEC. 14-1-70 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. The arrangement, character, extent, width, grade and location of all streets shall conform to any Village Comprehensive Development Plan and to this Chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to run-off of storm water, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

(d) Areas Not Covered by Official Map. Unless waived, in any new subdivision, the street layout shall conform to the arrangement, width, and location indicated on the official map, county jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the Village of Fredonia, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

(e) Street Classifications. Streets shall be classified as indicated below:

(1) **Arterial Streets.** Arterial streets as hereafter defined shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(2) **Collector Streets.** Collector streets shall be arranged so as to provide ready collection of traffic from commercial and residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major street into which they connect.

(3) **Minor Streets.** Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum

street area necessary to provide safe and convenient access to abutting property.

(4) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.

(5) Private Street. A street owned and maintained by a private individual, organization, or company rather than by the Village of Fredonia, Ozaukee County, State of Wisconsin or the United States of America. Consequently, unauthorized use of the street may be considered trespassing, and some of the usual rules of the streets may not apply. The most common type of private streets are residential streets maintained by a homeowners association, housing co-op, or other group of individual homeowners.

(f) 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

(g) Alleys.

(1) Commercial and Industrial. Alleys shall be provided in all commercial and industrial districts for off-street loading and service access, except that the Village Board 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.

(2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances

(3) Width. The width of alleys shall not be less than twenty-four (24) feet.

(4) Dead End. Dead-end alleys are prohibited, and crooked and "T" alleys shall be discouraged.

(h) Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Village Board, 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. Dead-end streets not over five hundred (500) feet in length will be approved when necessitated by the topography.

(i) Frontage Roads. Where a subdivision abuts or contains an existing or proposed arterial highway, the Village Board may require a frontage road, non-access reservation along the rear of the property contiguous to such highway or such other treatment as may be necessary to ensure safe, efficient traffic flow and adequate protection of residential properties.

(j) Private Streets. A street owned and maintained by a private individual, organization, or company rather than by the Village of Fredonia, Ozaukee County, State of Wisconsin or the United States of America. Consequently, unauthorized use of the street may be considered trespassing, and some of the usual rules of the streets may not apply. The most common type of private streets are residential streets maintained by a homeowners association, housing co-op, or other group of individual homeowners.

(k) Visibility. Streets shall afford maximum visibility and safety and shall intersect at right angles where practicable. As required by the Village Engineer, sufficient vision clearance triangles shall be provided at intersections.

(l) Tangents. A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.

(m) Street Grades.

(1) Unless necessitated by exceptional topography subject to the approval of the Village Board, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial streets: six percent (6%).

Collector streets: eight percent (8%).

Minor streets, alleys and frontage streets: ten percent (10%).

Pedestrian ways: twelve percent (12%) unless steps of acceptable design are provided.

The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half (1/2) of one percent (1%).

(2) Street grades shall be established wherever practicable so as to avoid excessive grading, extensive removal of ground cover and tree growth, and general leveling of the topography.

(3) All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major and collector streets and one-half (1/2) this minimum for all other streets.

(n) Radii of Curvature. When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:

Arterial streets and highways: five hundred (500) feet.

Collector streets: three hundred (300) feet.

Minor streets: one hundred (100) feet.

Curves should be provided when centerline deflections exceed one (1) degree in rural areas and in urban areas when deflection exceeds three (3) degrees.

(o) Half Streets. Where an existing dedicated or platted half-street is adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. The platting of half-streets should be avoided where possible.

(p) Street Intersections. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

(1) The number of streets converging at one (1) intersection shall be reduced to a minimum, preferable not more than two (2).

(2) The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than one thousand two hundred (1,200) feet.

(3) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Village Plan Commission or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.

(4) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous, and a jog is avoided.

(q) Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and

named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Village Board.

(r) Cul-de-sacs.

(1) Cul-de-sacs. Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed seven hundred fifty (750) feet in length. All cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular turnaround having a minimum right-of-way radius of seventy-five (75) feet. The use of cul-de-sacs should be avoided where possible.

(2) Temporary Termination of Streets. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by the construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.

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

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

(2) Commercial and Industrial Districts. Commercial and industrial properties shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.

(3) Streets Parallel to a Limited Access Highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(4) Minor Streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

(t) Street Widths. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the master plan, official map, or neighborhood development study.

(u) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

(v) Stream or Lake Shores. Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not

more than one-half (1/2) mile as required by Sec. 236.16(3) of the Wisconsin Statutes.

(w) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the one hundred (100) year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than one one-hundredth (0.01) feet above the peak stage for the one hundred (100) year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

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 Sections 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.

(2) Project Costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.

(3) Preliminary Consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Fredonia, the applicant shall notify the Village Clerk-Treasurer. 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 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. 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:

(1) Grading.

a. With the submittal of the Final Plat, the subdivider shall furnish drawings, which indicate the existing and proposed grades of roads, streets and alleys shown on the plat.

b. Proposed grades will be reviewed by the Village Engineer for conformance with Village standards and good engineering practice. Street grades require the approval of the Village Board after receipt of the Village Engineer's recommendations.

c. After installation of temporary block corner monuments by the subdivider and the establishment of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of the streets and alleys proposed to be dedicated, including the vision clearance triangle on corner lots, followed by surfacing required by this Chapter. After installation of water and sewer facilities, the roadway shall be surfaced.

d. In cases where an existing street right-of-way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right-of-way between the existing pavement and the property line.

e. The bed for the roadways in the street rights-of-way shall be graded to subgrade elevation.

f. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the reestablished grade will be preserved.

g. Where electric and other communications or utilities facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of the final grade by the subdivider, prior to the installation of such facilities; earth fill piles or mounds of dirt or construction materials shall not be stored on such easement areas.

h. Cut and filled lands shall be graded to a maximum slope of one to four (1:4) or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

(2) Roadway Base Thickness.

a. Residential streets shall have a minimum roadway base thickness of ten (10) inches of compacted in-place crushed aggregate base course of gradation No. 2 in the top layer and gradations No. 1 and No. 2 in the lower level.

b. On commercial, arterial or other heavy-use streets, as determined by the Village Board, a base course of ten (10) inches compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of one and one-half (1-1/2) inches and no greater than ten percent (10%) by weight passing a No. 200 sieve or No. 3 crushed rock approximately six (6) inches in depth and one (1) or more layers of fine aggregate, either three-fourths (3/4) inch crushed gravel, well-graded with no greater than ten percent (10%) passing a No. 200 sieve, or three-fourths (3/4) inch traffic-bound crushed rock.

c. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis.

d. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.

e. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross-sections.

(3) Roadway Sub-Base. Stable and nonorganic sub-base material is required. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Village Engineer.

(4) Pavement Thickness. Streets shall be constructed with curb and gutter and have a minimum of two and one-half (2-1/2) inches thick compacted bituminous concrete pavement, placed in two (2) layers—a binder course of one and one-half (1-1/2) inches thick and a surface course of one (1) inch. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.

(5) 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.

(6) 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 with greater than a two and one-half percent (2.5%) slope shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.

(7) Drainage Improvements. In the case of all new roads and streets, the Village Board may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.

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 in residential areas shall not exceed one thousand five hundred (1,500) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than six hundred (600) feet in length.

(b) Pedestrian Pathways. Pedestrian pathways, 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, parks, churches, playgrounds, shopping centers, transportation and other community facilities.

(c) Width. The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(d) Utility Easements. Utility easements for electric power and telephone service shall, where practical, be placed on midblock easements along rear lot lines.

SEC. 14-1-73 LOT DESIGN STANDARDS.

(a) Size. The size, shape and orientation of lots shall be appropriate for the location of topography of the subdivision, the type of sewerage or septic system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by the Zoning Code.

(b) Commercial 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 Zoning Code.

(c) Lots Where Abutting Major Highway. Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.

(d) Corner Lots. Corner lots for residential use shall have a width sufficient to provide a building setback of at least twenty-five (25) feet from each street.

(e) Access to Public Streets. Every lot shall front or abut for a minimum distance of at least forty (40) feet on a public street. Lots with an access only to private drives or streets shall be permitted only with Village Board approval

(f) 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.

(g) 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.

(h) Natural Features. In the subdividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.

(i) Land Remnants. All remnants of lots below minimum size left over after subdividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.

(j) Large Lots. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area.

(k) Area and Dimensions. Area and dimensions of all lots shall conform to the requirements of the Village of Fredonia Zoning Ordinance for the subdivisions within the Village and to the applicable town or county zoning ordinance within the Village's extraterritorial jurisdictional limits. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapter H 63 of the Wisconsin Administrative Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area.

(l) Lot Depth. Depth of lots shall be a minimum of one hundred twenty-five (125) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

(m) Lot Width. Width of lots shall conform to the requirements of the Village Zoning Code, or other applicable ordinance, and in no case shall a lot be less than eighty-five (85) feet in width at the building setback line.

(n) Meander Line. Lands lying between the meander line and the water's edge and any otherwise unplatable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.

(o) Restrictions Prohibiting Development. Whenever a lot appearing on a final plat, condominium plat, or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Village, shall appear on the face of the plat or map.

SEC. 14-1-74 BUILDING AND SETBACK LINES

Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than required in the applicable zoning district, may be permitted or required by the Plan Commission and shall be shown on the final plat, condominium plat, or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, setting special yard requirements to protect natural resources, or requiring greater setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

SEC. 14-1-75 PROTECTION OF NATURAL RESOURCES

Where natural drainage channels, floodplains, wetlands, or other environmentally sensitive areas are encompassed in whole or in part within a proposed land division or condominium, the Plan Commission may require that such areas be dedicated or that restriction be placed on the plat or certified survey map to protect such resources. The Plan Commission may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development.

SEC. 14-1-76 DRAINAGE SYSTEM.

(a) Drainage System Required. 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 subdivision and the drainage area of which it is a part. A Final Plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.

(b) 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.

(c) Grading. The subdivider shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.

(2) Block grading shall be completed by one (1) or more of the following methods:

- a. A ridge may be constructed along the rear lot lines, which provides for drainage onto the streets.
- b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
- c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.

(d) Drainage System Requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section.

(1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the primary drainage system and shall be designed to carry street, adjacent land and building storm water drainage. No storm water shall be permitted to be run into the sanitary sewer system within the proposed subdivision.

(2) **Off-Street Drainage.** The design of the off-street drainage system shall include the watershed affecting the subdivision and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system. Easements shall be a minimum of twenty (20) feet, but the Village may require larger easements if more area is needed due to topography, size of watercourse, etc.

(e) Protection of Drainage Systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and 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.)

SEC. 14-1-77 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 Zoning and Building Codes. 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 with respect to street, curb, gutter and sidewalk design and construction.

(4) Special requirements may be imposed by the Village Board 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. 14-1-78 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 reserve land, dedicate land or fees in lieu of land for park or other public uses. Each subdivider of land in the Village of Fredonia and extraterritorial plat jurisdiction area shall, at the discretion and direction of the Village Board, upon the recommendation of the Plan Commission, either dedicate open space lands designated on the Village Master Plan, Official Map, or plan component, or reserve such open space lands and pay a public site fee, or, where no open space lands are directly involved, pay a public site fee. The Plan

Commission shall, at the time of reviewing the preliminary plat or certified survey map, recommend to the Village Board the land dedication option, fees in lieu of land option, or reservation of additional land option and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval. The Village Board shall have the sole authority to determine which sites shall be acceptable for dedication. Drainageways, storm water detention/retention areas, etc., shall not be counted as part of the parkland dedication requirement.

(b) General Design. In the design of a subdivision, land division, certified survey map, 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, as recommended by the Village Engineer and Plan Commission, and approved by the Village Board.

(c) Navigable Streams shall have a public access-way at least 60 feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Village, as required by Section 236.16(3) of the Wisconsin Statutes.

SEC. 14-1-81 LAND DEDICATION.

(a) Dedication of Site Option.

(1) Whenever a proposed playground, park, or other public open space land designated on the Village's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the minimum rate of one (1) acre for each fifty (50) proposed or potential dwelling units; and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

(2) If the lands in excess of the established rate are not acquired within the three (3) year period as set forth herein, the land will be released from reservation to the owner.

(b) Reservation of Site Option.

(1) Whenever a proposed playground, park, or other public open space land designated on the Village's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in this Chapter.

(2) If the land is not acquired within the three (3) year time period as set forth herein, the land will be released to the owner from reservation.

(c) Public Site Fee Option. If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Village Plan Commission requires the reservation of land as set forth in Subsection (b), a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in accordance with the fee schedule. Public site fees collected by the Village Clerk-Treasurer under the provisions of this Article shall be placed in a nonlapsing special fund for Village parks and shall be separate from the General Fund of the Village, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Village.

(d) Park/Recreation Impact Fee. In addition to the requirements above, a park/recreation impact fee shall be paid at the time of issuance of a building permit for each residential unit. The amount of the fee is established under Chapter 2 of Title 14 Subdivision Regulations Section 9.

(e) Unknown Number of Dwelling Units. Where the plat does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the Village Zoning Chapter and this Chapter.

(f) Deeded to the Village. Land dedicated for public purposes shall be deeded to the Village at the time the Final Plat is approved.

(g) Access to Dedicated Land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

(h) 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 DEVELOPMENT OF PARK AREA.

(a) When parklands are dedicated, the subdivider is required to:

- (1)** Properly grade and contour for proper drainage;
- (2)** Provide surface contour suitable for anticipated use of area; and
- (3)** Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Director of Public Works, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched. 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.

(b) The Village Board may require certification of compliance by the Village Engineer. The cost of such report shall be paid by the subdivider.

(c) Grading and seeding of parklands is to be completed as soon as ten percent (10%) of the planned lots in the subdivision are sold, as determined by the Village Board.

(d) 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.

SEC. 14-1-83 THROUGH SEC. 14-1-89 RESERVED FOR FUTURE USE.

ARTICLE I: VARIANCES; PENALTIES AND VIOLATIONS

SEC. 14-1-90 VARIANCES AND EXCEPTIONS.

(a) Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Village Board in the analysis of the proposed project.

(b) The Plan Commission shall not recommend and the Village Board shall not grant variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

(1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;

(2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;

(3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

(4) That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.

(c) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Village in accordance with any Village Comprehensive Plan or component thereof, this Chapter, or the Village Zoning Code. A two-thirds (2/3) majority vote of the entire membership of the Village Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Village Board.

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

(e) **Fee.** All variances shall be filed with the Village Clerk-Treasurer and accompanied by payment of the appropriate fee as set forth in the Village Board adopted fee schedule.

SEC. 14-1-91 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, firm or corporation shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, minor 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 of Fredonia may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

(b) **Penalties.**

(1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

(2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.

(3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.

(4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.

(5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Village as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

(c) Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Sections 236.13 (5) and 62.23(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. 14-1-92 THROUGH SEC. 14-1-99 RESERVED FOR FUTURE USE.

ARTICLE J: FEES

SEC. 14-1-100 ADMINISTRATIVE AND OTHER FEES.

(a) General. The Subdivider shall pay the Village all fees as hereinafter required and at the times specified before being entitled to recording of a plat or Certified Survey Map.

(b) Preliminary Plat Review Fee. The subdivider shall pay a fee in accordance with the adopted Fee Schedule.

(c) Improvement Review Fee.

(1) The subdivider shall pay a fee equal to one percent (1%) of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and receiving such plans and specification.

(2) Fee must be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

(d) Inspection Fee. The subdivider shall pay a fee equal to the actual cost to the Village for such inspection as the 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.

(e) Final Plat Review Fee. The subdivider shall pay a fee in accordance with the adopted Fee Schedule.

(f) 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. In addition:

(1) Engineering work shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the subdivider to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(2) Inspection, checking and reviewing work has fees provided for in Sections 14-1-100(c) and (c).

(g) Administrative Fee. The subdivider shall pay a fee equal to the cost of any legal, administrative, or fiscal work which may be undertaken by the Village in connection with the plat. Legal work shall include the drafting of contracts between the Village and the subdivider.

(h) Payment. All fees under subsections (d), (g) and (h) shall be paid in full within thirty days of invoicing.

CHAPTER 2 IMPACT FEES

SECTION:

14-2-1:	Introduction and Purpose
14-2-2:	Definitions
14-2-3:	Public Facilities Needs Assessment
14-2-4:	Impact Fee Revenue Administration
14-2-5:	Use of Impact Fees
14-2-6:	Payment of Impact Fees
14-2-7:	Appeals
14-2-8:	Park Facilities Impact Fees

Sec. 14-2-1 Introduction and Purpose:

Pursuant to the authority of Section 66.0617, Wisconsin Statutes, the local impact fees enabling legislation, the purpose of this ordinance is to establish the mechanism for the imposition of impact fees upon new development to finance the capital costs of acquiring, establishing, upgrading, expanding, and constructing public facilities which are necessary to accommodate land development. This chapter is intended to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide public facilities within the Village of Fredonia and its service areas as they are required to serve the needs arising out of land development.

Sec. 14-2-2 Definitions: In this section:

- A. “Capital costs” means the capital costs to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless such costs which relate directly to the public improvement for which the impact fees were imposed actually exceed 10% of capital costs. “Capital costs” does not include other noncapital costs to

- construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.
- B. “Developer” means a person that constructs or creates a land development.
 - C. “Impact fees” means cash contributions, contributions of land or interest in land or any other items of value that are imposed on a developer under this chapter.
 - D. “Land development means the construction or modification of improvements to real property that creates additional residential dwelling units within the village or its service areas or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the village or its service areas.
 - E. “Public facilities” means highways, as defined in section 340.01 (22), Wisconsin Statutes, and other transportation facilities, traffic control devices, facilities for collecting and treating sewage, facilities for collecting and treating storm and surface waters, facilities for pumping, storing and distributing water, parks, playgrounds and other recreation facilities, solid waste and recycling facilities, fire protection facilities, law enforcement facilities, emergency medical facilities and libraries. “Public facilities” does not include facilities owned by a school district.
 - F. “Service area” means a geographic area delineated by the Village Board within which the city provides public facilities.
 - G. “Service standard” means a certain quantity or quality of public facilities relative to a certain number of persons, parcels of land or other appropriate measure, as specified by the Village Board.

Sec. 14-2-3 Public Facilities Needs Assessment

New public facilities, or improvements or expansions of existing public facilities that are required because of land development for which impact fees will be imposed are those which are identified in this chapter and in facilities needs assessment reports prepared prior to the adoption of this chapter and any amendments hereto. All facilities needs reports that form the basis of any impact fee imposed by the village shall be kept on file in the office of the village clerk at least 20 days prior to any public hearing to be held on the creation of this chapter and any amendments. A Class 1 notice is required prior to any required hearing. All facilities needs assessment reports shall remain on file in the office of the village clerk for the entire period during which impact fees arising out of a specific report and this chapter are collected prior to expenditure, and such report shall after expenditure of all impact fees be maintained as a public record for such time period as required by law.

Sec. 14-2-4 Impact Fee Revenue Administration

- A. Revenues from impact fees shall be placed in one or more segregated, interest-bearing accounts and shall be accounted for separately from other village general and utility funds. Impact fee revenues and interest earned thereon may be expended only for capital costs for which the impact fees were imposed.
- B. Impact fee revenues imposed and collected but not used within a specified reasonable period of time after collection to pay the capital costs for which they were imposed shall be refunded on a prorated proportional basis, as determined by the village board, to the current record owner or owners of the property with respect to which the impact fees

were imposed. Reasonable time periods for expenditure of impact fee revenues shall be within twenty years after the recommended time for commencement of construction, expansion or improvement of a specific public facility identified in a facilities needs assessment report, or within five years after the projected loan obligations undertaken for a project should be satisfied.

Sec. 14-2-5 Use of Impact Fees

Funds collected from impact fees shall be used solely for the purpose of paying the proportionate costs of providing public facilities that become necessary due to land development. These costs may include the costs of debt service on bonds or similar debt instruments when the debt has been incurred for the purpose of proceeding with designated public facilities projects prior to the collection of all anticipated impact fees for that project.

Sec. 14-2-6 Payment of Impact Fee

All required impact fees, unless expressly excepted in a section of this chapter, shall be paid by the applicant within fourteen (14) days of the issuance of a building or plumbing permit, or both, whichever permits are applicable. A permit that causes an impact fee to be due will expire fifteen (15) days from the issuance if the fee is not paid. Impact fee payments shall be assumed to be the responsibility of the owner of record at the time the building permit is requested

Sec. 14-2-7 Appeals

- A. The developer or property owner upon whom an impact fee is imposed may contest the amount, collection, or use of an impact fee as specified herein. An appeal to contest the amount, collection or use of an impact fee may be commenced within thirty days of application for a building or plumbing permit, if applicable to the particular impact fee. An appeal to contest the use of an impact fee shall be commenced not later than thirty (30) days prior to the award of any public contract for expenditure of the collected fee revenues.
- B. It shall be a condition to the commencement of such an appeal that the impact fee from which the developer or property owner appeals shall be paid as and when the fee becomes due and payable, and upon default in making any such payment, such appeal may be dismissed.
- C. The appellant shall pay a filing fee of \$200 at the time of filing of the appeal.
- D. An appeal is commenced by filing a complaint with the village clerk. The complaint shall specify the impact fee amount or collection objected to and the basis for the objection. The appeal shall be scheduled for a public hearing before the Planning Commission at its next regular meeting. The Plan Commission shall take additional evidence and testimony on the matter, including reports from village staff, and shall make its recommendation to the village board based upon the standards set forth in section 66.0617, Wisconsin Statutes. The village board shall consider the appeal, review the record made before the Planning Commission and the recommendation of the Commission and decide the appeal, based upon the standards for impact fees in sec. 66.0617. If the Village Board determines that the appeal has merit, it shall determine

appropriate remedies. These may include reallocation of the proceeds of the challenged impact fee to accomplish the purposes for which the fee was collected, refunding the impact fee in full or in part, along with interest collected by the village thereon, or granting the appellant the opportunity to make the impact fee payment in installments, or such other remedies as it deems appropriate in a particular case. The decision of the village board is final.

SEC. 14-2-8 PARK FACILITIES IMPACT FEES

Nothing in this section shall limit the authority of the village to impose land dedication requirements contained elsewhere in the code on developers as part of plat and certified survey map approvals under ch. 236, Wisconsin Statutes and the ordinances of the village.

The basis for the imposition of park facilities impact fees is the facilities needs assessment report and its attachments, “Public Facilities Needs Assessment and Impact Fee Study”, June 2003, which is on file in the office of the village clerk. The park facilities impact fees shall be paid by the applicant within fourteen (14) days of the issuance of applicable building permits. A permit that causes a park facilities impact fee to be due will expire fifteen (15) days from issuance if the fee is not paid. The park facilities impact fees are as follows:

A. Residential Development – per Single-Family Unit

	Impact Fee
Single-Family Unit	\$1332.08

- B. Each dwelling unit in a multi-family structure shall be regarded as a single-family unit.
- C. Any residential property with expansion, remodeling, rehabilitating, or rebuilding that results in the creation of additional dwelling units shall be subject to impact fees.
- D. These impact fees shall be increased on January 1 of each year by 3.0%.
- E. These impact fees shall be collected until all capital costs associated with specified projects in the related “Facilities Needs Assessment and Impact Fee Study”, have been incurred and satisfied, unless such time period exceeds twenty years beyond the projected commencement of projects or five years beyond projected satisfaction of indebtedness for the specified projects for which these park facilities impact fees are imposed.

SEVERABILITY

If any section, phrase, sentence, or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portions shall be deemed separate, distinct, and independent provisions, and such holding shall not affect the validity of the remaining portions thereof.