

TITLE 14

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ARTICLE I. IN GENERAL

ARTICLE II. SUBDIVISIONS

DIVISION 1. GENERALLY

14.2.100 Introduction and purpose.

- (A) **Introduction.** In accordance with the authority granted by Chapter 236 of the Wisconsin Statutes and for the purposes listed in Sections 236.01 and 236.45 of the Wisconsin Statutes, the Board of Trustees of the Village of Marathon City, Wisconsin, does hereby ordain as follows:
- (1) In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety and general welfare of the Village of Marathon City.
 - (2) This Ordinance shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (B) **Purpose.** This Ordinance applies to subdivisions, land divisions, and also to condominiums because the impact of density of development and the need for plan is the same regardless of the method of ownership. The purpose of this Ordinance is to regulate and control the division of land or creation of a condominium that results in the divisions of land within the corporate limits of the Village of Marathon City, Wisconsin, and within the extraterritorial plat approval jurisdiction of the village in order to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for housing, transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; to secure safety from flooding, water pollution, disease and other hazards; to prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects; to prevent and control erosion, sedimentation and other pollution of surface and subsurface waters; to preserve natural vegetation and cover and promote the natural beauty of the community; to restrict building sites in areas covered by

poor soils or in other areas poorly suited for development; high groundwater; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation; to implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the village and, in general, to facilitate enforcement of village development standards as set forth in the adopted regional, county and local comprehensive plans, neighborhood plans, adopted plan components, Village Zoning Ordinance, and Building Code of the Village of Marathon City, Wisconsin; 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 Marathon City.

14.2.101 Abrogation and greater restrictions.

- (A) Where the conditions imposed by any provisions of this Ordinance upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this Ordinance or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations that are more restrictive and that impose higher standards or requirements shall govern.
- (B) This Ordinance is not intended to abrogate any easement, covenant or any other private agreement; but where the regulations of this Ordinance are more restrictive or impose higher standards or regulations than such easement, covenant or other private agreement, the requirements of this Ordinance shall govern.

14.2.102 Interpretation.

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

14.2.103 Severability

If any section, portion or provision of this Ordinance is invalid or unconstitutional, or if the application of this Ordinance 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 Ordinance which can be given effect without the invalid or unconstitutional provision or application.

14.2.104 Repeal.

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

14.2.105 Jurisdiction.

The regulations contained in this Ordinance shall apply to all property situated either wholly or partly within the boundaries of the Village of Marathon City, Wisconsin, and its extraterritorial limits in accordance with Section 62.23(7) and Chapter 236 of the Wisconsin State Statutes.

14.2.106 Definitions.

The following words, terms and phrases, when used in this Ordinance, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Alley means a public or private right-of-way primarily designed to serve as secondary access to the side or rear of those properties whose principal frontage is on a street.

Arterial, major, means a major, high-capacity street or road designed to carry large volumes of traffic.

Block means a tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shorelines of waterways or boundary lines of the village.

Building means any structure built for the support, shelter or enclosure of persons, animals, chattels or movable property of any kind, and which is permanently affixed to the land.

Building setback line means a line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts the erection of a building is prohibited.

Certified Survey Map (CSM) is the division of land intending to create not more than four (4) parcels of land as provided in Wis. Stats. §236.34. Certified Survey Maps shall, in addition to the provisions of Wis. Stats. §236.34, bear a certificate of approval of the Plan Commission.

Comprehensive Plan. A 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. Devices for the implementation of these plans, such as zoning, official map, land division and capital improvements programs shall also be considered a part of the comprehensive plan.

Condominium. A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a legal form of ownership or real estate and not a specific building type or style.

Covenants means 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.

Crosswalk means a right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary, and from which motor-propelled vehicles are excluded.

Cul-de-sac means a local street with only one outlet and having an appropriate terminal for the safe and convenient reversal of traffic movement.

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, a subdivision plat or a certified survey map.

Easement means a grant by a property owner for the use of land for a specific purpose.

Extraterritorial Plat Approval Jurisdiction means 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.

Final plat means the final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Marathon County Register of Deeds.

Flood Protection Elevation means an elevation two (2) feet above the elevation of the one hundred (100) year recurrence interval flood. Where such data is not readily available, the subdivider shall provide the village with engineering data showing the flood profile, necessary cross-sections, flow elevations and an accurate delineation of the one hundred (100) year recurrence interval floodplain.

Floodlands means those lands including the channels, floodways and floodplain fringe of any given reach which are subject to inundation by a flood with a given recurrence frequency. The one hundred (100) year recurrence interval flood [or that flood having a one percent (1%) probability of occurring in any given year] is generally used for zoning regulation. Other flood events used in this Ordinance are the fifty (50) year recurrence interval flood [or that flood having a two percent (2%) probability of occurring in any given year], the ten (10) year recurrence interval flood [or that flood having a ten percent (10%) probability of occurring in any given year], the two (2) year recurrence interval flood [or that flood having fifty percent (50%) probability of occurring in any given year] and the one (1) year recurrence interval flood [or that flood having one hundred percent (100%) probability of occurring in any given year]. Where detailed flood data is not available, the maximum flood of record is used.

Frontage is the length of the front property line of the lot, lots or tract of land abutting a public street, road, highway or rural right-of-way.

High Groundwater Elevation means 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.

High Water Elevation (Surface Water) means the average annual high water level of a pond, stream, lake flowage or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of, vegetation or other easily recognized topographic, geologic or vegetative characteristic.

Grade means the slope of a road, street or other public way, specified in percent.

Improvement, public, means any sanitary sewer, storm sewer, drainage ditch, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area, or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

Large-scale development means a proposed complete new, large neighborhood unit, which due to its magnitude and comprehensiveness warrants special consideration by the plan commission.

Limited-access expressway or highway means a traffic way for through traffic, in respect to which owners or occupants of abutting property or lands and other persons have no legal right of access to or from the traffic way, except only at such points and in such manner as may be determined by the public authority having jurisdiction over such traffic way.

Lot means 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 Ordinance and any applicable zoning ordinance.

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

Lot, corner, means a lot situated at the intersection of two streets, the interior angle of such intersection not exceeding 135 degrees.

Lot, Double Frontage means 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.

Lot, Reversed Corner means 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.

Lot, through, means a lot that has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

Lot Lines means the peripheral boundaries of a lot as defined herein.

Lot Width means the width of a parcel of land measured along the front line.

Municipality means an incorporated village or city.

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

Owner is any person having legal title to the land sought to be subdivided under this Ordinance and 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.

Plan commission means the village commission created by the board and authorized by statute.

Plat means the map, drawing or chart on which the subdivider's plat of subdivision is presented to the village for approval.

Preliminary plat means a map showing the salient features of a proposed subdivision, submitted to the plan commission for purposes of preliminary consideration as to compliance with the Comprehensive Plan, zoning code and these regulations along with required supporting data.

Public Way means any public road, street, highway, walkway, drainageway or part thereof.

Replat means the process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map 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.

Right-of-way means a strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established after the effective date of the ordinance from which this section is derived and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Roadway means the paved portion of the street available for vehicular traffic.

Service drive is a public street, generally paralleling and contiguous to a main-traveled way, primarily designed to promote safety by eliminating promiscuous ingress and egress to the right-of-way, and providing safe and orderly points of access at fairly uniformly spaced intervals.

Sewage disposal system, individual, is a septic tank seepage tile sewage disposal system or any other sewage treatment device approved by the building inspector (engineer or plan commission) as being in accordance with the rules of the board of health and servicing only one lot.

Shorelands means 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.

Sidewalk means that portion of a street or cross-walkway, paved or otherwise surfaced, intended for pedestrian use only.

Street means a public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

Street, collector, means a street that carries traffic from minor streets to the system of major streets and highways, including the principal entrance streets of a residential development and the principal circulating streets within such a development.

Street, half, is a street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.

Street, marginal-access, means a minor street that parallels and is adjacent to a major street or highway, and that provides access to abutting properties and protection from through traffic.

Street, minor, means a street of limited continuity used primarily for access to abutting properties and local needs of a neighborhood.

Subdivider means any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (certified survey map) or replat.

Subdivision means a division of a lot, parcel or tract of land for the purpose of sale or of building development, where:

(1) The act of division creates two or more parcels or building sites of 2 acres each or less in area; or

(2) Two or more parcels or building sites of 2 acres each or less in area are created by successive divisions within a period of five years, whether done by the original owner or a successor owner.

Subdivision design standards means the basic land planning standards established as guides for the preparation of preliminary plats.

Surety bonds means a bond guaranteeing performance of a contract of obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Thoroughfare means a street with a high degree of continuity, including collectors, major arterials, and limited-access highways.

Village Administrator means that village officer or employee authorized by the board and qualified to examine subdivision plats, make design and engineering determinations and inspect subdivision sites.

Water supply, individual, means a well and appurtenances supplying only one lot, and subject to the approval of the building inspector (village administrator or plan commission).

Wetlands means an area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. (Sec. 23.32(1), Wis. Stats.)

Wisconsin Administrative Code means the rules of administrative agencies having 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.

14.2.107 Violations and penalties.

- (A) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Ordinance or statute and no person shall be issued a building permit by the village authorizing the building on, or improvement of, any subdivision, land division or replat within the jurisdiction of this Ordinance not of record as of the effective date of the Ordinance from which this Ordinance is amended from until the provisions and requirements of this Ordinance have been fully met. In case of any violation, the village may institute appropriate legal action or proceedings to enjoin a violation of this Ordinance, or seek abatement or removal. In addition, those actions commenced by the Village may seek a forfeiture or penalty as outlined in this Section.
- (B) Any person, firm, or corporation, or agent, employee, or contractor of such, who violates, disobeys, omits, neglects, or refuses to comply with, or who resists enforcement of any provision of this Ordinance, shall, upon conviction, forfeit not less than \$100.00 nor more than \$1,000.00 for each offense, together with the costs of prosecution. In addition, the remedies provided by Wis. Stats. §§ 236.30, 236.31, 236.32 and 236.335 shall be available to the village. Each day that a violation continues to exist shall constitute a separate offense.
- (C) **Proceedings.**
- (1) **Civil Proceedings.** Pursuant to the provisions of Wis. Stats. §66.14, an action for violation of this Ordinance is deemed a civil action. Accordingly, Wis. Stats. §801-847, shall apply where applicable.
 - (2) **Village Attorney.** The village attorney may, in the village attorney's discretion, commence legal action or proceedings and may proceed pursuant to the proceedings outlined in Wis. Stats. §66.119, 66.12, or 778.10, or pursuant to the issuance of a summons and complaint.
 - (3) **Citations.** Requests for necessary citations may be directed to the village administrator for approval.
 - (4) **Statute of limitations.** Pursuant to Wis. Stats. §893.93(2)(b), any action to recover a forfeiture or penalty imposed by Code or regulation, when no other limitation is prescribed by law, shall be commenced within two years of the violation. In those situations in which there occurs a continuing violation in existence for more than two years prior to the issuance of the complaint and wherein each day of violation occurring more than two years prior to the commencement of the action; a penalty may be imposed, however, for each day of violation occurring within the two year period prior to the issuance of the complaint.

14.2.108 General provisions.

- (A) **Compliance.** No person, firm or corporation shall divide any land located within the village or its extraterritorial plat approval jurisdiction 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 Ordinance and the following:
- (B) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats.
- (C) The rules of the Wisconsin Department of Commerce contained in Wis. Adm. Code Comm. 83 and Comm. 85 for land divisions and subdivisions not served by public sewer.
- (D) The rules of the Wisconsin Department of Transportation contained in Wis. Adm. Code Trans. 233 for subdivisions, which abut a state trunk highway or connecting street.
- (E) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code NR 116 for Floodplain Management Program.
- (F) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the plan commission or village board.
- (G) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (H) The Village of Marathon City Comprehensive Plan, or components thereof.
- (I) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
 - (1) **Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Marathon City and its extraterritorial plat approval jurisdictional area. The provisions of this Ordinance, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
 - (a) Transfers of interests in land by will or pursuant to court order;

- (b) Leases for a term not to exceed ten (10) years, mortgages or easements;
- (2) 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 Ordinance or other applicable laws or ordinances.
- (3) Cemetery plats made under Sec. 157.07, Wis. Stats.
- (4) 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 (e), Wis. Stats.
 - (a) *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.
 - (b) *Building Permits.* The Village of Marathon City 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 Marathon City on or after the effective date of this Ordinance until the applicant has complied with all of the provisions and requirements of this Ordinance.
 - (c) *Declaration of Condominium.* Any declaration of condominium or amended declaration for expansion purposes, affecting property within the village or its extraterritorial plat approval jurisdiction shall be reviewed and the condominium plat approved and recorded pursuant to the provisions of this Ordinance and Wis. Stats. ch. 703.

14.2.109 Land division or subdivisions, including those under condominium ownership, in extraterritorial plat approval jurisdiction.

All subdivisions and land divisions in the village’s extraterritorial plat approval jurisdictional area, including those under condominium ownership, shall be reviewed and approved by the village plan commission and village board. The village shall only consider a subdivision or land division, including those under condominium ownership, within its extraterritorial jurisdiction if such subdivision or land division has been approved pursuant to Sec. 236.10, Wis. Stats.; however, this approval does not limit the village’s extraterritorial plat approval authority. The village may require any conditions of approval of a subdivision or land division, including those under condominium ownership and including the use of restrictive covenants and the creation of a homeowner’s association.

DIVISION 2. ADMINISTRATION AND ENFORCEMENT*

14.2.110 Organization.

The following offices of the government of the village are concerned with the administration of this Ordinance:

- (A) **Board.** The board is vested with the following responsibilities in regard to subdivision control:
 - (1) Approval or disapproval of all preliminary plats, final plats, condominium plats, and certified survey maps referred to it by the plan commission.
 - (2) Approval or disapproval of all variations and exceptions recommended by the plan commission.
 - (3) Amend the regulations of this Ordinance when found necessary and desirable.
 - (4) Institute appropriate proceedings to enforce the provisions of this Ordinance.

- (C) **Plan commission.** The plan commission shall administer the provisions of this Ordinance and in addition thereto, and in furtherance of that authority, shall:
 - (1) Maintain permanent and current records of this Ordinance, including amendments.

- (2) Receive and file all certified survey maps, preliminary plats, condominium plats, and final plats, together with applications.
 - (3) Forward copies of the preliminary plat, condominium plat, final plat, and certified survey map to other appropriate offices and agencies for their recommendations and report.
 - (4) Receive and file all final plats, condominium plats and check their compliance with the preliminary plat.
 - (5) Forward copies of the preliminary plat, condominium plat, final plat, and certified survey maps with recommendations to the village board.
 - (6) Make all other determinations required by the regulations in this Ordinance.
- (C) **Village Administrator.** The Village Administrator or his/her designee is vested with the duty and responsibility of reviewing all preliminary subdivision plats and making determinations in the areas of design standards and engineering specifications, as stipulated in this Ordinance. The village administrator shall review the water supply and sewage disposal facilities to be provided on all preliminary plats. Determinations and recommendations shall be forwarded to the plan commission.

14.2.111 Enforcement.

- (A) No owner or his agent of any parcel of land located in a proposed subdivision shall transfer or sell such parcel before a plat of such subdivision has been approved by the board, in accordance with the provisions of this Ordinance, and filed with the county register of deeds.
- (B) The subdivision of any lot or any parcel of land by the use of metes and bound description with the intent of evading this Ordinance, for the purpose of sale, transfer or lease shall be subject to all of the requirements of this Ordinance.
- (C) No building permit shall be issued for the construction of any building or structure located on a lot or plat subdivided or sold in violation of the regulations of this Ordinance.
- (D) No plat of subdivision shall be approved that does not comply with all the provisions of this Ordinance.

14.2.112 Variations and exceptions.

- (A) **Purpose.** The village board, after a public hearing, may determine and vary the regulations of this Ordinance in harmony with their general purpose and intent, only in the specific instances hereinafter set forth, where the village board makes findings of fact in accordance with the standards hereinafter prescribed.
- (B) **Application and Notice.** An application and the appropriate fee for a variance shall be filed in writing with the village administrator. The application shall contain such information as the village board may, by rule, require. Notice of the time and place of such public hearing shall be published as a Class II notice in a newspaper of general circulation in the village and by mailing notice thereof to the applicant(s).
- (C) **Hearing on Application.** The plan commission shall hold a public hearing on each application for a variance as such time and place as shall be established by the plan commission. The hearing shall be conducted and a record of such proceedings shall be preserved in such manner as the plan commission shall, by rule, prescribe from time to time.
- (D) **Hardships.** Within 30 days after the close of the public hearing on a variance, the plan commission shall make written findings of fact and submit the same together with its recommendations to the village board. Where the plan commission finds that extraordinary hardships or particular difficulties may result from strict compliance with this Ordinance, it may recommend variations or exceptions to this Ordinance so that substantial justice may be done and the public interest secured, provided that such variations or exception shall not have the effect of nullifying the intent and purpose of this Ordinance; and further provided the plan commission shall not recommend variations or exceptions to the regulations of this Ordinance unless it shall make findings based upon the evidence presented to it in each specific case that:
 - (1) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought, and are not applicable, generally, to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out;

- (4) The purpose of the variation is not based exclusively upon a desire to make more money out of the property.
- (E) **Large-scale developments.** The standards and requirements of this Ordinance may be modified in the case of large-scale developments when the plan commission finds that a plan and program for a new neighborhood unit provides adequate public spaces and improvements for the circulation, recreation, light, air and public utilities service needs of the tract when fully developed and which also provides such covenants or other legal provisions as will assure conformity and achievement of the plan.
- (F) **Conditions.** In recommending variations and exceptions, the plan commission and board may require such conditions as will, in its judgment, secure substantially the objectives of the standards or requirements of this Ordinance.
- (G) **Recommendations.** Such variations and exceptions as may be recommended by the plan commission shall be forwarded to the board in writing, substantiating the recommended variations and/or exceptions. The board may approve such variations or exceptions from the requirements of this Ordinance in specific cases as listed on the final plat, which, in its opinion, do not adversely affect any land use or transportation plans or the intent and purpose of this Ordinance as described above.
- (H) If an application for a variance is not acted upon finally by the village board within 90 days of the date upon which such application is received by the village board, it shall be deemed denied.
- (I) Re-hearings, reconsiderations, and new applications seeking the same relief concerning the same property after a previous application has been denied will not be heard unless a substantial change of conditions or circumstances has occurred between the time the matter was first decided and the subsequent application. A change of ownership or the passage of time without additional conditions or circumstances will not justify a substantial change.

14.2.113 Appeals.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, within 30 days of notification of such objection or rejection of the plat, by presenting to a court of record a petition for a writ of certiorari directed to the approving authority or objecting agency as provided in Wis. Stats. § 62.23(7). The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable or discriminatory.

14.2.114 Amendments.

For the purpose of promoting the public health, safety and general welfare, the board may amend the regulations imposed by this Ordinance pursuant to Wis. Stats. §236.45.

14.2.115 Fees.

All public improvements to be made under the provisions of this Ordinance shall be examined on the plat and inspected in the field by the village administrator or other designated official, or a duly authorized representative. As prescribed in §11.119, the cost of such engineering and inspection services shall be determined on the basis of actual time devoted to the project at current wage scales and shall be charged to the subdivider.

DIVISION 3. PLATS

14.2.116 Procedure for approval.

- (A) **Preliminary consultation.** At least 30 days prior to the submission of the preliminary plat, the subdivider shall make known his intentions to the village administrator and the plan commission. During this pre-application stage, the subdivider shall consult the village administrator or other designated official to determine any special problems or conditions affecting his property and shall supply the village administrator or other designated official with a written letter of intent and a sketch plan of the proposed subdivision. The village administrator or other designated official shall forward copies of the letter of intent and sketch plan to the plan commission.
- (B) **Filing of preliminary plat.** The subdivider shall prepare a preliminary plat of the proposed subdivision in accordance with the requirements of §11.117 and shall file with the plan commission an application in writing for the tentative approval of the plat, accompanied by two copies of the plat, at least four weeks prior to the meeting of the plan commission at which action is desired. The subdivider or the subdivider's agent shall indicate in his/her application that the plan commission is to be deemed the approving authority as defined in Wis. Stats. §236.12(2); and sufficient copies of the plat shall be furnished to the Wisconsin Department of Administration, who shall forward two copies each of the agencies authorized by Wis. Stats. §236.12(2).

- (C) **Review and recommendations.** The preliminary plat shall be reviewed by the plan commission to determine its conformity to this Ordinance and all other ordinances and regulations in force, which affect the subdivision or platting of land. Copies of the preliminary plat shall be transmitted to the Village Administrator or other designated official for recommendations concerning matters within the administrator's jurisdiction. The Village Administrator's recommendations in respect thereto shall be transmitted to the Plan Commission not later than 30 days from the date the plat is filed.
- (D) **Disposition of preliminary plat.** The plan commission shall, within 90 days of the receipt of an application for the approval of a preliminary plat, tentatively approve or disapprove the plat, or approve it with modifications, noting on the plat any changes that will be required. One copy shall be returned to the subdivider with the date of the tentative approval or disapproval, and the reasons for disapproval, endorsed on the plat.
- (E) **Failure to act.** Failure of the plan commission and village board to act within ninety (90) days shall constitute an approval of the preliminary plat as filed.
- (F) **Effect of approvals.** Approval or conditional approval of a preliminary subdivision or condominium plat shall not constitute automatic approval of the final plat or condominium declaration, except that if the final plat or condominium declaration is submitted within twenty-four (24) months of preliminary subdivision or condominium plat approval and conforms substantially to the preliminary subdivision or condominium plat layout as indicated in Wis. Stats. §236.11(1)(b), the final subdivision plat or condominium declaration shall be entitled to approval with respect to such layout. The preliminary subdivision or condominium plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final subdivision plat or condominium declaration which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.

14.2.117 Preliminary subdivision or condominium plats.

- (A) Every proposed subdivision or condominium plat shall be submitted to the plan commission for tentative or conditional approval in the form of a preliminary plat prior to the submission of a final plat. The preliminary plat is not intended to be a final plat and must be prepared in such form as not to be confused with a final plat. Its purpose is to show graphically all facts needed to enable the plan commission and other public bodies to determine whether the proposed layout of the land in question is satisfactory from the standpoint of the public interest. The preliminary plat shall be prepared by a registered land surveyor, trained and experienced in the layout of subdivisions.

- (B) The following graphic and descriptive items are normally required to be shown on the preliminary plat and the accompanying application for approval. The lack of information under any item specified in this section, or improper information supplied by the applicant, shall be cause for disapproval of a preliminary plat.
- (C) **Application for approval.** Written application by the owner, or agent, for approval, on forms furnished by the plan commission, shall accompany each preliminary plat and contain the following information:
- (1) Name for file identification.
 - (a) Name of subdivision if property is within an existing subdivision.
 - (b) Proposed name if not within a previously platted subdivision. The proposed name shall not duplicate the name of any plat previously recorded in the county.
 - (c) Name of property if no subdivision name has been chosen. (This is commonly the name by which the property is locally known.)
- (D) **Location and description of property.** A complete legal description in metes and bounds, referenced to a corner established in a U.S. Public Land Survey and including the location of property by government lot, section, township, range and county and the total acreage.
- (E) Basic facts and proposals pertaining to the property.
- (1) Size of tract in acres or of existing lots, if any, in square feet.
 - (2) Existing zoning classification of property and any rezoning proposed to be requested.
 - (3) Number of lots proposed in subdivision.
 - (4) Area of lots proposed; minimum, average and maximum.
 - (5) Proposed water and sewage disposal.
 - (6) Any other proposals, such as parcels of land intended to be dedicated, conveyed or reserved for public use, and the conditions proposed for such disposal and use.

- (F) Information as to ownership, preparation and submission of plat.
- (1) Name and address, including telephone number, of the legal owner or agent of property and citation of last instrument conveying title to each parcel of property involved in the proposed subdivision, giving grantor, grantee, date and land records reference.
 - (2) Citation of any existing legal rights-of-way or easements affecting the property.
 - (3) Existing covenants on the property, if any.
 - (4) Name and address, including telephone number, fax number and email address, if applicable, of the technician responsible for subdivision design and the surveyor responsible for surveys shown on the preliminary plat as submitted.
- (G) **The drawing.** The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of not more than 100 feet to the inch, and shall show correctly on its face the following information:
- (1) Date, scale and north point.
 - (2) The proposed subdivision name (must be same as that specified in the application).
 - (3) The name and address of the owner, the subdivider and the surveyor preparing the plat.
 - (4) Location of the subdivision by government lot, quarter section, section, township, range and county.
 - (5) A vicinity sketch or small-scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated on the sketch or drawing.
 - (6) The exact length and bearing of the exterior boundaries of the subdivision. Dimensions shall be expressed in feet and decimals of a foot.
 - (7) Location and names of adjacent subdivisions and the owners of adjoining parcels of un-subdivided land.

- (H) Zoning on and adjacent to the subdivision.
- (I) Location, width and names of all existing and platted streets, alleys and other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data within the tract being subdivided or immediately adjacent thereto as determined by the plan commission.
- (J) The water elevations of adjoining lakes or streams at the date of the survey and the approximate high and low water elevations of such lakes or streams. All elevations shall be referred to the village datum plane.
- (K) If the subdivision borders a lake, river or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of such waterway.
- (L) Layout, width and grades of all new streets and rights-of-way, including alleys, highways, easements for sewers and water mains, and other public utilities.
- (M) Existing sewers, water mains, culverts and other underground structures within the tract.
- (N) Approximate dimensions and areas of lots.
- (O) Proposed building setback lines.
- (P) Approximate radii of all curves and length of tangents and central angles on all streets.
- (Q) Approximate location and area of all property proposed to be dedicated or reserved for public use or to be reserved by deed covenant for use of all property owners in the subdivision, with the conditions, if any, of such dedication or reservation.
- (R) Contours at vertical intervals of not more than five feet or at more frequent intervals if required by the plan commission for land of unusual topography.
- (S) Street profile plans for all existing and proposed streets, containing information specified by the plan commission.
- (T) Certification on the face of the plat by the surveyor preparing the plat that it is a correct representation of all existing land divisions and features and that he or she has fully complied with the provisions of this Ordinance.

- (U) All vision triangles shall be clearly shown on arterial and collector roads designed in accordance with current AASHTO Policy on Geometric Design.
- (V) The boundaries of all wetlands, floodplains, environmental corridors, and shoreland zones and setback areas, as established under municipal, county, regional, state, and federal laws, regulations, plans, or ordinances.
- (W) The location and dimensions of all structures, facilities or features proposed as part of all noise mitigation strategies, along with the submittal of a Noise Study, if required.
- (X) **Flood Plain Study.** In locations where existing 100-year flood plain information is not readily available, and drainways are present with contributory watersheds of 600 acres and larger within or adjacent to the proposed land division, or in special circumstances as determined by the plan commission or village board, the subdivider shall prepare a flood study to determine the 100-year recurrence flood elevation.
- (Y) **Geotechnical Report.** The planning and zoning commission or 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 whenever deemed necessary by the committee to determine the suitability of a land division or any part thereof for development as proposed. The location and elevations of proposed improvements shall take this information into consideration to protect the health, safety, and welfare of future occupants.
- (Z) **Traffic Impact Analysis.** In any case where the village administrator determines that the proposed development within a land division is likely to cause a significant impact on traffic on streets or highways beyond the proposed land division, the applicant shall pay the fees of a traffic engineer to be retained by the Village to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation District One guidelines. An estimate of the fees as determined by the village engineer shall be paid into the escrow account established under sub. (3) within 10 days after notice of the determination by the Village engineer. If the required escrow deposit is not made, the application may be denied. Where the report of the analysis concludes that the proposed development will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the village may deny the application, require a size reduction in the proposed development, or require that the subdivider construct and/or pay for required off-site improvements.

(AA) **Preliminary Engineering Plans.** With the submittal of the preliminary plat, the subdivider shall submit five (5) copies of preliminary engineering plans, including the following:

- (1) Preliminary street profiles showing existing and proposed centerline elevations. Profiles shall be shown for a minimum distance of 300 feet beyond the plat boundaries where future street extensions may be planned.
- (2) Preliminary utility layouts, including sanitary sewer, water main, and storm sewer, and indication of any expected need for improvements to existing facilities to provide for such utility needs.
- (3) Preliminary stormwater calculations, in order to demonstrate that adequately sized and positioned areas have been reserved for storm water management on the preliminary plat.
- (4) A preliminary engineering plan map at least covering the area of the preliminary plat and showing the features described in this subsection, along with property lines, contours at vertical intervals of not more than 2 feet for the portion of the plat or CSM proposed for disturbance or development, and applicable environmental features such as wetlands and floodplains.

14.2.118 Final subdivision or condominium plats.

(A) **Final plat may constitute a portion of the approved preliminary plat.** A final plat may constitute only a portion of the approved preliminary plat provided that the public improvements to be constructed in the area covered by the plat are sufficient by and of themselves to accomplish a proper development and to provide adequately for the health, safety and convenience of the proposed residents and for adequate access to contiguous areas.

(B) **Application for approval.** Written application by the owner or agent for approval, on forms furnished by the plan commission, shall accompany each final plat and shall contain but not be limited to the following information:

- (1) Name of subdivision (which is subject to approval by the board and should be cleared with the plan commission prior to submission of the plat) and description of blocks and lots included on the plat.
- (2) Location of subdivision by government lot, section, township, range and county.

- (3) Name, date of approval, and file number of the preliminary plat upon which the final plat is based.
 - (4) Zoning classification of the property.
 - (5) Total number of lots and/or parcels included on the plat.
 - (6) Total area shown on the plat, including streets, and total area dedicated to public use, if any.
 - (7) Existing or proposed covenants, if any.
 - (8) Name and address, including telephone number, fax number and email address, if applicable, of the owner or agent and the surveyor who prepared the plat.
- (C) **The drawing.** The final plat shall be drawn with waterproof nonfading black ink, at a scale of not more than 100 feet to the inch, on muslin-backed white paper, 22 inches wide by 30 inches long. When more than one sheet is used for any plat, each sheet shall be numbered consecutively and shall contain a notation giving the total number of sheets in the plat and showing the relation of that sheet to the other sheets; and each sheet shall bear the name of the subdivision. Each plat shall show correctly on its face the following information:
- (1) Map and engineering information.
 - (a) Date, scale and north point.
 - (b) The exterior boundaries of the land surveyed and divided.
 - (c) All monuments erected, corners and other points established in the field in their proper places. The material of which the monuments, corners or other points are made shall be noted at the representation or by legend, except lot corners need not be shown. The legend for metal monuments shall indicate the kind of metal, the diameter, length and weight per lineal foot of the monuments.
 - (d) The exact length and bearing of the exterior boundaries, the boundary lines of all blocks, public grounds, streets and alleys, and all lot lines; except that when the lines in any tier of lots are parallel it shall be sufficient to mark the bearings of the outer lines on one tier. Easements shall be shown by centerline and width.

- (e) Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions.
- (f) All lots in each block consecutively numbered. Outlots shall be lettered in alphabetical order. Description of outlots including intended use and ownership. If blocks are numbered or lettered, outlots shall be lettered in alphabetical order within each block.
- (g) The exact width of all easements, streets and alleys.
- (h) All lake or stream shore meander lines established by the surveyor in accordance with section 11.117, their distances and bearings, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
- (i) The centerline of all streets.
- (j) The number of degrees and minutes in all exterior boundary and block angles. When such angles are between a curve and its tangent, the angle shown shall be that between the tangent and the main chord of the curve. When between curves of different radii, the angle shown shall be that between the main chords.
- (k) When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted lines in their proper places; and either on them, or in an adjoining table, shall be noted their bearings and lengths, the radius of the circle of which the curve is a part, the central angle subtended and the tangent bearing at either the point of curve or point of tangency. The lot lines may be shown in the same manner or by bearings and distances. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines; it shall be sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.

- (l) When strict compliance with a provision of this section will entail undue or unnecessary difficulty or tend to render the plat more difficult to read, and when the information on the plat is sufficient for the exact retracement of the measurements and bearings or other necessary dimensions, the plan commission, upon the recommendation of the village administrator, may waive such compliance.
 - (m) Drainage arrow representing the intended flow direction of surface water runoff between and along lot lines with a note stating that lot owners are responsible for maintaining intended lot line drainage patterns. Changes to these patterns may not be made unless approved by the Village.
- (2) Name, location and position. The name of the subdivision shall be printed on the plat in prominent letters, and the following information relating to the position and location of the subdivision shall be shown:
- (a) The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range and county noted immediately under the name given the subdivision.
 - (b) The exact location of the subdivision indicated by distances and bearings with reference to a corner or corners established in the U.S. Public Land Survey.
 - (c) A small drawing of the section or governmental subdivision of the section in which the subdivision lies, with the location of the subdivision indicated on the drawing. This drawing shall be oriented on the sheet in the same direction as the main drawing.
 - (d) Where provisions are made for access from any lake or stream, the plat shall show the area over which access is provided to the lake or stream, together with a small-scale drawing clearly indicating the location of the subdivision in relation to the lake or stream and the location of the area over which access is provided.
 - (e) The names of adjoining streets, state highways and subdivisions shown in their proper location and underscored by a dotted line.
 - (f) Abutting street and state highway lines of adjoining plats shown in their proper location by dotted lines. The width of these streets and highways shall be given also.

(3) Roads and public spaces.

- (a) The name of each road or street in the plat shall be printed in prominent letters.
- (b) All lands dedicated to public use except roads and streets shall be clearly marked "Dedicated to the Public."
- (c) All roads or streets shown on the plat not dedicated to public use shall be clearly marked "Private Road" or "Private Street" or "Private Way."

(4) Site conditions and topography. The following shall be shown:

- (a) All existing buildings.
- (b) All watercourses, drainage ditches and other existing features pertinent to proper subdivision.
- (c) The water elevations of adjoining lakes, rivers or streams at the date of the survey and the approximate high and low water elevations of such lakes, rivers and streams. All elevations shall be referred to the village datum plane.

(D) **Required certificates.** To entitle a final plat to be recorded, the following certificates, lettered or printed legibly with black durable ink or typed legibly with black ribbon, shall appear on it:

- (1) Surveyor's certificate. The certificate of the surveyor who surveyed, divided and mapped the land shall accompany the plat, supplying the following information, which shall have the same force and effect as an affidavit:
 - (a) By whose direction he made the survey, subdivision and plat of the land described on the plat.

- (b) A clear and concise description of the land surveyed, divided and mapped by government lot, recorded private claim, quarter section, section, township, range and county; and by metes and bounds commencing with some corner marked and established by the U.S. Public Land Survey; or if such land is located in a recorded subdivision or recorded addition, by the number or other description of the lot, block or subdivision, which has previously been tied to a corner marked and established by the U.S. Public Land Survey.
 - (c) A statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and the subdivision of it.
 - (d) A statement that he has fully complied with the provisions of this Ordinance and Wis. Stats. Ch. 236 in surveying, dividing and mapping the land.
- (2) Owner's certificate.
- (a) A certificate by the owner of the subdivided land shall accompany the plat and shall take, substantially, the following form: "As owner, I hereby certify that I caused the land described on this plat to be surveyed, divided, mapped and dedicated as represented on the plat. I also certify that this plat is required by Wis. Stats. § 236.10 or 236.12 to be submitted to the following for approval or objection: (list of governing bodies required to approve or allowed to object to the plat)." This certificate shall be signed by the owner, the owner's spouse, and all persons holding an interest in the fee of record or by being in possession, and, if the land is mortgaged, by the mortgagee of record.
 - (b) In addition to the certificate required in this section, the owner may be required to furnish an abstract of title certified to date of submission for approval or, at the option of the owner, a policy of title insurance or certificate of title from an abstract company for examination in order to ascertain whether all parties in interest have signed the owner's certificate on the plat.
- (3) **Tax certificate.** Also accompanying the plat, there shall be a certificate of the village treasurer and a certificate of the treasurer of the county stating that there are no unpaid taxes or unpaid special assessments on any of the lands included in the plat.

(E) **Filing of final plat.** After the subdivider has entered into a development agreement approved by the village board, by which the subdivider agrees to provide utilities and improvements required in this Ordinance, guaranteed by a letter of credit, or other surety equal to 110%, or special assessment of the amount the village board deems necessary to assure that the construction of the required improvements is in compliance with this Ordinance, the developers agreement, or any other governmental authority, and upon payment of all fees required including all engineering and legal fees equal to the actual costs to the Village for all engineering and legal work incurred by the village in connection with the matter, including inspections, the subdivider shall file with the village clerk, within twenty-four (24) months of the date of approval or conditional approval of the preliminary plat, the final plat and at least six reproductions, which shall conform to the requirements of this section and Wis. Stats. Ch. 236. One copy shall be on reproducible mylar. The village administrator shall forthwith transmit all but two copies of the final plat to the plan commission. The subdivider or the subdivider's agent shall submit the final plat to the Wisconsin Department of Administration as required by Wis. Stats. ch. 236.12(6). The subdivider shall also submit copies of all inspection forms performed by the Village Administrator.

(F) Action by the board.

(1) Upon receipt of a final plat, the plan commission shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this Ordinance and shall recommend either approval or disapproval of the final plat.

(2) If the final plat is not submitted within 24 months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat.

(3) The plan commission shall approve or reject the final plat and forward it to the board within 60 days of submission to the plan commission unless the subdivider is notified of the objections to the plat or the time is extended by agreement with the subdivider.

(4) After the final plat shall have been approved by the board, the village clerk/treasurer shall cause a certified copy of the resolution approving such plat to be attached to the plat and returned to the subdivider. Copies of the resolution and plat shall also be transmitted to the Plan Commission and the Village Administrator for their files.

- (G) **Recordation.** After the final subdivision plat or condominium declaration 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 shall cause the certificate inscribed upon the subdivision plat or condominium declaration attesting to such approval to be duly executed and the subdivision plat or condominium declaration returned to the subdivider for recording with the Marathon 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 the last approval of the plat and within 24 months after the first approval per Wis. Stats. §236.25(2)(b).
- (H) **Copies.** Pursuant to Wis. Stats. §236.27, the subdivider shall file one true copy of the recorded plat, containing Register of Deeds signature and documentation (volume/page, etc.), to the village clerk as a public record within thirty (30) days from the recording date at the Marathon County Register of Deeds.

DIVISION 4. REQUIRED IMPROVEMENTS*

14.2.119 Generally.

- (A) Prior to installation of any required improvements and prior to final plat or certified survey map approval, the subdivider shall enter into a developers agreement with the village requiring the subdivider to furnish and construct said improvements. The developers agreement shall provide for installation of utilities and improvements required in this Ordinance, guaranteed by a letter of credit or other surety equal to 110% of the amount the village board deems necessary to assure that the construction of the required improvements is in compliance with this Ordinance, the developers agreement, or any other governmental authority, and require payment of all fees required including all engineering and legal fees equal to the actual costs to the village for all engineering and legal work incurred by the village in connection with the matter, including inspections. The developer's agreement may provide for the phased construction of required improvements over a reasonable amount of time.

- (B) As an alternative to §11.119(a) and prior to installation of any required improvements and prior to final plat or certified survey map approval, the subdivider, upon village board approval, may enter into a developers agreement with the village authorizing the village to furnish and construct certain improvements including, but not limited to, storm sewers, street pavement and curb and gutters. The developer' agreement hereunder shall provide for installation of utilities and improvements required in this Ordinance, guaranteed by a letter of credit or other surety equal to 110% or special assessment of the amount the village board deems necessary to assure that the construction of the required improvements is in compliance with this Ordinance. The type of surety shall be determined by the Village Board. The developer's agreement, or any other governmental authority shall require the subdivider to pay all fees required including all engineering and legal fees equal to the actual costs to the village for all engineering and legal work incurred by the village in connection with the matter. The developer's agreement may provide for the phased construction of required improvements over a reasonable amount of time.
- (C) The contractor and/or subcontractors who are to be engaged in the construction of improvements on dedicated street rights-of-way shall be designated as qualified for such work by the village administrator.
- (D) Governmental units to which these bond and contract provisions apply may file in lieu of a contract or bond, a letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this division.
- (E) Monumentation may be deferred pursuant to Wis. Stats. §236.15 to allow for the finished ground elevation to be established. If monumentation is deferred, the subdivider shall provide an additional surety in the amount of one hundred and fifty and no/100 Dollars (\$150.00) times the number of lot corners as security for the deferred monumentation.

14.2.120 Water facilities.

The subdivider shall install adequate water facilities to each lot within the subdivision subject to the specifications and inspection of the village administrator and the village water utility, the cost of engineering and inspection to be borne by the subdivider in accordance with the requirements of the state public service commission and the department of natural resources.

14.2.121 Sewer facilities.

The subdivider shall provide sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with the plan and specifications approved by the village board.

14.2.122 Storm Water Drainage Facilities.

General Requirements. The subdivider shall provide storm water drainage facilities which may include curb and gutter, catch basins and inlets, storm sewers, road ditches and open channels or other improvements necessary to comply with the Wisconsin Department of Natural Resources or Marathon County. The storm events used in the design shall be the 10-year frequency storm event for storm sewers and a 100-year frequency storm event for overland drainage (including necessary culverts and critical drainage areas). Storm water drainage facilities shall be so designed as to present no unreasonable hazard to life or property, and the size, type and installation of all storm water drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the public works committee.

14.2.123 Street grading.

The subdivider shall furnish drawings that indicate the existing and proposed grades of streets shown on the plat and after completion of engineering work on the streets and approval of street grades by the village administrator and plan commission, shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated. The bed for the roadways in the street rights-of-way shall be graded to subgrade. The cost of engineering and inspection shall be borne by the subdivider. The village administrator shall approve the construction prior to the time the plan commission recommends approval of the final plat.

14.2.124 Grading.

- (A) The subdivider shall prepare a Grading Plan to be submitted with the Erosion Control Plan that includes the following:
 - (1) Spot elevations shown at all lot corners, high points, and at 100' maximum intervals, with drainage arrows representing the intended flow path shown along all lot lines. The finished ground elevations shall be shown as-built at all lot corners following the completion of construction. This plan shall be approved by the village prior to the issuance of building permits. Copies of the as-built plan shall be provided to the building inspector and public works department for their use during building construction.

- (2) Where the use of swales is proposed, they shall have a minimum of 1% slope, unless otherwise approved by the plan commission.
- (3) The grading plan and proposed lot layout shall be configured so that no new building opening will be less than two feet above the regional flood elevation associated with any nearby floodplain or drainageway. The regional flood elevation is classified as the 100-year floodplain as determined by the Federal Emergency Management Agency (FEMA) on the Flood Insurance Rate Map (FIRM) or applicable regional stormwater study.
- (4) Erosion control measures shall be shown and installed as necessary to control soil erosion during and following the completion of construction.

14.2.125 Street and sidewalk surfacing.

After approved sewer and water utilities have been installed by the subdivider, the subdivider shall construct curbs and gutters if required, and storm sewer inlets and leads as directed by the plan commission, and shall surface or cause to be surfaced at the subdivider's expense roadways to the widths prescribed in §11.136, or based on pavement design but in no case less than that prescribed by the plan commission. The surfacing shall consist of not less than ten inches of crushed gravel and surfaced with bituminous concrete (3.5 inches minimum) or portland cement concrete (8 inches minimum), or a comparable all-weather surfacing meeting standards prescribed by the plan commission. Any subdivision within 1,000 feet of any public or private school shall have dedicated walkways and shall be improved by the subdivider with a standard sidewalk to a grade established by the village administrator. Such work shall be done in accordance with plans prepared by the subdivider's engineer. The work shall be inspected by the village administrator with engineering and inspection costs to be borne by the subdivider.

14.2.126 Monuments.

- (A) The subdivider shall place permanent reference monuments in the subdivision as required in this division and as prescribed in Wis. Stats. Ch. 236.
 - (1) The external boundaries of a subdivision shall be monumented in the field by monuments of stone or concrete, not less than 30 inches in length, not less than four inches square, or five inches in diameter, and marked on top with a cross, brass plug, iron rod or other durable material securely embedded; or by iron rods or pipes at least 30 inches long and one and one quarter (1 ¼) inches in diameter weighing not less than 3.65 pounds per lineal foot. These monuments shall be placed not more than 1,400 feet apart in any straight line and at all corners, at each end of all

curves, at the point where a curve changes its radius, at all angle points in any line, and at all angle points along the meander line, these points to be not less than 20 feet back from the bank of any river or stream, except that when such corners or points fall within a street or proposed future street, the monuments shall be placed in the side line of the street.

- (2) All internal boundaries and those corners and points not required to be marked by subsection (1) of this section shall be monumented in the field by like monuments as described. These monuments shall be placed at all block corners, at each end of all curves, at a point where a curve changes its radius, and at all angle points in any line.
- (3) All lot corners shall be monumented in the field by iron pipes at least 24 inches long and three quarter (3/4) inches in diameter, weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 24 inches long and weighing not less than 1.13 pounds per lineal foot.
- (4) The lines of lots that extend to rivers or streams shall be monumented in the field by iron pipes at least 30 inches long and three quarter (3/4) inches in diameter weighing not less than 1.13 pounds per lineal foot, or by round or square iron bars at least 30 inches long and weighing not less than 1.13 pounds per lineal foot. These monuments shall be placed at the point of intersection of the river or stream lot line with a meander line established not less than 20 feet back from the bank of the river or stream.
- (5) All such monuments shall be set flush with the proposed finished grade elevation of the lot and planted in such manner that they will not be removed by frost.
- (6) All monuments shall be properly set in the ground and approved by the village administrator prior to the time the plan commission recommends approval of the final plat.

14.2.127 Street lighting.

The subdivider shall install streetlamps along all streets proposed to be dedicated to the public. Streetlamps shall be installed at all street intersections and along all street curves and at such other interior block spacing as determined by the public works committee. Unless otherwise approved by the public works committee, street lamps shall be spaced at intervals not to exceed 300 feet. Street lamps shall meet village specifications.

14.2.128 Street name signs.

Street name signs shall be erected at each street intersection in accordance with the established policies of the village and in accordance with design and specification standards approved by the village administrator. Proposed streets obviously in line with or a continuation of existing streets already named shall bear the name of such existing streets. Duplication of existing street names, irrespective of the use of suffix, street, road, boulevard, drive, place, or court, shall not be permitted. No street names shall be used that have not been approved by the village administrator or designee and/or the plan commission.

DIVISION 5. GENERAL ADDITIONAL REQUIREMENTS

14.2.129 Preservation of natural features.

- (A) In all subdivisions, due regard shall be given to the preservation of natural features such as large trees, watercourses, historical and similar features. The subdivider shall make every effort to protect and retain all trees, shrubbery, vines, and grasses not actually lying in public roadways, drainage ways, 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.
- (B) No telephone service lines or electrical distribution system shall be located on overhead poles except where underground installation is impossible due to exceptional topography or other physical barrier. Plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the land division shall be approved by the village board and such plan shall be filed with the village administrator.

14.2.130 Land Suitability.

- (A) **Suitability.**
 - (1) No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by 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) In addition:
- (a) Floodlands. Any lot served by public sanitary sewer facilities shall have at least 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. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodlands. 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.
 - (b) 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.
 - (c) 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.
 - (d) 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.
 - (e) 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.
 - (f) 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.
 - (g) Lands covered by soils having a percolation rate slower than sixty (60) minutes per inch or faster than ten (10) minutes per inch and located outside the corporate limits of the Village shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

- (h) 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.
- (3) The plan commission, 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 plan commission may affirm, modify, or withdraw its determination of unsuitability.

14.2.131 Dedication of land for public use.

- (A) When a final plat of a subdivision has been approved by the board and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all land shown on the plat as dedicated to the public, including street dedications.
- (B) Whenever a preliminary plat includes a proposed dedication of land to public use and the plan commission finds that such land is not required or not suitable for public use, the plan commission may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision to include such land.
- (c) If a certified survey map or plat abuts a public road that is less than 66 feet or greater in width, there shall be made by the subdivider a dedication of land for public use, which will create a half road width of 33 feet or a whole road width of 66 feet if the subdivision encompasses both sides of the roadway.

14.2.132 RESERVED FOR FUTURE

14.2.133 Vacation of a plat of subdivision.

- (A) **Application for vacation.** The owner of a subdivision may apply to the circuit court of the county for the vacation or alteration for all or part of the recorded plat of that subdivision.
- (B) **Notice of application.** Notice of the application for the vacation or alteration of the plat shall be given at least three weeks before the application:
 - (1) By posting a written notice thereof in at least two of the most public places in the county;
 - (2) By publication of a copy of the notice once as a class 3 in a newspaper of general circulation;
 - (3) By service of the notice in the manner required by service for a summons in the circuit court on the village; and
 - (4) By mailing a copy of the notice to the owners of record of all the lots in the subdivision or the part of the subdivision proposed to be vacated or altered at their last known address.

(C) Hearing and order.

- (1) After requiring proof that the required notices have been given as set forth herein and after hearing all interested parties, the court may, in its discretion, grant an order vacating or altering the plat or any part thereof, except:
 - (a) The court shall not vacate any alleys immediately in the rear of lots fronting on county trunk highways without the prior approval of the county board or on state truck highways without the prior approval of the department of transportation.
 - (b) The court shall not vacate any parts of the plat that have been dedicated to and accepted by the public for public use, except as provided in section 11.134.

- (C) The vacation or alteration of a plat shall not affect any restrictive covenant applying to any of the platted land nor any restriction under Wis. Stats. §236.293, unless the public body having the right to enforce the restriction has in writing released or waived such restriction.

14.2.134 Vacation or alteration of areas dedicated to the public.

- (A) Parts of a plat dedicated to and accepted by the public for public use of a street, road or other public way may be vacated or altered by the circuit court of the county if:
- (1) The plat was recorded more than 40 years previous to the filing of the application for vacation or alteration; and
 - (2) During all that period the areas dedicated for public for streets, roads or other public ways were not improved as streets, roads or other public ways; and
 - (3) Those areas are not necessary to reach other platted property; and
 - (4) All the owners of all the land in the plat or part thereof sought to be vacated and the village have joined in the application for vacation.
- (B) The circuit court may vacate land platted as a public square upon the application of the village if:
- (1) The plat was recorded more than 40 years previous to the filing of the application for vacation or alteration; and

- (2) The land was never in fact developed or utilized by the village as a public square.
- (C) The circuit court may vacate land as a public park or playground upon the application of the village board where the land has never been developed by the village as a public park or playground.
- (D) When the plat is being vacated or altered which includes a street, road, alley or public walkway, said street, road, alley or public walkway may be vacated or altered by the circuit court proceeding under Wis. Stats. §236.41 and Wis. Stats. §236.42 upon the following conditions:
 - (1) A resolution is passed by the board requesting such vacation or alteration.
 - (2) The owners of all frontage of the lots and lands abutting on such portion sought to be vacated or altered request in writing that such action be taken.

DIVISION 6. DESIGN STANDARDS

14.2.135 Conformance to applicable rules and regulations.

In addition to the design standards established in this division, all subdivision plats shall comply with the following laws, ordinances, rules and regulations:

- (A) The provisions of Wis. Stats. ch. 236.
- (B) Any officially adopted plans or maps of the village.
- (C) The rules of the board of health relating to lot size and lot elevation if the subdivision is not served by a public sewer and provision for such service has not been made.
- (D) The rules of the department of transportation relating to safety of access and the preservation of the public interest and investment in the streets if the subdivision or any lot contained in the subdivision abuts a state trunk highway or connecting street.

14.2.136 Streets, alleys, and sidewalks.

- (A) **General considerations.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with existing, planned, or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the subdivision, unless prevented by topography or other physical conditions, or unless in the opinion of the plan commission, such extension is not necessary or desirable to coordinate the street layout in the subdivision with existing or planned streets serving adjacent tracts. The subdivider shall make every effort to provide for safe and convenient motor vehicle, emergency apparatus, bicycle, and pedestrian circulation into, within, and between subdivisions. The use of cul-de-sacs within subdivisions shall be kept to a minimum.
- (B) Arrangement.
- (1) All streets shall be properly integrated with any existing and proposed system of thoroughfares and dedicated rights-of-way.
 - (2) All thoroughfares shall be properly related to special traffic generators, such as industries, business districts, schools, churches and shopping centers, to population densities, and to the patterns of existing and proposed land uses.
 - (3) Minor streets shall be laid out to conform as much as possible to the topography, to discourage use by through traffic, to permit efficient drainage and sewerage systems, and to require the minimum amount of streets necessary to provide convenient and safe access to property.
 - (4) The rigid rectangular gridiron street pattern need not necessarily be adhered to; however, the use of curvilinear streets, cul-de-sac or U-shaped streets shall be held to a minimum and used only where it will result in a more desirable layout.
 - (5) Proposed streets shall be extended to the boundary lines of the tract to be subdivided with full improvements unless prevented by topography or other physical conditions, or unless in the opinion of the plan commission such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.

- (6) In business and industrial developments, the streets and other access ways shall be planned in connection with the grouping of buildings, location of rail facilities, and the provision of alleys, truck loading and maneuvering areas, and walks and parking areas so as to minimize conflict of movement between the various types of traffic, including pedestrian.
- (C) **Access to major streets.** Where a subdivision borders on or contains an existing or proposed major street, the plan commission may require that access to such streets be limited by one of the following means:
- (1) A parallel street supplying frontage for lots backing onto the major street, such lots to be provided with screen planting contained in a non-access reservation along the rear property line.
 - (2) A series of cul-de-sacs, U-shaped streets, or short loops entered from and designed generally at right angles to such a parallel street, with the rear lines of their terminal lots backing onto the major street.
 - (3) A marginal-access street or service drive, separated from the major street by a planting or grass strip and having access thereto at suitable points.
 - (4) The number of residential streets entering a major street shall be kept to a minimum.
- (D) **Width of streets.** The minimum right-of-way and paving widths of all streets, excluding curb and gutter width, shall be as indicated below:

	<i>Type of Street</i>	<i>Paving (feet)</i>	<i>R.O.W. (feet)</i>
(1)	Residential or minor street	32	66
(2)	Marginal-access street	32	66
(3)	Collector street	40	80
(4)	Major arterial	48	100

*The plan commission, upon recommendation of the village administrator, shall establish the definite paving widths for each particular subdivision.

- (E) **Street grades.** The grade of major streets shall not exceed six percent unless necessitated by exceptional topography and approved by the plan commission. The grade of all other streets shall not exceed ten percent. The minimum grade of all streets shall be five-tenths of one percent. Pedestrian ways or crosswalks shall not exceed 12:1 (horizontal:vertical) grade unless steps of an approved design are to be constructed. All grades shall be taken from the finished actual road grade in all plats.

(F) **Vertical curves.** All changes in street grade shall be connected by vertical curves of a minimum length in feet equivalent to 15 times the algebraic difference in the percent of grade for major arterials and half this minimum length for all other streets. No vertical curve less than 50 feet in length is required.

(G) **Horizontal curves.** The minimum sight distance with clear visibility measured along the center line shall be provided as follows:

	<i>Type of Street</i>	<i>Minimum Sight Distance (feet)</i>
(1)	Major arterials	500
(2)	Collector streets	300
(3)	Minor streets	100

(H) **Tangents.** A tangent at least 100 feet in length shall be introduced between reverse curves on major arterials and collector streets.

(I) **Cul-de-sacs or dead-end streets.**

(1) The use of cul-de-sacs in street layouts shall be limited to portions of developments that, due to unusual shape, size, location or topography, may better be served by cul-de-sacs than by continuous streets. A layout making unrestricted use of cul-de-sacs or courts will not be acceptable.

(2) A cul-de-sac shall not be longer than 500 feet, measured on its centerline, unless, by reason of topography or other circumstances beyond the control of the subdivider, the plan commission, upon the recommendation of the Village Administrator, finds a greater length to be justifiable.

(3) The diameter of a cul-de-sac turnaround (measured as the outside right-of-way) shall be not less than 100 feet.

(J) **Half streets.** No plat shall contain half streets. Where an existing half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider.

(K) **Street intersections.**

- (1) Streets shall be laid out so as to intersect as nearly as possible at right angles. A proposed intersection of two new streets at an angle of less than 70 degrees shall not be acceptable. Not more than two streets shall intersect at any one point unless specifically approved by the plan commission.
- (2) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such street. Street jogs with centerline offsets of less than 125 feet shall not be permitted. Where streets intersect major streets, their alignment shall be continuous.
- (3) Where the grade of any street at the approach of an intersection exceeds seven percent, a leveling area shall be provided having not greater than four percent grade, a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.
- (4) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the subdivider shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

(L) **Alleys.**

- (1) Alleys shall be provided in all business, commercial and industrial districts; except that the plan commission may waive this requirement where other definite and suitable provision is made for service access such as off-street loading and parking, consistent with and adequate for the uses proposed.
- (2) The width of alleys shall be not less than 24 feet.
- (3) Dead-end alleys are prohibited except under very unusual circumstances, and crooked and T alleys shall be discouraged. Where dead-end alleys are unavoidable, they shall be provided with adequate turnaround facilities at the dead end.
- (4) Alleys shall not be approved in residential areas.

- (M) **Curb & Gutter.** The subdivider shall provide concrete curb and gutter on all streets in accordance with the plans and specifications approved by the village board. Wherever possible, provisions shall be made at the time of construction for driveway access curb cuts. No building permit shall be issued for the construction of any building before the installation of curb and gutter, unless approved by the plan commission.
- (N) **Sidewalks.** The subdivider shall provide a sidewalk on both sides of arterial and collector streets. Sidewalks along minor streets shall be provided on at least one side of the street if within one thousand (1,000) feet of a school. Sidewalks shall have a minimum width of five (5) feet. The right-of-way alongside of any street where sidewalks are not required by this subsection shall be graded so as to accommodate the future construction of sidewalks along that side of the street. If the subdivider can show that terrain or other physical obstructions or factors will prohibit future sidewalk construction, the village board may waive or modify the requirements of this provision in the developer's agreement.
- (O) **Temporary Dead-ends.** Temporary dead-ends or cul-de-sacs shall not exceed 1,000 feet in length and shall meet all of the following standards:
- (1) A temporary turnaround is required if the street serves more than one lot on either side of the street.
 - (2) A temporary "T" turnaround is required if the distance from the centerline of the nearest street intersection to the farthest lot line of the last lot of the applicable construction phase is 400 feet or less. The "T" turnaround shall have a minimum width of 24 feet, a minimum transverse length of 60 feet, a minimum radius of 10 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base.
 - (3) Either a temporary "T" or temporary circular turnaround shall be required as determined by the village administrator when the closed end of a dead-end street is not visible from the nearest intersection or when the distance from the nearest intersection or when the distance from the centerline of the nearest intersecting street to the farthest lot line of the last lot in the construction phase is greater than 400 feet. A temporary "T" turnaround shall be constructed as specified in par. (o)(2). Circular turnarounds shall have a minimum radius of 40 feet and be surfaced with 2 inches of bituminous asphalt over a 10 inch stone base.

14.2.137 Easements.

- (A) Easements associated with a CSM, Condo Plat, or Subdivision Plat shall be created by a separate easement document and shown on the face of the document referencing the document number by which the easement was created. The easement document shall clearly identify the party to which is receiving the benefit of the easement and the specific use being conveyed. All public utility easements shall be provided to the benefit of the Village of Marathon City who may grant rights of use to utilities upon request.
- (B) Easements for dry public utilities (electric, cable, telephone, fiber optic, etc) shall be a minimum of 10 feet in width centered on a lot line unless otherwise determined appropriate.
- (C) Easements for wet public utilities (sanitary, water distribution, storm pipes, etc) shall be a minimum of 20 feet in width centered on a lot line unless otherwise determined appropriate based on the type, size, and depth of the utility.
- (D) Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially to the lines of such watercourse, and of such width or construction or both as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. When drainage from three or more lots is concentrated into an overland ditch or swale, a storm water drainage easement shall be provided over the drain way of acceptable width.

14.2.138 Blocks.

- (A) Residential blocks.
 - (1) Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.
 - (2) The lengths, widths and shapes of blocks shall be such as are appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,800 feet nor be less than 400 feet in length. Wherever practicable, blocks along major arterials and collector streets shall be not less than 1,000 feet in length.

- (3) Pedestrian crosswalks, not less than ten feet wide, may be required by the plan commission through the center of blocks more than 1,000 feet long where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.
- (B) **Nonresidential blocks.** Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the plan commission for the prospective use.

14.2.139 Lots.

- (A) In general, the size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. Lot dimensions shall conform to the requirements of the village zoning code.
- (B) All plats shall indicate building setback lines or yards equivalent to those required in the village zoning code.
- (C) Residential lots to be served by private or individual sewage disposal facilities shall comply with the rules of the board of health.
- (D) Depth and width of properties reserved or laid out for business, commercial or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development.
- (E) Corner lots for residential use shall have extra width to permit full building setback as required in the village zoning code.
- (F) Every lot shall front on or about a public street. Lots with access only to private drives or streets shall be permitted only with the approval of the plan commission.
- (G) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (H) Lots at right angles to each other shall be avoided wherever possible, especially in residential areas.

- (I) If a tract is subdivided into parcels containing one or more acres, such parcels shall be arranged to allow the re-subdivision of any parcels into smaller lots in accordance with the provisions of this Ordinance.
- (J) Lot lines shall follow village boundary lines whenever practicable, rather than cross them.
- (K) 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.

14.2.140 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 Code. A non-residential subdivision shall be subject to all the requirements of this Ordinance, 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 component thereof, or Official Map and the village zoning code.

(B) **Standards.** In addition to the principles and standards in this Ordinance, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the plan commission that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes in to 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 administrator with respect to street, curb, gutter and sidewalk design and construction.

- (4) Special requirements may be imposed by the village administrator with respect to the installation of public utilities, including water, sewer and stormwater 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.

ARTICLE III.

DIVISIONS OTHER THAN SUBDIVISIONS

14.3.141 Procedure for approval and appeals.

- (A) When required to create a certified survey map by Wis. Stats. § 236.34, the divider shall file such certified survey map with the village administrator, which shall, within ten working days approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.
- (B) If a new road or an extension of an existing road is to be dedicated by a certified survey map, such map shall be reviewed by the plan commission at their next regularly scheduled meeting. The plan commission then has ninety (90) days to approve, approve conditionally or reject the map. The divider shall be notified in writing of any conditions of approval or the reasons for rejection.
- (C) The approval or disapproval of a certified survey map by the Village Administrator and/or the plan commission is appealable to the board of appeals. Appeals shall be filed within 30 days of the date of the written decision of the Village Administrator and/or the plan commission on forms available at the municipal center.
- (D) **Recordation.** The divider shall record the certified survey map with the Marathon County Register of Deeds within six (6) months of approval.
- (E) **Copies.** The divider shall file one copy of the recorded certified survey map, containing Register of Deeds signature and documentation (volume/page, etc.), to the Village Clerk for department of public works files within thirty (30) days from the recording date at the Marathon County Register of Deeds.

14.3.142 Requirements.

In addition to the requirements set forth in this Ordinance, all of the requirements of Wis. Stats. §236.34 are adopted and by reference made a part of this Ordinance as if fully set forth. Any act required to be performed or prohibited by the statute incorporated in this section by reference is required or prohibited by this Ordinance.

14.3.143 Certified survey map review checklist.

- (A) The following certified survey map review checklist shall be utilized by the Village Board and/or the plan commission in determining whether or not approval should be given to the proposed certified survey map:

- (1) Location of all watercourses, drainageways and surface drainage patterns should be shown.
- (2) All easements of record should be shown.
- (3) Where applicable, the regional floodplain boundary and the vertical contour line, which is two feet above the regional flood elevation, should be shown.
- (4) Wetland boundaries from the department of natural resources wetland inventory maps should be shown.
- (5) All other applicable survey standards shall be maintained by the surveyor.
- (6) Where the certified survey map requires dedication for a public road, the subdivider shall follow the intent of the subdivision roadway and drainage inspection report.
- (7) All public road dedications shall be a minimum 66 feet (four rods) wide.
- (8) Each lot must have access to a public street.
- (9) Location of existing buildings, wells and septic tanks should be shown.
- (10) Lots must comply with minimum frontage and area for their zoning classification.
- (11) If any land area contiguous to any part of a proposed certified survey map includes more than four parcels of land, the map shall be forwarded to the plan commission for its review.
- (12) If determined to be necessary due to public road extensions, public utilities, drainage or other special circumstances, the appropriate preliminary engineering information and studies shall be provided by subdivider along with the proposed certified survey map, upon request of the Village.

14.3.144 Subdivisions created by successive divisions.

Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this Ordinance, the board may, in lieu thereof, order an assessor's plat to be made under the provisions of Wis. Stats. § 70.27 and may assess the costs as provided in such section, or to the subdivider. Regardless of the type of plat filed, any such subdivision shall comply with all the provisions of this Ordinance to the extent that they may reasonably be applied.

14.3.145 Land abutting a private way.

No person shall sell any parcel of land of two acres or less in size if it abuts a road that has not been accepted as a public road.

14.3.146 Replats.

A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part. However, a replat may be made and recorded without taking court action to vacate the original plat when all the parties interested in such replat agree in writing, and the replat is in accordance with all applicable provisions of this Ordinance and has been approved by the village board.