

Chapter 272

SUBDIVISION OF LAND

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[**HISTORY: Adopted by the Village Board of the Village of Albany 5-11-1992 as Title 14, Ch. 1 of the 1992 Code. Amendments noted where applicable.**]

GENERAL REFERENCES

Plan Commission -- See Ch. 16, § 16-3.
Building construction -- See Ch. 86.
Erosion control -- See Ch. 122.
Fair Housing -- See Ch. 126.
Streets and sidewalks -- See Ch. 232.
Utilities -- See Ch. 249.
Floodplain zoning -- See Ch. 270.
Shoreland-wetland zoning -- See Ch. 271.
Zoning -- See Ch. 273.

ARTICLE I
Statutory Authority; Purpose; Title

§ 272-1. Introduction and purpose.

A. Introduction. In accordance with the authority granted by W.S.A. s. 236.45 and for the purposes listed in W.S.A. ss. 236.01 and 236.45, the Village Board of the Village of Albany, Wisconsin, does hereby ordain as follows:

(1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Albany.

(2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.

B. Purpose. The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to

sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces and providing for the most appropriate use of land in the Village of Albany.

State Law Reference: W.S.A. ch. 236.

§ 272-2. Abrogation and greater restrictions.

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

§ 272-3. Interpretation.

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

§ 272-4. Title.

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

ARTICLE II Terminology

§ 272-5. Definitions.

The following definitions shall be applicable in this chapter:

ALIQUOT PART -- An area of land which is normally square or rectangular or the sides of which are nominally parallel to the section lines and the tract can be accurately described for tax purposes by half section, quarter section, quarter-quarter section description. Aliquot part shall also mean the division of existing lots by the description, e.g., the east half of Lot 10 or the west 45 feet in equal width of Lot 16.

ALLEY -- A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

ARTERIAL STREET -- A street which provides for the movement of relatively fast or heavy traffic to, from or within the village. It has a secondary function of providing access to abutting land.

BLOCK -- An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

BUILDING LINE -- A line parallel to a lot line and at a distance from the lot line to comply with Chapter 273, Zoning, yard and setback requirements.

CERTIFIED SURVEY MAP -- A map of land division, prepared in accordance with W.S.A. s. 236.1, and in full compliance with this chapter.

COLLECTOR STREET -- A street which collects and carries traffic within an area such as a residential neighborhood between arterial streets and local streets. It includes principal entrance streets to residential subdivisions. It provides access to abutting property.

COMMISSIONS -- The Plan Commission created by the Village Board pursuant to W.S.A. s. 62.23.

COMPREHENSIVE DEVELOPMENT 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.

CONDOMINIUM DEVELOPMENT -- A real estate development in which a condominium form of ownership, pursuant to W.S.A. ch. 703 is utilized.

CUL-DE-SAC -- A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

DIVISION OF LAND -- Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed or a certified survey.

EASEMENT -- The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION -- The unincorporated area within 1 1/2 miles of a 4th class city or a village and within three miles of all other cities.

FINAL PLAT -- The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the Green County Register of Deeds.

FRONTAGE STREET -- A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

IMPROVEMENT, PUBLIC -- Any sanitary sewer, storm sewer, open channel, curb and gutter, water main, roadway, park, parkway, public access, sidewalk, pedestrianway, planting strip or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

LOCAL STREET -- A street used primarily for access to abutting properties and connecting with not more than two local or collector streets and not exceeding 1,000 feet in length.

LOT -- A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

LOT AREA -- The area contained within the exterior boundaries of a lot, excluding streets, and land under navigable bodies of water.

LOT, CORNER -- A lot abutting intersecting streets at their intersection.

LOT LINES -- The peripheral boundaries of a "lot," as defined herein.

LOT, REVERSED CORNER -- A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

LOT, THROUGH -- A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

LOT WIDTH -- The width of a parcel of land measured along the front building line.

MASTER PLAN -- The extensively developed plan, adopted by the Plan Commission and certified to the Village Board pursuant to W.S.A. s. 62.23, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, Official Map, land division and building line ordinances and capital improvement programs shall also be considered a part of the Master Plan.

MINOR SUBDIVISION -- The division of land by the owner or subdivider resulting in the creation of two parcels or building sites, any one of which is four acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or parcel.

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

OUTLOT -- A parcel of land, other than a lot or block, so designated on the plat.

OWNER -- Includes the plural as well as the singular, and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.

PEDESTRIAN PATHWAY -- A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

PLANNED UNIT DEVELOPMENT (or CLUSTER DEVELOPMENT or PUD)

-- A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering buildings, providing common open space and mixing different types of housing (single-family, duplexes and apartments). Ordinances permitting planned unit development permit planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and subdivision regulation, since such developments require exceptions from both types of regulation.

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

PRELIMINARY PLAT -- The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission/Village Board for their consideration as to compliance with the Comprehensive Development Plan, Chapter 273, Zoning, and these regulations, along with required supporting data.

PROTECTIVE COVENANTS -- Contracts entered into between private parties or between private parties and public bodies pursuant to W.S.A. s. 236.293 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.

REPLAT -- The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.

SHORELANDS -- Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

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

SUBDIVISION:

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

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

(2) Three or more parcels or building sites of four acres each or less in area are created by successive divisions within a period of five years.

(3) The act of division or the creation of any parcels or building sites results in the creation or alteration of any street or alley.

B. The definitions herein shall apply with equal effect to the division or creation of parcels or building sites, whether or not said tracts shall, at such time, be part of a previously platted subdivision.

SURVEYOR -- A State of Wisconsin registered land surveyor.

URBAN SERVICE AREA -- The area expected to be served by public sanitary sewer and water utility within the next twenty-year period as mapped in the Village Master Plan.

VILLAGE -- Village of Albany, Green County, Wisconsin.

WETLANDS -- An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrolytic vegetation and which has soils indicative of wet conditions [W.S.A. s. 23.32(1)].

WISCONSIN ADMINISTRATIVE CODE -- The rules of administrative agencies having rulemaking authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by W.S.A. s. 35.93 and ch. 227, including subsequent amendments to those rules.

ARTICLE III General Provisions

§ 272-6. Compliance; jurisdiction; applicability.

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

- (1) The provisions of W.S.A. ch. 236 and s. 80.08.
- (2) The rules of the Division of Health, Wisconsin Department of Industry, Labor and Human Relations, contained in Wis. Adm. Code Chapter H 85 for minor land divisions and subdivisions not served by public sewer.
- (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code Chapter HY 33 or subdivisions which abut a state trunk highway or connecting street.
- (4) The rules of the Wisconsin Department of Natural Resources contained in the Wis. Adm. Code for Floodplain Management Program.
- (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
- (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The Village of Albany Master Plan, or components thereof.

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

B. Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Albany and the extraterritorial jurisdiction of the village. The provisions of this chapter, as they apply to divisions of tracts of land into less than five parcels, shall not apply to:

(1) Transfers of interests in land by will or pursuant to court order.

(2) Leases for a term not to exceed 10 years, mortgages or easements.

(3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter or other applicable laws or ordinances.

(4) Cemetery plats under W.S.A. s. 157.07.

(5) Assessors' plats made under W.S.A. s. 70.27, but such assessors' plats shall comply with W.S.A. s. 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c).

C. Certified survey. Any division of land other than a subdivision as defined in W.S.A. s. 236.02(12) shall be surveyed and a certified survey map prepared as provided in W.S.A. s. 236.34.¹

D. Building permits. The Village of Albany 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 Albany on or after the effective date of this chapter until the applicant has complied with all of the provisions and requirements of this chapter.

E. Applicability to condominiums. This chapter is expressly applicable to condominium developments within the village's jurisdiction, pursuant to W.S.A. s. 703.27(1). For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.

§ 272-7. Land suitability; maintaining existing flora.

A. Suitability.

(1) No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the community.

(2) The Village Board, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, industrial or institutional use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board may affirm, modify or withdraw its determination of unsuitability.

¹ Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

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

§ 272-8. Condominium developments.

A. Purpose.

(1) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.

(2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The village determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.

(3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:

- (a) Additional population density.
- (b) Possibility of use of particular land in a manner unsuitable to the land's characteristics.
- (c) Additional demands upon town area parks, recreation areas, utility facilities and schools.
- (d) Additional traffic and street use.

B. Portions of chapter applicable to condominium developments. The following sections of this chapter shall apply to condominium developments:

- (1) Section 272-7, relating to land suitability and construction practices.
- (2) Sections 272-10 through 272-12, relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in § 272-16 shall not apply, since condominiums have separate technical standards set forth in W.S.A. ch. 703.
- (3) Article X, relating to fees for review.
- (4) Article VI, relating to required improvements.

(5) Article VII, relating to design standards for improvements.

(6) Article VIII, relating to dedication requirements.

C. This section shall not apply to the following condominiums:

(1) Any condominium plat recorded prior to the effective date of this chapter.

(2) Any conversion of a structure or structures in existence on the effective date of this chapter to a condominium after the effective date of this chapter.

§ 272-9. Subdivider's agreement. [Added 11-13-1995 by Ord. No. 05-95]

At the time of filing an application for a preliminary or final plat, the applicant shall also execute a preliminary or final subdivider's agreement with the village in a form from time to time approved by the Village Board, agreeing to reimburse the village for all administrative, engineering and legal fees incurred in the review of the preliminary or final plat, and shall deposit with the Village Clerk a letter of credit, cashier's check or cash in an amount estimated to cover such costs as determined by the Village Board. The Village Clerk shall draw against such deposit or letter of credit for payment of all administrative, engineering, legal and other costs incurred by the village in reviewing the preliminary or final plat. Upon final approval or rejection of the preliminary plat by the Village Board, the Village Clerk shall, within 15 days, refund any excess, including accrued interest, to the subdivider. If at any time prior to final approval of the preliminary or final plat or part thereof the deposit shall be insufficient to reimburse the village for its expenses, the subdivider shall deposit additional security within 15 days or the plat shall be rejected.

ARTICLE IV
Plat Review and Approval

§ 272-10. Preliminary consultation.

Before filing a preliminary plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, Comprehensive Plan components and duly adopted plan implementation devices of the village and to otherwise assist the subdivider in planning his development. In so doing, both the divider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

§ 272-11. Submission of preliminary plat.

A. Submission. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 5 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the

subdivider shall file copies of the plat and the application as required by this section with the Village Clerk-Treasurer at least 25 days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Plan Commission and to the Village Engineer for review and written report of his recommendations and reactions to the proposed plat.²

B. Public improvements, plans and specifications. Simultaneously with the filing of the preliminary plat of map, the owner shall file with the Village Clerk-Treasurer 5 complete sets of engineering reports and plans for the construction of any public improvements required by this chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.³

C. Property owners' association; restrictive covenants. A draft of the legal instruments and rules for proposed property owners' associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the village pursuant to W.S.A. s. 236.293, and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the preliminary plat with the Village Clerk-Treasurer.

D. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

E. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:

(1) Use statement. A statement of the proposed use of lots, stating the type of residential buildings with number of proposed dwelling units; and types of business or industry, so as to reveal the effect of the development on traffic, fire hazards and congestion of population.

(2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.

(3) Area plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Village Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.

F. Street plans and profiles. The subdivider shall provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision, when requested.

G. Soil testing. The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in § 272-7, 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 groundwater table.

²Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

³Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

H. Referral to other agencies.

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

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

(3) In lieu of the procedure under Subsection H(1), the subdivider or the subdivider's agent may submit the original plat to the Department of Development, which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Development. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.

I. Drafting standards. The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in W.S.A. ch. 236 copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor, which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet, having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

§ 272-12. Preliminary plat review and approval.

A. Plan Commission review.

(1) After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within 60 days, or within such time as extended by agreement with the subdivider of its submission, approve, approve conditionally or reject the plat. The subdivider shall be notified, in writing, of any conditions for approval or the reasons for rejection. Such action of the Plan Commission shall be submitted to the Village Board for approval, and the subdivider shall be notified, in writing, of any changes or modifications in the action of the Plan Commission and the reasons therefor.

(2) The Village Clerk-Treasurer shall give notice of the Plan Commission's review of the preliminary plat by listing it as an agenda item in the Commission's meeting notice. The notice shall include the name of the applicant, the address of the property in question and the requested action.

B. Board review; public hearing. The Clerk-Treasurer shall schedule a public hearing on the preliminary plat before the Village Board. The Clerk-Treasurer shall give notice of the Village Board's review and public hearing on the preliminary plat or certified survey by listing it as an agenda item in the Board's meeting, notice published in the official village newspaper. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 100 feet of the proposed land division shall receive written notice of the public hearing.

C. Board action. After receipt of the Plan Commission's recommendation, the Village Board shall, within 90 days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the preliminary plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.

D. Effect of preliminary plat approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within six months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.

E. Preliminary plat amendment. Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

§ 272-13. Final plat review and approval.

A. Filing requirements.

(1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 5 copies of the plat and the application with the Village Clerk-Treasurer at least 15 days prior to the meeting of the Plan Commission at which action is

desired. The Village Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in § 272-12A(2). The owner or subdivider shall file 5 copies of the final plat not later than six months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested, in writing, by the subdivider and for good cause granted by the village. The owner or subdivider shall also submit at this time a certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant.⁴

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

(3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by W.S.A. s. 236.12(2).

(4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer 12 copies of the final plans and specifications of public improvements required by this chapter and a signed copy of the developer's contract required by § 272-21.

(5) The Village Clerk-Treasurer shall refer two copies of the final plat to the Plan Commission, one copy to the Village Engineer and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report may be referred to the Village Attorney for his examination and report. The Village Clerk-Treasurer shall also refer the final plans and specifications of public improvements to the Village Engineer for review. The recommendations of the Plan Commission and the Village Engineer shall be made within 30 days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify, in writing, to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.

B. Plan Commission review.

(1) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Village Board.

(2) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting

⁴Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

agencies of any objections, except that the Wisconsin Department of Development has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the village. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

(3) If the final plat is not submitted within six months of the last-required approval of the preliminary plat, the Village Board may refuse to approve the final plat.

(4) The Plan Commission shall, within 30 days of the date of filing of the final plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

C. Board review and approval.

(1) The Village Board shall, within 60 days of the date of filing the original final plat with the Village Clerk-Treasurer, approve or reject such plat unless the time is extended by agreement with the subdivider. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the final plat unless the Village Clerk-Treasurer certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.

(2) The Village Board shall, when it determines to approve a final plat, give at least 10 days' prior written notice of its intention to the Municipal Clerk-Treasurer of any municipality within 1,000 feet of the final plat.

(3) Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

D. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties ensuring their installation is filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds cannot record the plat unless it is offered within six months from the date of last approval.

E. Copies. The subdivider shall file eight copies of the final plat with the Village Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts and other affected agencies for their files.

F. Partial platting. The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

G. Plats within the extraterritorial plat approval jurisdiction. When the land to be subdivided lies within 1 1/2 miles of the corporate limits of the village, the subdivider shall proceed as specified in §§ 272-12 and 272-13, except:

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

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

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

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

§ 272-14. Minor land division (certified survey map).

A. Use of certified survey map. When it is proposed to divide land into at least two but no more than four parcels or building sites, or when it is proposed to create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than 1 1/2 acres in size (thus not constituting a "subdivision" as defined in this chapter), the subdivider shall prepare a certified survey map in accordance with this chapter and shall file 10 copies of the map and the letter of application with the Village Clerk-Treasurer at least 15 days prior to the meeting of the Plan Commission at which action is desired.

B. Referral to Plan Commission. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Plan Commission.

C. Review by other village agencies. The Plan Commission shall transmit a copy of the map to all affected village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans.

D. Review and approval. The Plan Commission shall, within 30 days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. Following public hearing in the manner used for preliminary plats, the Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within 60 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider.

E. Recordation. The subdivider shall record the map with the County Register of Deeds within 30 days of the approval.

F. Copies. The subdivider shall file five copies of the certified survey map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor and other affected departments for their files.

G. Aliquot part description.

(1) In the case of a lot or lots which can be severally described by aliquot part description, the Board may waive the certified survey map requirements of this section.

(2) Where certified survey map requirements have been waived, evidence shall be provided in the form of a plat of survey prepared by a registered land surveyor and conforming to Section A-E 5.01, Minimum Standards for Property Surveys, of the State of Wisconsin Administrative Code.

(3) In no case shall a parcel resulting in a land division be in nonconformance with the requirements of this chapter.

§ 272-15. Replat.

A. Except as provided in W.S.A. s. 70.27(1), when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in W.S.A. ss. 236.40 through 236.44. The subdivider or person wishing to replat shall then proceed, using the procedures for preliminary and final plats.

B. The Village Clerk-Treasurer shall schedule a public hearing before the Plan Commission when a preliminary plat of a replat of lands within the village is filed and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

C. Where lots are more than double the minimum size required for the applicable zoning district, the Plan Commission may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the chapter.

ARTICLE V Technical Requirements for Plats and Certified Survey Maps

§ 272-16. Technical requirements for preliminary plats.

A. General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on Mylar at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

(1) Title under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is in addition to a previously recorded plat and is so stated on the plat.

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

- (3) Date, scale and North point.
- (4) Names and addresses of the owner, subdivider and land surveyor preparing the plat.

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

(6) General location sketch showing the location of the subdivision within the United States Public Land Survey section.

B. Plat data. All preliminary plats shall show the following:

(1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the United States Public Land Survey and the total acreage encompassed thereby.

(2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.

(3) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(4) Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.

(5) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center line elevations.

(6) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of public and private manholes, catch basins, hydrants, electric and communication facilities, whether overhead or underground, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations, all to mean sea level (1929 datum).

(7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.

(8) Existing zoning on and adjacent to the proposed subdivision.

(9) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum (National Geodetic Datum of 1929) at vertical intervals of not more than two feet.

At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.

(10) High-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.

(11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.

(12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.

(13) Location, width and names of all proposed streets and public rights-of-way, such as alleys and easements.

(14) Approximate dimensions of all lots, together with proposed lot and block numbers. The area in square feet of each lot shall be provided.

(15) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.

(16) Approximate radii of all curves.

(17) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.

(18) Any proposed lake and stream improvement or relocation and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.

(19) Where the Plan Commission or Village Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request, in writing, such information from the subdivider.

C. Other information. The following additional information and data shall be submitted with the preliminary plat, but need not be on the face of the preliminary plat drawing:

(1) A feasibility plan for use of adjoining vacant lands in order to demonstrate how the proposed development fits into both existing and planned land uses for the surrounding area.

(2) Proposed deed restrictions and protective covenants.

(3) Tentative cross sections and center line profiles for each proposed street shown on the preliminary plat, showing type of pavement and curb installations.

(4) A plan of the proposed water distribution system, showing pipe sizes and location of valves and fire hydrants or a plan showing the location of individual wells.

(5) Information provided to Plan Commission.

(a) If the subdivider is a corporation, the full legal name of the corporation as it appears of record in the office of the Secretary of State shall be furnished to the Plan Commission at the time the preliminary plat is submitted, together with the address of the principal officer of said corporation, the name and address of its registered agent, the names and addresses of all officers and directors of said corporation and the names and addresses of all persons, firms or corporations owning stock in said corporation.

(b) If the subdivider is a partnership, joint venture or other association, the names and addresses of all persons, firms or corporation involved shall be furnished to the Plan Commission at the time the preliminary plat is submitted.

(6) Grading plans shall be submitted with the preliminary plat, indicating existing grades, building grades and landscaping.

(7) Erosion control and storm runoff. The preliminary plat submitted shall be accompanied by an erosion control plan and storm runoff plan which complies with Chapter 86, Building Construction, Chapter 122, Erosion Control, and Chapter 126, Fair Housing.

D. Additional information. The Plan Commission may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

§ 272-17. Technical requirements for final plats.

A. General. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of W.S.A. s. 236.20 and this chapter.

B. Additional information. The final plat shall show correctly on its face, in addition to the information required by W.S.A. s. 236.20, the following:

(1) Exact length and bearing of the center line of all streets.

(2) Exact street width along the line of an obliquely intersecting street.

(3) Exact location and description of streetlighting and lighting utility easements as determined by the utilities serving the area.

(4) Railroad rights-of-way within and abutting the plat.

(5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.

(6) Special restrictions required by the Plan Commission relating to access control along public ways or to the provision of planting strips.

(7) Setback or building lines required by the Plan Commission or other village codes and ordinances.

(8) Utility and/or drainage easements.

C. Deed restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the final plat.

D. Property owners' association. The legal instruments creating a property owners' association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.

E. Survey accuracy.

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

(2) Maximum error of closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1 to 10,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

(3) Street, block and lot dimensions. All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of 1 to 5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

(4) Plat location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the village or county, the tie required by W.S.A. s. 236.20(3)(b) shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision. The Plan Commission shall receive the results of the Village Engineer's examination prior to approving the final plat and make a recommendation to the Village Board.

F. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of W.S.A. s. 236.15.

G. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the village or county, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field

measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System, South Zone, and adjusted to the village's control survey.

H. Certificates. All final plats shall provide all the certificates required by W.S.A. s. 236.21; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

I. Recording. The final plat shall only be recorded with the County Register of Deeds after the certificates of the Director of the Planning Function in the Wisconsin Department of Development, of the Village Board, of the Surveyor and those certificates required by W.S.A. s. 236.21 are placed on the face of the plat. The plat shall be recorded within 30 days of its approval by the Village Board.

§ 272-18. Technical requirements for certified survey map land divisions; review and approval.

A. General. A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of W.S.A. s. 236.34.

B. Additional information. The certified survey map shall show correctly on its face, in addition to the information required by W.S.A. s. 236.34, the following:

- (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
- (2) Setbacks or building lines required by the Plan Commission or other village codes and ordinances.
- (3) All lands reserved for future acquisitions.
- (4) Date of the map.
- (5) Graphic scale and North arrow.
- (6) Name and address of the owner, subdivider and surveyor.
- (7) Square footage of each parcel.
- (8) Present zoning for the parcels.
- (9) Utility and/or drainage easements.
- (10) Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Proposed elevations shall also include the estimated first-floor elevations of the principal structure for each lot shown. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed and no grade changes are intended.

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

C. State plane coordinate system. Where the map is located within a United States Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the village or county, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the village's control survey.

D. Certificates. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

E. Street dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by W.S.A. s. 236.21(2)(a).

F. Recordation. The subdivider shall record the map with the County Register of Deeds within 30 days of its approval by the Village Board and any other approving agencies. Failure to do so shall necessitate a new review and reapproval of the map by the Village Board.

G. Requirements. The certified survey map shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than 1 1/2 acres or 300 feet in width.

§ 272-19. Conformance with policies.

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

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

B. To stage new growth concurrent with public improvements in transportation and urban service facilities.

C. To minimize new development outside the urban service area.

D. To locate new multifamily development and local commercial development convenient to each other and adjacent to arterials.

E. To develop a system of interior open spaces to provide for separation of neighborhoods, stormwater drainage and for secondary circulation of pedestrian and bicycle traffic.

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

G. To encourage the use of clustering of residential development to assist in the development of the policy set forth to provide an interior open space system.

H. To avoid the wasteful use of land for urban purposes and to maintain economic balance in the community through flexible use of the regional urban land demand standards.

I. To continue to develop a system of parks and open spaces for the recreational needs of the village.

ARTICLE VI Improvements

§ 272-20. Improvements required.

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

B. General standards. The following required improvements in this chapter shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good engineering practices, approved prior to the start of construction by the Village Engineer.

C. Additional conditions. As further conditions of approval, the Village Board may require any or all of the following:

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

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

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

(4) That the subdivider dedicate easements for the purpose of assuring the unobstructed flow of solar energy across adjacent lots in the subdivision of land.

§ 272-21. Required agreement providing for proper installation of improvements.

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

B. Financial guaranties.

(1) The agreement shall require the subdivider to make an escrow deposit or, in lieu thereof, to furnish a performance bond or irrevocable letter of credit, the amount of the deposit and the penal amount of the bond to be equal to 100% of the Village Engineer's estimate of the total cost of the improvements to be furnished under the contract, including the cost of inspection.

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

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

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

§ 272-22. Required construction plans; village review; inspections.

A. Engineering reports, construction plans and specifications. As required by § 272-11, engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the preliminary plat. At the final plat stage, construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for

his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the final plat with the Village Clerk-Treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements, with a copy to the appropriate sanitary district:

- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
- (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the village's Erosion Control Center.
- (6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
- (7) Additional special plans or information as required by village officials.

B. Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both, accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.

C. Other requirements.

- (1) Approval by Engineer. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the approval of the Village Engineer.
- (2) Governmental units. Governmental units to which these bond and contract provisions may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (3) Plats outside the corporate limits. Before final approval by the village of any plat located outside the corporate limits of the village, but within the plat approval jurisdiction of the village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.

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

D. Construction and inspections.

(1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued until all improvements required by this chapter are satisfactorily completed.

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

(3) During the course of construction, the Village Engineer shall make, or cause to be made, such inspections as the village deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the village for such inspections. This fee shall be the actual cost to the village of inspectors, engineers and other parties necessary to ensure satisfactory work.

E. Record plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made three copies of record plans showing the actual location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original Mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion.

§ 272-23. Street improvements.

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this chapter:

A. General considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features, such as streams and existing tree growth, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets.

B. Construction standards. Construction of all streets shall conform to the current standards as established by the Village Board and this chapter and shall be subject to approval of the Village Engineer before acceptance.

C. Conform to Official Map. The arrangement, width, grade and location of all streets shall conform to the Official Map.

D. Street construction. After sanitary sewer, storm sewer, water and other necessary utilities have been installed, the subdivider shall construct and dedicate, as part of the subdivision, streets and curbs and gutters. The subdivider shall surface roadways to the widths prescribed by

village specifications. Construction shall be to village standard specifications for street improvements.

E. Completion of street and sidewalk construction.

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

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

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

§ 272-24. Curb and gutter.

After the installation of all utility and stormwater drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Board, on file with the Village Clerk-Treasurer. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

§ 272-25. Sidewalks.⁵

A. Sidewalks are required for the rights-of-way of major and collector streets. The Village Board may also require sidewalks for platted areas which the Village Board determines will sufficiently increase traffic volume. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

B. In addition, wider-than-standard sidewalks may be required by the village in the vicinity of schools, commercial areas and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Code if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

§ 272-26. Sanitary sewage system. [Amended 11-13-1995 by Ord. No. 06-95]

A. The subdivider shall install sanitary sewers in accordance with this Code and specifications of the Village Engineer where it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area. No private or public use shall be connected to the sewers within the subdivision or minor land division until such sewers are connected to the larger community system.

B. The subdivider shall make adequate sewage disposal systems available to each lot within the subdivision, certified survey map parcel or minor land division.

⁵Editor's Note: See also Ch. 232, Streets and Sidewalks.

C. The subdivider shall install sewer laterals to the street lot line.

D. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board.

E. The subdivider shall assume the cost of installing all sanitary sewers, eight inches in diameter or less in size, including the bringing of the sanitary sewer from where it exists to the subdivision or minor land division in question, as well as providing all sanitary sewer work within the subdivision or minor land division.

F. If greater than eight-inch-diameter sewers are required to handle the contemplated sewage flows, the costs of such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or certified survey map is to the total drainage areas to be served by such larger sewer and the excess cost either borne by the village or assessed against the total tributary drainage area.

§ 272-27. Water supply facilities. [Amended 11-13-1995 by Ord. No. 07-95]

A. The subdivider shall install water mains in accordance with this Code and specifications of the Village Engineer when it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area. No private or public use shall be connected to the water mains within the subdivision or minor land division until such water mains are connected to the larger community water supply system.

B. The subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision or minor land division.

C. The subdivider shall install water laterals to the street lot line.

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

E. The subdivider shall assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision or minor land division, including the bringing of the water main from where it exists to the subdivision or minor land division.

F. The village may bear the added cost of installing water mains greater than eight inches in diameter.⁶

§ 272-28. Stormwater drainage facilities.

A. Pursuant to § 272-41, the subdivider shall provide stormwater drainage facilities adequate to serve the subdivision or minor land division, which may include curb and gutter, catch basins and inlets, storm sewers, road ditches, open channels and water retention structures and settling basins, as may be required. Storm sewers are to be of adequate size and grade to hydraulically accommodate the ten-year storm; culverts shall be designed to accommodate the ten-year storm and shall be sized so that the twenty-five-year frequency storms do not cause flooding of the adjacent roadway. Upon the approval of the Village Engineer, stormwater swales

⁶Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

and ditches may be sized for from twenty-five- to one-hundred-year frequency storms, depending upon the estimated amount of damage that would be incurred by adjacent properties if flooding did occur. Storm drainage facilities shall be so designed as to minimize hazards to life or property, and the size, type and installation of all stormwater drains and sewers proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board, upon the recommendation of the Village Engineer. Storm sewers oversized to handle runoff from off-site properties will be installed by the subdivider; however, the cost of oversizing such larger sewers shall be prorated in proportion to the ratio which the total area of the proposed subdivision or minor land division is to the total drainage area to be served by such larger sewer and the excess cost either borne by the village or assessed against the total tributary drainage area.

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

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

§ 272-29. Other utilities.

A. The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.

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

(1) Topography, soil, water table, solid rock, boulders or other physical conditions would make underground installation unreasonable or impractical; or

(2) The lots to be served by said facilities can be served directly from existing overhead facilities.

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

§ 272-30. Streetlamps.

The subdivider shall install streetlamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed as determined by the

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

§ 272-31. Street signs.

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

§ 272-32. Erosion control.

A. Pursuant to the Village's Construction Site Erosion Control Chapter (Building Code)⁷, the subdivider shall cause all gradings, excavations, open cuts, side slopes and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

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

C. Tree cutting and shrubbery clearing shall not exceed 40% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities and, during foliage, substantially screen any development from stream or lake users.

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

E. Earthmoving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography.

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

§ 272-33. Partition fences.

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect (at the request of the adjacent property owner), keep and maintain (his portion under state law) partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer, its grantees, heirs, successors

⁷Editor's Note: See Ch. 122, Erosion Control.

and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

§ 272-34. Easements.

A. Utility easements. The Village Board, on the recommendation of appropriate departments and agencies serving the village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the easement area.

B. Drainage easements. Where a subdivision is traversed by a watercourse, drainageway, channel or stream:

(1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section; or

(2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section.

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

C. Easement locations. Such easements shall be at least 12 feet wide, or wider where recommended by the Village Engineer, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission and Village Board that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.

§ 272-35. Bicycle paths and trails.

When required by the Village Board, the subdivider shall install required bicycle paths and trails in accordance with the plans and specifications approved by the village. The subdivider shall assume the entire cost of such bicycle paths and trails, except in the case of dual bicycle paths and streets. The added cost for streets wider than those required in order to accommodate bicycle paths and trails shall be the responsibility of the municipality charged with the maintenance of the proposed facility. In the event that the subdivider wishes to install dual-lane facilities, which may

not be required by the village, the total cost of such improvements shall be borne by the subdivider.

§ 272-36. Improvements extended to limit of parcel.

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

ARTICLE VII Design Standards

§ 272-37. General street design standards.

A. Compliance with statutes. In laying out a subdivision, the owner shall conform to the provisions of W.S.A. ch. 236 and all applicable village regulations. In all cases where the requirements of this chapter are different from the requirements of W.S.A. ch. 236, the more restrictive provision shall apply.

B. Dedication. The subdivider shall dedicate land and improve streets as provided in this article and § 272-23. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Village Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.

C. Compliance with Comprehensive Plan. The arrangement, character, extent, width, grade and location of all streets shall conform to any Village Comprehensive Development Plan and to this chapter and shall be considered in their relation to existing and planned streets, to reasonable circulation of traffic, to topographical conditions, to runoff of stormwater, to public convenience and safety and in their appropriate relation to the proposed uses of the land to be served by such streets. The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same width of the existing streets in adjoining areas.

D. Areas not covered by Official Map. In areas not covered by a Village Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

E. Street classifications. Streets shall be classified as indicated below:

(1) Arterial streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles.

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

(3) Local streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems and to require the minimum street area necessary to provide safe and convenient access to abutting property.

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

F. Reserve strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the village under conditions approved by the Village Board.

G. Alleys.

(1) Commercial and industrial. Alleys shall be provided in all commercial and industrial districts for off-street loading and service access, except that the Village Board may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed.

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

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

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

H. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless, in the opinion of the Village Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with existing layout or the most advantageous future development of adjacent tracts. Dead-end streets not over 500 feet in length will be approved when necessitated by the topography.

I. Local streets. Local streets shall be so laid out so as to discourage their use by through traffic.

J. Number of intersections. The number of intersections of local streets with major streets shall be reduced to the practical minimum consistent with circulation needs and safety requirements, preferably not more than two.

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

L. Private streets. Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.

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

N. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.

O. Street grades.

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

(a) Maximum.

[1] Arterial streets: 6%.

[2] Collector streets: 7%.

[3] Local streets, alleys and frontage streets: 10%.

[4] Pedestrianways: 12%, unless steps of acceptable design are provided.

(b) The grade of any street shall in no case exceed 10% or be less than 1/2%.

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

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

P. Radii of curvature.

(1) When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

(a) Arterial streets and highways: 300 feet.

(b) Collector streets: 200 feet.

(c) Local streets: 100 feet.

(2) Curves should be provided when center line deflections exceed 1° in rural areas and in urban areas when deflection exceeds 3° .

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

R. Intersections.

(1) Property lines at street intersections of major thoroughfares shall be rounded with a radius of 15 feet or of a greater radius where the Village Engineer considers it necessary.

(2) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

(3) Number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.

S. Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Plan Commission and Village Board.

T. Culs-de-sac.

(1) Culs-de-sac. Culs-de-sac shall be no longer than 600 feet (unless topography indicates a need for a greater length) and shall terminate in a circular open space having a radius at the outside of the pavement of at least 40 feet and a diameter at the outside of the right-of-way of at least 120 feet. The use of culs-de-sac should be avoided when possible.

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

U. Limited access highway and railroad right-of-way treatment. Whenever the proposed subdivision contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:

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

(2) Commercial and industrial districts. Commercial and industrial properties shall have provided, on each side of the limited access highway, arterial street or railroad, streets

approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.

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

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

V. Street widths. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Master Plan, Official Map or neighborhood development study; or if no width is specified therein, the minimum width shall be as follows:

	Arterial (feet)	Collector (feet)	Local (feet)
Right-of-way	100	70	66
Roadway	68	42	36
Surface	48	38	31

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

X. Private roads. Private roads are prohibited, except as part of a condominium development; and the Village Board shall not permit installation of public improvements in any private road.

§ 272-38. Specifications for preparation, construction and dedication of streets and roads.

A. General requirements.

(1) Construction standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of

the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and its supplements and this chapter, whichever is more restrictive. The design requirements of this section and § 272-37 shall be applicable to all streets and roads that are to be dedicated to the village, regardless of whether such streets or roads are part of a new subdivision or land division.

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

(3) Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Albany, the applicant shall notify the Village Clerk-Treasurer. An on-site meeting will then be arranged to be attended by the Village Engineer and the applicant. Plans must be provided in order for the Village Engineer to check the design and drainage.

(4) Material slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the village before the village approves the final construction.

(5) Required inspections.

(a) The Village Engineer shall be contacted for required inspections after the following phases of construction:

- [1] Subbase grading;
- [2] Crushed aggregate base course;
- [3] Bituminous surface course; and
- [4] Shouldering.

(b) Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.

(6) Tests of materials. The village reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.

(7) Pavement samples. Samples of bituminous concrete will be taken by the village during pavement construction operations for purposes of determining that the material meets specifications.

B. Construction standards. All streets and highways constructed in the village or to be dedicated to the village shall fully comply with the following construction standards:

(1) Grading.

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

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

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

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

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

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

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

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

(2) Roadway base thickness.

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

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

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

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

(e) In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material

laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.

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

(4) Pavement thickness.

(a) Residential streets shall be constructed with curb and gutter and have a minimum of three-inches-thick compacted bituminous concrete pavement, placed in two layers, a binder course 1 1/2 inches thick and a surface course of 1 1/2 inches. On commercial, arterial or collector streets, there shall be a minimum of four inches of bituminous concrete pavement, placed in two layers, a binder course 2 1/2 inches thick and a surface course 1 1/2 inches thick. In the case of commercial, arterial or collector roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.

(b) The surface coat shall be applied as soon as reasonably possible after the application of the binder coat, consistent with sound engineering practices. In no event shall the surface coat be applied more than three weeks after application of the binder coat. If it is not possible to immediately apply the binder course, then the binder course shall be cleaned and a tack coat applied.

(c) All new streets shall be constructed with curb and gutter as directed by the Village Board. Every subdivider shall escrow sufficient funds with the Village Clerk-Treasurer prior to final plat approval to cover the cost of said bituminous paving, curb and gutter.

(5) Roadway culverts and bridges. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the Facilities Development Manual of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron endwalls.

(6) Topsoil, grass, seed, fertilizer and mulch. All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway with greater than a 2.5% slope shall be protected by erosion control materials, such as hay bales, sod, erosion control mats, etc.

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

§ 272-39. Block design standards.

A. Length; arrangement. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length in residential areas shall not exceed 1,500 feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. As a general rule, blocks shall not be less than 400 feet in length.

B. Pedestrian pathways. Pedestrian pathways, not less than 10 feet wide, may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, parks, churches, playgrounds, shopping centers, transportation and other community facilities.

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

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

§ 272-40. Lot design standards.

A. Size. The size, shape and orientation of lots shall be appropriate for the location or topography of the subdivision, the type of sewerage to be utilized and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zone as established by Chapter 273, Zoning.

B. Commercial lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by Chapter 273, Zoning.

C. Lots where abutting major highway. Residential lots fronting on major streets and highways shall be platted with extra depth or design or alleviate the effect of major street traffic on residential occupancy.

D. Corner lots. Corner lots for residential use shall have a width sufficient to provide a building setback of at least 30 feet from each street.

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

F. Side lots. Side lot lines shall be substantially at right angles to or radial to abutting street lines. Lot lines shall follow village boundary lines.

G. Double and reversed frontage lots. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

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

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

J. Large lots. Where lots are created of a size larger than normal for the area, the Village Board may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area.

K. Lot area and dimensions. Area and dimensions of all lots shall conform to the requirements of Chapter 273, Zoning, for the subdivisions within the village and to the applicable county zoning ordinance within the village's extraterritorial jurisdictional limits.

L. Lot depth. Depth of lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

M. Lot width. Width of lots shall conform to the requirements of Chapter 273, Zoning, or other applicable ordinance, and in no case shall a lot be less than 80 feet in width at the building setback line.

§ 272-41. Drainage system.

A. Drainage system required. As required by § 272-28, a drainage system shall be designed and constructed by the subdivider to provide for the proper drainage of the surface water of the subdivision and the drainage area of which it is a part. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications, as specified in this section, which have been prepared by a registered professional engineer and approved by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.

B. Drainage system plans.

(1) The subdivider shall submit to the village at the time of filing a preliminary plat a preliminary drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:

(a) Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.

(b) Quantities of flow at each inlet or culvert.

(c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.

(2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.

(3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.

(4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Engineer.

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

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

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

(a) A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.

(b) Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.

(c) Draining across rear or side lot lines may be permitted, provided that drainage onto adjoining properties is skillfully controlled.

D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A.

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

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

E. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Board and Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally, ditches or channels with grades up to 1% shall be seeded; those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)

§ 272-42. Nonresidential 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 nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in Chapter 273, Zoning, Chapter 86, Building Construction, Chapter 122, Erosion Control, and Chapter 126, Fair Housing. A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the village, and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map and Chapter 273, Zoning.

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

(1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.

(2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.

(3) Special requirements may be imposed by the Village Board with respect to street, curb, gutter and sidewalk design and construction.

(4) Special requirements may be imposed by the Village Board with respect to the installation of public utilities, including water, sewer and 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 nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

ARTICLE VIII

Park and Public Land Dedications

§ 272-43. General park and public land dedication requirements.

A. Dedication requirement. In order that adequate open spaces and sites for public uses may be properly located and reserved, and in order that the cost of providing public areas, such as but not limited to parks, recreation areas and public schools, may be equitably apportioned on the basis of additional need created by the subdivision development, each subdivider shall be required to reserve land, dedicate land or fees in lieu of land for park or other public uses. Each subdivider of land in the Village of Albany and extraterritorial plat jurisdiction area shall, at the discretion and direction of the Village Board, upon the recommendation of the Plan Commission, either dedicate open space lands designated on the Village Master Plan, Official Map or plan component, or reserve such open space lands and pay a public site fee, or, where no open space lands are directly involved, pay a public site fee. The Plan Commission shall, at the

time of reviewing the preliminary plat or certified survey map, recommend to the Village Board the land dedication option, fees in lieu of land option or reservation of additional land option and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval. The Village Board shall make the sole determination regarding the location and adequacy of the land to be dedicated.

B. General design. In the design of a subdivision, land division, certified survey map, planned unit development or condominium project, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat and shall comply with the Village Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands and plant and animal communities, as recommended by the Village Engineer and Plan Commission and approved by the Village Board.

§ 272-44. Land dedication.

A. Dedication of site option. Whenever a proposed playground, park or other public open space land designated on the Village's Comprehensive Plan, Neighborhood Unit Development Plan or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 25 proposed or potential dwelling units. "Dwelling unit" shall include a unit of a condominium development.

B. Shoreland.

(1) Lake and stream shore plats. All subdivisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark so that there will be public access, which is connected to existing public roads, at not more than one-half-mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the Wisconsin Department of Natural Resources and the Wisconsin Department of Development, and excluding shore areas where public parks or open-space streets or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by Circuit Court action. This subsection does not require the village to improve land provided for public access.

(2) Lake and stream shore plats. The lands lying between the meander line, established in accordance with W.S.A. s. 236.20(2)(g), and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. This subsection applies not only to lands proposed to be subdivided but also to all lands under option to the subdivider or in which the subdivider holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.

C. Unknown number of dwelling units. Where the plat, certified survey or condominium does not specify the number of dwelling units to be constructed, the land dedication shall be based upon the maximum number of units permitted by Chapter 273, Zoning, and this chapter.

D. Deeded to the village. Land dedicated for public purposes shall be deeded to the village at the time the final plat is approved.

E. Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.

F. Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

§ 272-45. Reservation of additional land.

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by § 272-44, the owner shall reserve for acquisition by the village, through agreement, purchase or condemnation, the remaining greater public area for a period of three years of final plat approval unless extended by mutual agreement.

§ 272-46. Development of park area.

A. When parklands are dedicated, the subdivider is required to:

(1) Properly grade and contour for proper drainage;

(2) Provide surface contour suitable for anticipated use of area; and

(3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Superintendent of Streets, fertilized with 16 to 6 to 6 at a rate of seven pounds per 1,000 square feet, and mulched. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline.

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

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

D. If the subdivider fails to satisfy the requirements of this section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

§ 272-47. Fees in lieu of land.

A. The Village Board, in its sole discretion, shall determine whether to require dedication of land or payment of money from any subdivider. If the Village Board has determined to require payment of money in lieu of dedication of land, such money shall be paid to the Village Clerk-Treasurer at the first application for approval of a final plat of such subdivision in the amount of \$150 for each dwelling unit within the plat allowed by Chapter 273, Zoning.

B. Such fee shall be placed in a nonlapsing fund to be used for park and recreational development.

C. No payment shall be required for a lot, created by the division of land under this chapter, on which a residential structure already exists or which is a residual parcel in excess of 10 acres and not intended for immediate sale or other conveyance.

D. Payment may be in a lump sum at the time of first application for a final plat or 50% may be paid when 20% of the lots are sold and the remaining 50% paid when 1/2 or 50% of the lots are sold, such deferred payment to be guaranteed by surety bond or other satisfactory financial guaranty to the village. Land divisions not in compliance with this requirement will not have building permits issued.

E. Where a lot or parcel for which payment has once been made is further divided, payment shall be required only for the additional lots or parcels created.

F. The requirement payment shall be made before the certification or approval may be affixed to the final plat.

ARTICLE IX Variances; Enforcement

§ 272-48. Variances and exceptions.

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

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

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

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

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

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

C. Such relief shall be granted without detriment to the public good without impairing the intent and purpose of this chapter or the desirable general development of the village in accordance with any Village Comprehensive Plan or component thereof, this chapter or Chapter 273, Zoning. A two-thirds majority vote of the entire membership of the Village Board shall be required to grant any modification of this chapter, and the reasons shall be entered in the minutes of the Village Board.

D. The Plan Commission may waive the placing of monuments, required under W.S.A. s. 236.15(b),(c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to ensure the placing of such monuments within the time required by the village.

§ 272-49. Enforcement; violations and penalties.

A. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a building permit by the village authorizing the building on or improvement of any subdivision, minor land division or replat with the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Village of Albany may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

B. Penalties.

(1) Any person, firm or corporation who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$100 nor more than \$1,000 and the costs of prosecution for each violation, and, in default of payment of such forfeiture costs, shall be imprisoned in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

(2) Recordation improperly made has penalties provided in W.S.A. s. 236.30.

(3) Conveyance of lots in unrecorded plats has penalties provided for in W.S.A. s. 236.31.

(4) Monuments disturbed or not placed have penalties as provided for in W.S.A. s. 236.32.

(5) Assessor's plat made under W.S.A. s. 70.27 may be ordered by the village as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

C. Appeals. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in W.S.A. ss. 236.13(5) and 62.23(7)(e)10, 14 and 15, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

ARTICLE X Fees; Development Fund

§ 272-50. Administrative and other fees.

A. General. The subdivider shall pay the Village of Albany all fees as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

B. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the village for all engineering work incurred by the village in connection with the plat or certified survey map, including inspections required by the village. The subdivider shall pay a fee equal to the actual cost to the village for such engineering work and inspection as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications, inspections and administration of the engineering work.

C. Administrative fee. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the village in connection with the plat or certified survey map.

D. Preliminary plat review fee.

(1) The subdivider shall pay a fee of \$50 for five or fewer lots and \$100 for more than five lots, plus \$5 for each dwelling unit within the preliminary plat or certified survey map to the Village Clerk-Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review.

(2) A reapplication fee of \$50 shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

E. Final plat review fee.

(1) The subdivider shall pay a fee of \$50 plus \$5 for each dwelling unit within the final plat to the Village Clerk-Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review.⁸

(2) A reapplication fee of \$25 shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

F. Condominium development review fee. The developer shall pay a fee of \$25 plus \$2 for each unit shown on a condominium plat, less \$2 for each lot shown on a preliminary plat or certified survey map for the same project.

G. Objecting agency review fees. The subdivider shall directly transmit all fees required for state agency review at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Development, Wisconsin Department of Transportation, Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources.

§ 272-51. Alternative Development Cost Sharing Plan. [Amended 11-13-1995 by Ord. No. 08-95]

⁸Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).

A. The village may set aside a specified amount as part of its annual utility fund plus an amount to be determined each year in the village's annual budget to be placed into a nonlapsing development fund.

B. The development fund shall be used as a method of cost sharing utility extensions for new subdivisions and for improvement of existing facilities.

C. Only items listed below are eligible for cost sharing. No other costs incurred by the developer are eligible for consideration as cost-sharing items.

Water Fund Items

Water main
Water service laterals to property line
Water valves

Sewer Fund Items

Manholes
Manhole castings
(rock excavation for utilities excluded)
Sanitary sewer main
Sanitary sewer laterals to property line
(lift stations excluded)

Roadway Fund Items

Asphalt paving
Crushed aggregate base course
Earthwork within right-of-way (excludes rock excavation)
Inlet
Inlet castings
Storm sewer pipe

D. The village will cost share with the developer on the construction contract items set forth in Subsection C in the amount of up to 25% of the construction costs, of all eligible construction contract items, up to the designated budget amount.

E. The village shall pay 100% of the cost of the following items:

- (1) Fire hydrants.
- (2) Hydrant valve.
- (3) Hydrant lead.

F. All applications for development cost sharing funds shall be received by the Village Clerk no later than 5:00 p.m. on November 15 in the year preceding contemplated construction. Award of cost-sharing funds shall be announced by February 1 of the contemplated construction year. Payment of cost-sharing funds will be made on a progress payment basis as construction

occurs, with a ten-percent retainage of cost-sharing funds to be held until the project is accepted as completed by the Village Board.

G. All requests for development cost sharing funds will be graded by the Village Engineer on the following grading system, with projects approved for cost sharing receiving the highest number of points.

Development Grant Grading Criteria

Criteria	Description	Point Range
1.	Average lot size	0 to 30
2.	Number of dwelling units	0 to 10
3.	Commercial land use	0 to 15
4.	Parkland fee contribution	0 to 25
5.	Cost sharing	0 to 20
	Total points	0 to 100

1. Average lot size criteria: one point per 100 square feet over minimum duplex lot size for R-1 and R-2 zoning.

2. Number of dwelling units criteria: one point per dwelling unit over 15 units.

3. Commercial land use criteria: one point per 2,000 square feet over 10,000 square feet total C-1 zoned lands.

4. Park land fee contribution criteria: one point per \$50 per dwelling unit over minimum park land fee or park land dedication.

5. Cost-sharing criteria: one point per 1% of developer cost over 75% for total project construction cost.

Point Tally Worksheet

1. Average Lot Size (square feet)

R-1 Zoning	R-2 Zoning	Points
7,200 to 10,500	7,000 to 10,000	0
10,501 to 10,600	10,001 to 10,100	1
10,601 to 10,700	10,101 to 10,200	2
10,701 to 10,800	10,201 to 10,300	3
10,801 to 10,900	10,301 to 10,400	4

10,901 to 11,000	10,401 to 10,500	5
11,001 to 11,100	10,501 to 10,600	6
11,101 to 11,200	10,601 to 10,700	7
11,201 to 11,300	10,701 to 10,800	8
11,301 to 11,400	10,801 to 10,900	9
11,401 to 11,500	10,901 to 11,000	10
11,501 to 11,600	11,001 to 11,100	11
11,601 to 11,700	11,101 to 11,200	12
11,701 to 11,800	11,201 to 11,300	13
11,801 to 11,900	11,301 to 11,400	14
11,901 to 12,000	10,401 to 11,500	15
12,001 to 12,100	11,501 to 11,600	16
12,101 to 12,200	11,601 to 11,700	17
12,201 to 12,300	11,701 to 11,800	18
12,301 to 12,400	11,801 to 11,900	19
12,401 to 12,500	11,901 to 10,000	20
12,501 to 12,600	12,001 to 12,100	21
12,601 to 12,700	12,101 to 12,200	22
12,701 to 12,800	12,201 to 12,300	23
12,801 to 12,900	12,301 to 12,400	24
12,901 to 13,000	12,401 to 12,500	25
13,001 to 13,100	12,501 to 12,600	26
13,101 to 13,200	12,601 to 12,700	27
13,201 to 13,300	12,701 to 12,800	28
13,301 to 13,400	12,801 to 12,900	29
13,401 or more	12,901 or more	30

2. Number of Dwelling Units

Number of Dwelling Units	Points
0 to 150	
16	1
17	2
18	3
19	4
20	5
21	6
22	7
23	8
24	9
25 or more	10

3. Commercial Land Use

Total C-1 Zoning (square feet)	Points
00000 to 10,000	0
10,001 to 12,000	1
12,001 to 14,000	2
14,001 to 16,000	3
16,001 to 18,000	4
18,001 to 20,000	5
20,001 to 22,000	6
22,001 to 24,000	7
24,001 to 26,000	8
26,001 to 28,000	9
28,001 to 30,000	10
30,001 to 32,000	11
32,001 to 34,000	12
34,001 to 36,000	13
36,001 to 38,000	14
38,001 or more	15

4. Parkland Fee Contribution

Additional Contribution/Dwelling Unit	Points
\$0 to \$49	0
\$50 to \$99	1
\$100 to \$149	2
\$150 to \$199	3
\$200 to \$249	4
\$250 to \$299	5
\$300 to \$349	6
\$350 to \$399	7
\$400 to \$449	8
\$450 to \$499	9
\$500 to \$549	10
\$550 to \$599	11
\$600 to \$649	12
\$650 to \$699	13
\$700 to \$749	14
\$750 to \$799	15
\$800 to \$849	16
\$850 to \$899	17
\$900 to \$949	18
\$950 to \$999	19
\$1,000 to \$1,049	20
\$1,050 to \$1,099	21

\$1,100 to \$1,149	22
\$1,150 to \$1,199	23
\$1,200 to \$1,249	24
\$1,250 or more	25

5. Cost Sharing

Developer Cost/Total Construction Cost	Points
0.00% to 75.00%	0
75.01% to 76.00%	1
76.01% to 77.00%	2
77.01% to 78.00%	3
78.01% to 79.00%	4
79.01% to 80.00%	5
80.01% to 81.00%	6
81.01% to 82.00%	7
82.01% to 83.00%	8
83.01% to 84.00%	9
84.01% to 85.00%	10
85.01% to 86.00%	11
86.01% to 87.00%	12
87.01% to 88.00%	13
88.01% to 89.00%	14
89.01% to 90.00%	15
90.01% to 91.00%	16
91.01% to 92.00%	17
92.01% to 93.00%	18
93.01% to 94.00%	19
94.01% or more	20

H. Commitment of funds.

(1) The village financial commitment to any development project shall be limited to 100% of the designated development fund balance. Where funds available are sufficient to fund multiple projects, the highest ranking project will receive the maximum funding allowed from each designated fund. Funds remaining will be awarded to the next highest ranking project to the maximum allowed. This procedure will be used until all funds have been awarded or all projects have been funded to the maximum allowed.

(2) Cost-sharing funds will be committed for the calendar year running from January 1 to December 31. If any cost-sharing funds remain undistributed on December 31, those cost-sharing funds will remain in the village reserves for a period not to exceed three months to cover committed cost-sharing fund distributions.

(3) If those committed cost-sharing funds remain undistributed on or after April 1 of the year following initial commitment to a development, any remaining cost-sharing funds shall revert to their respective funds, and the developer shall no longer have any right to said committed cost-sharing funds.

I. This section shall not limit any person, partnership or corporation from creating a new subdivision under this chapter by using the procedures set forth in §§ 272-1 through 272-50.

J. "Developer," when used in this section, shall be defined as an individual, partnership, corporation or owner of property adjacent to a development who wishes to improve property in the Village of Albany.