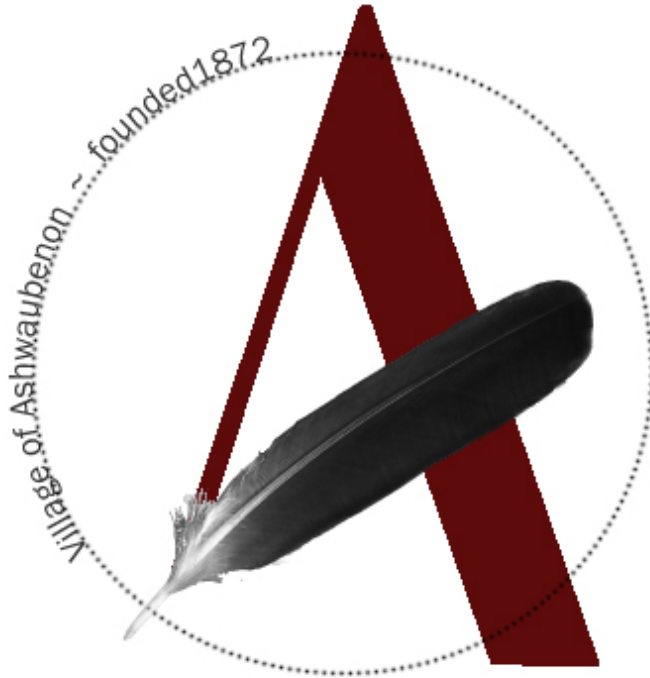


Village of Ashwaubenon

Municipal Code Book

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Printed for:
Chapter 20 - Subdivision

Municipal Code Book

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Chapter 20 - Subdivision

Article 1 - Division of Land and Platting

20-1-19 Authority; Applicability

- (A) *Title.* This chapter shall hereafter be known, cited and referred to as the "Village of Ashwaubenon Subdivision and Platting Regulations."
- (B) *Jurisdiction and Purpose.* The following regulations are adopted under the authority of Wis. Stat. § 236.45, for the purpose of promoting the public health, safety and general welfare, and are designed to:
- (1) Lessen congestion in the streets and highways;
 - (2) Further the orderly layout and use of land, to secure safety from fire, panic and other dangers;
 - (3) Provide adequate light and air;
 - (4) Prevent the overcrowding of land;
 - (5) Avoid improper concentrations of population;
 - (6) Facilitate adequate provision for transportation, water, sewage, schools, parks, playgrounds and other public requirements;
 - (7) Facilitate the further resubdivision of larger tracts into smaller parcels of land and to encourage the most appropriate use of land throughout the village; and
 - (8) Provide safe and orderly shore land subdivision layouts pursuant to Wis. Stat. Sec. 59.971(3), 144.26(2) and 144.26(8).
- (C) *Applicability.* These regulations shall apply to the following:
- (1) *Subdivision.* Any division of land within the village which results in a subdivision shall be and a plat thereof approved and recorded as required by this chapter and Wis. Stat. Ch. 236.
 - (2) *Certified Survey Map.* Any division of land whereby parcels of five acres or less are created in size which does not necessitate the preparing of a subdivision plat shall have a certified survey map prepared, approved and recorded as required by this chapter and Wis. Stat. Ch. 236.
 - (3) *Replatting.* When a replat of a recorded subdivision or part thereof is proposed, the subdivision shall be vacated or altered according to the provisions of Wis. Stat. Sec. 236.40—236.445.
 - (4) *Exceptions.* The provisions of this section shall not apply to:

- (a) Transfers of interest in land by will or pursuant to court order.
 - (b) Leases for a term not to exceed ten years, mortgages or easements.
 - (c) The sale or exchange 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, but if the land exchanged meets the definition of lot required in Chapter 17 of this code, then this exemption shall not apply and such land requires a certified survey map and is subject to the park fee.
 - (d) A division of land resulting in parcels more than five acres in area.
- (5) *Condominiums*. In accordance with the provisions of Wis. Stat. § 703.27(1), this chapter applies to condominiums.
- (a) In the event land is developed and improved under condominium ownership, which includes the construction of public or private roads and streets to serve buildings, such roads and streets shall conform to the provisions of this Code, whether or not the land is laid out in lots or blocks.
 - (b) All the required improvements set forth in section 20-1-24 shall be applicable, whether or not the land is laid out in lots or blocks.
 - (c) All other provisions of this chapter shall be applicable to the condominium development to the extent applicable.
 - (d) The provisions of this chapter shall apply whether the condominium development is a new development or a conversion to or from condominiums.
- (D) *Administration and Fees*.
- (1) The regulation shall be administered by the village board and/or its designated agency, hereinafter referred to as the board.
 - (2) To assist in defraying the costs involved, the subdivider shall pay to the village all fees hereinafter required and at the time specified.
 - (a) Certified survey map review fee in an amount on file at the Village Clerk-Treasurer's office.
 - (b) Plat review fee in an amount on file at the Village Clerk-Treasurer's office.
 - (c) Retractment certified survey map review fee in an amount on file at the Village Clerk-Treasurer's office.
- The same fees shall be paid to the village for extraterritorial platting jurisdiction and review of certified survey maps and plats.

20-1-20 Definitions

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

Act or action means in the context of village review of a preliminary or final subdivision shall mean approval, conditional approval, denial or a request for a modification, or for additional study field, inspections or documentation.

Area development plan means a map adopted by the village board indicating the physical layout of future streets, alleys, culs-de-sac and drainageways or easements.

Block means a parcel, lot or group of lots existing within well-defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter or other name through which it may be identified.

Board means the village board or any of its designated agencies.

Building setback line means the distance from the boundaries of a lot within which buildings shall not be erected.

Certified survey map means a map of a division of land prepared in accordance with Wis. Stat. Ch. 236, and the terms of this chapter. It may be referred to as a CSM.

Channel means a natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.

Cluster subdivision means a residential development where the subdivision and zoning regulations apply to the project as a whole instead of to its individual lots. Densities are calculated for the whole project.

Comprehensive plan means the official guide for the physical, social and economic growth of the village properly enacted or adopted according to statute, which is now or may hereafter be in effect.

Conditional approval means approval of a plat by the village board subject to the plat meeting certain specified requirements as determined by the village board.

Crosswalk means a public right-of-way traversing a block for the purpose of providing pedestrian access.

Cul-de-sac means a short minor street having one end open to motor traffic and the other end terminated by a vehicular turnabout.

Days means and refers to calendar days.

Dead-end street means a street having only one outlet for vehicular traffic and no vehicular turnaround.

Development means the act of constructing buildings or installing site improvements.

Double frontage lots means a lot other than a corner lot which has frontage on two substantially parallel streets.

Drainage easement means a strip of land reserved to promote the free flow of stormwater or to provide for storm sewer water.

Easement means the quantity of land set aside or over which a liberty, privilege or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility or some particular person, corporation or part of the public for limited right of use.

Final plat means the map or drawing of a subdivision prepared in compliance with the provisions of Wis. Stat. Ch. 236, and the terms of this chapter.

Flood means a temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.

Flood profile means a graph of a longitudinal profile showing the relationship of the water surface elevation of a flood event to location along a stream or river.

Floodfringe means that area of land used to carry floodwater between the floodway and the regional flood limits.

Floodplain means the land adjacent to a body of water which has been or may be hereafter covered by floodwater including, but not limited to, the regional flood.

Floodway means the channel of a stream and those portions of the floodplain adjoining the channel that are required to carry and discharge the floodwaters or flood flows of any river or stream, including, but not limited to, flood flows associated with the regional flood.

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

Gradient means the slope of land, road, street or other public way specified in percent.

Grading plain means a drawing of a proposed area with plans and specifications for grading.

High water elevation means the recorded average of all the high water elevations during the period of record for a flowage or other body of water.

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

Land division means the act of creating two or more separately described parcels, at least one of which is five acres or less in size, from a single parcel of land by the owner thereof or his agent.

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

Local unit means a local unit in this chapter includes the county as well as towns, villages and cities.

Lot means a fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this chapter for a building site.

Lot area means the area obtained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of-way but including the area of any easement.

Mean sea level datum means a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.

Municipality means all units with local self-government.

Neighborhood unit means a residential living environment where the internal street system discourages through traffic and where major thoroughfares preferably bound the neighborhood; centrally located community buildings, schools and playgrounds provide maximum pedestrian accessibility. Local shops to meet daily household needs are grouped together at accessible points providing a harmony of design and development.

Official map means the map of the village by law showing thereon streets, highways, parkways, parks, schools and other public facilities as provided by Wis. Stat. Sec. 62.23(6), 60.74 or 80.64.

Outlot means a parcel of land other than a lot which does not meet the requirements of a lot at the time of platting.

Parcel means a continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.

Plat means a map of a subdivision.

Preliminary plat means a map showing the salient features of a proposed subdivision submitted to the plan commission for purposes of preliminary consideration.

Public utility means every corporation, company, association, sanitary district or municipality that may own or operate any plant or equipment for the conveyance of telephone messages or for the production, transmission, delivery or furnishing of heat, electricity, gas, water, cable television, sewer or any other service deemed to be in the public interest, shall be deemed a public utility.

Replat means the changing of the boundaries of a recorded subdivision plat or part thereof.

Replat, subdivision, means a plat representing land which has previously been included in a recorded plat.

Restrictive covenant means written stipulations on the face of the plat regarding development which the land owner must abide by.

Reviewing agency means an agency which is entitled to review and make recommendations concerning a subdivision prior to the board action.

Right-of-way means a strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way is established.

Roadway means the surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.

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

Sewage disposal system, individual, means a septic tank seepage tile sewerage disposal system or any other

sewage treatment device approved by the village engineer and the county sanitary inspector as being in accordance with county sanitary ordinance, the rules of the department of health and social services and the department of natural resources and which services only one lot.

Sewered area means an area in the village which, in the opinion of the board, may be readily and feasibly served by sewer and water by extensions to existing sewer and water systems.

Sidewalk means that portion of a street or crosswalk way, paved or otherwise surfaced, intended for pedestrian use only.

Street means and includes all accessways in common use such as streets, roads, lands, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts and culs-de-sac, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether dedicated for public use or held in trust under the terms of a reservation; but shall not include those access ways such as easements and rights-of-way intended solely for limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines or drainage and sanitary sewers.

Street, arterial, means a major, high capacity street designed to carry large volumes of traffic between various areas of the community.

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

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

Street, minor or local, means a street designed for low-speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.

Subdivider means any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to effect a subdivision of land hereunder for himself or another.

Subdivision means any division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development where the act of division creates five or more parcels or building sites of five acres each or less in area or five or more parcels or building sites of five acres each or less in area are created by successive divisions within a period of five years.

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

Surveyor means a land surveyor duly registered in the State of Wisconsin.

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

Tract. See Parcel.

Undeveloped land means land in parcels or tracts sufficiently large for future subdivision which is presently in agriculture, woodland or other nonintensive use.

Utility easement means an easement to place, replace, maintain or move utility facilities, such as telephone, water, sewer, gas, cable television.

Variance means a departure from the terms of this chapter as applied to a specific building, structure or parcel of land which the village board may permit, pursuant to section 20-1-26.

Wisconsin Administrative Code means the rules of administrative agencies having rulemaking authority in the state published in a looseleaf, continual revision system as directed by Wis. Stat. Chs. 35 and 227, including subsequent amendments to those rules.

(Code 2006, § 18.02)

20-1-21 General Requirements and Design Standards of Subdivisions

(A) *General requirements.* The proposed subdivision shall conform to:

- (1) The provisions of Wis. Stat. Ch. 236.
- (2) All applicable village ordinances.
- (3) The area development plans of the village.
- (4) Design of connections to municipal sanitary sewer, water and storm water management.
- (5) The rules of the division of highways, department of transportation, relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state highway or connecting streets.
- (6) All requests for rezoning must be represented by the owner or representative of the property in person before the Planning Commission.

(B) *Streets and Highways.*

- (1) *Generally.*
 - (a) The arrangement, character, extent, width, grade and location of all streets shall conform to all area development plans adopted by the village and shall be related to existing and planned streets, topographic conditions, existing natural features, public convenience and safety and proposed uses of the land to be served by such streets.
 - (b) The right-of-way width and building setback requirements of all limited access expressways, highways and county truck routes shall be determined by the board upon the recommendation of the state highway commission or the county highway commissioner, whichever is appropriate. In no case, however, shall the right-of-way width for a state highway be less than 100 feet or the building setback line less than 35 feet from the right-of-way line. All village streets must comply with this Code.

- (2) *Arrangement of Streets.*
 - (a) Major arterial streets shall be properly integrated with the existing and proposed system of major streets, highways and thoroughfares.
 - (b) Collector streets shall be properly related to special traffic generating from facilities such as schools, churches and shopping centers, to population densities and to the arterial streets into which they feed.
 - (c) Minor streets shall be laid out to conform as much as possible to topography, to discourage use by through traffic, to permit efficient drainage and sewer systems, to require the minimum amount of street necessary to provide convenient, safe access to property.
- (3) *Arterial Streets.* When a subdivision abuts or contains an existing or proposed arterial street, the board may require service drives, reverse frontage lots with screen planting contained in a non-access reservation along the rear of the property line, deep lots with rear service alleys or such other treatment as may be necessary for adequate protection of residential properties and to afford separation of through and local traffic.
- (4) *Frontage Streets.* Where a subdivision borders on or contains a railroad right-of-way or limited access highway right-of-way, the board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.
- (5) *Street Jogs.* Street jogs with centerline offsets of less than 125 feet shall be avoided.
- (6) *Rounded Corners.* Property lines at street intersections may be required to be rounded with a radius of 12 feet or greater where the board considers it necessary. Cutoffs or chords may be permitted in place of rounded corners.
- (7) *Tangents.* A tangent at least 100 feet long shall be introduced between reverse curves on major and collector streets.
- (8) *Arc Distances.* Arc distances when appropriate for lot frontages on curved rights-of-way shall be shown along the lot frontage for municipal assessment purposes.
- (9) *Intersections.* Streets shall be laid out so as to intersect as nearly as possible at right angles and no streets shall intersect any other street at less than 60 degrees, and more than two streets intersecting at one point shall be discouraged.
- (10) *Reserve Strips.* Reserve strips or median strips controlling access to streets shall be prohibited except where approved by the board.
- (11) *Rights-of-way.* All street rights-of-way shall be of the width specified on the official map or, if no width is specified there, they shall be not less than the width specified below:

- (a) Arterial streets: 100 feet.
 - (b) Collector streets: 80 feet.
 - (c) Minor streets: 70 feet.
 - (d) Service drives: 50 feet in addition to the major traffic street it adjoins.
- (12) *Visibility.* Clear visibility measured along the centerline shall be not less than that specified below:

TABLE 20-2-21

Street Type	Minimum Sight Distance (in Feet)
Major (arterial)	400
Collector	350
Minor	200

- (13) *Culs-de-sac.* Streets designed to have one end permanently closed shall not exceed 1,000 feet in length and shall provide a turnaround with a minimum right-of-way radius of 60 feet and a return radius of 25 feet.
- (14) *Half Streets.*
- (a) Where a half street has previously been dedicated adjacent to the subdivision, the remaining half of the street shall be dedicated by the subdivider.
 - (b) Where no half street adjacent to the subdivision exists, the dedication of half streets will not be approved unless the remaining portion shall appear as a mapped street on the official map. If the village has not enacted official map powers, half streets shall be prohibited unless assurance of eventual dedication is provided to the village board.
- (15) *Street Grades.* Street grades shall conform to this Code.
- (16) *Street Names.*
- (a) Any street which is the reasonable continuation of an existing street shall bear the same name. If the topography or other features of a permanent nature are such as to render the continuation of the actual roadway impossible and where such nomenclature is apt to produce confusion, the street shall not carry the same name as the street to which it may be geometrically aligned.
 - (b) The village board may disapprove the name of any street shown on the plat which has already been used elsewhere in the county which because of similarity may cause confusion.

(c) The following table shall be considered in nomenclature:

Type	Dead-end	Curving	Straight
Short Streets	Places or Courts	Crescent, Way, Circle or Lane	Terrace, Row or Lane
Long Streets		Drive or Road	Street or Avenue

(d) The term "boulevard" shall be reserved for such streets which because of their breadth or monumental character are to be especially designated.

(C) *Service Ways (alleys).*

- (1) Service ways shall be provided in all commercial and industrial districts except the board may waive this requirement if 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) Service ways shall not be approved in residential areas unless necessary because of exceptional circumstances.
- (3) The width shall not be less than 30 feet and crooked and dead-end alleys shall be prohibited.

(D) *Easements and Restrictive Covenants.*

- (1) Easements centered on rear or side lot lines shall be provided for utilities where required by the board and shall be at least six feet wide on each side of the lot line or total of 12 feet.
- (2) Subdivisions traversed by a watercourse, drainage way, channel or stream shall have a stormwater easement or drainage right-of-way of sufficient width conforming substantially to the floodway line of the watercourse. Adequate grading or construction may be required. Where possible, drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow as determined by the board. Improvements shall be guaranteed prior to approval of the final plat.
- (3) Lots, including corner lots, in a subdivision shall have a minimum building setback from the right-of-way line for those street classes referred to in subsection (B)(11) of this section as follows:
 - (a) Arterial streets: 35 feet.
 - (b) Collector streets: 35 feet.
 - (c) Minor streets: 25 feet.
- (4) When the village engineer is establishing street grades he shall also establish the drainage grades for the rear lot lines of the subdivision and the costs for staking and grading will be borne by the subdivider.

(E) *Blocks.*

- (1) The lengths, widths, shapes of blocks shall be appropriate for the locality and the type of development contemplated, but block lengths in residential areas shall not exceed 1,500 feet between right-of-way lines.
- (2) Pedestrian crosswalks not less than 15 feet wide may be required by the board through the center of blocks more than 900 feet long where deemed essential to provide circulation or access to schools, parks, playgrounds, shopping centers, transportation and other community facilities.

(F) *Lots.*

- (1) The lot size, width, depth, shape and orientation and the minimum building lines shall be appropriate for the location of the subdivision and for the type of development and use proposed, and such building lines shall be shown on the plat.
- (2) Lot dimensions shall conform to the requirements of the zoning ordinances as well as existing county and state requirements, however:
 - (a) Residential lots where served by public sewer shall be not less than 100 feet wide measured at the right-of-way line or such minimum lot width may be measured at the building setback line only if such lot is located on the outer radius of a curved street such as a cul-de-sac. However, in no case shall the lot width measured at the right-of-way line be less than 50 feet wide. Residential lots where served by public sewers shall not be less than 12,000 square feet in area.
 - (b) Residential lots not served by public sewerage disposal facilities shall comply with the rules and regulations of the division of environmental protection, Wis. Admin. Code, and local requirements.
- (3) The depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (4) Every lot in a subdivision shall abut on a public street.
- (5) Side lot lines shall be substantially at right angles or radial to street lines.
- (6) Double frontage or reverse frontage lots shall be avoided except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 20 feet may be required along the line of residential lots abutting such a traffic artery.
- (7) All lots shall be numbered in continuous numerical order without the use of blocks.

(G) *Dedication of Land for Public Use.*

- (1) When a final plat of a subdivision has been approved by the public bodies and all other required approvals are obtained and the plat is recorded, that approval shall constitute acceptance for the purpose designated on the plat of all lands shown on the plat as dedicated to the public including street dedications.
 - (2) Whenever a preliminary plat includes a proposed dedication of land to public use and the board finds that such land is not required or not suitable for public use, the board may either refuse to approve such dedication or require the rearrangement of lots in the proposed subdivision.
- (H) *Highway Noise Land Use Provisions.*
- (1) *General Provisions.*
 - (a) No owner of any unplatted lands which is adjacent to any existing state or federal expressway or freeway or for which a preliminary plat approval was not granted prior to June 1, 2010, shall be granted final plat approval or shall commence or cause to be commenced construction of any structure, unless approved by the zoning administrator.
 - (b) Prior to approval of any preliminary plat, final plat or commencement of construction of any structure, every application for approval shall be submitted in writing to the zoning administrator by the owner of the land on which the structure is proposed to be constructed and shall contain the following information:
 - (i) Identification of the land on which the construction is proposed;
 - (ii) The section under which approval is requested;
 - (iii) Information and data supporting the claim that the appropriate requirements shall be met including specific enumerations that the Wisconsin Department of Transportation's Administrative Code TRANS 405 and the Federal Highway Administration's Procedures for Abatement of Highway Traffic Noise and Construction Noise, Title 23, CFR, Chapter I, Subchapter J, Part 772, provisions shall be met and any other information which the zoning administrator may require;
 - (iv) Approval certificate from the department of transportation certifying that hourly traffic sound levels Leq(h) as hereinafter indicated, are within permissible levels or that appropriate sound attenuation measures are incorporated into the design and construction of any structures to satisfy the highway noise provisions within this ordinance.
 - (c) In addition to the requirements contained in subparagraph b., above, the application shall also contain the following information as well as any other information requested by the zoning administrator bearing on the approval:

- (i) The existing maximum hourly traffic sound level, Leq(h), for a representative sample of locations, measured in accordance with guidelines presented in "Measurement of Highway Related Noise", May 1996, U.S. Department of Transportation, Federal Highway Administration, Arlington, VA.
- (ii) The projected future Leq(h) at the site resulting from future traffic increases; and
- (iii) Where applicable, plans for sound attenuation measures on the site and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.

(Code 2006, § 18.03; Ord. No. O3-2-89, 3-28-1989; Ord. No. O2-06-93, 2-23-1993; Ord. No. O11-1-96, 11-19-1996; Ord. No. O6-1-10, § 1, 6-8-2010)

20-1-22 Plat Documentation

(A) *Preliminary Plat Requirements.*

- (1) The preliminary plat shall be drawn with waterproof nonfading black ink or legibly drawn with pencil on tracing cloth or tracing paper of good quality at a scale of 100 feet to an inch and shall show correctly on its face:
 - (a) The date, scale and north point;
 - (b) The proposed subdivision name which shall not duplicate the name of any plat previously recorded in county;
 - (c) The name and address of the owner, the subdivider and the surveyor preparing the plat;
 - (d) The location of the subdivision by private claim or by government lot, quarter, quarter section, section, township, range and county;
 - (e) A small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon;
 - (f) The lengths and bearings of the exterior boundaries of the proposed plat;
 - (g) The location and names of adjacent subdivisions and the owners of adjoining parcels of unplatted land;
 - (h) Zoning on and adjacent to the subdivision;
 - (i) The locations, widths and names of all existing platted or dedicated streets, alleys or other public ways and easements, railroad and utility rights-of-way, parks, cemeteries, watercourses, drainage ditches, permanent buildings, bridges and other pertinent data as determined by the board;

- (j) The floodway and regional flood elevations of adjoining lakes, rivers or streams at the date of the survey. All elevations shall be referred to U.S. Coast and Geodetic Survey datum as utilized by the village;
 - (k) If the subdivision borders a lake or stream, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high water mark of the lake or stream;
 - (l) The layout and width of all new streets and rights-of-way such as alleys, highways, easements for sewers, water mains and other public utilities;
 - (m) Direction and distance to nearest water and sewer mains;
 - (n) A brief description of the requested improvements such as sanitary sewers, laterals, water mains, storm sewer, curb and gutter, paving and roadside ditches where applicable;
 - (o) The approximate dimensions and areas of lots;
 - (p) Proposed building setback lines;
 - (q) The approximate radii of all curves and lengths of tangents;
 - (r) The approximate location and area of property proposed to be dedicated for public use or to be reserved by deed covenant for use of all property owners in the subdivision with the conditions, if any, of such dedication or reservation; and
 - (s) A brief description of the proposed restrictions, if any, which will be put on the plat.
 - (t) If applicable, plans for sound attenuation measures on the plat and/or of the structure proposed to be built and the amount of sound attenuation anticipated as a result of these measures.
- (B) *Final plat requirements.* The final plat of the subdivision shall comply with the requirements of this section and of Wis. Stat. Ch. 236, which is hereby adopted as amended by reference and incorporated herein as though fully set out.

(Code 2006, § 18.04; Ord. No. O6-1-10, § 2, 6-8-2010)

20-1-23 Procedure for Approval of Proposed Plat

Final approval of a proposed plat may involve the successive approvals of a preliminary sketch, a preliminary plat and the final plat.

- (A) *Preliminary Sketch and Preliminary Consultation.*

- (1) Before filing a preliminary plat for approval, the subdivider may submit to the board six copies of a preliminary simple sketch showing the proposed layout of streets, lots and other features in relation to existing conditions. The sketch plan may be a freehand pencil sketch and should show the general location of the proposed plat in the village.
- (2) The preliminary sketch shall be accompanied with a letter of intent briefly describing the desired public utilities and improvements for the proposed plat.
- (3) Within four weeks of its submission the board shall express its opinion of the proposed plat with regard to the availability and feasibility of desired improvements. Comments regarding the availability of sanitary sewer and water mains will be referred to the village engineer, who will be available for consultation with the subdivider.
- (4) Based on board review of the preliminary sketch, the subdivider may proceed with obtaining a preliminary plat.

(B) *Procedure for Approval of Preliminary Plat.*

- (1) Before submitting a final plat for approval, the subdivider shall submit the required number of copies of a preliminary plat not less than one week preceding the meeting of the plan commission for preliminary approval (see list below). These plats shall be drawn as specified in section 20-1-22(a). The village will be responsible for distributing copies to the appropriate parties for comments.

TABLE 20-2-23

Inspector	2
Engineer	2
Plan commission	7
Floodplain and shoreland administrator	2
Electric/Gas Utility	4
Other Utilities	3
State of Wisconsin	2 per agency
County planning commission	4
County land surveyor	1

- (2) Following a review of the preliminary plat and data and after negotiations with the subdivider on changes deemed advisable including the kind and extent of improvements to be made by him, the board shall within 40 days of its submission express its approval in writing to the subdivider and state the conditions of such approval and if disapproved shall express its disapproval and state its reasons for rejection.
- (3) Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat is submitted within six months of the date of approval of the preliminary plat and conforms to such layout and conditions of the approved preliminary plat which shall have been certified as nonobjectionable by all local and state agencies having the authority to object.

(4) All preliminary plats must be approved by the village board as a whole.

(C) *Procedure for Approval of Final Plat.*

(1) After approval of the preliminary plat, required number of copies of the final plat meeting the requirements section 20-22(b), shall be submitted to the board within six months of the approval of the preliminary plat. The final plat shall be submitted to the department of local affairs and development in accordance with Wis. Stats. §§ 236.11 and 236.12.

(2) Upon receipt thereof, the board shall examine the final plat and all necessary certificates to determine its conformance to the preliminary plat and the requirements established in this chapter. Approval of the final plat shall be conditional until the plat has been certified as nonobjectionable by all state and local agencies having the authority to object. The board shall take action on the final plat within 40 days after the plat has been officially submitted. If disapproved or conditionally approved, the reasons or conditions shall be stated on the record of the board and forwarded in writing to the subdivider.

(3) The following documents shall be submitted with the final plat if requested by the village board and failure to submit such documents shall constitute grounds for refusal of the final plat:

(a) Petitions for all improvements required under section 20-1-24(a)(2) and (3). Petitions for sanitary sewer and water service laterals shall indicate whether standard or oversized services are desired.

(b) All waivers of hearings or requests for public hearing as outlined in section 20-1-24(b)(1).

(c) All executed easements as per section 20-1-24(b)(3).

(4) The final plat of the subdivision shall be recorded by the subdivider in the office of the register of deeds of the county, as required by Wis. Stat. § 236.25. Necessary copies of the final approved plat shall be forwarded to the board for distribution according to the following schedule. The village will be responsible for their distribution.

Engineer	1
Inspector	1
Other Utilities	1
Electric/Gas Utility	3
Floodplain and Shoreland	1
Village file	3

(Code 2006, § 18.05; Ord. No. 5-6-87, 5-26-1987; Ord. No. 04-2-89, 4-25-1989)

20-1-24 Improvements to Subdivision

(A) *Required Improvements.*

- (1) *Monuments.* The subdivision shall be monumented as required by Wis. Stats. § 236.15, which is hereby adopted by reference and incorporated herein as though fully set out.
- (2) *Required Utility, Street and Other Improvements.* Subdivisions lying in a sewerred area will be required to have storm sewer, curb and gutter, street lighting with fiberglass poles and shoe box fixtures, sanitary sewer main and water main on all streets and sewer, water and storm sewer service laterals available to all in the subdivision. The design, size, depth and location of the required improvements shall be determined by the board pursuant to specifications on file with the village engineering department. The board may also require the provision of drainage ways or easements of widths sufficient to accommodate anticipated stormwater runoff and of a design permitting the unimpeded flow of natural water resources.
- (3) *Desirable Municipal Improvements.* Reviewing the general design quality of the individual subdivisions submitted to it, the board shall make a determination as to the scope of improvements which should be installed to conform to sound development standards. The board's determination will be based on size of lot proposed, the degree of local improvement requirements, the drainage conditions existing in the area to be platted and any other pertinent locational factors. When the board finds improvements as proposed by the developer or the improvements required by an existing subdivision ordinance to be inadequate to meet good development standards, it will call attention to this fact in its plat evaluation report.
- (4) *Privately Owned Utilities.* All privately owned utilities including gas mains, electrical cables, telephone cables, cable television or any other nonpublic improvement shall not be installed until such time the sanitary sewer, storm sewer and water mains have been installed.
- (5) *Special Assessments.*
 - (a) *Property Owner Responsibility.* The village shall assess and the adjoining property owners shall pay for all new streets, paving, curb, gutter, storm sewers, sanitary sewers, water mains and laterals adjoining their property as well as the legal and administrative costs related thereto.
 - (b) *Frontage.*
 - (i) Minimum assessable footage for a residential lot shall be 100 feet.
 - (ii) All land served and/or potentially benefiting from improvements shall be assessed for the full frontage, regardless of the actual location of utilities servicing the property. If utilities are not extended for the full length of a nonresidential property serviced, the frontage assessed will be the reasonable frontage for similar property, similar property being typical commercial frontage for commercial (e.g., hotel for hotel, etc.) with a minimum frontage assessment of 100 feet.
 - (c) *Assessable Footage.*
 - (i) The front footage of all parcels served and/or potentially benefiting from an improvement, less corner deductions.

- (ii) Summation of all assessable footages served and/or potentially benefiting from a given improvement project with an assessment hearing.
- (d) *Corner Deductions.* On residential lots only, a deduction of 50 percent, not to exceed 150 feet of the total assessable footage taken on both sides of the residential lot. The village will charge for actual assessable footage for the first phase of improvements for corner lots, with the related credit or charge for improvements put in during the second phase.
- (e) *Per foot assessment.*
 - (i) Final assessment costs divided by total assessable footage.
 - (ii) The final assessment costs are construction project costs as determined by the engineers for the improvements, plus all engineering costs, plus three percent for maintenance contingency, plus five percent for administration fees, less any grants or other funding sources (i.e., FAU, etc.).
- (f) *Floodplains and Usable Land.* For lands with unusable land without frontage, then the unusable portion shall be picked up by the village. The usable portion will be spread over the cost of the entire assessable footage for that year's projects.
- (g) *Double Frontage Lots.* Any property fronting on two streets shall be assessed fully for the first street installed, provided such property is not of sufficient depth to be divided into two lots of reasonable size or provided a dwelling is located upon the property so as to prevent such division. The second fronting side will be assessed full frontage, less an 80-foot deduction.
- (h) *Lead Times.* All requests for improvements must be filed with the village by November.
- (i) *Special Design.*
 - (i) The village reserves the right to require ejector pumps to service sanitary sewer to property it deems uneconomical to service by gravity.
 - (ii) Whenever practical, additional costs for special designs will be assessed to those benefiting. When inequitable, area assessment will be considered. When these methods are not practical, the village will pay the cost over that of a normal service.
- (j) *Storm Sewer.*
 - (i) For residential storm sewer, the developer shall be charged final assessment costs for the actual size of sewers installed for up to and including 18 inches. For any sewers over 18 inches installed, the developer will be assessed for an 18-inch size and the village will pick up the additional cost.

- (ii) For nonresidential storm sewer, when the frontage has existing storm sewer, a charge for the additional sizing needed to provide the anticipated flow for that area will be made. When the frontage does not have existing storm sewer, a charge for the frontage at a normal rate (standard for that basin's commercial/industrial development, based on individual basis parameters), plus a charge for the anticipated sizing needed to provide any additional requested flow for that area will be made.
- (k) *Street Construction.*
 - (i) For first and second residential street construction, the developer will be assessed for bituminous street, regardless of actual surface installed.
 - (ii) For non-first and second residential street construction, the developer will be charged for the assessment cost of the actual surface installed (concrete or bituminous).
- (B) *Responsibilities and Duties of Subdivider for Public Improvements.* In addition to all other pertinent sections of this chapter, the subdivider is responsible for all of the following duties to insure public improvements in a construction year:
 - (1) After submission of the preliminary plat, the subdivider must secure all properly notarized waivers of hearings, for the respective construction of sanitary sewer mains, water mains, sidewalks, curb and gutter, or any other public improvement as petitioned for. If the subdivider is unable to obtain all the required signatures on the waivers above, the subdivider shall in writing request to the Village Board an opportunity for a public hearing on this project. The Board will decide whether or not a hearing will be held on the project. All blank waiver forms shall be supplied by the Board for use by the subdivider.
 - (2) If the subdivider is unable to obtain all the signatures for the waivers in subsection (1) of this section, or if the project is rejected by the board after a public hearing, the subdivider may still promote the project by executing special written agreements with those individuals whom did not sign the waiver. The agreement would stipulate that the subdivider would conditionally assume the financial responsibilities of those respective uninterested parties.
 - (3) The subdivider shall assist in securing all required utility easements, beyond the limits of the subdivision of which the location and width shall be determined by the board. The board will furnish blank easement forms to the subdivider, who will be responsible for the proper execution of the easement by the grantor. All completed easements will be submitted to the board, designated as the grantee for their review, and will be recorded at the county register of deeds office by the board.

- (4) The subdivider shall secure and furnish proof of an escrow account for the amount of all special assessments levied against his properties abutting the improvements, the amount to also cover any assessments to properties covered under special assessments as per subsection (B)(2) of this section. The account shall be so arranged and a special agreement executed between the subdivider, bank and village to allow the latter to withdraw monthly amounts from the account, sufficient to cover monthly construction costs to the contractor under contract with the village for street, paving, curb, gutter, street lighting with fiberglass poles and shoe box fixtures, storm sewers, sanitary sewers, water mains, laterals, stormwater management plans, retention/detention ponds, tree fees, global positioning of all municipal utilities (location and elevation and this digital information shall be submitted to the village in ESRI shapefiles and county coordinates) and legal administrative costs in the amount of ten percent, plus an additional five percent contingency fund for repair work. The amounts of monthly withdrawals, as determined by the village, shall be billed to the subdivider and shall be due within ten days of the date of billing.
- (5) The subdivider shall also execute any other special agreements deemed necessary by the board.
- (6) In order to provide trees within the public right-of-way, the developer, as part of the escrow account for public improvements within the subdivision, shall pay the current rate based on a per lineal foot of curb within the subdivision. After 75 percent of the houses on the street within the developer's subdivision have been issued occupancy permits, street trees shall be selected and located by the village forester and planted by the village on approximately a 40-foot spacing.

(C) *Public Improvements; Time Frame*

- (1) *Specific Deadlines.* To provide adequate time for all parties involved in the investigation, design, supervision, construction and administration of public improvement projects, the following deadlines are required of the subdivider for public works construction in a given construction year and failure to meet the deadlines may still result in final plat approval, but may delay public improvement construction until the following construction year:

Preliminary Plat Submittal Final	September 1
Plat—Monumented as per subsection (A)(1) of this section	November 15
Final Plat Submittal	December 1
Final Plat—Recorded as per section 20-1-23	December 31
General Duties, outlined in subsection (B) of this section, completion date	April 1

- (2) *Cutoff Dates.*
 - (a) In order to provide adequate time for all parties involved in the investigation, design, supervision of construction and administration of public improvement projects, the following deadlines are required of the subdivider for public works and construction in a given construction year and failure to make these deadlines may delay public improvement construction into the following construction year. All requests for public improvements must be submitted to the village not later than December 15.

- (b) The first Wednesday in February shall be the last date a subdivider may withdraw his request for public improvements.
 - (c) If any expenses are incurred by the village prior to the first Wednesday in February, that expense must be paid for by the subdivider before he will be allowed to withdraw the request for public improvements.
 - (d) After the first Wednesday in February following the Plan Commission meeting, no subdivider may withdraw a request for public improvements.
- (D) *Responsibilities of the Village for Public Improvements.* The Village shall be responsible for the following applicable duties:
- (1) Provide all preliminary construction cost estimates based on all preliminary studies and the preliminary plat. Preliminary assessments will be provided upon request of the subdivider.
 - (2) Determine the final construction cost estimate and final assessments based on the data of the final plat and current construction cost information. Final assessment rates may be amended by the board pursuant to Wis. Stat. § 66.0703(10), to reflect the actual construction cost of the project if applicable.
 - (3) Conduct all public hearings and publicize required legal notices.
 - (4) Furnish all easement, waiver and special agreement forms. All completed forms shall be reviewed by the board upon submission by the subdivider. Easements shall be recorded by the board.
 - (5) Conduct all necessary operations for project bidding, awarding of construction contracts and project supervision.
 - (6) File application for Wisconsin Department of Natural Resources and related project approvals.
 - (7) Design and installation of all municipal owned utilities.
 - (8) Provide street grades and staking out work in connection with the rough grading of streets.
 - (9) Where applicable, provide base course, curb and gutter and final finish grading of ditches and drainage ways to include the placing, seeding and fertilizing of salvaged topsoil. All costs for this work will be assessed to abutting properties.
 - (10) Provide storm sewers where applicable.

(Code 2006, § 18.06; Ord. No. O5-3-88, 5-24-1988; Ord. No. O6-2-88, 6-28-1988; Ord. No. O2- 1-89, 2-28-1989; Ord. No. O3-1-90, 2-27-1990; Ord. No. O1-3-91, 1-22-1991; Ord. No. O4-1-02, 4-98-2002; Ord. No. O10-5-02, 10-29-2002; Ord. No. O4-1-03, 4-8-2003)

20-1-25 Other Land Divisions

(A) *Certified Survey Maps.*

- (1) *Requirements.* A certified survey map shall be prepared in compliance with the requirements of Wis. Stat. § 236.34, which is hereby adopted by reference and incorporated herein as though fully set out.
- (2) *Procedure.* The subdivider shall file one digital copy and three paper copies of such survey map with the Village Clerk. The plan commission shall review, and within 90 days, approve, approve conditionally or reject the map. The subdivider shall be notified in writing of any conditions of approval or reasons for rejection.
- (3) *Filing of Approved Map.* The map shall be filed by the subdivider for record with the register of deeds of the county within 12 months of the Plan Commission approval. One digital copy and three paper copies of the final approved map with the volume and page number of the record shall be submitted to the Village Clerk.
- (4) *Public Improvements.* Procedures for installation of public improvements shall conform to pertinent requirements of section 20-1-24 or as determined by the Village Board.
- (5) *Elevations.* The floodway and regional flood elevations of adjoining lakes, rivers or streams at the date of the survey. All elevations shall be referred to U.S. Coast and Geodetic Survey as utilized by the village.

(B) *Subdivisions Created by Successive Divisions.*

- (1) Where it is not practicable to require that a final plat of a subdivision created prior to this chapter by successive divisions be filed in accordance with this chapter, the village board may in lieu thereof order an assessor's plat to be made under Wis. Stats. § 70.27, and may assess the cost thereof as provided in such section or as provided under Wis. Stats. § 236.31.
- (2) Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this chapter to the extent that they may be reasonably applied.

(Code 2006, § 18.07)

20-1-26 Variances

- (A) When in the judgment of the board it would be inappropriate to apply literally a provision of this chapter because extraordinary hardship would result, it may waive or vary such provisions so that substantial justice may be done and the public interest secured provided that in no event shall the requirement of filing and recording the plat or survey be waived.
- (B) Any modification or variance thus granted shall be entered in the minutes of the board setting forth the reasons which, in the opinion of the board, justified the modification.

(Code 2006, § 18.08)

20-1-27 Violations, Penalties and Remedies

Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$25.00 nor more than \$500.00 and the cost of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof but not exceeding 30 days. This forfeiture shall be imposed for each lot or parcel created by the subdivision. Each day a violation exists or continues shall constitute a separate offense. Compliance therewith may also be enforced by an injunction order at the suit of the village or the owner or owners of real estate within the district affected by the regulations of this chapter as provided by law.

(Code 2006, § 18.09)

20-1-28 Amendments; Interpretation; Separability; Appeals

- (A) *Amendments.* For the purpose of promoting the public health, safety and general welfare, the board may from time to time amend the regulations imposed by this chapter. The board shall hold public hearings on all proposed amendments. Notice of such public hearings shall be given by publication of a class 2 notice in a newspaper of general circulation within the local unit once a week for two weeks preceding the hearing or as otherwise provided by statute.
- (B) *Interpretation.*
- (1) 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 and shall not be deemed a limitation or repeal of any other power granted by the state statutes.
 - (2) Where the conditions imposed by any provisions of this chapter upon the subdivision of land are either more restrictive or less restrictive than comparable conditions imposed by any other provisions of this chapter or of any other applicable law, ordinance, resolution, rule or regulation of any kind, the regulations which are more restrictive and impose higher standards or requirements shall govern.
 - (3) No approval or objection shall be conditioned upon any requirement other than those specified in this chapter.
- (C) *Nonliability.* The village does not guarantee, warrant or represent that only those areas designated as floodlands will be subject to periodic inundation and that those soils within the county and thereby asserts that there is no liability on the part of the village, its agencies or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter.
- (D) *Appeals.* Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom, as provided in Wis. Stat. Ch. 236, 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.

(Code 2006, § 18.10)

20-1-29 Subdivider Checklist

(A)

TABLE 20-1-29

Procedure	Code Section Reference
1 Submit preliminary sketch to village board with letter of intent regarding proposed improvements	20-1-23(1)
2 Submit preliminary plat to village board including request for rezoning	20-1-23(2); 20-1-24(c)
3 After approval of preliminary plat, the following documents must be obtained:	
3 - a Petitions for improvements	20-1-23(3)c.1
3 - b Waivers of hearing - or request for public hearing	20-1-24(b)(2)
3 - c Easements (if required)	20-1-24(b)(3)
3 - d Bond for street grading	20-1-24(b)
4 Monument final plat	20-1-24(a)(1); 20-1-24(c)
5 Submit final plat to village board with documents listed in number 3 above	20-1-23(3); 20-1-24(c)
6 Record final plat	20-1-23(3)d; 20-1-24(c)
7 Submit special financial agreements to commission (if required)	20-1-24(b)(2); 20-1-24(c)
8 Submit other special agreements to commission (if required)	20-1-24(b)(5); 20-1-24(c)
9 Secure and submit to commission proof of escrow account and execute joint agreement between subdivider, bank and village	20-1-24(b)(4); 20-1-24(c)

(Code 2006, § 18.12)

20-1-30 Dedication of Public Sites or Payment of Public Site Fees

- (A) *Authority and Purpose.* Pursuant to the authority granted by Wis. Stat. § 236.45, the requirements of this section are established to ensure that adequate parks, open spaces, and sites for other public uses are properly located and preserved as the village grows. It has also been established to ensure that the cost of providing such sites and facilities necessary to serve additional people brought into the community by land development may be equitably apportioned on the basis of the additional needs created by new development.
- (B) *Applicability.* This section shall apply to all land divisions in the village including subdivision plats, certified survey maps, condominium plats and metes and bounds divisions creating new parcels. All such land divisions shall be reviewed by the village to determine the need for suitable public sites as described herein.

- (C) *Public sites and Open Spaces Defined.* Suitable sites of adequate area shall be dedicated or reserved for parks, open spaces, trail systems, and for other public recreational purposes as indicated by the village's smart growth comprehensive plan and/or as designated in the village comprehensive outdoor recreation plan. If not so designated or indicated, consideration shall also be given to public lands that may include the preservation of scenic or historic sites, stands of fine trees, marshes, lakes and ponds, waterways, watersheds, ravines, or other lands determined by the park board to be necessary and suitable for public recreational purposes. The park board shall review the physical conditions and attributes of any lands proposed for public recreational purposes to determine their quality and suitability for their intended public purpose, and shall also determine that such lands would be credited toward the subdivider's land dedication requirements.
- (D) *Park Board Determination of Options.* Each subdivider of land in the village shall, at the discretion and direction of the village park board, either dedicate public and open space lands as indicated in the village smart growth comprehensive plan and/or as designated in the village comprehensive outdoor recreation plan, or where no public or open space lands are dedicated, a public site fee shall be paid.
- (E) *Public Site Land Dedication Option.* Where a proposed public site or other open space land as defined in this section is encompassed, all or in part, within the tract of land to be subdivided, or developed, the public site or public lands shall be made a part of the plat and shall be dedicated to the village by the subdivider. Should the value of the land to be dedicated be less than the value of the public site fee, the subdivider shall be required to pay the village the difference between the value of the land dedicated and the public site fee. Should the value of the land to be dedicated exceed the public site fee, any lands in excess of the value of the public site fee shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the village at the price agreed upon and set forth in the development agreement. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with the procedure described in subsection (J) of this section.
- (F) *Public Site Fee Payment Option.* If a proposed land division or condominium does not encompass a proposed public site or other open space lands, the subdivider shall pay a public site fee to be used for the acquisition of public sites to serve the proposed land division or condominium. The public site fee shall be based on the value of land that would have been dedicated at the rate of one acre dedicated for each 35 acres being subdivided or developed. Land values shall be determined in accordance with the procedures described in subsection (J) of this section. The public site fee for land acquisition for each new lot or for each new residential unit within the proposed land division or condominium is on file at the village clerk's office. Such fees shall be paid to the village treasurer at the time of first application for approval of a final plat, certified survey map, condominium plat, or other type of land division. If a land division is recorded without paying the fee, and the fee is not subsequently paid, the village shall place the fee on the tax roll for the property. In addition to public site fees, the village may charge a park facilities development impact fee pursuant to state statutes.
- (G) *Land Dedication and Public Site Fee.* The park board may recommend the subdivider satisfy the requirements by combining land dedication and public site fee payments. The fee in such cases shall be determined by subtracting the value of the dedicated land from the total fee which would have been dedicated by the subdivider. The land value shall be determined in accordance with the procedures described in subsection (J) of this section.

- (H) *Consideration of Private Recreational Facilities.* Developments such as conservation subdivisions or planned unit developments which contain their own recreational lands or facilities may be considered for a reduction in the requirements for providing public sites or paying public site fees. Requests for such reductions shall be reviewed and may be recommended by the park board. In their deliberations, the park board shall consider the extent that the private lands or facilities would satisfy public site needs generated by the development. Any such reductions shall be stipulated in the development agreement for the project.
- (I) *Use of Public Site Fees.* Public site fees shall be deposited as "special funds for the acquisition and development of public sites, recreation areas, open spaces and greenways" (park special fund), and such funds so levied and collected shall be used for such purposes at such places and in such manner as approved, ordered and directed by the village upon recommendation by the park board. Any and all interest accumulated by such funds shall be added to the special fund and be used only for the acquisition and developments for such purposes.
- (J) *Land Values.* The value of lands to be dedicated for park or open space purposes shall be agreed upon by the village and the subdivider on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the village and the developer, an appraisal board consisting of one appraiser selected by the village and retained at the village's expense, one appraiser selected by the subdivider and retained at the subdivider's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally by the village and the subdivider, shall determine the value of the land.
- (K) *Public Access of Navigable Streams or Lakeshores.* Navigable streams or lakeshores shall have a public access-way at least 60 feet in width platted to the low-water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the state department of administration, the Wisconsin Department of Natural Resources, and the Village, as required by Wis. Stat. § 236.16(3).

(Code 2006, § 18.13; Ord. No. O8-2-04, 8-10-2004)

20-1-31 Deferred Special Assessments

- (A) *Undeveloped Lands.* The due date of any special assessments levied against property abutting or benefited by public improvement may be deferred for sanitary sewers, storm sewers or water mains, curb and gutter and street improvements, when the assessments are levied against undeveloped land.
 - (1) Undeveloped land is land that has no residential, commercial or industrial development.
 - (2) Deferments may only be granted for assessments levied against property which is part of a recorded plat or certified survey if the board determines that such deferment is in the best interest of the Village.
 - (3) Deferments may be granted for special improvement assessments if the property subject to the levy is determined by the board to be unbuildable due to inadequate size or area for development or an elevation preventing reasonable access to the proposed improvement.

(B) *Interest.* Interest shall be charged during the deferment period. The interest rate for all village construction projects for unpaid special assessments shall be 0.5 percent above the rate at which the Village borrowed the funds.

(Code 2006, § 18.14; Ord. No. O1-4-89, 1-24-1989; Ord. No. O5-7-89, 5-23-1989)