Title 18

SUBDIVISIONS*

Chapters:

18.04	Purpose
18.08	General Provisions
18.12	Definitions
18.16	Procedure
18.20	General Requirements and Design Standards
18.24	Public Areas
18.28	Required Land Improvements
18.32	Subdivisions Created by Successive Divisions
18.36	Dedications
18.40	Restrictions for Public Benefit
18.44	Adoption of More Restrictive Provisions
18.48	Fees
18.52	Inspection of Public Improvements
18.56	Building Permit Issuance
18.60	Occupancy Permit Issuance
18.64	Variations and Exceptions
18.68	Recording Plats
18.72	Penalties

Chapter 18.04

PURPOSE**

Sections:

18.04.010 Purpose.

18.04.010 Purpose. In order to promote the public health, safety, morals, and general welfare; to legally implement and influence the development of the Village; to further the orderly layout and use of land; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to lessen congestion in streets and highways; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the further re-subdivision of larger tracts into

smaller parcels of land, it shall be the purpose of this title to regulate and control the subdivision of land within the corporate limits and extra-territorial plat approval jurisdiction of the Village. These regulations are made with reasonable consideration, among other things, of the character of the Village with a view of conserving the value of buildings placed upon land, providing the best possible environment for human habitation, and for encouraging the most appropriate use of land throughout the Village. (Ord. A-260 Sec. 14.01, 1973: prior code Sec.14.01).

* For statutory provisions on the platting of land, see Wisconsin Statutes 1975 Chapter 236; for provisions authorizing municipalities to adopt ordinances controlling subdivisions, see Wisconsin Statutes 1975 Section 236.45.

** For statutory provisions on the purpose of municipal subdivision ordinances, see Wisconsin Statutes 1975 Sections 236.45(1) and (2).

Chapter 18.08

GENERAL PROVISIONS*

Sections:

18.08.010 Statutes adopted by reference.
18.08.020 Surveying and platting.
18.08.030 Unplatted subdivisions.
18.08.040 Exemptions.

18.08.010 Statutes adopted by reference. The provisions contained in Chapter 236 of the Wisconsin Statutes governing the subdivision and platting of land, and such other state laws as may apply and any revisions or amendments thereof enacted by the State legislature; the rules of the Department of Health and Social Services, Division of Health, relating to lot size and lot evaluation if the subdivision is not served by a public sewer and provision for such service has not been made; and the rules of the Department of Transportation, Division of Highways, relating to safety of access and preservation of the public interest and investment in the streets if the subdivision abuts on a state trunk highway or connecting street; are all made a part of this title with the same force and effect as if here set out in full verbatim, except that where the provisions of this title are more restrictive the provisions of this title shall apply. (Ord. A-260 Section 14.02(1), 1973: prior code Section 14.02(1)).

18.08.020 Surveying and platting. Any division of land within the Village or its extraterritorial plat approval jurisdiction which results in a subdivision as defined in this title shall be, and any other division may be, surveyed and a plat thereof made, approved and recorded as required by this title and by Chapter 236 of the Wisconsin Statutes. (Ord. A-260 Section 14.02(2), 1973: prior code section 14.02(2)).

18.08.030 Unplatted subdivisions. Any division of land other than a subdivision within the Village or its extraterritorial plat approval jurisdiction, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and shall be recorded with the register of deeds as required by Section 18.16.090 through 18.16.120 of this title and Chapter 236 of the Wisconsin Statutes. (Ord. A-260 Section 14.02(3), 1973: prior code Section 14.02(3)).

18.08.040 Exemptions. The provisions of this title shall not apply to:

A. Transfers of interests in land by will or pursuant to court order;

B. Leases for a term not to exceed ten years, mortgages, or easements;

C. 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 title or other applicable laws or ordinances. (Ord. A-260 Section 14.02(4), 1973: prior code Section 14.02(4)).

* For statutory provisions on application of municipal subdivision ordinances, see Wisconsin Statutes 1975 Sections 236.45(2) and (3).

Chapter 18.12

DEFINITIONS*

Sections:

18.12.010 General interpretation.
18.12.020 Definitions.
18.12.030 Alley.
18.12.040 Building setback line.
18.12.050 Butt lots.
18.12.060 Correction instruments.
18.12.070 Crosswalk.
18.12.080 Easement.
18.12.090 Final plat.
18.12.100 Lot.
18.12.110 Lot width.
18.12.120 Master plan.
18.12.130 Minimum street width.
18.12.140 Municipality or village.
18.12.150 Official map.
18.12.160 Outlot.
18.12.170 Owner or subdivider.
18.12.180 Plan commission.
18.12.190 Plat.
18.12.200 Preliminary plat.
18.12.210 Protective covenants.
18.12.220 Public improvement.
18.12.230 Recording a plat.
18.12.240 Sight distance.
18.12.250 Street
18.12.260 Subdivision.
18.12.270 Subdivision design standards.
18.12.280 Village Attorney.
18.12.290 Village Board.
18.12.300 Village Clerk and/or Administrator.
18.12.310 Village Engineer.

18.12.010 General interpretation. In this title, all terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed thereto in that chapter, and as that chapter may hereafter be amended, unless otherwise defined in this title or unless the context and/or subject matter clearly indicates otherwise. All words used in the present tense include the future tense; the singular includes the plural and the plural the singular, the word "person" includes associations, co-partnerships or corporations; and the term "shall" is mandatory while the word "may" is permissive. (Ord. A-260 Section 14.03(1), 1973: prior code Section 14.03(J)).

18.12.020 Definitions. As used in this title, the following words and phrases shall have the meanings ascribed to them in this chapter. (Ord. A-260 Section 14.03(2)part), 1973: prior code Section 14.03(2)(part)).

18.12.030 Alley. "Alley" is a public way affording secondary means of access to abutting property. (Ord. A-260 Section 14.03(2)(K), 1973: prior code Section 14.03(2)(K)).

18.12.040 Building setback line. "Building set back line" is a line within a lot of parcel of land designated on a plat of a proposed subdivision, which creates a zone between itself and any abutting street line, within which the erection of an enclosed structure or portion thereof is prohibited. (Ord. A-260 Section 14.03(2)(J), 1973: prior code Section 14.03(2)(J)).

18.12.050 Butt lots. "Butt lots" are lots the rear lot lines of which abut the side lot lines of other lots platted in the same block not separated by an alley or other open space. (Ord. A-260 Section 14.03(2)(N), 1973: prior code Section 14.03(2)(N)).

18.12.060 Correction instruments. "Correction instruments" means any recordable document correcting distance, angles, directions, bearings, chords, block or lot numbers, street names and shall include all other details concerning the corrected item(s) shown on a recorded plat. (Ord. A-260 Section 14.03(2)(Q), 1973: prior code Section 14.03(2)(Q)).

18.12.070 Crosswalk. "Crosswalk" is a public right-of-way across a block to be used by pedestrians and/or for underground utilities. (Ord. A-260 Section 14.03(2)(L), 1973: prior code Section 14.03(2)(L)).

18.12.080 Easement. "Easement" is a quantity of land set aside or over or under which liberty, privilege or advantage in land without profit is dedicated, and is distinct from ownership of the land, is granted either to the public, a particular person or a combination of both. (Ord. A-260 Section 14.03(2)(M), 1973: prior code Section 14.03(2)(M)).

18.12.090 Final Plat. "Final plat" is a map or chart of a subdivision which has been accurately surveyed, clearly and definitely showing the streets, alleys, blocks, lots and other divisions thereof, in such a manner that the same can be clearly and distinctly identified. (Ord. A-260 Section 14.03(2)H), 1973: prior code Section 14.03(2)(H)).

18.12.100 Lot. "Lot" is a portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of ownership or for building development. (Ord. A-260 Section 14.03(2)(T), 1973: prior code Section 14.03(2)(T)).

18.12.110 Lot width. "Lot width" is the width of a parcel of land measured along the minimum building set back line. (Ord. A-260 Section 14.03(2)O), 1973: prior code Section 14.03(2)(O)).

18.12.120 Master plan. "Master plan" refers to the composite of the functional and geographic elements of the master plan or any segment thereof in the form of plans, maps, charts and textual material as adopted by the Village in the street or transportation plan, official map, master sanitary sewer plan, master storm sewer plan, master watermain plan, or master established grade plan or a combination of any or all of them. (Ord. A-260 Section 14.03(2)(W)(1), 1973: prior code Section 14.03(2)(W)(1)).

18.12.130 Minimum street width. "Minimum street width" means all streets having widths specified on the master plan or official map, and no full street shall be less than sixty feet wide, unless the Village Board otherwise permits by ordinance. (Ord. A-260 Section 14.03(2)(P), 1973: prior code Section 14.03(2)(P)).

18.12.140 Municipality or Village. "Municipality" or "Village" means the Village of Grafton. (Ord. A-260 Section 14.03(2)(A), 1973: prior code Section 14.03(2)(A)).

18.12.150 Official map. "Official map" refers to the official street plan as adopted by the Village, providing for the locations and widths of all types of streets. (Ord. A-260 Section 14.03(2)(W)(2), 1973: prior code Section 14.03(2)(W)(2)).

18.12.160 Outlot. "Outlot" is a portion of a subdivision or other land division not of standard "lot" size; but provided as a remnant of the subdivision, the intention of which is to either redivide it in the future into "lots" or combine it with one or more other adjacent "outlots" or "lots" in other subdivisions or land divisions to create buildable "lots." (Ord. A-260 Section 14.03(2)(U), 1973: prior code Section 14.03(2)(U)).

18.12.170 Owner or subdivider. "Owner" or "subdivider" means any firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same. (Ord. A-260 Section 14.03(2)(G), 1973: prior code Section 14.03(2)(G)).

18.12.180 Plan Commission. "Plan commission" means the Village Plan Commission. (Ord. A-260 Section 14.03(2)(F), 1973: prior code Sections 14.03(2)(F), 14.03(2)(X)(4)).

18.12.190 Plat. "Plat" is a map of a subdivision of land. (Ord. A-260 Section 14.03(2)(B), 1973: prior code Section 14.03(2)(B)).

18.12.200 Preliminary plat. "Preliminary plat" is a map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. (Ord. A-260 Section 14.03(2)(C), 1973: prior code Section 14.03(2)(C)).

18.12.210 Protective covenants. "Protective covenants" are contracts or agreements, whether recorded or unrecorded, entered into between private parties and impose a restriction on the use of all private property or with private parties and the Village with a subdivision for the benefit of property owners or the public, which provide mutual protection against undesirable aspects of development which would tend to impair stability of values and which may be enforced, either by private parties or by the Village. (Ord. A-260 Section 14.03(2)(X), 1973: prior code Section 14.03(2)(X)(part)).

18.12.220 Public improvement. "Public improvement" means public sewer, water mains, storm water relief provisions, highways and parkways, sidewalks, street lighting, and shall include all other public improvements reasonable to be required by the Village Board or the Plan Commission, and shall not be limited because of express enumeration whether or not such improvements are shown on the official map. (Ord. A-260 Section 14.03(2)(S), 1973: prior code Section 14.03(2)(S)).

18.12.230 Recording a plat. "Recording a plat" means the filing of the original of the final plat with the register of deeds. (Ord. A-260 Section 14.03(2)(D), 1973: prior code Section 14.03(2)(D)).

18.12.240 Sight distance. "Sight distance" means a minimum sight distance affording clear visibility along the centerline of all major streets. (Ord. A-260 Section 14.03(2)(R), 1973: prior code Section 14.03(2)(R)).

18.12.250 Street. "Street" is a public thoroughfare affording access to abutting property.

1. "Major street" is a public thoroughfare capable of accommodating continuity of fast or heavy traffic.

2. "Collector street" is a street which will carry traffic from minor streets to a major street system and includes principal entrance streets of developed areas and the primary circulating streets within a developed area.

3. "Minor street" is a street used primarily for access to the abutting properties.

4. "Cul-de-sac" is a minor street having one opened end and being terminated at the other by a turn-around.

5. "Marginal access street," "service drive" or "frontage drive" are minor streets which are parallel to and to or in the immediate vicinity of a primary street which have for their purpose the relief of such thoroughfare from the local service of abutting properties.

6. "Half street" is a street bordering one or more property lines of a tract of land in which the developer has dedicated part of the ultimate right-of-way width in accordance with the requirements of Section 18.20.070 of this title. (Ord. A-260 Section 14.03(2)(I), 1973: prior code Section 14.03(2)(I)).

18.12.260 Subdivision. "Subdivision" is 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 developments, where:

1. The act of division creates five or more parcels or building sites of one and one-half acres each or less in area; or

2. Five or more parcels or building sites of one and one-half acres each or less in area are created by successive divisions within a period of five years; or

3. The act of division involves the creating of a new street. (Ord. A-260 Section 14.03(2)(E), 1973: prior code Section 14.03(2)(E)).

18.12.270 Subdivision design standards. "Subdivision design standards" are the guides, principles and specifications for the preparation of subdivision plans indicating, among other things, the minimum and maximum dimensions of the various elements set forth in the preliminary plat. (Ord. A-260 Section 14.03(2)(V), 1973: prior code Section 14.03(2)(V)).

18.12.280 Village Attorney. "Village Attorney" or "attorney" is the village attorney of the Village of Grafton. (Ord. A-260 Section 14.03(2)(X)(5), 1973: prior code Section 14.03(2)(X)(5)).

18.12.290 Village Board. "Village Board" is the Village Board of the Village of Grafton. (Ord. A-260 Section 14.03(2)(X)(1), 1973: prior code Section 14.03(2)(X)(1)).

18.12.300 Village Clerk and/or Administrator. "Village Clerk and/or Village Administrator" or Clerk and/or Administrator" means the Village Clerk and/or Village Administrator of the Village of Grafton. (Ord. A-260 Section 14.03(2)(X)(2), 1973: prior code Section 14.03(2)(X)(2)).

18.12.310 Village Engineer. "Village Engineer" or "Engineer" is the Village Engineer of the Village of Grafton. (Ord. A-260 Section 14.03(2)(X)(3), 1973: prior code Section 14.03(2)(X)(3)).

* For statutory provisions on definitions regarding platting of land, see Wisconsin Statutes 1975 Section 236.02; for provisions authorizing municipal subdivision ordinances to regulate certain divisions not regulated by state law, see Wisconsin Statutes 1975 Section 236.45(2).

Chapter 18.16

PROCEDURE*

Sections:

18.16.010 Preliminary consultation.
18.16.020 Preliminary plat--Required.
18.16.030 Preliminary plat--Official filing.
18.16.040 Preliminary plat--Official approval.
18.16.050 Preliminary plat--Additional filing.
18.16.060 Preliminary plat--Engineering data requirements.
18.16.070 Preliminary plat--Additional requirements.
18.16.080 Final plat.
18.16.090 Land divisions other than subdivisions--Procedure.
18.16.100 Land divisions other than subdivisions-Requirements.
18.16.110 Land other than subdivisions--Certificates.
18.16.120 Land other than subdivisions-Recording.

18.16.010 Preliminary consultation. The subdivider may, before submitting a plat for official filing, consult or meet with the plan commission and its staff for advice and assistance. This step does not require formal application, fee or filing of a plat with the Plan Commission or Village Board, but may include a preliminary sketch. (Ord. A-260 Section 14.04(1)(A), 1973: prior code Section 14.04(1)(A)).

18.16.020 Preliminary plat--Required. Any person or firm contemplating the subdivision of land within the Village, before submitting a final plat for approval, shall be required to file with the Village Clerk-Treasurer at least ten days prior to a regular meeting of the Plan Commission, twenty black or blue line prints of a preliminary plat conforming to the master plan, official map and the subdivision design standards of this title. (Ord. A-260 Section 14.04(1)(B)(1), 1973: prior code Section 14.04(1)(B)(1)).

18.16.030 Preliminary plat--Official filing. The submission of the prints of the preliminary plat shall constitute official filing and the Village Clerk-Treasurer shall note on each print the date filed and shall forthwith forward copies to the following:

A. Two copies for each of the state agencies required to review the plat to the State Director of Regional Planning, in accordance with State Statute 236.12;

B. Four copies to the county planning agency, if required;

C. One copy for the official file of the Village;

D. One copy each for the Village Planner, six Plan Commission members and the Plan Commission Chairman;

E. Two copies to the Village Engineer. (Ord. A-260 Section 14.04(1)(B)(2), 1973: prior code Section 14.04(1)(B)(2)).

18.16.040 Preliminary plat--Official approval.

A. The Plan Commission shall, within ninety days of the submission of the preliminary plat to such body, review the plat and negotiate with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required; and approve, approve conditionally, or reject the plat. The subdivider and his surveyor shall be notified in writing of any conditions of approval or the reasons for rejection. Pursuant to Section 236.12 of the Wisconsin Statutes, no approval shall be granted until it has been certified that there is no objection to the plat by any agency authorized to object. Failure of the Plan Commission to act within ninety days shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. (Ord. 006, 1994 part 1, 1994)

B. Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to the preliminary plat and all conditions of approval have been met. (Ord. A-260 Section 14.04(1)(B)(3), 1973: prior code Section 14.04(1)(B)(3)).

18.16.050 Preliminary plat--Additional filing. Nothing contained in this title shall prohibit the filing of additional preliminary plats regardless of whether the first one has been approved. The subdivider may refile to the Village Clerk-Treasurer corrected copies of the rejected plat. (Ord. A-260 Section 14.04(1)(B)(4), 1973: prior code Section 14.04(1)(B)(4)).

18.16.060 Preliminary plat--Engineering data requirements. The preliminary plat shall be prepared by a registered land surveyor on tracing cloth or paper of good quality at a scale of not more than one hundred feet to one inch and shall show correctly on its face:

A. Date, scale and north point;

B. The title, in accordance with the Village standard for titling subdivisions, under which the proposed subdivision is to be recorded;

C. The name and address of the owner, the subdivider, and surveyor preparing the plat;

D. Location of the proposed subdivision by government lot, quarter section, township, range and county;

E. Exact length and bearings of the exterior boundaries of the proposed subdivision, and the approximate acreage therein;

F. Location and names of adjacent subdivisions;

G. Zoning on and adjacent to the proposed subdivision;

H. Location, widths and names of any adjacent existing highways, streets, alleys, or other public ways, easements, railroad and utility rights-of-way, parks and cemeteries;

I. 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;

J. The approximate location, size and elevations within the proposed subdivision and in the adjoining streets or property of any existing sewers, water mains, culverts, drain pipes including farm drain tile and electric conduits proposed to be used on the property to be subdivided; or direction and distance to nearest water and sewer mains if not adjacent or within tract to be divided;

K. The location of existing property lines, streets, drives, buildings, watercourses, utilities, railroads and other similar features within the tract being subdivided;

L. The water elevations of adjoining lakes or streams at the date of survey, and approximate high and low water elevations, all referred to U.S.G.S. datum;

M. Locations, widths, and names of all proposed streets and rights-of-way such as alleys, and easements, and all parks and other open spaces; street names shall be as provided by the Village;

N. Approximate dimensions of all lots together with proposed lot and block numbers, or consecutive lot numbers;

O. Approximate dimensions of all parcels of land proposed to be dedicated to public use and the conditions of such dedication if any;

P. Proposed building setback lines;

Q. Approximate radii of all curves and length of tangents;

R. Source of domestic water supply and type of sewage disposal, locations of sites for community domestic water facilities, and/or community sewage treatment or handling facilities, and all subject to the rules and regulations of the State of Wisconsin Department of Health and Social Services, Division of Health;

S. Contours at vertical intervals of not more than five feet where the slope is greater than ten percent and not more than two feet where the slope is less than ten percent. Elevations shall be marked on such contours based on U.S.C. and G.S. datum. (Ord. a-260 Section 14.04(1)(B)(5)(a), 1973: prior code Section 14.04(1)(B)(5)(a)).

18.16.070 Preliminary plat--Additional requirements. In addition, the Plan Commission may require any or all of the following on a preliminary plat:

A. Profiles showing existing ground surface and proposed street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. Elevations shall be based on U.S.C. and G.S. datum;

B. A draft of a protective covenant whereby the subdivider proposes to regulate land use in the subdivision and otherwise protect the proposed development. (Ord. A-260 Section 14.04(1)(B)(5)(b), 1973: prior code Section 14.04(1)(B)(5)(b)).

18.16.080 Final plat.

A. In order to ensure that the final plat is acceptable for processing, it shall be submitted initially by the Village Clerk to the village Engineer for checking. (Ord. 005, Series 1999, Part 1).

B. The final plat and such copies thereof as shall be required shall be submitted to the Village Clerk not later than 36 months after the approval of the preliminary plat. The Village Board may refuse to approve such final plat if not submitted within such specified time. This provision shall apply to plats that have received preliminary plat approval as of June 2, 2010,or after. (Ord. 021, Series 2011, part 1; Ord. 005, Series 1999, part 1).

C. Within two days after the filing of any final plat with the Village Clerk, legible copies thereof furnished by the subdivider at his expense shall be forwarded by the Clerk to the following agencies:

1. One copy to the official file of the Village;
2. Two copies to the Plan Commission;
3. Two copies to the Village Engineer;
4. Two copies to the State Director of Regional Planning as set forth in Section 236 of the Wisconsin Statutes;
5. Four copies to the County Planning agency, if required;
6. If the subdivision abuts or adjoins a state trunk highway or connecting street two copies to the Department of Transportation, Division of Highways. (Ord. 005, Series 1999, Part 1).

D. The Plan Commission shall review and refer the final plat with its recommendations to the Village Board within thirty days of its submission, unless the time is extended by the board.

E. The Village Board shall approve or reject the final plat within sixty days of its submission, unless the time is extended by agreement with the subdivider and the time of such extension is entered upon the minutes of the Board. Reasons for rejection shall be stated in the minutes of the Board meeting and a copy thereof or a written statement of such reasons shall be supplied the subdivider and his surveyor.

F. The Village Clerk shall certify on the face of the plat that the copies referred to above were forwarded as required and the date thereof, and that no objections to the plat have been filed within a twenty-day limit set by Section 236.12(4) of the Wisconsin Statutes, or if filed, have been met. (Ord. 005, Series 1999, Part 1).

G. The Village Attorney may require the subdivider to furnish an abstract of title or, at the option of the subdivider, title insurance or certificate of title certified to the date of submission of the plat for approval to ascertain the fact that all parties having an interest in such lands have signed the owners' certificate on the plat.

H. Where the developer chooses to follow the optional procedure in processing the plat as provided by Section 236.12(6) of the Wisconsin Statutes, the Village Clerk and Plan Commission shall modify their procedure and the wording of the necessary certificate and approval accordingly. (Ord. 005, Series 1999, Part 1).

I. A duplicate tracing, at the size specified by the Village Engineer, of the final recorded plat shall be filed with both the Village Engineer and the Utility Director. (Ord. 005, Series 1999, part 1); Ord. A-343-77 Part 2 (part), 1977; Ord. A-260 Section 14.04(1)(B)(5)(c), 1973: prior code Section 14.04(1)(B)(5)(c)).

<u>18.16.090 Land divisions other than subdivisions--Procedure.</u> The subdivider shall first consult with the Plan Commission regarding the requirements of this chapter before submission of his plat or map. Following consultation, ten copies of a final plat in the form of a certified survey map shall be submitted to the Plan Commission, which shall approve, approve conditionally, or reject the map within ninety days. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. ((Ord. A-260 Section 14.04(2)(A), 1973: prior code Section 14.04(2)(A); Ord 006-94, Part 2, 1994).

18.16.100 Land divisions other than subdivisions--Requirements.

A. To the extent reasonably practicable the plat shall comply with the provisions of this title hereinafter stated relating to general requirements and design standards and required improvements.

B. The survey shall be performed and the map prepared by a registered surveyor.

C. All corners shall be monumented in accordance with Section 236.15(1)(c) and (d), Wisconsin Statutes.

D. The final plat shall be prepared in accordance with Section 236.20(2)(a), (b), (c), (e), (f), (g), (h), (i), (j), (k), and (l) of the Wisconsin Statutes, on durable white paper eight and one-half inches wide by fourteen inches long. All lines shall be made with nonfading black ink to a scale of not more than one hundred feet to one inch. (Ord. A-343-77 Part 2 (part), 1977; Ord. A-260 Section 14.04 (2)(B), 1973: prior code Section 14.04(2)(B)).

18.16.110 Land other than subdivisions--Certificates. The map shall include the certificate of ownership and the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such certificate shall include the statement of the surveyor to the effect that he has fully complied with the requirements of this chapter.

The certificate of approval of the Plan Commission shall be typed, lettered or reproduced legibly with nonfading black ink on the face of the map. (Ord. A-240 Section 14.04(2)(C), 1973: prior code Section 14.04(2)(C)).

18.16.120 Land other than subdivisions--Recording. Following approval of the certified survey map, it shall be filed for record with the Register of Deeds and a duplicate tracing as specified by the Village Engineer shall be filed with the Village Engineer. (Ord. A--240 Section 14.04(2)(D), 1973: prior code Section 14.04(2)(D)).

* For statutory provisions on procedure for approval of plats, see Wisconsin Statutes 1975 Sections 236.10, 236.11 and 236.12.

Chapter 18.20

GENERAL REQUIREMENTS AND DESIGN STANDARDS*

Sections:

18.20.010 General requirements.
18.20.020 Streets--Design and location.
18.20.030 Streets--Conformance to official map.
18.20.040 Streets--Arrangement.
18.20.050 Streets--Railroad rights-of-way.
18.20.060 Streets--Major streets and highways.
18.20.070 Streets--Width.
18.20.080 Streets--Grades.
18.20.090 Streets--Horizontal curves.
18.20.100 Streets--Vertical curves.
18.20.110 Streets--Tangents.
18.20.120 Street names.
18.20.130 Cul-de-sacs.
18.20.140 Half streets.
18.20.150 Reserve strips.
18.20.160 Intersections.
18.20.170 Alleys.
18.20.180 Easements.
18.20.190 Blocks.
18.20.200 Lots--Generally.
18.20.210 Lot dimensions.
18.20.220 Corner lots.
18.20.230 Lot access.
18.20.240 Lot lines.
18.20.250 Large lots.
18.20.260 Lots--Municipal boundaries.
18.20.270 Double frontage lots.
18.20.280 Sidewalks and pedestrian trails.

18.20.010 General requirements. The proposed subdivision shall conform to:

A. The provisions of Chapter 236 of the Wisconsin Statutes, which are adopted by reference;

B. All applicable ordinances of the Village;

C. Design and construction standards as established by the Village;

D. The master plan of the Village;

E. The official map of the Village;

F. The rules of the State Department of Transportation, Division of Highways, as may be promulgated from time to time whenever in the opinion of the Division of Highways the proposed subdivision abuts existing or proposed state trunk highways or connecting streets, and for the preservation of the public interest and investment in such highway

or street. (Ord. A-260 Section 14.05(1), 1973: prior code Section 14.05(1)).

18.20.020 Streets--Design and location. The streets shall be designed and located in relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of storm water, to public convenience and safety, in their appropriate relations to the proposed uses of the area to be served. (Ord. A-260 Section 14.05(2)(A), 1973: prior code Section 14.05(2)(A)).

18.20.030 Streets--Conformance to official map. The arrangement, character, extent, width, grade and location of all streets shall conform to the official map and to the street and highway widths established by ordinance. (Ord. A-260 Section 14.05(2)(B), 1973: prior code Section 14.05(2)(B)).

18.20.040 Streets--Arrangement.

A. Major streets shall be properly integrated with the existing and proposed system of major streets and highways and, insofar as practicable, shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

B. Collector streets shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers, and to the major streets into which they feed.

C. Minor streets shall be designed to reasonably conform to the topography, to discourage use by through traffic, to permit efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Minor street locations and street grades shall be established wherever practicable in such a manner to avoid excessive grading and to avoid the excessive removal of tree growth and general leveling of the topography.

D. 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 Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. (Ord. A-260 Section 14.05(2)(C), 1973: prior code Section 14.05(2)(C)).

18.20.050 Streets--Railroad rights-of-way. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, provisions shall be made on each side of such right-of-way for streets approximately parallel to and at a distance suitable for appropriate use of the land and between such streets and the right-of-way, but not less than one hundred fifty feet. 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. (Ord. A-260 Section 14.05(2)(D), 1973: prior code Section 14.05(2)(D)).

18.20.060 Streets--Major streets and highways. Provision shall be made for serving lots of residential use abutting major streets and highways by either the use of (a) marginal access streets, (b) backing lots to the primary street with a screen planting contained in a nonaccess reservation along the rear property line, (c) deeper lots fronting on the primary street with rear service alleys. These methods are recommended for the purpose of providing adequate protection of residential properties and to afford separation of through and local traffic. (Ord. A-260 Section 14.05(2)(E), 1973: prior code Section 14.05(2)(E)).

18.20.070 Streets--Width. The right-of-way and roadway width shall be of the widths specified on the official map or master plan, or if no widths are specified there, they shall be not less than the widths specified below:

	Right-of-way	Roadway (curb face to curb face)
Boulevard	120 feet or wider	Dual 34-foot pavements with a 24-foot median or as recommended by the State Highway Commission
Major Street	100 feet	48 feet

	Right-of-way	Roadway (curb face to curb face)
Collector	80 feet	44 feet
Minor Street	66 feet	36 feet
Half Street	One-half total right-of-way of proposed street.	
Cul-de-sac Street	66 feet	36 feet
Marginal access Street	40 feet	26 feet
Alleys:		
Residential	24 feet	20 feet
Commercial or Industrial	32 feet	30 feet

(Ord. 020, Series 2006, Part 1; Ord. A-002-91 Part 1, 1991; Ord. A-260 Section 14.05(2)(F), 1973; Ord 020-94 Part 1, part 1994: prior code Section 14.05(2)(F)).

18.20.080 Streets--Grades. The grade of major and collector streets shall not exceed six percent and the grade of other streets shall not exceed ten percent, unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade of all streets shall be no less than one-half percent of such minimum shall not be permitted for long sustained distances. Grades of pedestrian ways or crosswalks shall not exceed fifteen percent unless steps of an

acceptable design are to be constructed. (Ord. A-260 Section 14.05(2)(G), 1973: prior code Section 14.05(2)(G)).

18.20.090 Streets--Horizontal curves. Where there is a section in horizontal centerlines within a given block at any given point in excess of ten degrees, a curve shall be inserted with a radius of not less than:

A. Major street, three hundred feet;

B. Collector street, three hundred feet;

C. Minor streets, one hundred feet. (Ord. A-260 Section 14.05(2)(H), 1973: prior code Section 14.05(2)(H)).

18.20.100 Streets--Vertical curves. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than two hundred feet. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to thirty times the algebraic difference in the rates of grade for streets; provided, that no curve of less than fifty feet in length need be used. (Ord. A-456-84 Part 1, 1984: Ord. A-260 Section 14.05(2)(I), 1973: prior code Section 14.05(2)(I)).

18.20.110 Streets--Tangents. Tangents of at least one hundred feet in length shall be introduced between reverse curves on major and collector streets. (Ord. A-260 Section 14.05(J), 1973: prior code Section 14.5(w)(J)).

18.20.120 Street names. New street names shall not duplicate the names of existing streets, but streets that are continuations of other already in existence and named shall bear the name of the existing streets. (Ord. A-260 Section 14.05(2)(K), 1973: prior code Section 14.05(2)(K)).

18.20.130 Cul-de-sacs. Cul-de-sac streets shall be not more than seven hundred feet in length measured along their centerlines from the streets of origin to the ends of their right-of-way, unless specifically permitted by Plan Commission approval. Each cul-de-sac shall have a terminus of nearly circular shape with the minimum right-of-way diameter being one hundred twenty feet and the minimum outside curb diameter of ninety feet. (Ord. A-003-91 Part 1, 1991: Ord. A-240 Section 14.05(2)(L), 173: prior code Section 14.05(2)(L)).

18.20.140 Half streets. Where a half street exists adjacent to the subdivision the other half of the street shall be dedicated by he subdivider. Platting of new half streets along property lines shall not be permitted except by approval of the Plan Commission. (Ord. A-240 Section 14.05(2)(M), 1973: prior code Section 14.05(2)(M)).

18.20.150 Reserve strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Village under conditions approved by the Plan Commission. (Ord. A-240 Section 14.05(2)(N), 1973: prior code Section 14.05(2)(N)).

18.20.160 Intersections. A. Streets shall intersect as nearly as possible at right angles and not more than two streets and shall intersect at one point unless approved by the Plan Commission.

B. Street jogs with centerline offsets of less than one hundred twenty-five feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

18.20.170 Alleys. A. Alleys shall be provided in all commercial and industrial districts, except that the Plan Commission 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.

B. Alleys shall not be approved in residential areas unless necessary because of topography, necessary to provide for the separation of through and local traffic for residential land uses abutting major streets and highways, or other exceptional circumstances.

C. The width of the right-of-way for residential alleys shall be not less than twenty-four feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two feet.

D. Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Where dead-end alleys are unavoidable they shall be provided with adequate turnaround facilities at the dead end. (Ord. A-240 Section 14.05(4), 1973: prior code Section 14.05(4)).

18.20.180 Easements. Easements shall be provided for any overhead or underground utility service, including storm sewers or storm water drainage and detention where necessary. Public utility easements shall be a minimum of twelve feet wide, six feet of same being on each of the adjacent lots or all twelve feet on one lot where necessary, except where wider easements are required by the Village Engineer . Easements shall be established at the rear of each lot and along such other lot lines as to provide continuity or alignment from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors. Where a subdivision is traversed by a watercourse, drainage way, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow. (Ord. 022, Series 2000, Part 1; Ord. A-240 Section 14.05(5), 1973: prior code Section 14.05(5)).

18.20.190 Blocks. A. The maximum block lengths in residential areas shall not exceed one thousand eight hundred feet. The minimum block lengths shall be nine hundred feet unless approved by the Plan Commission. The minimum distance between parallel street centerlines shall be two hundred eighty-six feet.

B. No specific rule concerning the shape of blocks is made, but blocks must fit readily into the overall plan of the subdivision and their design must evidence consideration of topographical conditions,

surface drainage, lot planning, traffic flow, public open-space areas and water and sewerage requirements.

C. Blocks intended for commercial, industrial and institutional use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities as may be required to accommodate motor vehicles.

D. Pedestrian crosswalks not less than twelve feet wide may be required by the Plan Commission where deemed desirable to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities. (Ord. A-240 Section 14.05(6), 1973: prior code Section 14.05(6)).

18.20.200 Lots--Generally. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions. (Ord. A-240 Section 14.05(7)(A), 173: prior code Section 14.05(7)(A)).

18.20.210 Lot dimensions. A. Width and area of lots shall conform with lot width and area requirements set forth in the zoning ordinance and in no case shall a lot in a residential district have less than a minimum width of seventy feet at the minimum building setback line and a minimum area of eight thousand square feet. (Ord. 022, Series 2000, Part 2).

B. Depth of lots shall be in accordance with Plan Commission requirements, but residential lots shall be not less than one hundred ten feet in depth for interior lots and ninety feet in depth for corner lots.

C. 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.

D. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such traffic ways.

E. Butt lots shall be platted at least five feet wider than the average interior lots in developments containing lots less than twelve thousand square feet in area.

F. Lots abutting upon a water course, drainage way, channel or stream shall be an additional depth or width as required to provide an acceptable building site.

G. Excessive depth in relation to width of lots shall be avoided. A proportion of two to one shall normally be considered as a desirable maximum for lot widths of eighty feet or more. (Ord. A-343-77, Part 1 (part), 1977; Ord. A-240 Section 14.05(7)(B), 1973: prior code Section 14.05(7)(B)).

18.20.220 Corner lots. Corner lots shall be designed to permit full setback on both streets as required by the applicable zoning district requirements. (Ord. A-240 Section 14.05(7)(C), 1973: prior code Section 14.05(7)(C)).

18.20.230 Lot access. Every lot shall front or abut on a dedicated public street right-of-way for a minimum of forty feet along cul-de-sac bulbs and sixty feet along all other street segments. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval. (Ord. 022, Series 2000, Part 3; Ord. A-240 Section 14.05(7)(D), 1973: prior code Section 14.05(7)(D)).

18.20.240 Lot lines. Side lot line shall be substantially at right angles or radial to street lines. (Ord. A-240 Section 14.05(7)(E)).

18.20.250 Large lots. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area. (Ord. A-240 Section 14.05(7)(F), 1973: prior code Section 14.05(7)(F)).

18.20.260 Lots--Municipal boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them. (Ord. A-240 Section 14.05(7)(G), 1973: prior code Section 14.05(7)(G)).

18.20.270 Double 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. (Ord. A-240 Section 14.05(7)(H), 1973: prior code Section 14.07(7)(H).

18.20.280 Sidewalks and pedestrian trails. Sidewalks shall be provided within a subdivision in accordance with Title 11 and/or plans approved by the Village Plan Commission along with the subdivision plat.

A. Sidewalks.

1. Five-foot wide concrete sidewalks shall normally be constructed on one side of all frontage and both sides within streets and both sides of all streets within developments.

2. Sidewalks must be constructed along streets if they provide a link between developments or link developments with support facilities such as schools, shopping centers, employment centers, parks and other public recreational facilities.

3. The Planning Commission may exempt the following streets from sidewalk construction: residential cul-de-sacs, loop streets (eyebrows) or dead-end streets serving eight or fewer residences and less than four hundred feet in length; commercial or industrial streets that provide access only to businesses within the immediate area. The commission may allow the construction of sidewalks on only one side of all other cul-de-sacs and dead-end streets.

4. Sidewalk construction shall be in accordance with plans submitted by the developer along with subdivision street plans and profiles. In addition wider than standard sidewalks may be required by the Plan Commission in the vicinity of schools, commercial areas and other places of public assemblage.

B. Pedestrian Trails. Pedestrian trails may be allowed or required in lieu of or in addition to sidewalks within duplex, multifamily and planned developments. Such trails shall be constructed

of bituminous asphalt materials and shall be at least five feet wide. Where such trails are also to be used as bikeways they shall be a minimum of eight feet wide. Such trails may be allowed in lieu of sidewalks when due to unique subdivision design and or terrain they will provide a more convenient link between the subdivision with schools, shopping centers, employment centers and/or amenities. (Ord. A-007 Part 1, 1992).

* For statutory provisions on the basis for approval of a plat, see Wisconsin Statutes 1975 Section 236.13; for provisions on layout requirements, see Wisconsin Statutes 1975 Section 236.16.

Chapter 18.24

PUBLIC AREAS

Sections:

18.24.010 Purpose.
18.24.020 Public sites and open spaces.

18.24.010 Purpose. In order that adequate public lands and open space sites may be properly located and preserved as the Village of Grafton develops, the following provisions are established: (Ord. A-260 Section 14.06 (part), 1973: prior code Section 14.06 (part); Ord 032, Series 1995, Part 1, 1995).

18.24.020 Public sites and open spaces.

A. Dedication of Lands. Whenever any Subdivision or Certified Survey Map is certified, signed, acknowledged, and recorded as prescribed in Section 236.29 of the Wisconsin Statutes or Condominium under the provisions prescribed in Chapter 703 of the Wisconsin Statutes, every donation of land to the public intended for the streets, alleys, ways, commons, or other public uses as designated on said Subdivision, Certified Survey Map, or Condominium shall be deemed sufficient conveyance to vest the fee simple title with the Village of Grafton for the public benefit.

B. Suitability of Land for Public Use. Whenever a Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development includes a proposed dedication of land to public use and it is found that such land is not required or not suitable for public use, the Plan Commission may recommend to the Village Board to either refuse to approve such dedication or require the rearrangement of lots in the proposed Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development.

1. The location and suitability of all land to be dedicated are subject to review and final acceptance by the Village.

2. Lands unsuitable for residential development or conventional construction methods may be dedicated to fulfill required obligations only upon written approval by the Village Board.

C. Size of Land for Public Use. The area of each parcel of land proposed as a dedication of land for public use shall be of such minimum dimensions, as determined by the Plan Commission, so as to be functionally usable.

D. Location Whenever a Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development includes a proposed dedication of land to public use said dedicated land shall be located and sited with sensitivity to surrounding development and existing and planned land uses.

E. Drainageways, Storm water Detention and Retention Basins and Other Public Ways or Public Access to Navigable Lakes or Streams.

1. Whenever a tract of land to be subdivided as a Subdivision, divided by a Certified Survey Map, or developed as a Condominium includes lands designated to be owned by the public to include drainageways, storm water detention and retention basins, and other public ways or public access to navigable lakes or streams which have been designated or graphically delineated on the adopted County Development Plan, and/or local comprehensive plans or adopted plan components, or as required by the State of Wisconsin Department of Natural Resources under Chapter 236.16(3), or required by the Village of Grafton or the appropriate municipality, said public way shall be made a part of the Subdivision Plat, Certified Survey Map, or Condominium and dedicated by the Subdivider or Condominium Developer in the location and dimensions indicated on said plan or map and as set forth in this Ordinance.

2. Whenever a tract of land to be subdivided as a Subdivision, divided by a Certified Survey Map, developed as a Condominium, or developed as a Commercial/Retail use there shall be land (outlot)designated for Storm Water Quality, which could comprise of a detention and/or retention basin. These water quality ponds or devices shall remain private and the developer shall create an Association which all property owners will own a share of the outlot and this Association shall be responsible for the maintenance. The developer shall grant the Village a Storm Water Easement and enter into an agreement that requires the formation of an Association to continual maintenance of these ponds/devices, the Village shall have the right to do the maintenance and assess these costs to the Association. (Ord. 004, Series 2005)

3. Subdivisions or Certified Survey Maps abutting on a navigable lake or stream shall, according to the provisions of Section 236.16(3) of the Wisconsin Statutes, provide access at least sixty (60)

feet wide to the low water mark so that there will be public access, which is connected to existing public roads at least at one-half (1/2) mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is approved, and excluding shore areas where public parks or open space and streets or roads on either side of a stream are provided. Such access shall be dedicated to the Village of Grafton.

F. Parks or Playgrounds. Whenever a tract of land to be divided by either Certified Survey Map or Subdivision Plat or developed as a Condominium within the jurisdiction of this Ordinance encompasses all or any part of a park or playground that has been designated on a duly adopted Village of Grafton, County, or regional comprehensive plan or comprehensive plan component pursuant to Chapter 62.23(6) of the Wisconsin Statutes, said park or playground shall be made a part of that Certified Survey Map, Subdivision Plat, or Condominium and dedicated or reserved by the Subdivider or Condominium Developer in the locations and dimensions indicated on said plan and according to the procedures set forth in this Section.

G. Substitution of Private Recreation and Open Space Lands for Required Public Recreational and Open Space Land Reservations or Dedications Not Permitted. The substitution of private recreation and open space lands for required public recreational and open space land reservations or dedications under this Ordinance shall not be permitted.

H. Reservation and/or Dedication of Suitable Sites of Adequate Area for Future Schools, Parks, Playgrounds, Drainageways, and Other Public Purposes. In the design of a Subdivision Plat, Certified Survey Map, Condominium, or multiple-family dwelling development zoned for residential uses, due consideration shall be given to the reservation and/or dedication of suitable sites of adequate area for future schools, parks, playgrounds, drainageways, and other public purposes.

1. Provision of public park areas (not including drainageways, schools, and lands for other public purposes) shall be based upon the per capita standards [i.e., the type of park area needed per one thousand (1,000) persons served] set forth in the adopted Village of Grafton comprehensive plan, or elements thereof (including the Village of Grafton park and open space plan) as follows:

Community Park:

For Park Site	= 2.2 acres per 1,000 persons
For Playfield and Playground Associated With Park Site	= 0.9 acre per 1,000 persons

Neighborhood Park:

For Park Site	= 1.7 acres per 1,000 persons
For Playfield and Playground Associated With Park Site	= 1.6 acres per 1,000 persons

Subneighborhood Park:

Playground	= 0.35 acres per 1,000 persons
Playfield	= 0.39 acres per 1,000 persons

Vest Pocket Park:

Playground	= 0.35 acres per 1,000 persons
Total Public Outdoor Recreation Land Dedication Required	*= 7.49 acres per 1,000 persons*

The determination of the persons per household, or dwelling unit, shall be based upon the average number of persons per household as reported in the most recent U.S. Census for the Village of Grafton, Wisconsin *[Note: In 1990 there were 2.74 persons per household in the Village of Grafton]*. Based upon these adopted Village comprehensive plan standards, the amount of land to be dedicated for public outdoor recreation lands, including public parks and playgrounds, shall be according to those rates set forth in Section 18.24.020(K) of this Ordinance.

2. If designated on the County development plan, Village master plan, comprehensive plan, plan component, official map, or component neighborhood or subarea development plan, such park areas shall be made a part of the Certified Survey Map, Subdivision Plat, Condominium, or multiple-family dwelling development as stipulated in this Section.

3. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, young or mature woodlands, wetlands, lakes and ponds, watercourses, watersheds, drainageways, steep slopes, and ravines.

I. Selection of Options. The Plan Commission shall, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development, recommend to the Village Board one of the following options and record such recommendation in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development is presented for approval. The Village Board, at the time of reviewing the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development and after reviewing the recommendation of the Plan Commission, selects one of the following options and records such selection in the minutes of the meeting at which the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development is presented for approval:

1. Dedicate open space lands designated on the County development plans, Village comprehensive plan, or plan component, or

2. Reserve such open space lands and pay a public outdoor recreation land site fee in conformance with the Village of Grafton "Impact Fee Ordinance(s)" as established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended, or

3. Where no open space lands are directly involved, pay a public outdoor recreation land site fee in conformance with the Village of Grafton "Impact Fee Ordinance(s)" as established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended.

J. Exemptions. Subject to the requirements and provisions of the Village of Grafton "Impact Fee Ordinance(s)" established pursuant to the requirements of Section 66.55 of the Wisconsin Statutes as amended, where a lot, parcel or dwelling unit for which dedication or fee in lieu of dedication has once been paid is further divided or additional dwelling units created, dedication or payment in lieu of dedication shall be required only for the additional lots, parcels, or dwelling units created. No lot or dwelling unit which is fully developed for residential purposes at the time of the creation of the Subdivision, Certified Survey Map, Condominium, or multiple-family dwelling development shall be required to pay a public outdoor recreation land site fee. Lots or parcels designated as "outlots," as defined by this Ordinance, shall not be counted as lots or parcels for which a land dedication is required or to provide a fee in lieu of dedication. Lots or parcels designated as "outlots" may, however, be dedicated or reserved as public sites as long as their intended public use is so designated on the face of the Subdivision Plat, Certified Survey Map, Condominium, or multiple-family dwelling development.

K. Dedication of Site Option.

1. Determination of the Amount of Land to be Dedicated. Whenever a proposed playground, park, or other public open space land designated on the County's Development Plan, Village's comprehensive plan, neighborhood unit development or subarea plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium or multiple-family dwelling development, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development and shall be dedicated to the public by the Subdivider or Condominium Developer at the following rates for the provision of the following public outdoor recreation lands:

Community Park:

For Park Site	= 0.006028 acre per dwelling unit
For Playfield and Playground Associated With Park Site	= 0.002466 acre per dwelling unit

Neighborhood Park:

For Park Site	= 0.004658 acre per dwelling unit
For Playfield and Playground Associated With Park Site	= 0.004384 acre per dwelling unit

Subneighborhood Park:

Playground	= 0.000959 acre per dwelling unit
Playfield	= 0.0010686 acre per dwelling unit

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Vest Pocket Park:
Playground = 0.000959 acre per dwelling unit

Total Public Outdoor Recreation Land Dedication Required = 0.0205226 acre per dwelling unit

2. Maximum Period of Land Reservation. Any such proposed lands in excess of the rate established herein shall be reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the five (5) year period as set forth herein, the land will be released from reservation to the property owner.

3. Storm water Detention/Retention Areas or Basins, Wetlands, Shoreland Wetlands, and/or Floodplains Not Qualified for Meeting Land Area Requirements. Areas used or required for storm water detention or retention areas or basins, wetlands, shoreland wetlands, and/or floodplains shall not qualify for meeting the land area requirements set forth herein for the dedication of suitable public outdoor recreation lands. If such sites are dedicated for public use, they shall be in addition to suitable land area that meets the land area dedication requirements set forth herein.

L. Reservation of Site Options. Whenever a proposed playground, park, or other public open space land designated on the County's Development Plan, Village's comprehensive plan, neighborhood unit or sub-area development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be divided by either a Certified Survey Map or Subdivision Plat or is a part of a Condominium or multiple-family dwelling development, and whenever the Subdivider or Condominium Developer is given the option to dedicate or reserve public sites and open spaces by the Plan Commission, the public lands shall be made a part of the Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development and reserved for a period not to exceed five (5) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices.

1. For reserved lands:

a. The Subdivider or Condominium Developer shall pay a public outdoor recreation land site fee under the requirements and provisions of the Village of Grafton "Impact Fee Ordinance(s) established pursuant to Section 66.55 of the Wisconsin Statutes as amended at the time of application for Final Plat, Condominium, or multiple-family dwelling development approval at the rate and according to the procedures set forth in this Section 18.24.020(M) of this Ordinance.

b. Restrictive covenants shall be placed on plats identifying the outlots reserved along with the date of release from the restrictions.

2. Reserved lands will be released from reservation to the owner if the lands in excess of the established rate are not acquired within the five (5) year period.

M. Public Outdoor Recreation Land Site Fee Option. See the requirements and provisions of the Village of Grafton "Impact Fee Ordinance(s)" established pursuant to Section 66.55 of the Wisconsin Statutes as amended.

N. Public Pedestrian Access.

1. Where a Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development abuts a public use area, such as a park, lake, stream, hunting grounds, or any similar type of public recreational area, the Subdivider or Condominium Developer, at the option of the Village of Grafton and/or the appropriate municipality shall provide a pedestrian access easement at least twenty (20) feet wide at approved distance intervals connecting such public area with a public street.

2. If it is deemed to be in the public interest by Village of Grafton or the appropriate municipality to reserve additional area for proper development of the public access thoroughfare, the Subdivider or Condominium Developer of a Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development, shall reserve for acquisition by the Village of Grafton or the municipality in which the land is located, a tract of land adjacent to the thoroughfare which, in the judgment of the Village of Grafton or the appropriate municipality, will adequately serve the public interest. Such tract shall be reserved for a period of five (5) years from the date of recordation of the Certified Survey Map, Final Plat, or Condominium, and if not acquired within that time, it shall be released to the owner.

3. The dedication of land for public purposes, such as parkways or recreational corridors, parks, playgrounds, open space sites, right-of-ways, or easements, becomes effective at the time of approval and/or recording of Certified Survey Map, Preliminary Plat, Condominium, or multiple-family dwelling development.

4. On lands reserved for eventual public acquisition, no building or development is permitted during the period of reservation.

a. The reservation period shall not be longer than five (5) years unless arranged otherwise with the Subdivider.

b. Land so reserved must be shown on the Final Plat, Certified Survey Map, Condominium or multiple-family dwelling development plans.

O. Minimum Site Preparation Required of Dedicated Public Sites. When public sites are dedicated as public sites, as described herein, the Subdivider or Developer (as applicable) shall, at a minimum, be required to:

1. Properly grade and contour the public site for proper drainage and for the anticipated use of the area.

2. Cover areas to be seeded with a minimum of four (4) inches of quality topsoil. Said topsoil furnished for the park site shall consist of 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.

3. Provide such improvements to the public site as may be agreed upon and as set forth in the "Subdivider's Agreement" between the Village and the Subdivider or Developer.

4. If the Subdivider or Developer (as applicable) fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the Subdivider or Developer (as applicable) following written notice to the Subdivider or Developer (as applicable) of noncompliance. Failure of the Subdivider or Developer (as applicable) to pay such costs may result in the immediate withholding of all Building Permits for the Subdivision, Certified Survey Map, Condominium, or multiple-family dwelling development until such costs are paid.

(Ord. A-260 Section 14.06(1), 1973;)rd. 032, Series 1995, Part 2, 1995)(Prior code Section 14.06(1)).

Chapter 18.28

REQUIRED LAND IMPROVEMENTS*

Sections:

18.28.010 Monuments.
18.28.020 Improvements required.
18.28.030 Street and site grading.
18.28.040 Storm Water Management.
18.28.050 Storm drainage.
18.28.060 Erosion and sedimentation control.
18.28.070 Sanitary sewer.
18.28.080 Water mains.
18.28.090 Street surfacing.
18.28.100 Sidewalks.
18.28.110 Curbs and gutters.
18.28.130 Pedestrian ways.
18.28.140 Street trees.
18.28.150 Street lights.
18.28.160 Street signs
18.28.170 Public utilities.
18.28.180 Large-capacity sewer mains.
18.28.181 Large-capacity water mains.
18.28.190 Sewerage lift facilities.
18.28.200 Dedication of facilities.
18.28.210 Financial guarantee.

18.28.220 Engineer's approval.
18.28.230 Approval of improvements.
18.28.240 Partial improvements.
18.28.250 Dedication of facilities and improvements.

18.28.010 Monuments. All subdivisions shall be monumented as required by Section 236.15 of the Wisconsin Statutes. (Ord. A-260 Section 14.07(1), 1973: prior code Section 14.07(1)).

18.28.020 Improvements required. No final plat shall be approved by the Plan Commission or Village Board unless the subdivider provides and dedicates the following facilities and improvements within the time required by the Village Board. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(part), 1973: prior code Section 14.07(2)(part)).

18.28.030 Street and site grading. The subdivider shall have prepared in accordance with requirements and standards of the Village, plan and profile drawings together with typical street cross-sections and specifications which indicate the proposed established grades of all the streets shown on the plat. The subdivider shall also have prepared a master site grading plan for the entire subdivision. This plan shall be prepared in accordance with the requirements and standards of the Village Board and shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate positive control of all storm drainage in and adjacent to the plat. The cost of the preparation of such plans shall be paid by the subdivider. After approval of these plans by the Village Engineer, the subdivider shall grade or cause to be graded the full width of the right-of-way of the proposed streets in accordance with the approved drawings. The full width of the right-of-way shall also include that area between marginal access streets and major streets and shall be graded and prepared for seeding under the supervision of the village-approved inspector. All stumps and trees which cannot be saved, boulders and other similar items shall be removed. The subdivider shall also cause to be graded the entire subdivision lot area in accordance with the master site grading plan. Upon completion of all street and subdivision grading, the subdivider shall supply the Village with a document prepared by his Engineer or surveyor certifying that the completed grading work is in compliance with the master site grading plan. The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(A), 1973: prior code Section 14.07(2)(A)).

18.28.040 Storm Water Management. All subdivisions shall be provided with adequate storm water management facilities as specified in this section. The cost of all storm water management facilities shall be paid by the subdivider, including construction, engineering, and inspection, except as noted in Section 18.28.180.

A. Storm Sewers.

1. Storm sewers and storm sewer laterals shall be provided to serve every lot, except where lots directly abut platted drainage

ways or storm water retention facilities, in which case lots may drain directly to those facilities.

2. Storm sewers shall be designed to accommodate the 10-year recurrence interval storm, except in arterial streets, where they shall be designed to accommodate the 50 year recurrence interval storm.

3. Storm sewers and appurtenances shall be constructed in accordance with the Village of Grafton Standard Specifications for Development Construction.

B. Flood Protection.

1. Subdivisions shall be designed so that all structure openings are at least two feet above the 100-year floodplain elevation. Overflow routes shall be established to provide relief during storm events which exceed design conditions.

C. Storm Water Retention.

1. Storm water from the subdivision shall be managed in accordance with the requirements of Chapter 23.01. (Ord. 025, Series 2006; Part 1; Ord. 008, Series 1998, Part 1; Ord. 039, Series 1995, Part 1, part)(Ord. A-260 Section 14.07(2)(B)(1), 1973: prior code Section 14.07(2)(B)(1)).

18.28.050 Storm drainage. Where the subdivision is not within reasonable access to adequate storm water outfall facilities, the subdivider shall have prepared plan and profile construction drawings and shall cause to have installed adequate storm water drainage facilities, including necessary road ditches, street and driveway culverts, spillways, checks, storm sewers, inlet leads, inlet basins and open drainage channels; all of which shall be constructed within publicly dedicated streets or easements and shall be subject to the requirements of the Village Engineer. (Ord. A-260 Section 14.07(2)(B)(2), 1973: prior code Section 14.07(2)(B)(2)).

18.28.060 Erosion and sedimentation control. Erosion and sediment control practices shall conform to Section 23.04, Erosion Control. (Ord. 039, Series 1995, Part 1, part) (Ord. A-494-86 Section 1, 1986: Ord. A-260 Section 14.07(2)(B)(3), 1973: prior code Section 14.07(2)(B)(3)).

18.28.070 Sanitary sewer. The subdivider shall have plan and profile drawings and specifications prepared in accordance with the Village master sanitary sewer plan for the installation of sanitary sewerage facilities including lateral house connections for each lot in the subdivision, extended to the lot line. Upon approval of the plans by the Village Engineer, the subdivider shall cause to be installed in accordance with the Village of Grafton Standard Specifications for Development Construction all facilities required, and the cost for such installation including inspection, supervision and engineering fees, including the costs incurred for updating the Village GIS mapping, shall be paid for by the subdivider. (Ord. 010, Series 2006; Ord. 039, Series 1995, Part 1, part) (Ord. 010, Series 2006; Ord. A-343-77 Part 2 (part), 1977; Ord. A-260 Section 14.07(2)(C)(1), 1973: prior code Section 14.07(2)(C)(1)).

18.28.080 Water mains. The developer of any subdivision annexed to the Village shall have prepared plans and profile drawings and specifications for the installation of water main facilities in accordance with the Village master watermain plan and all utility studies, including the water main, pipe fittings, valves, hydrants, lateral house connections for each lot in the subdivision, extended to the lot line. Upon approval of the plans by the Village Engineer, the subdivider shall cause to be installed in accordance with the Village of Grafton Standard Specifications for Development Construction all facilities required and the cost of same including inspection, supervision and engineering fees, including the costs incurred for updating the Village GID mapping, shall be paid for by the subdivider. (Ord. 010, Series 2006; Ord. 039, Series 1995, Part 1, part) (Ord. A-344-77 Part 1, 1977; Ord. A-260 Section 14.07(2)(D), 1973: prior code Section 14.07(2)(D)).

18.28.090 Street surfacing. After completion of the grading and construction of sewer and water improvements in the street areas, the subdivider shall surface or cause to be surfaced the required roadway to the width indicated in Section 18.20.070 of this code and shall install Portland cement concrete or bituminous concrete pavement and granular base course of a thickness appropriate for the anticipated vehicle usage on the street and available sub-grade soil support, consistent with good engineering practice and in accordance with the Village of Grafton Standard Specifications for Development Construction. The design of the pavement including granular base course shall be subject to review and approval by the Village Engineer. (Ord. 039, Series 1995, Part 1, part)(Ord. A-455-84 Part 1, 1984: Ord. A-260 Section 14.07(2)(E), 1973: prior code Section 14.07(2)(E)).

18.28.100 Sidewalks. The subdivider shall install concrete sidewalks, in accordance with the specifications adopted by the Village Board, along both sides of all streets and boulevards shown on the plat. The cost of the sidewalk, required inspection, supervision and engineering fees shall be paid for by the subdivider. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(F), 1973: prior code Section 14.07(2)(F)).

18.28.110 Curbs and gutters. The subdivider shall install concrete curbs and gutters along both sides of all streets and boulevards shown on the plat, in accordance with the Village of Grafton Standard Specifications for Development Construction. The cost of the curb and gutter, required inspection, supervision and engineering fees shall be paid for by the subdivider. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(G), 1973: prior code Section 14.07(2)(G)).

18.28.130 Pedestrian ways. The subdivider shall install concrete sidewalks in pedestrian ways along either or both sides of streets where required by the Village Board. (Ord. A-260 Section 14.07(2)(I), 1973: prior code Section 14.07(2)(I)).

18.28.140 Street trees. The subdivider shall pay an amount into the street tree fund sufficient for the installation of one street tree for each forty feet of street frontage in the subdivision. As each lot is developed, the Village shall install street trees in accordance with Section 11.32.050. The amount of the street tree payment shall be determined by the Village Engineer and be included in the Subdivider's Agreement.(Ord. No. 023, Series 1996; Part 1; Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(J), 1973: prior code Section 14.07(2)(J)).

18.28.150 Street lights. Street lights shall be installed on all streets within the Village of Grafton. The Village Engineer, with the consent of the Chief of Police, shall determine the location of the street lights within residential subdivisions. All commercial, business, arterial, and collector roads shall be designed in accordance with the American National Standard Practice for Roadway Lighting. The location and type shall be approved by the Village Engineer. The cost for supplying and installing the required street lights shall be paid for by the subdivider. If other than the Village standard lighting units are requested, a maintenance cost shall also be required of the subdivider. (Ord. 009, Series 2004, Part 1; Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(K), 1973: prior code Section 14.07(2)(K)).

18.28.160 Street signs. Street and traffic control signs of a size and type approved by the Village Engineer shall be provided at the locations specified by the Village Engineer. The cost of supplying and installing the required signs shall be paid for by the subdivider. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(L), 1973: prior code Section 14.07(2)(L)).

18.28.170 Public utilities. All utility lines for telephone, Cable TV and electric service shall be placed in rear lot line easements where practicable and side lot line easements, where necessary. All telephone, Cable TV electric and gas service lines shall be placed underground entirely throughout a subdivision area, unless otherwise approved by the Village Board. Conduits or cables shall be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services. proposed utility layouts shall be shown on copies of the preliminary plat supplied by the subdivider to the appropriate utilities. These layouts shall be reviewed and approved by the Village Engineer prior to the completion of the final plat. (Ord. 039, Series 1995, Part 1, part) (Ord. A-260 Section 14.07(2)(M), 1973: prior code Section 14.07(2)(M)).

18.28.180 Large-capacity sewer mains. Where sewer mains of larger capacity than normally necessary to serve the subdivision, as delineated in the preliminary plat, are required by the respective system plan, benefit of the installation to his subdivision shall be as established by the Village Board, in accordance with Section 3.36.040. (Ord. A-525-89 Part 2 (part), 1989: Ord. A-260 Section 14.07(2)(N), 1973: prior code Section 14.07(2)(N)).

18.28.181 Large-capacity water mains. Where water mains of larger capacity than normally necessary to serve the subdivision, as delineated in the preliminary plat, are required by the respective system plan, the subdivider shall be required to pay for the proportionate benefit of the installation to his subdivision as established by the Village Board. (Ord. A-525-89 Part 2 (part), 1989).

18.28.190 Sewerage lift facilities. Where sanitary sewer lift stations and forcemains are required to lift sewerage to a higher elevation and to the gravity sewer system, the subdivider shall have the plan and profile drawings and specifications prepared for the installation of such sewerage lift facilities. Such installation and the inspection, supervision and engineering fees shall be paid for by the subdivider unless otherwise determined by the Village Board. (Ord. A-260 Section 14.07(2)(O), 1973: prior code Section 14.07(2)(O)).

18.28.200 Dedication of facilities. Where directed by the Village Board, the subdivider shall deed to a public or private utility or cooperative the facilities of the community sewerage treatment plant and/or community well system. (Ord. A-260 Section 14.07(2)(P), 1973: prior code Section 14.07(2)(P)).

18.28.210 Financial guarantee. In the event the facilities and improvements enumerated in this chapter have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Finance Director an irrevocable letter of credit from a responsible bank, savings and loan association or other financial institution, duly licensed and authorized to do business in the state, which irrevocable letter of credit shall be in an amount equal to the cost of making the necessary public improvements. Such irrevocable letter of credit shall be approved by the Village attorney and shall be of an amount determined by the Village Engineer to amply cover the cost of completing such facilities and improvements, or, in the event of an improved staged development as provided in Section 18.28.240, an amount ample to cover the cost of completing such portion or part of the subdivision. Such irrevocable letter of credit shall provide that it may be drawn upon the sole authorization of the Finance Director without any other approval or authorization. (Ord. 039, series 1995, Part 1, part)(Ord. A-260 Section 14.07(2)(Q), 1973: prior code Section 14.07(2)(Q)).

18.28.220 Engineer's approval. The adequacy of all facilities and improvements listed in this chapter and their proper installation shall be subject to approval of the Village Engineer. The subdivider shall pay to the Village all such costs incurred by the Village Engineer. Such amounts shall be included in the financial guarantee provided for in Section 18.28.220. (Ord. 039, Series 1995, Part 1, part); (Ord. A-260 Section 14.07(2)(R), 1973: prior code Section 14.07(2)(R)).

18.28.230 Approval of improvements. All such facilities and improvements as described in this chapter shall be subject to the requirements, inspection, and approval of the Village Board, Village Engineer and other agencies empowered with approval. Such installations shall be performed in accordance with the master plans and general specifications of the Village. (Ord. A-260 Section 14.07(2)(S), 1973: prior code Section 14.07(2)(S)).

18.28.240 Partial improvements. In all instances where it appears to be satisfactory to the Village Board that the whole of a platted subdivision cannot immediately be fully improved with respect to the installation of all storm and sanitary sewers and related facilities and street improvements, by reason of unavoidable delay in the acquisition of lands necessary for such improvements, or by reason of the unavoidable delay in obtaining necessary engineering data and information, or for some other good reason or cause, the Village Board may, in its sole discretion, authorize the subdivider to proceed with the installation of improvements required under this title on a portion or part of the subdivision, and in such event, the requirements of this title shall apply to that portion or part thereof, authorized for immediate improvement. (Ord. A-260 Section 14.07(2)(T), 1973: prior code Section 14.07(2)(T)).

18.28.250 Dedication of facilities and improvements. All facilities and improvements installed prior to the final approval of the plat shall be considered dedicated to the Village, along with streets and other public areas, upon approval of the plat. Facilities and improvements completed under written contracts or agreements with the Village, after the approval of the plat, shall be considered dedicated upon their approval and acceptance and release of the subdivider from the requirements of such contracts or agreements. (Ord. A-260 Section 14.07(2)(U), 1973: prior code Section 14.07(2)(U)).

* For statutory provisions on surveying requirements, see Wisconsin Statutes 1975 Section 236.15; for provisions authorizing municipalities to require certain public improvements as a condition of approval of subdivisions, see Wisconsin Statutes 1975 Sections 236.13(2)(a) and (b).

Chapter 18.32

SUBDIVISIONS CREATED BY SUCCESSIVE DIVISIONS*

Sections:

18.32.010 Assessor's plat in lieu of final plat.
18.32.020 Compliance required.

18.32.010 Assessor's plat in lieu of final plat. Where it is not practicable to require that a final plat of a subdivision created by successive divisions be filed in accordance with this title, the Village Board may in lieu thereof order an assessor's plat to be made under Section 70.27 of the Wisconsin Statutes, and may assess the cost thereof as provided in such section, or to the subdivider. (Ord. A-260 Section 14.08(1), 1973: prior code Section 14.08(1)).

18.32.020 Compliance required. Regardless of the type of plat filed, any such subdivision shall comply with all provisions of this title to the extent that they may reasonably be applied. (Ord. A-260 Section 14.08(2), 1973: prior code Section 14.08(2)).

Chapter 18.36

DEDICATIONS**

Sections:

18.36.010 Effect of recording on dedications.
18.36.020 Dedications to public accepted by approval.

18.36.010 Effect of recording on dedications. When any plat is certified, signed, acknowledged and recorded as prescribed by Chapter 236 of the Wisconsin Statutes, every donation or grant to the public or any person, society or corporation marked or noted as such on the plat shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted, and shall be considered a general warranty against such donors, their heirs and assigns to the donees for their use for the purposes therein expressed and no other; and the land intended for the streets, alleys, ways, commons or other public uses as designated on the plat shall be held by the Village in which the plat is situated in trust to and for such uses and purposes. (Ord. A-260 Section 14.09(1), 1973: prior code Section 14.09(1)).

18.36.020 Dedications to public accepted by approval. When a final plat of a subdivision has been approved by the Village and all other required approvals are obtained and the plat is recorded, such approval shall constitute an acceptance for the purpose designed on the plat of the uses of all lands shown thereon as dedicated to the public, including street dedications (Section 236.29 of the Wisconsin Statutes). (Ord. A-260 Section 14.09(2), 1973: prior code Section 14.09(2)).

* For statutory provisions authorizing municipalities to adopt ordinances governing subdivisions and other divisions of land which are more restrictive than state law, see Wisconsin Statutes 1975 Section 236.45(2); for provisions on assessor's plats, see Wisconsin Statutes 1975 Section 70.27.

** For statutory provisions on dedications, see Wisconsin Statutes 1975 Section 236.29.

Chapter 18.40

RESTRICTIONS FOR PUBLIC BENEFIT*

Sections:

18.40.010 Restrictions for public benefit.

18.40.010 Restrictions for public benefit. Any restriction placed on platted land by covenant, grant of easement or in any other manner, which was required by a public body or which names a public body as grantee, promisee or beneficiary, shall vest in the Village the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. Such restriction may be released or waived in writing by the Village having the right of enforcement. (Ord. A-260 Section 14.10, 1973: prior code Section 14.10).

Chapter 18.44

ADOPTION OF MORE RESTRICTIVE PROVISIONS*

Sections:

18.44.010 Provisions adopted.

18.44.010 Provisions adopted. To accomplish the purposes of Chapter 18.04 of this title, inasmuch as the Village has established a planning agency, the Village Board, pursuant to Section 236.45 of the Wisconsin Statutes, adopts additional platting requirements which are deemed more restrictive than the general provisions of such statutes and no plat shall be approved by the Plan Commission, nor shall the same be entitled to be recorded unless such plat complies with such additional requirements as may appear in this title. (Ord. A-260 Section 14.11, 1973: prior code Section 14.11).

* For statutory provisions on restrictions for public benefit, see Wisconsin Statutes 1975 Section 236.293.

Chapter 18.48

FEES

Sections:

18.48.010 Preliminary plat filing fee.
18.48.020 Final plat filing fee.
18.48.030 Certified survey map filing fee.

18.48.010 Preliminary plat filing fee. To defray the cost of administrative burden resulting from the act of subdividing land within the Village, the following administrative fees shall be paid by each subdivider submitting a preliminary plat for consideration and approval at the time of plat submission:

One hundred twenty-five dollars plus five dollars for each lot in the plat.

A one-hundred dollar reapplication fee shall be charged to review a previously submitted plat. (Ord. A-020 Part 1 (part), 1992: Ord. A-555-90 Part 1 (part), 1990: Ord. A-260 Section 14.12(1), 1973: prior code Section 14.12(1)).

18.48.020 Final plat filing fee. To defray the cost of administrative burden resulting from the act of subdividing land within the Village, the following administrative fees shall be paid by each subdivider submitting a final plat for consideration and approval at the time of plat submission:

Seventy-five dollars plus three dollars for each lot in the plat.

A twenty-five dollar reapplication fee shall be charged to review a previously submitted plat. (Ord. A-020 Part 1 (part), 1992: Ord. A-555-90 Part 1 (part), 1990: Ord. A-260 Section 14.12(2), 1973: prior code Section 14.12(1)).

18.48.030 Certified survey map filing fee. To defray the cost of administrative burden resulting from the costs associated with the review, copying and recording of the certified survey map, the following administrative fee shall be paid by the owner at the time of submittal of the certified survey map:

One hundred dollars plus five dollars for each lot shown on the certified survey map.

* For statutory provisions on local adoption of more restrictive provisions, see Wisconsin Statutes 1975 Section 236.45.

Chapter 18.52

INSPECTION OF PUBLIC IMPROVEMENTS

Sections:

18.52.010 Inspection of public improvements within subdivisions.

18.52.010 Inspection of public improvements within subdivisions. All required land improvements to be installed under the provisions of this title shall be subject to inspection at all times by the Village Engineer or other authorized person or department and no underground improvement shall be covered until the subdivider, his agents, servants or contractors have first obtained permission to cover any underground installation from the department authorized to make such inspection. (Ord. A-260 Section 14.13, 1973: prior code Section 14.13).

Chapter 18.56

BUILDING PERMIT ISSUANCE

Sections:

18.56.010 Issuance of building permits.

18.56.010 Issuance of building permits. Building permits shall be issued upon completion of the following: A building permit shall be issued by the Village Building Inspector for the construction of any building, structure or improvement of land, or any lot within a subdivision or other land division as defined in this title which as been approved for platting or dividing upon completion of all requirements of this title, or upon the award and completion of a contract for the construction of all underground improvements and the gravel base course for the streets has been installed. All building permits shall be subject to the approval of the Village Building Inspector and Village Engineer. (Ord. A-260 Section 14.14, 1973: prior code Section 14.14).

Chapter 18.60

OCCUPANCY PERMIT ISSUANCE

Sections:

18.60.010 Occupancy permits.

18.60.010 Occupancy permits. An occupancy permit shall be granted by the Village Building Inspector for the use of any structure within a subdivision approved for platting or replatting when the required utility and public improvement facilities have been installed, made ready to service the property, and approved by the Village, and roadways providing access to the subject lot or lots have been constructed, or are in the course of construction and are suitable for vehicular traffic. (Ord. A-260 Section 14.15, 1973: prior code Section 14.15).

Chapter 18.64

VARIATIONS AND EXCEPTIONS

Sections:

18.64.010 Variations and exceptions.

18.64.010 Variations and exceptions. The Plan Commission may recommend variations from these requirements in specific cases which in its opinion do not affect the general plan or the intent of this title where undue hardship may result by strict compliance. Such recommendation shall be communicated to the Village Board or governing county authorities in writing, substantiating the recommended variation. The Village Board may approve variations from these requirements in specific cases which in its opinion do not adversely affect the general plan or the spirit of this title. (Ord. A-260 Section 14.16, 1973: prior code Section 14.16).

Chapter 18.68

RECORDING PLATS

Sections:

18.68.010 Recordation authorized when.

18.68.010 Recordation authorized when. A preliminary or final plat of any subdivision shall be entitled to be recorded in the recorder's office when it has been approved in the manner prescribed in this title and offered for record with 12 months after the date of the last approval of the plan and within 36 months after the first approval. (Ord. 021, Series 2011, part 2; Ord. A-260 Section 14.17, 1973: prior code Section 14.17).

Chapter 18.72

PENALTIES*

Sections:

18.72.010 Forfeiture for improper recording.
18.72.020 Transfer of lots in unrecorded plats.
18.72.030 Failure to place monuments.
18.72.040 Removing or disturbing monuments.
18.72.050 Failure to replace removed or disturbed monument.
18.72.060 Additional penalties.

18.72.010 Forfeiture for improper recording. Any person causing his final plat to be recorded without submitting such plat for approval as required in this title, or who fails to present the same for record within the time prescribed after approval, shall forfeit upon conviction not less than one hundred dollars nor more than one thousand dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-359-78 Part 21 (part), 1978: prior code Section 14.18(1)).

18.72.020 Transfer of lots in unrecorded plats. Any subdivider or his agents who offers or contracts to convey, or conveys, any subdivision as defined in Section 236.02(7) of the Wisconsin Statutes, or lot or parcel which lies in a subdivision as defined in Section 236.02(7) of the Wisconsin Statutes, knowing that the final plat thereof has not been recorded, may upon conviction be subject to a forfeiture not exceeding the sum of five hundred dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-359-78 Part 21 (part), 1978: prior code Section 14.18(2)).

18.72.030 Failure to place monuments. Any owner, surveyor or subdivider who fails to place monuments as prescribed by this title when subdividing land, shall upon conviction forfeit a sum not exceeding two hundred fifty dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-359-78 Part 21 (part), 1978: prior code Section 14.18(3)).

18.72.040 Removing or disturbing monuments. Any person who knowingly removes or disturbs any monument or survey marker within the Village without permission of any governing authority, or who fails to report such disturbance or removal shall forfeit, upon conviction, a sum not exceeding two hundred fifty dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-359-78 Part 21 (part), 1978: prior code Section 14.18(4)).

18.72.050 Failure to replace removed or disturbed monument. Any person who fails to properly replace any monument or survey marker by him removed or disturbed, when ordered to do so by any officer of the Village, shall forfeit upon conviction the sum of not more than two hundred fifty dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-359-78 Part 21 (part), 1978: prior code Section 14.18(5)).

18.72.060 Additional penalties. Any person who shall fraudulently or maliciously mislead the Village or any of its officers, agents or employees in relation to any fact, information or other matter pertinent to subdivision of land as contained in this title, with a view to obtaining any benefit, privilege or other consideration, or who shall falsify any statement required to be made upon any application for a plat approval, or who shall misrepresent any material part of a subdivision plat filed or pending before the Village Board or the Plan Commission or any department of the Village charged with the administrative functions of land subdividing, shall upon conviction, forfeit not more than five hundred dollars, together with the costs of prosecution. In the event of a failure to pay such forfeiture, where no showing of indigency is made, the defendant may be imprisoned for no more than ninety days, as the court deems fit, or until such judgment is sooner paid. (Ord. A-258-78 Part 20, 1978: prior code Section 14.19).

* For statutory provisions on municipal forfeitures and penalties, see Wisconsin Statutes 1975 Section 66.12; for provisions on forfeitures, penalties and remedies for subdivision law violations, see Wisconsin Statutes 1975 Sections 236.30 and 236.31.