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CHAPTER 10

LAND DIVISION ORDINANCE

10.00 INTRODUCTION

10.01 AUTHORITY

These regulations are adopted under the authority granted by Sections 61.35, 62.33 and 236.45 of the Wisconsin Statutes.

Therefore, the Village Board of Eagle, Wisconsin, do ordain as follows:

10.02 PURPOSE

The purpose of this Ordinance is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the Village of Eagle, in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community.

10.03 INTENT

It is the general intent of this Ordinance to regulate the division of land so as to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; 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; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; to facilitate the further division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this Ordinance; to provide penalties for its violation and in general to facilitate enforcement of community development standards as set forth in the comprehensive plan, comprehensive plan components, zoning ordinance, building code and official map of the Village of Eagle.

10.04 ABROGATION AND GREATER RESTRICTIONS

It is not intended by this Ordinance to repeal, abrogate, annul, impair or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously

adopted or issued pursuant to laws. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.

10.05 INTERPRETATION

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

10.06 SEVERABILITY

If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

10.07 REPEAL

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

10.08 TITLE

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, VILLAGE OF EAGLE, WISCONSIN".

10.09 EFFECTIVE DATE

This Ordinance shall be effective after a public hearing, adoption by the Village Board and Publication or posting as provided by law.

10.10 GENERAL PROVISIONS

10.11 JURISDICTION

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Eagle, as well as the unincorporated area within the 1 ½ miles of the corporate limits. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

Transfers of Interests in land by will or pursuant to court order.

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

Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created, and lots resulting are not reduced below

the minimum sizes required by these regulations, the zoning ordinance or other applicable laws or ordinances.

Cemetery Plats made under Wisconsin Statutes 157.07.

Assessor's Plats made under Wisconsin Statutes 70.27, but such assessor's plats shall comply with Wisconsin Statutes 236.15 (1) (a) to (g) and 236.20 (1) and (2) (a) to (e).

10.12 COMPLIANCE

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

Provisions of Chapter 236, Wisconsin Statutes

Rules of the Department of Health and Social Services, Division of Health regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.

Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection, setting water quality standard, preventing and abating pollution, regulating on-site soil absorption (septic tanks) sewage disposal systems and regulating development within flood plain and shoreland areas.

Duly Approved Comprehensive Plan, or comprehensive plan component including the zoning ordinance, official map and all other applicable ordinances of the Village of Eagle.

Applicable Local and County Ordinances, including zoning, sanitary, building and official mapping ordinances.

10.13 DEDICATION AND RESERVATION OF LANDS

Whenever a tract of land to be subdivided embraces all or any part of an arterial street, drainage way or other public way which has been designated in the comprehensive plan, comprehensive plan component, or on the official map of the Village of Eagle, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or map as set forth in Section 10.70 of this Ordinance.

Whenever a proposed Playground, Park, Open Space Site, School site or other public land, other than streets or drainage ways, designated in the comprehensive plan, comprehensive plan component, or on the official map of the Village of Eagle, is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be made a part of

the plat and shall be dedicated to the public subdivider at the rate of one (1) acre for each fifteen (15) proposed dwelling units; and said proposed public lands, other than streets or drainage ways, in excess of the rate established herein shall be reserved for a period not to exceed two (2) years unless extended by mutual agreement for purchase by the public agency having jurisdiction; or all said proposed lands, other than streets or drainage ways, shall be reserved by the subdivider for a period not to exceed two (2) years unless extended by mutual agreement for acquisition by the Village at undeveloped land costs; and a public site fee shall be levied against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 10.106 of this Ordinance.

10.14 IMPROVEMENTS

Before approval of any final plat located within the corporate limits of the Village, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall before the recording of the plat enter into a contract with the Village agreeing to install the required improvements, and shall file with said contract a bond meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year from the date of recording of the plat, and as a further guarantee that all obligations to subcontractors for work on the development are satisfied.

Contractors and Subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street rights-of-way shall be subject to the approval of the Village Engineer.

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

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

10.15 VARIANCES

Where, in the judgment of the Village Plan Commission, it would be inappropriate to apply literally the provisions of Section 10.60 and 10.70 of this Ordinance because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Village Plan Commission may waive or modify any requirement to the extent deemed just and proper.

Such Relief Shall Be Granted without detriment to the public good, without impairing the intent and purpose of this Ordinance or the desirable general development of the community, in accordance with the comprehensive plan or comprehensive plan component of the

Village. A three-fourths (3/4) vote of the entire membership of the Village Plan Commission shall be required to grant any modification of this Ordinance, and the reasons shall be entered in the minutes of the Commission.

Village Board may waive the placing of monuments, required under Section 236.15 (b), (c) and (d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

10.16 LAND SUITABILITY

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

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

Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use. No lot shall have more than fifty (50) percent of its minimum required area in slopes of twelve (12) percent or greater.

Lands Having a Bedrock within seven (7) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage systems.

Lands Having Ground Water within seven (7) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

Soils Having a Percolation Rate slower than sixty (60) minutes per inch shall not be divided into building sites to be served by soil absorption sewage disposal systems.

The Following Soil Types, which have very severe limitations, shall not be divided into building sites:

2	5	11	450	454	457	560
3	7	302	452	455	458	461
4	9	449	453	456	459	462

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

Floodlands. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one (1) acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the 100 year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

The Village Planning Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for a proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he desires. Thereafter, the Village Planning Commission may affirm, modify or withdraw its determination of unsuitability.

10.17 VIOLATIONS

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

10.18 PENALTIES

Any person, firm or corporation who fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than One Hundred Dollars (\$100.00), no more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense.

Recordation improperly made has penalties provide in Sec. 236.20 of the Wisconsin Statutes.

Conveyance of lots in unrecorded plats has penalties provided for in Section 236.31 of the Wisconsin Statutes.

Monuments disturbed or not places with penalties as provided for in Section 236.32 of the Wisconsin Statutes.

Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.

10.19 APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in Section 236.13(5) and 62.23(7)(e) 10 to 15 of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a part of the action. The court shall direct that the plat be approved, if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

10.20 PROCEDURE

10.21 PRE-APPLICATION

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Village Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the

comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Village, and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedure.

10.22 PRELIMINARY PLAT REVIEW WITHIN THE VILLAGE

Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies of the Plat and the application with the Village Clerk at least twenty-five (25) days prior to the meeting of the Village Plan Commission at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Park and Planning Commission; two (2) copies to the Director of the Planning Function in the State Department of Local Affairs and Development; additional copies to the Director of the Planning Function, for re-transmission of two (2) copies each to the Wisconsin Department of Transportation, Division of Highways, if the subdivision abuts or adjoins a state trunk highway or a connecting street; and the Wisconsin Department of Health and Social Services, if the subdivision is not served by public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources if shorelands are contained within the proposed subdivision; two (2) copies to the applicable Town Clerk, two (2) copies to the clerk of each adjoining city or village, if the subdivision lies within the extraterritorial plat approval jurisdiction of the city or village, and two (2) copies to the Southeastern Regional Planning Commission, and an adequate number of copies to the Village Planning Commission. The County Park and Planning Commission, the State Department of Local Affairs and Development, the State Department of Transportation, Division of Highways, the State Department of Health and Social Services and the State Department of Natural Resources shall be hereinafter referred to as objecting agencies.

The Southeastern Wisconsin Regional Planning Commission is an advisory planning agency, created pursuant to Section 66.945 of the Wisconsin Statutes for the purpose of serving the County of Waukesha and its Commissions, Town and Municipal Boards or Commissions, and state agencies having jurisdiction under the provisions of this Ordinance. The Southeastern Wisconsin Regional Planning Commission shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat notify the subdivider and all other approving and objecting agencies of their findings and recommendations with respect to conformance of the proposed subdivision with adopted regional comprehensive plans or plan components and any other advisory recommendations as may be deemed appropriate.

The Village Plan Commission hereby designated as approving authority for all preliminary plats, shall transmit a copy of the Preliminary Plat to all affected Village Boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within fifteen (15) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Village Plan Commission for

conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.

10.23 PRELIMINARY PLAT APPROVAL WITHIN THE VILLAGE

The objecting agencies shall, within thirty (30) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are not objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Plan Commission. If an objecting agency fails to act within thirty (30) days it shall be deemed to have no objection to the Plat.

The Village Plan Commission within ninety (90) days of the date of the filing of Preliminary Plat with the Village Clerk, shall approve, approve conditionally or reject such Plat. One copy of the Plat shall thereupon be returned to the Subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One copy each of the Plat and letter shall be placed in the Village Plan Commissions permanent file.

Failure of the Village Plan Commission to act within ninety (90) days shall constitute approval.

Approval or Conditional Approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as guide to the preparation of the Final Plat which will be subject to further consideration by the Village Plan Commission at the time of its submission.

10.24 FINAL PLAT REVIEW WITHIN THE VILLAGE

The subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file an adequate number of copies of the Plat and the application with the Village Clerk at least twenty-five (25) days prior to the meeting of the Village Plan Commission at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit four (4) copies to the County Park and Planning Commission; two (2) copies to the Director of the Planning Function in the State Department of Local Affairs and Development; additional copies to the Director of Planning Function for re-transmission of two (2) copies each to the Wisconsin Department of Transportation, Division of Highways, if the subdivision abuts or adjoins a state trunk highway or connecting street and the Wisconsin Department of Health and Social Services, if the subdivision is not served by a public sewer, and provision for such service has not been made, and the Wisconsin Department of Natural Resources, if shorelands are contained within the proposed subdivision; two (2) copies to the Clerk of each adjoining city or village, if the subdivision lies within the extraterritorial plat approval jurisdiction of such city or village, and the original Final Plat and adequate copies to the Village Plan Commission.

The Village Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat; any conditions of approval of the Preliminary Plat; this

Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it, and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.

Partial Platting. The Final Plat may, if permitted by the Village Plan Commission, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at that time.

10.25 FINAL PLAT APPROVAL WITHIN THE VILLAGE

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat, and shall return that copy to the Village Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.

Submission. If the Final Plat is not submitted six (6) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.

The Village Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board.

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

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

Recordation. After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county Register of Deeds. The Register of Deeds cannot record the Plat unless it is offered within thirty (30) days from the date of the last approval.

Copies. The subdivider shall file ten (10) copies of the Final Plat with the Village Clerk for distribution to the Village Engineer, Building Inspector, Water Utility, Assessor and other affected departments for their files.

10.26 PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION

When the land to be subdivided lies within one and one-half (1 1/2) miles of the corporate limits of the Village, the subdivider shall proceed as specified in Sections 10.21 through 10.25, except:

Transmittal Responsibility lies with the Village Clerk, Town Clerk or County Park and Planning Commission, to whomever the Plat is first submitted; and the subdivider shall indicate which one in his application.

Approval Agencies include the Village Plan Commission or Village Board, Town Board and the County Park and Planning Commission, and the subdivider must comply with the land division ordinances of these agencies.

Subdivider may proceed with the installation of such improvements and under such regulations as the Town Board of the town within whose limits the Plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

All Improvement Requirements specified by the Town Board or any special improvement district in matters over which they have jurisdiction, shall be met before filing of the Final Plat.

10.27 REPLAT

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Sections 10.21 through 10.26.

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

10.28 MINOR SUBDIVISION

When it is proposed to divide land into not more than four (4) parcels or building sites, any one of which is five (5) acres, or less, in size, or when it is proposed to divide a block, lot or outlot, within a recorded subdivision plat without changing boundaries of said block, lot or outlot, the subdivider may subdivide by use of a Certified Survey Map. The certified survey map shall include all parcels of land five (5) acres, or less, in size, and may, at the discretion of the owners, include any number of parcels containing five (5) acres, or more. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file an adequate number of copies of the map and the letter of application with the Village Clerk at least fifteen (15) days prior to the meeting of the Village Plan Commission at which action is desired.

The Village Clerk shall, within two (2) days after filing, transmit the copies of the map and letter of application to the Village Plan Commission.

The Village Plan Commission shall transmit a copy of the Map to all affected Village Boards, commissions for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission

within twenty (20) days from the date the Map is filed. The Map shall be reviewed by the Village Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, adopted regional and comprehensive plans, and comprehensive plan components, which affect it. The Village Plan Commission shall, within forty-five (45) days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Village Board.

The Village Board shall approve, approve conditionally, or reject such Map within sixty (60) days from the date of filing of the Map, unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the Minutes of the meeting, and a written statement forwarded to the subdivider. If the Map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original Map and return the Map to the subdivider.

Recordation The subdivider shall record the map with the county Register of Deeds within thirty (30) days of its approval by the Village Board.

Copies The subdivider shall file ten (10) copies of the Certified Survey map with the Village Clerk for distribution to the Village Engineer, Building Inspector, Water Utility, Assessor and other affected departments for their files.

10.30 PRELIMINARY PLAT

10.31 GENERAL

A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality, at a scale of not more than 100 feet to the inch, and shall show correctly on its face the following information:

Title under which the proposed subdivision is to be recorded.

Location of proposed subdivision by: government lot, quarter section, township, range, county and state.

Date, Scale and North Point

Names and Addresses of the owner, subdivider and land surveyor preparing the plat.

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

10.32 PLAT DATA

All preliminary plats shall show the following:

Locations of all Existing Property Boundary Lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record and abutting unplatted lands.

Type, Width and Elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to mean sea level datum.

Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch-basin, hydrants, power and telephone poles, and location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewer or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size and invert elevations.

Corporate Limits Lines

Existing Zoning on and adjacent to the proposed subdivision.

Contours to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum, and the monumentation of the bench marks clearly and completely described.

High-Water Elevation of all ponds, streams, lakes, flowages, and wetlands based on Mean Sea Level Datum.

Water Elevations of adjoining lakes and streams at the date of the survey, based on Mean Sea Level Datum.

Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, five (5) feet above the elevation of the maximum flood of record.

Soil Type, slope and boundaries, as shown on the operation soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service, for the Southeastern Wisconsin Regional Planning Commission.

Location and Results of Soil Boring Tests made to a depth of eight (8) feet, or five (5) feet below the bottom of a proposed deep absorption system, whichever is greater. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and ground water from the natural undisturbed surfaces, but no less than one (1) test per acre shall be made.

Location, Depth, Area and Type of all soil absorption waste disposal facilities.

Location and Results of Percolation Tests conducted in accordance with Section H 65.06 of the Wisconsin Administrative Code, taken at the location and depth in which the soil absorption waste disposal system is to be installed. The number of such tests shall not be less than three (3) tests per disposal system area.

Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements.

Approximate Dimensions of All Lots together with proposed lot and block numbers.

Location and Approximate Dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage-ways or other public use or which are to be used for group housing, shopping centers, church sites or other non-public uses not requiring lotting.

Approximate Radii of All Curves

Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

Any Proposed Lake and Stream improvement or relocation, notice of application for approval by the Division of Environmental Protection Division, Department of Natural Resources, when applicable.

Any Additional Information required by the Village Engineer, Village Zoning Administrator or Village Plan Commission.

10.33 STREET PLANS AND PROFILES

The Village Engineer may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon Mean Sea Level Datum. Plans and profiles shall meet the approval of the Village Engineer.

10.34 SOIL AND WATER CONSERVATION

The Village Plan Commission, upon determining from a review of the preliminary plat that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications prepared by a registered, professional engineer, architect or the U.S. Soil Conservation Service using the County Conservation Standards.

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

Paths and Trails shall not exceed ten (10) feet in width and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

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

Review of Such Cutting, Clearing and Movement may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers and the State District Forester by the County Park and Planning Commission as they deem appropriate.

10.35 COVENANTS

The Village Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

10.36 AFFIDAVIT

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

10.40 FINAL PLAT

10.41 GENERAL

A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply with the requirements of Section 236.20, Wisconsin Statutes.

10.42 ADDITIONAL INFORMATION

The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

Exact Length and Bearing of the center line of all streets.

Exact Street Width along the line of any obliquely intersecting street.

Railroad Rights-of-Way within and abutting the plat.

Setbacks or Building Lines required by the Village Plan Commission.

Additional Yards required by the Village Plan Commission.

Locations, Area, Depth and Type of the soil absorption waste disposal system for each building site.

Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, a vertical distance of five (5) feet above the elevation of the maximum flood of record.

All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions for its use and maintenance shall be submitted with the Plat.

Special Restrictions required by the Village Plan Commission and any other approving or objecting agency relating to access control along public ways, the provision of planting strips, or shorelands and floodlands.

Any Additional Information required by the Village Engineer or the Village Plan Commission.

10.43 DEED RESTRICTIONS

The Village Plan Commission may require that deed restrictions be filed with the Final Plat.

10.44 SURVEY ACCURACY

The Village Engineer shall examine all Final Plats for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.

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

All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If an error for an interior line of the Plat, greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle, greater than one minute of arc for an angle where the shorter side forming the angle is three hundred (300) feet, or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three (300) feet in length, the error shall not exceed the value of one minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

The Village Board shall receive the results of the Village Engineer's examination, prior to approving the Final Plat.

10.45 SURVEYING AND MONUMENTING

All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

10.46 STATE PLANE COORDINATE SYSTEM

Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, Southeastern Wisconsin Regional Planning Commission, County and City or Village and/or Town, the Plat shall be tied directly to one of the section or quarter corners, so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be

indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County, and/or Village control survey. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

10.47 CERTIFICATES

All Final Plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Ordinance.

10.50 CERTIFIED SURVEY MAP

10.51 GENERAL

A Certified Survey map prepared by a land surveyor registered in Wisconsin shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall comply with the design standards set forth in Section 10.60 and the improvement requirements set forth in Section 10.70, and dedication, reservations and fees, as set forth in Section 10.13, 10.95 and 10.96 of this Ordinance.

A Preliminary Map shall be submitted to the Village Plan Commission for all tracts of land proposed to be divided that contain floodlands or shorelands and shall show all the data required by Section 10.32 of this Ordinance for preliminary plats.

10.52 ADDITIONAL INFORMATION

The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

Date of Map

Graphic Scale

Name and Address of the owner, subdivider and surveyor.

All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper division.

Names of Adjoining Streets, highways, parks and cemeteries, subdivisions, ponds, streams, lakes, flowage and wetlands.

Setbacks or Building Lines required by the Village Plan Commission.

Additional Yards required by the Village Plan Commission.

All Lands Reserved for future public acquisition.

Location, Area, Depth and Type of the soil absorption waste disposal system for each building site.

Any Additional Information required by the Village Plan Commission.

10.53 STATE PLANE COORDINATE SYSTEM

Where the Map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, Southeastern Wisconsin Regional Planning Commission, County and City or Village and/or Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin State plans coordinate of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the County and/or Village control survey.

10.54 CERTIFICATES

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

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

10.55 RECORDATION

The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Village Board and the Surveyor are placed on the face of the Map.

10.60 DESIGN STANDARDS

10.61 STREET ARRANGEMENT

In any new subdivision, the street, block and lot layouts shall conform to the arrangement, width and location indicated on the official map, highway width map, comprehensive plan or component neighborhood development plan of the Village, and shall be so designed as to:

Be within the capability of the land and water resources; least disturb the existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodland and shoreland regulations contained in the Village Zoning and Waukesha County Sanitary Ordinance. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street.

Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They also shall be

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

Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.

Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street necessary to provide safe and convenient access to abutting property.

Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board or Village 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.

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

Public Access shall be provided to all navigable stream or lake shores. Such access shall be at least one hundred (100) feet in width platted to the low watermark at intervals of not more than one-half mile except where greater intervals and wider access is agreed upon by the County Park and Planning Commission, the Wisconsin Department of Natural Resources, and the head of the planning function for the Wisconsin Department of Local Affairs and Development. All platted public access shall have access to a public street, highway, parkway or other public way.

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

Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Village Plan Commission, but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to a major thoroughfare.

Street Names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

10.62 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

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

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

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

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

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

10.63 STREET DESIGN STANDARDS

The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map or neighborhood development study; or, if no width is specified therein, the minimum widths shall be as follows:

URBAN SECTION:

<u>Type of Street</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width (Face of curb to face of curb)</u>
Arterial Streets	As shown on the highway width map of the County but not less than 120 ft.	Dual pavements-24' ea. (24 feet median) or Single Pavements-48'
Collector Streets	80 feet	36 feet
Minor Streets, 1,000 ft or more in length	60 feet	24 feet
Minor Streets, less than 1,000 ft in length, cul-de-sac and frontage streets	50 feet	22 feet
Alleys	25 feet	20 feet
Pedestrian ways	10 feet	5 feet

The suggested R.O.W. and pavement widths indicated above are for urban sections: if permanent rural sections are to be used, the following widths are suggested:

RURAL SECTION:

<u>Type of Street</u>	<u>R.O.W. Width to be dedicated</u>	<u>Pavement Width</u>
Arterial Streets	As shown on the highway width map of the County but not less than 120 feet	Dual 24 feet, 10 feet outside, shoulders- (20 feet median) 24 feet, 10 feet
Collector Streets	80 feet	outside shoulders 22 feet, 8 feet outside
Minor Streets	66 feet	shoulders

The minimum requirements expressed in this table generally express the minimum town road design standards set forth in Section 86.26 of the Wisconsin Statutes.

Both urban and rural street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways shall be based upon detailed engineering studies, approved by the Village Engineer, County Highway Commission, the Wisconsin Dept. of Transportation, Division of Highways, and the U.S. Bureau of Public Roads, where applicable.

Cul-de-Sac Streets designed to have one end permanently closed shall not exceed one thousand feet in length. All cul-de-sac streets designed to have one end permanently closed shall terminate in a circular turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum outside curb radius of forty (40) feet.

Street Grades. Unless necessitated by exceptional topography, subject to the approval of the Village Plan Commission, the maximum centerline grade of any street or public way shall not exceed the following:

Arterial Streets:	Six (6) percent
Collector Streets:	Eight (8) percent
Minor streets, alleys, frontage streets:	Ten (10) percent
Pedestrian ways:	Twelve (12) percent, unless steps of acceptable design are provided.

The grade of any street shall, in no case, exceed twelve (12) percent or be less than one-half of one (0.5) percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for major streets, and one-half (1/2) this minimum for all other streets.

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

Arterial Streets and Highways:	500 feet
Collector Streets:	300 feet
Minor Streets:	100 feet

A Tangent, at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.

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

Elevations of roadways passing through floodland areas shall be at least two (2) feet above the fifty (50) year recurrence interval flood elevation for arterial streets and at least two (2) feet above the ten (10) year recurrence interval flood elevation for minor streets.

Waterway Openings of all new bridges and culverts carrying arterial streets over perennial streams shall be adequate to accommodate the fifty (50) year recurrence interval flood flow, with the upstream high-water elevation not to exceed a level of two (2) feet below the roadway elevation and the hydraulic head loss through the structure not to exceed 0.5 feet. Waterway openings of all new bridges and culverts carrying minor streets over perennial streams shall be adequate to accommodate the ten (10) year recurrence interval flood flow, with the upstream headwater elevation not to exceed a level of two (2) feet below the roadway elevation and the hydraulic head loss through the structure not to exceed 0.5 feet. However, the combination of the waterway opening and the approach road elevations on the floodlands shall not increase the flood stages more than 0.5 feet upon the occurrence of the one hundred (100) year recurrence interval flood. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

10.64 STREET INTERSECTIONS

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

Number of Streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).

Number of Intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than twelve hundred (1,200) feet.

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

Minor Streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such minor streets approach the major streets from opposite sides within three hundred (300) feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

10.65

BLOCKS

The widths, lengths and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access; control and safety of street traffic; and the limitations and opportunities of topography.

Lengths. Blocks in residential areas shall not as a general rule be less than six hundred (60) feet, nor more than fifteen hundred (1,500) feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design.

Pedestrian Ways of not less than ten (10) feet in width may be required between rear lot lines where deemed necessary by the Village Plan Commission to provide safe and convenient pedestrian circulation between the individual lots, streams, lakeshores, park lands or other public areas, or may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.

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

Utility Easements All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles except when such lots border a lake or stream.

10.66

LOTS

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. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

Side Lot Lines shall be at right angles to straight street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

Double Frontage and Reverse Frontage Lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages to topography and orientation.

Access Every lot shall front or abut for a distance of at least thirty (30) feet on a public street.

Area and Dimensions of all lots shall conform to the requirements of the Village Zoning Ordinance, and those building sites not served by a public sanitary sewer system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with the Waukesha County Sanitary Ordinance, but, in no case, shall be less than one hundred (100) feet in width and fifteen thousand (15,000) square feet in area. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow re-subdivision of any such parcels into normal lots in accordance with the provisions of this Ordinance.

Depth Lots shall have a minimum average depth of one-hundred (100) feet. Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications on any plat abutting a stream or lake.

Width of Lots shall conform to the requirements of the zoning ordinance, and, in no case, shall a lot be less than sixty (60) feet in width at the building setback line.

Corner Lots shall be designed and platted with at least ten (10) feet of extra width over and above the minimum required for the zoning district wherein located.

10.67 BUILDING SETBACK LINES

Where not controlled by zoning regulations, building set back lines, appropriate to the location and type of development contemplated, shall be established as may be required by the Village Plan Commission and shall be based on requirements set forth in this section.

All Residential Lots shall have a setback from the front line of not less than thirty-five (35) feet.

Corner Residential Lots shall have a setback from the side street line of not less than fifteen (15) feet.

Shoreland Setbacks in addition to those required by the Village Zoning Ordinance may be required by the Village Plan Commission.

10.68 EASEMENTS

The Village Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication poles, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines.

Drainage Easements Where a subdivision is traversed by a drainage-way or stream, an adequate easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainage-way or easement shall be subject to the approval of the Village Engineer; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and approval by the Village Engineer.

10.69 PUBLIC SITES AND OPEN SPACES

In the design of the plat, due consideration shall be given reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainage-ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, official map or component neighborhood development plan, such areas shall be made a part of the plat as

stipulated in Section 10.13 of these regulations. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.

10.70 REQUIRED IMPROVEMENTS

10.71 SURVEY MONUMENTS

The subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Village.

10.72 GRADING

Cut and filled lands shall be graded to a maximum slope of one on four, or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.

After the Installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Board, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub grade.

10.73 SURFACING

After the installation of all utility and storm water drainage improvements, subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the adopted regional county or Village comprehensive plans or adopted plan components. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Engineer.

10.74 CURB AND GUTTER

After the installation of all utility and storm water drainage improvements, the subdivider shall construct concrete curbs and gutters in accordance with plans and standard specifications approved by the Village Engineer. This requirement may be waived where a permanent rural section has been approved by the Village Board. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established major street or arterial highway system for the Village shall be borne by the Village.

10.75 RURAL STREET SECTIONS

When permanent rural street sections have been approved by the Village Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at

intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer.

10.76 SIDEWALKS

The Village Board may require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on one or both sides of all other streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

Wider Than Standard Sidewalk may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance, if such walks are necessary in their opinion, for safe and adequate pedestrian circulation.

10.77 SEWAGE DISPOSAL FACILITIES

The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. If public sewer facilities are not available, the subdivider shall make provision for adequate private sewage disposal systems to meet the Wisconsin Administrative Code and the Waukesha County Sanitary Ordinance.

The Village Board may require the installation of sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of three (3) years from the date of plat recording, the subdivider shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line, in accordance with this section, and shall cap all laterals as may be specified by the Village Engineer. The size and type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village.

The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight (8) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers for the total tributary drainage area which shall be pro-rated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

10.78 STORM WATER DRAINAGE FACILITIES

The subdivider shall construct storm water drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins as required to adequately serve the subdivision. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum

potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property.

Unpaved Road Ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard, and in excess of six (6) feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes or other energy dissipating device.

Shoreland Drainage facilities shall include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes.

The design criteria, the size, type, grades and installation of all storm water drains and sewers and the cross-section, invert and erosion control paving, check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.

The Subdivider Shall Assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than twenty-four (24) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be pro-rated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

10.79 WATER SUPPLY FACILITIES

The subdivider shall cause water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. If municipal water service is not available, the subdivider shall make provision for adequate private water systems as required by the Village, in accordance with the standards of the Wisconsin Department of Health and Social Services and the Waukesha County Board of Health. The Village Board may require the installation of water laterals to the street lot line. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.

The Subdivider Shall Assume the cost of installing all water mains, water laterals and water system appurtenances within the proposed subdivision, except for the added cost of installing water mains greater than six (6) inches in diameter.

10.80 OTHER UTILITIES

The subdivider shall cause gas, electrical power and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. All utility lines for local distribution of electric power and telephone service shall be installed underground within all residence districts as shown on the Village zoning maps, unless otherwise allowed due to exceptional topography, other physical barriers, or on lots bordering navigable streams or lakes.

Plans indicating the Proposed Location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Engineer.

10.81 STREET LAMPS

The Village Board may require the subdivider to install street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection, and at such interior block spacing as may be required by the Village Engineer.

10.82 STREET SIGNS

The subdivider shall install at the intersection of all streets proposed to be dedicated, a street sign of a design specified by the Village Engineer.

10.83 STREET TREES

The Village Board may require the subdivider to plat at least one (1) tree of an approved species and of at least six (6) feet in height for each fifty (50) feet of frontage on all streets proposed to be dedicated. The required trees shall be planted in the existing or planned curb lawn area between sidewalk and curb, in accordance with plans and standard specifications approved by the Village Engineer.

10.84 SHORELAND PLANTING

The subdivider shall plant those grasses, trees, shrubs and vines of a species and size specified by the Village Engineer or the Village Plan Commission, necessary to prevent soil erosion, protect stream and lake banks, and effectively screen all development within five (5) years from surface water users.

In Addition, the Village Plan Commission may require the subdivider to provide or install certain stream and lake protection and rehabilitation measures, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing, dredging, snagging, drop structures and grade stabilization structures.

10.90 CONSTRUCTION

10.91 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or map has been approved, and the Village Engineer has given written authorization.

10.92 PERMITS

No building, zoning or sanitary permits shall be issued for erection of a structure on any lot not of record until all requirements of this Ordinance have been met.

Access The Village Building Inspector and the Village Engineer shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary by him to insure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he shall procure a special inspection warrant, in accordance with Section 963.10 of the Wisconsin Statutes, except in cases of emergency.

10.93 PLANS

The following plans and accompanying construction specifications may be required by the Village Board before construction or installation of improvements is authorized.

Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.

Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

Water Main plans and profiles showing the locations, sizes, elevations and materials of required facilities.

Erosion and Sedimentation Control Plans showing those structures required to retard the rate of run-off water and those grading and excavating practices that will prevent erosion and sedimentation.

Planting Plans showing the locations, age, caliber and species of required grasses, vines, shrubs and trees.

Additional special plans or information as required.

10.94 INSPECTION

The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Village Board to provide adequate inspection. The Village Engineer shall inspect and approve all completed work prior to release of the sureties.

10.95 EROSION CONTROL

The subdivider shall cause all grading excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded or otherwise protected that erosion, siltation, sedimentation and washing are prevented, in accordance with plans and specifications and within such time periods approved by the Village Engineer.

Sod Shall Be Laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

10.96 EXISTING FLORA

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines and grasses not actually lying in public roadways, drainage-ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails.

Such Trees are to be protected and preserved during construction in accordance with sound conservation practices recommended by the U.S. Department of Agriculture in Agricultural Information Bulletin No. 285, Protecting Trees Against Damage from Construction Work, U.S. Government Printing Office, 1964. Such trees are to be preserved by well islands or retaining walls whenever abutting grades are altered.

Temporary Vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.

Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.

Sediment Basins shall be installed and maintained at all drainage-ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

10.100 FEES

10.101 GENERAL

The subdivider shall pay the Village all fees as hereinafter required and at the times specified.

10.102 PRELIMINARY PLAT REVIEW FEE

The subdivider shall pay a fee amounting to Fifty Dollars (\$50.00) plus One Dollar (\$1.00) for each lot or parcel within the preliminary plat to the Village Treasurer at the time of first application for approval of any preliminary plats to assist in defraying the cost of review.

Reapplication Fee amounting to Ten Dollars (\$10.00) shall be paid to the Village Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

10.103 CERTIFIED SURVEY MAP REVIEW FEE

The subdivider shall pay a fee of Fifty Dollars (\$50.00) to the Village Treasurer at the time of application for approval of a Certified Survey Map to assist in defraying the cost of review.

10.104 IMPROVEMENT REVIEW FEE

The subdivider shall pay a fee equal to the actual cost to the Village or one (1) per cent of the cost of the required public improvements, whichever is lesser, as estimated by the

Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village, of checking and reviewing such plans and specifications.

Fee May Be Recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the differences, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

10.105 INSPECTION FEE

The subdivider shall pay a fee equal to the actual cost to the Village for such inspection as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority.

10.106 FINAL PLAT REVIEW FEE

The subdivider shall pay an amount to Twelve and One-Half Dollars (\$12.50) plus Fifty Cents (\$0.50) for each lot or parcel within the final plat to the Village Treasurer at the time of first application for approval of said plat to assist in defraying the cost of review.

Reapplication Fee amounting to Five Dollars (\$5.00) shall be paid to the Village Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

10.107 PUBLIC SITE FEE

If the subdivider is not required to dedicate public lands within his plat as provided in Section 10.13, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision or minor subdivision lots five (5) acres or less in size, shall be paid to the Village Treasurer at the time of first application for approval of a final plat of said subdivision in the amount of Two Hundred Dollars (\$200.00) for each dwelling unit within the plat allowed by the Zoning Ordinance.

Public Site Fees shall be placed in a separate Service District Fund by the Village Treasurer to be used only for the acquisition of sites, or capital improvement to parks, schools or recreational facilities. Such fund shall be distributed as follows:

- (a) 60% thereof for the benefit of the school district, or districts, in which the plat or certified survey may lie; on the basis of proper apportionment between districts, where the plat is in more than one district, and to be made available to the appropriate district, or districts, upon their request.
- (b) 40% thereof to be used for park and recreational area development in the Village.

10.108 ENGINEERING FEE

The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat.

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

Inspection, Checking and Reviewing Work has fees provided for in Sections 10.103 and 10.104.

10.109 ADMINISTRATIVE FEE

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

Legal Work shall include the drafting of contracts between the Village and the subdivider.

10.110 DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future, the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not directory.

ALLEY. A special way affording only secondary access to abutting properties.

ARTERIAL STREET. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highways and parkways.

BLOCK. A tract of land bounded by streets or by a combination of one or more streets and public parks, cemeteries, railroad rights-of-way, bulkhead lines or shore lines of waterways or corporate boundary lines.

BUILDING. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

BUILDING LINE. A line parallel to a lot line and at a distance from the lot line to comply with the Village Zoning Ordinance’s yard requirements.

COLLECTOR STREET. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

COMMUNITY. A town, municipality or a group of adjacent towns and/or municipalities having common social economic or physical interest.

COMPREHENSIVE PLAN. Any extensively developed plan also called a master plan prepared and adopted by the Southeastern Wisconsin Regional Planning Commission, the County Park and Planning Commission, a City, Village or Town Plan Commission and certified to the County Board pursuant to Sections 66.945, 59.97 and 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban development and public facilities.

Devices for the implementation of these plans, such as zoning, official map, land division and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

COUNTY PARK AND PLANNING COMMISSION. The Commission created by the County Board of Supervisors pursuant to Section 59.95 of the Wisconsin Statutes and authorized to plan use within the County.

CUL-DE-SAC STREET. A minor street closed at one end with a turn-around provided for vehicular traffic.

DEEP ABSORPTION SYSTEM. A soil absorption sewage system for disposal of effluent through the bottom and sides of a hole or trench at a depth of more than three (3) feet below the natural undisturbed surface.

ENVIRONMENTAL CORRIDOR. Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated in the comprehensive planning program of the Southeastern Wisconsin Region by the Southeastern Wisconsin Regional Planning Commission. These natural resources and resource-related elements include the following: (1) lakes, rivers and streams, together with their natural floodplains; (2) wetlands; (3) forests and woodlands; (4) wildlife habitat areas; (5) rough topography; (6) significant geological formations; (7) wet or poorly drained soils; (8) existing outdoor recreation sites; (9) potential outdoor recreation and related open-space sites; (10) historic sites and structures, and (11) significant scenic areas or vistas.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within one and one-half (1 1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.

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

FRONTAGE. The smallest dimension of a lot abutting a public street measured along the street line.

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

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

IMPROVEMENT, PUBLIC. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access sidewalk, pedestrian way, planting strip or other facility for which the Village or Town may ultimately assume the responsibility for maintenance and operation.

LOT. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area, and other open space provisions of the Village Zoning Ordinance.

LOT, CORNER. A lot abutting two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees, or less, measured on the lot side.

LOT, THROUGH. A lot which has a pair of opposite lot lines along two substantially parallel streets, and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines, but in the case of two or more contiguous through lots, there shall be a common front lot line.

MEAN SEA LEVEL DATUM. Mean Sea Level Datum, 1929 Adjustment, as established by the U.S. Coast and Geodetic Survey.

MINOR STREET. A street used, or intended to be used, primarily for access abutting properties.

MINOR SUBDIVISION. The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites, any one of which is five (5) acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

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

NAVIGABLE STREAM. Any stream is "Navigable In Fact" which is capable of floating any boat, skiff or canoe, of the shallowest draft used for recreational purposes.

OUTLOT. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, the intention of which is to either re-divide into lots or combine it with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

PRELIMINARY PLAT. A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration.

PUBLIC WAY. Any public road, street, highway, walkway, drainage-way or part thereof.

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

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

SOIL MAPPING UNIT. Soil types, slopes and erosion factors delineated on detailed operational soil maps prepared by the U.S. Soil Conservation Service.

SUBDIVIDER. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

SUBDIVISION. The division of a lot, outlot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive division within a period of five (5) years.

SURETY BOND. A bond guaranteeing performance of a contract or obligation through possible forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

WETLANDS. Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to a high-water table.

WISCONSIN ADMINISTRATIVE CODE. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

ZONING ADMINISTRATOR. The officer designated by the Village Board to administer this Ordinance.