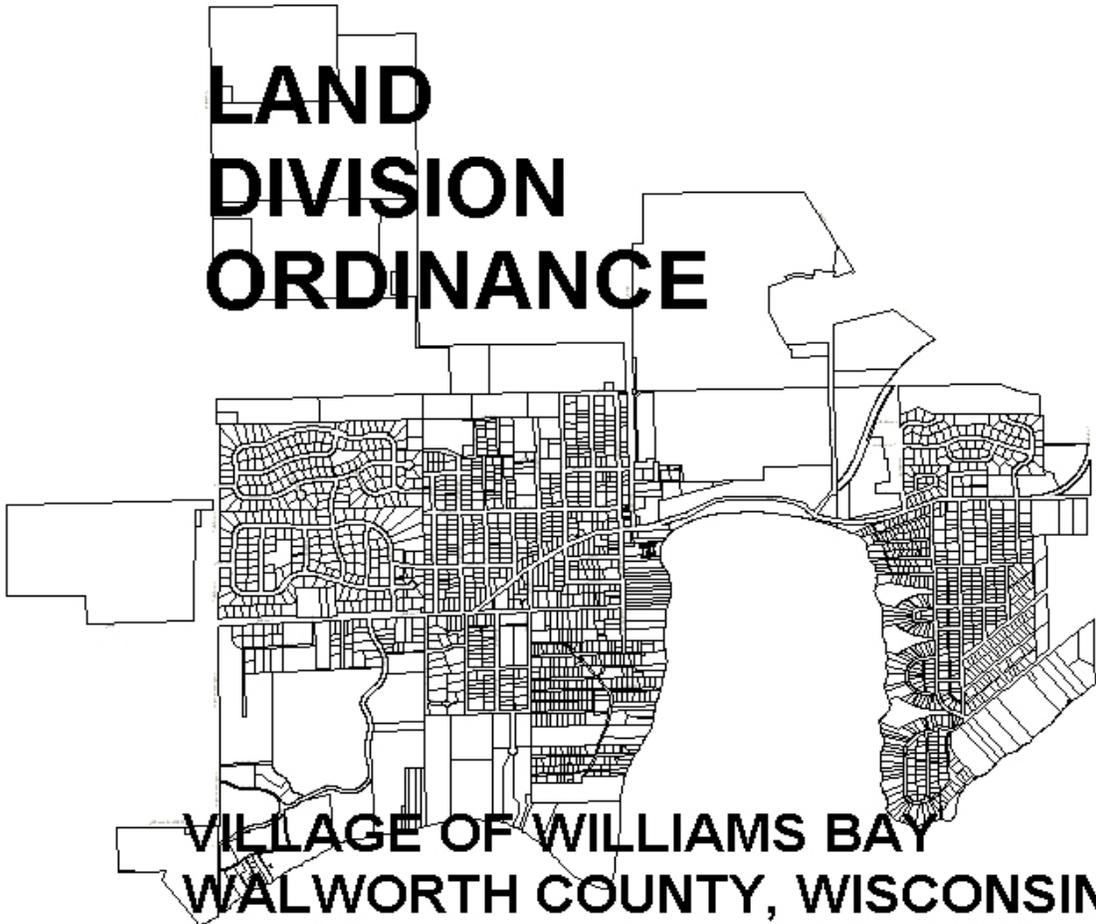


# **LAND DIVISION ORDINANCE**



**VILLAGE OF WILLIAMS BAY  
WALWORTH COUNTY, WISCONSIN**

**VILLAGE OF WILLIAMS BAY OFFICIALS**

<b>Village Board of Trustees</b>	
President:	John P. Marra
Trustees:	William Duncan
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	Donald Parker
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Members:	Jane Pegel
	William Duncan
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	John Hopkins
	David Burrough Sr.
	Jess Haak
Village Administrator:	Robert J. Carlson, 262-245-2703
Village Clerk:	Jacqueline Hopkins, 262-245-2700
Village Treasurer:	Robert J. Carlson, 262-245-2703
Building Inspector:	Jerry Anderaon, 262-245-2704
Director of Public Works:	Jerry Mehring, 262-245-2706
<i>Village Attorney:</i>	<i>Mr. Mark Schroeder Consigny, Andrews, Hemming and Grant PO BOX 1449 Janesville, WI 53545 608-755-5050</i>
<i>Village Engineer:</i>	<i>Mr. Douglas Snyder Baxter- Woodman, Inc. 256 South Pine Street Burlington, WI 53105 262.763.7834</i>

# LAND DIVISION ORDINANCE

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## VILLAGE OF WILLIAMS BAY WALWORTH COUNTY, WISCONSIN

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Reprinted with Amendments through November 21, 1994

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## CHAPTER 17 LAND DIVISION ORDINANCE

### SECTION 17.0100 INTRODUCTION

17.0101 AUTHORITY. These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Williams Bay, Wisconsin, do ordain as follows:

17.0102 PURPOSE. The purpose of this Ordinance is to regulate and control the division of land within the corporate limits of the Village of Williams Bay Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs.

17.0103 INTENT. It is the general intent of this Ordinance to regulate the division of land so as to:

- (A) Obtain the Wise Use, conservation, protection, and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- (B) Lessen Congestion in the streets and highways;
- (C) Further the Orderly layout and appropriate use of land;
- (D) Secure Safety from fire, panic, and other dangers;
- (E) Provide Adequate Light and air;
- (F) Facilitate Adequate Provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
- (G) Secure Safety from flooding, water pollution, disease, and other hazards;
- (H) Prevent Flood Damage to persons and properties and minimize expenditures for flood relief and flood control projects;
- (I) Prevent and Control Erosion sedimentation, and other pollution of surface and subsurface waters;
- (J) Preserve Natural Vegetation and Cover and promote the natural beauty of the Village;
- (K) Restrict Building Sites in areas covered by poor soils or in other areas poorly suited for development;
- (L) Facilitate the Further Division of larger tracts into smaller parcels of land;
- (M) Ensure Adequate legal description and proper survey monumentation of subdivided land;
- (N) Provide for the Administration and enforcement of this Ordinance;
  - (1) Provide Penalties for its violation; and
- (O) Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village Zoning Ordinance, and Village Building Code of the Village of Williams Bay, Wisconsin.

17.0104 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.

17.0105 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.

17.0106 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.

17.0107 DISCLAIMER OF LIABILITY. The Village does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

17.0108 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.

17.0109 TITLE. This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, VILLAGE OF WILLIAMS BAY, WALWORTH COUNTY, WISCONSIN."

## **SECTION 17.0200 GENERAL PROVISIONS**

17.0201 JURISDICTION. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Williams Bay, Wisconsin, and those lands within the extraterritorial jurisdiction of the Village as established in Sections 61.35 and 62.23(2), 66.0105, and 236.10 of the Wisconsin Statutes. The provisions of this Ordinance as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:

- (A) Transfers of Interests in land by will or pursuant to court order.
- (B) Leases for a term not to exceed 10 years, mortgages, or easements.
- (C) Sale or Exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- (D) Cemetery Plats made under Wisconsin Statutes 157.07.
- (E) Assessors' Plats made under Wisconsin Statutes 70.27 but such assessors' plats shall comply with Wisconsin Statutes 236.15(l)(a) to (g) and 236.201(1) and (2)(a) to (e).

17.0202 COMPLIANCE. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a subdivision plat, minor land division (certified survey map), replat, or condominium plat as defined herein; no such, subdivision plat, minor land division, replat, or condominium plat shall be entitled to recording; and no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents in effect at the time of the application for land division.

(A) Chapter 236. Wisconsin Statutes

(B) Rules of the Wisconsin Department of Commerce 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.

(C) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street.

(D) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland areas.

(E) Duly Approved Comprehensive Plan or comprehensive plan component of the Village of Williams Bay, Wisconsin.

(F) The Village of Williams Bay Zoning Ordinance and all other applicable local and county ordinances.

(G) Subdividers shall also refer to the Official Map for site-specific standards related to intersection and driveway placement and spacing; right-of-way dedications and general street and pedestrian facility routing; stormwater management facility locations; and planned community facility locations.

#### 17.0203 DEDICATION AND RESERVATION OF LANDS.

(A) Streets, Highways, and Drainageways: Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in Section 17.0700 of this Ordinance.

(B) Parks and Playgrounds: Whenever a tract of land to be divided within the Village of Williams Bay encompasses all or any part of a park or playground which has been designated on a duly adopted village or regional comprehensive plan or comprehensive plan component, said park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 17.0709 of this Ordinance.

17.0204 IMPROVEMENTS. Before final approval of any plat or certified survey map located within the jurisdictional limits of this Ordinance, the subdivider shall, subject to the requirements of Section 17.1001 of this Ordinance, 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 or letter of credit 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 Board after review and recommendation 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. If the Plat is developed in phases, the amount of the bond or letter of credit shall be limited to the phase currently being constructed. In addition:

(A) Contracts and Contract Specifications for the construction of street and utility improvements, as well as the contractors and subcontractors providing such work shall be subject to review by the Plan Commission upon approval of the Village Engineer and the Village Attorney.

(B) Governmental Units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

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

(D) Survey Monuments: Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer.

17.0205 VARIANCES. Where, in the judgment of the Village Plan Commission, it would be inappropriate to apply literally the provisions of Section 17.0700 and 17.0800 of this Ordinance because of the proposed subdivision being located outside of the corporate limits, or because exception al or undue hardship would result, the Village Plan Commission may grant a variance from any requirement to the extent deemed just and proper. No variance to the provisions of this ordinance shall be granted unless the Village Plan Commission finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

(A) Exceptional Circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed).

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

(C) Absence of Detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Ordinance or the public interest.

(D) A Minimum of five affirmative Village Plan Commission member votes shall be required to grant any variance of this Ordinance.

(E) The Village Board may waive the placing of monuments, required under Section 236.15(b), (c), and (d), for a reasonable time, not to exceed one year on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

17.0206 LAND SUITABILITY. No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Plan Commission, upon the recommendation of the Village Engineer or any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the Village. In addition:

(A) Floodlands. No lot served by public sanitary sewerage facilities shall have less than 50 percent of its required lot area below an elevation at least 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. No lot one (1) acre or less in area served by an onsite 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.

(B) Lands Made, Altered, or Filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

(C) Lands Made, Altered, or Filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

(D) Lands Having a Slope of 12 percent or more shall be maintained in permanent open space use. No lot shall have more than 50 percent of its minimum required area in slopes of 10 percent or greater.

(E) Lands Having Bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.

(F) Lands Having Groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.

(G) Lands Covered By Soils Having a Percolation Rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.

(H) Land Drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.

(I) The Village Plan Commission in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

17.0207 VIOLATIONS. It shall be unlawful to build upon, divide, convey, record or place monuments on 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 Williams Bay authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium plat 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 or the applicable Wisconsin Statutes.

17.0208 PENALTIES AND REMEDIES. Any person, firm or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment 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. Violations and concomitant penalties shall include:

(A) Recordation improperly made carries penalties as provided in Section 236.30 of the Wisconsin Statutes.

(B) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.

(C) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

17.0209 APPEALS. Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, within 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

17.0210 LOT LINE ADJUSTMENTS BETWEEN ADJOINING PARCELS. Notwithstanding the exemption stated in Section 17.0201(C), the Village engineer and the Village building inspector shall require the owners of the adjoining property who have sold or exchanged parcels of land between themselves so as to effect a lot line adjustment, to furnish evidence that the resulting lots have not been reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances. (note: this paragraph amended on 8-18-14 by Williams Bay Village Board)

The evidence shall be in the form of either a plat of survey or a print of the area marked to show the new lot line stakes and the dimensions of the resulting lots, stamped by a registered land surveyor and that the new lot has been staked on the ground by the registered land surveyor. Such evidence shall be submitted no later than thirty days following the written request thereof made by the Village Engineer or Village Building Inspector to the owners. No person, firm, or corporation shall sell or exchange parcels of land between adjoining property if additional lots are created without complying with this ordinance or if the lots resulting are reduced below the minimum sizes required by these regulations, the zoning ordinances or other applicable laws and ordinances.

17.0211 CONFLICTING PROVISIONS.

(A) Conflict with State or Federal Regulations. If the provisions of this Chapter are inconsistent with those of the state or federal government, the more restrictive provision will control, to the extent permitted by law.

(B) Conflict with Other Village Regulations. If the provisions of this Chapter are inconsistent with one another, or if they conflict with provisions found in other adopted ordinances or regulations of the Village, the more restrictive provision will control.

(C) Conflict with Private Agreements and Covenants. This Chapter is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship. The Village is responsible for enforcing this chapter; it does not enforce private agreements.

## SECTION 17.0300 LAND DIVISION PROCEDURES

### 17.0301 SITE ASSESSMENT CHECKLIST AND CONCEPT PLAN REVIEW.

(A) Preliminary Procedure. Before filing application for approval of a minor or major subdivision, or condominium plat, the subdivider or condominium developer shall prepare the items listed in subsections (1) through (3) below, unless exempted by other sections of this Chapter. Minor subdivisions of less than five acres in total size, where no land dedications or new streets are proposed, are exempt from these requirements.

(1) Site Assessment. Except as indicated in subsection (D) below, the subdivider or condominium developer shall complete a site assessment checklist (see Appendix E) per the requirements of subsection 17.0301(D). A site assessment report per the requirements of subsection 17.0301(E) may also be required, following Village staff review of the site assessment checklist.

(2) Concept Plan. For all land divisions including condominium plats, the subdivider or condominium developer shall prepare a concept plan per the requirements of section 17.0301(F). Concept plans are not required for Planned Developments. Instead, an approved PDO Concept Plan per Section 18.0709F shall substitute for a concept plan.

(3) Project List. A signed statement listing development projects for which the applicant has received Village approval in the last five years and indicating any outstanding performance or financial obligations on such projects. If this statement is found to contain information that is contrary to fact or to omit the listing of such projects or obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is resolved.

(B) Pre-Application Meeting. Upon the completion of the documents specified in sections 17.0301(A) (1) through (3) above, a pre-application meeting may be required by the Zoning Administrator to ensure the subdivider or condominium developer is apprised of the objectives of these regulations, the Village's comprehensive plan and elements thereof, the Village's Official Map and any pertinent ordinances and plans, and to reach conclusions regarding the objectives and general program for the proposed development.

(C) Additional Review.

(1) Plan Commission Review. The Zoning Administrator may require, or the subdivider or condominium developer may request, Plan Commission review and comment on the submitted site assessment checklist and/or concept plan. Twenty copies of all documents shall be submitted by the subdivider or condominium developer to the Zoning Administrator who shall distribute the copies to the Plan Commission for review and comment. Said copies must be submitted at least 60 business days prior to the date of the Plan Commission meeting at which the matter is to be reviewed.

(D) Site Assessment Checklist Requirements.

(1) Purpose. The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new land divisions, including condominium plats, upon the community in accordance with the principles and procedures of Section 236.45(1), Wisconsin Statutes.

(2) Coverage. The site assessment checklist requirement shall apply to all major subdivisions and condominium plats as described in section 17.0301(A). Condominium conversions are exempt from this requirement.

(3) Site Assessment Checklist Form. The subdivider or condominium developer shall complete the site assessment checklist form in Appendix E and deliver to the Village Clerk.

(E) Site Assessment Report Requirements.

(1) Determination of Need for Site Assessment Report. Prior to accepting a preliminary plat or certified survey map for review, the Plan Commission or Village staff may, for reasons stated in a written correspondence setting forth specific questions on which it requires research, data, and input from the subdivider or condominium developer and other affected persons, decide that the site assessment checklist raises unusually significant questions on the effects on the environment and/or that review by other Village committees and commissions is required. The written request shall set a reasonable date for the return of the requested data and information from the subdivider, or condominium developer and it may specify the format in which the data is to be presented.

(2) Hearing on Site Assessment Report. Following response to the written request to the Zoning Administrator, the Village shall distribute the report to all interested persons or agencies. The Plan Commission may schedule and hold a public hearing on the findings of the report. If scheduled, the hearing shall be preceded by a Class I notice under Chapter 985, Wisconsin Statutes. Persons attending such hearing shall be afforded an opportunity to comment on the report.

(3) Review of Site Assessment Report. The Plan Commission shall review the site assessment report, with supporting data, department and committee reviews, and any other data required for determining the suitability of the land for the proposed development. Within 30 days after submission of the site assessment report by the subdivider or condominium developer, the Plan Commission shall decide whether the affected land is suitable for development per Section 17.0206 Land Suitability. If determined unsuitable, the Plan Commission shall provide its reasons in writing, and subdivider or condominium developer shall have the opportunity to remedy the reasons before a certified survey map, preliminary plat, or condominium plat may be filed.

(F) Concept Plan Requirements. If required under section 17.0301(A), the subdivider or condominium developer shall prepare a concept plan for review by Village staff. At its option, Village staff may choose to present the concept plan to the Plan Commission for their review and comment prior to the filing of a preliminary plat or condominium plat.

(1) Purpose. The purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision or condominium and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and impact of the proposed subdivision, or condominium plat, without the need for detailed engineering, surveying, and other time consuming and costly processes associated with the preparation of a preliminary plat.

(2) Coverage. The concept plan shall indicate a proposed subdivision or building placement pattern for all lots owned or controlled by the subdivider or condominium developer. The Plan Commission may waive this requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the Village's comprehensive plan, and the subdivider or condominium developer demonstrates an intent to subdivide or develop according to that plan or to a concept plan, general development plan, or preliminary plat previously submitted and reviewed by the Village.

SECTION 17.0302 PRELIMINARY PLAT/CONDOMINIUM PLAT REVIEW PROCEDURE

(A) Application. Prior to submitting a final plat or condominium plat for approval, the subdivider or condominium developer shall prepare a preliminary plat and file a written application for its approval with the Village Clerk, along with 20 copies of the preliminary plat. The submittal shall include all data

required by this section. A preliminary plat shall not be submitted prior to Village review of the site assessment checklist, the site assessment report when required, or the concept plan. The preliminary plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which action is expected to allow adequate time for review and recommendation by appropriate agencies, staff, commissions, consultants, and nearby property owners.

(B) Coverage of Preliminary Plat. The subdivider or condominium developer shall in all cases submit a preliminary plat for the lands to be included in the first phase of the final plat. The preliminary plat shall include the entire adjacent area owned and controlled by the subdivider or condominium developer. The Plan Commission may waive this second requirement in the case where the remainder of the area owned or controlled by the subdivider or condominium developer is included in a detailed neighborhood development plan adopted as a component of the Village's comprehensive plan, and the subdivider or condominium developer demonstrates intent to subdivide or develop according to that plan.

(C) Review by Agencies. The subdivider shall transmit an adequate number of copies of the preliminary plat to all reviewing agencies as required under Chapter 236, Wisconsin Statutes. Agency review is not required for condominium plats.

(D) Plan Commission Action. The Plan Commission, at its earliest available scheduling, but no longer than 90 days from the date of filing of a complete preliminary plat with the Village Clerk, shall take action to approve, conditionally approve, or reject the preliminary plat. In the case of a rejection, the Plan Commission shall list reasons for said recommendation. The time period within which Plan Commission action is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the preliminary plat. Failure of the Plan Commission to act within 90 days shall be interpreted as a recommended approval of the preliminary plat except where the 90-day period has been extended by written agreement of the subdivider or condominium developer.

(E) Notification. The Village Clerk shall notify the subdivider or condominium developer, in writing, of the Plan Commission action within 10 business days.

(F) Effect of Preliminary Plat Approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat. If the final plat is submitted within 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Wisconsin Statutes, Section 236.11(1)(b), 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 a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.

(G) Copies to Utility Providers. The subdivider or condominium developer shall provide, via certified mail, two copies of the approved preliminary plat to all local utility providers (i.e. natural gas, telephone, cable television, telecommunications, water, sanitary sewer, and electric company) so that they may identify appropriate locations for facilities and easements.

#### SECTION 17.0303 PRELIMINARY PLAT REQUIREMENTS

(A) The preliminary plat shall be submitted at a scale of not more than 100 feet to one inch, and shall show correctly on its face the information listed below. The Village may waive one or more of these requirements based on a formal written request from the subdivider or condominium developer. A request for an exception or waiver of conditions of the requirements of this Section 17.0303 shall be submitted in writing by the subdivider or condominium developer when the preliminary plat is filed. The request shall state fully the reasons for the exception or waiver. A 3/4 vote of the entire membership of the Plan Commission shall be required to grant any exceptions or waivers to this section, except for Planned Developments for which consent of the regular majority of the membership is required.

(B) Description.

- (1) Name of the proposed subdivision or condominium plat.
- (2) Name, address and telephone number of the owner, subdivider or condominium developer, engineer, land surveyor and land planner.
- (3) Date, graphic scale, and north arrow.
- (4) Location of the proposed subdivision or condominium plat by government lot, quarter section, township, range and county.
- (5) Location map showing the relationship between the preliminary plat and surrounding area.
- (6) Proposed number of lots, number of dwelling units if different, and land use types.
- (7) A vicinity sketch or small scale drawing of the section or government subdivision or condominium plat of the section in which the subdivision or condominium plat lies, with its approximate location indicated.

(C) Existing Conditions.

- (1) Contours at verticals of not more than two foot.
- (2) A scaled drawing of the exterior boundaries of the proposed subdivision or condominium plat referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
- (3) Location of existing property lines, buildings, drives, streams and watercourses, dry runs, lakes, marshes, wetlands, floodplains, shoreland zoning areas, rock outcrops, wooded areas (including individual trees with a diameter at breast height of six inches or more), environmental corridors, and other similar significant features within the parcel being subdivided.
- (4) Location; right-of-way width; and names of any easements or rights-of-way for existing streets, alleys, or other public ways; and railroads and utilities within or adjacent to the proposed subdivision or condominium plat.
- (5) Type and width of any adjacent existing street pavements, together with any legally established centerline elevations for streets located outside the Village limits.
- (6) Water elevations of adjoining lakes, streams, or drainage-ways at the date of the survey, and known or determined high and low water elevations and boundaries of the 100-year flood-fringe, flood-way, and/or general flood-plain.
- (7) Subsurface soil, rock, and water conditions including depth to bedrock and average depth to ground water table. Where a subdivider or condominium developer's subsoil investigation indicates potential for groundwater less than 10-feet from the proposed street centerline elevation, the subdivider or condominium developer shall so note on the face of the plat and indicate the lots affected.
- (8) Location, size, and invert elevation of any existing sanitary and storm sewers, culverts, or drain pipes, and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to, the size of those nearest, and the invert elevations of sewers shall be indicated.
- (9) Location of private wells and electric infrastructure.

(10)Locations of filling and grading.

(11)Location and names of adjacent subdivision or condominium plat, parks, and cemeteries.

(12)Names and addresses of adjacent property owners.

(13)Existing land use and zoning within 300 feet of the proposed subdivision or condominium plat.

(D) Proposed Conditions.

(1) Location, width, and names of all proposed streets and walkways.

(2) Layout and scale dimensions of all lots and proposed lot and block numbers.

(3) Draft of proposed covenants (if any) to be imposed.

(4) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways, or other public uses.

(5) Location and approximate dimensions of any sites reserved for the private use of subdivision or condominium plat residents and the conditions and terms of all applicable deed restrictions applying to these sites.

(6) Location and approximate dimensions of any sites that are to be used for Group Developments or Planned Developments as defined in sections 18.0821C(1) and 18.0709 of the Village zoning ordinance, respectively.

(7) Plans showing the proposed locations for streets, walkways, drainage-ways, and public easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium plat when requested.

(8) After consultation with Village staff, proposed street tree type, location, and size.

(9) After consultation with Village staff, proposed sanitary sewer, water, and stormwater facilities type, location, and size. The submittal shall specifically address in a supplemental memo how the proposed sanitary sewer system maximizes the area served by gravity flow or otherwise optimizes gravity service.

(10)Locations of filling and grading.

(11)Proposed building setback lines.

(12)Any other information deemed necessary by Village staff to assist in the review and evaluation of the preliminary plat.

17.0304 FINAL PLAT REVIEW AND APPROVAL PROCEDURE. For all major subdivisions and condominium plats, the subdivider or condominium developer shall prepare and file a final plat and written application for its approval with the Village Clerk, along with 20 copies of the final plat. The submittal shall include all data required by this section, along with verification, such as a certified mail receipt, that the subdivider or condominium developer submitted the approved preliminary plat to utility providers as required under subsection 17.0302(G). A final plat shall not be submitted prior to Village Board approval of the preliminary plat. The final plat shall be filed at least 30 days prior to the date of the Plan Commission meeting at which a recommendation is expected. In the case of condominium plats that contain over five individual building sites, a condominium plat that conforms to section 703.11 of the Wisconsin Statutes shall substitute for a final plat.

(A) Coverage of Final Plat. The final plat shall include the entire area owned or controlled by the subdivider, condominium developer or association, within the phase of development for which final approval is sought.

(B) Submittal of Covenants and Deed Restrictions. The subdivider or condominium developer shall submit any protective or restrictive covenants or deed restrictions pertaining to lot and street dimensions or other physical design specifications that may attach to the property being subdivided.

(C) Review by Agencies. The Plan Commission secretary shall transmit an adequate number of copies to the Plan Commission and all affected Village boards, commissions, or departments for their review and recommendations concerning matters within their jurisdiction. For the final plat, the subdivider shall be responsible for making all written requests for approval and findings of no objections of the final plat to the state of Wisconsin, in accordance with Section 236.12, Wisconsin Statutes.

(D) Plan Commission Recommendation. Within 45 days of receiving a complete final plat application and all associated documents, the Plan Commission shall recommend approval, denial, or approval with conditions of the final plat and transmit that recommendation to the Village Board. Such time may be extended by written agreement of the subdivider or condominium developer.

(E) Village Board Action. The Village Board shall, at its earliest available scheduling, but no longer than 60 days from the date submitted, approve, approve conditionally, or reject the final plat based on its determination of conformance with the intent and provisions of this Chapter and all related plans and ordinances and recommendations of appropriate Village committees and commissions. If the final plat meets the requirements of this section, has been submitted within 36 months from the approval date of the preliminary plat, substantially conforms to the approved preliminary plat, and meets all conditions of preliminary plat approval, the Board shall approve the final plat. The final plat is considered filed when the Village has received all maps, plans, drawings, and related data necessary for plat review of the latest version of the final plat as outlined herein. Such time may be extended by written agreement of the subdivider or condominium developer. If the Village Board fails to act within 60 days, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk.

(F) Development Agreement Required. Upon the filing of a preliminary plat with the Village, the subdivider or condominium developer and Village shall begin negotiations on a development agreement specifying responsibilities of both parties. Prior to approval of the final plat by the Village Board, the subdivider or condominium developer and Village shall be in substantial agreement as to the terms of the development agreement. Village Board approval shall be conditioned upon the execution of the development agreement. Prior to Village signing and recording of the final plat, the development agreement shall be signed by both parties and all conditions of final plat approval shall be satisfied to the extent possible. Prior to the signing of said agreement by the Village President and the Village Clerk, the subdivider or condominium developer shall pay the Village all required fees, charges, and deposits, and provide any required performance guarantees, except as otherwise provided for in the development agreement.

(G) Recording of Final Plat. The surveyor shall record a copy of the approved final plat with the register of deeds, but only after certificates of the state of Wisconsin, Village Board, surveyors, and others required by Section 236.21, Wisconsin Statutes are placed on the face of the plat. The plat shall be offered for record within 12 months after the date of the last approval of the plat and within 36 months after the first approval, per Section 236.25(2)(b), Wis. Stats

Section 17.0305 Final Plat Requirements. The final plat shall meet all technical requirements of Chapter 236, Wisconsin Statutes. In addition, the subdivider or condominium developer shall furnish the following information with respect to the approved, recorded version of the final plat.

(A) If the final plat or condominium plat contains private road(s), the following note shall be added to the plat:

**NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES**

THIS PLAT CONTAINS PRIVATE ROAD(S), AND, AS A RESULT, CERTAIN PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT, WHICH DIRECTLY RELATES TO THIS PLAT AND IS FILED AS A PUBLIC DOCUMENT IN THE OFFICE OF THE VILLAGE CLERK FOR THE VILLAGE OF WILLIAMS BAY.

(B) Final plats shall contain the following note regarding utility easements:

THE FINAL GRADE ESTABLISHED BY THE SUBDIVIDER ON THE UTILITY EASEMENT SHOWN SHALL NOT BE ALTERED BY MORE THAN SIX INCHES BY THE SUBDIVIDER, HIS AGENT, OR BY SUBSEQUENT OWNERS OF THE LOTS ON WHICH SUCH UTILITY EASEMENTS ARE LOCATED, EXCEPT WITH WRITTEN CONSENT OF THE UTILITIES INVOLVED.

(C) A duplicate reproducible copy of the approved and recorded plat and in a digital format to be determined by the Village.

(D) Proof that all local utility providers have been notified of, and afforded the opportunity to comment on, the preliminary plat as required under subsection 17.0302(G).

(E) With the submittal of the final plat, the subdivider or condominium developer shall submit preliminary engineering design plans to be approved by the Village prior to the installation of public improvements within the plat area. The plan shall indicate but not be limited to the following: elevation of streets, existing and proposed topography, proposed yard swales, proposed finished first floor elevation ranges for each lot, areas reserved for stormwater detention/retention, and indications of the direction of all drainage including intra-block drainage. Said plans shall also show:

- (1) The approximate radii of all curves, length of tangents, and central angles on all streets.
- (2) Preliminary engineering plans for water, stormwater facilities, sanitary sewer, natural gas, and other public improvements as required by the Village.
- (3) A surface water drainage plan for the plat.

(F) Final engineering design plans shall be submitted and approved by the Village prior to signing of the certificates on the final plat by the Village for recording of the final plat.

17.0306 MINOR LAND DIVISION (CERTIFIED SURVEY MAP).

(A) Application. For all subdivisions classified as minor subdivisions under this Chapter, the subdivider shall file an application for certified survey map approval with the Village Clerk, along with 20 copies of the certified survey map. The submittal shall include all data required by this section. A certified survey map shall not be approved prior to Plan Commission review of the site assessment checklist, except as exempted under sections 17.0301(A) and 17.0301(D)(2). The certified survey map shall be filed at least 14 days prior to the date of the Plan Commission meeting at which a recommendation is expected.

(B) Plan Commission Action (No Land Dedication). The Plan Commission at its earliest available scheduling, but no longer than 60 days from the date submitted, shall approve, conditionally approve

or reject those certified survey maps not involving the dedication of public lands. Said determination shall be based on the conformance with the intent and provisions of this ordinance and all related plans and ordinances, and recommendations of appropriate Village committees and commissions. In all cases, the time period within which Plan Commission action is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the certified survey map as outlined herein. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within 60 days and the period of time has not been extended by agreement, the certified survey map shall be deemed approved.

(C) Plan Commission Recommendation (Land Dedication). The Plan Commission at its earliest available scheduling, but no longer than 60 days from the date submitted, shall recommend to the Village Board approval, conditional approval, or rejection of certified survey maps that involve the dedication of public lands. Such recommendation shall be based on the conformance with the intent and provisions of this ordinance and all related plans and ordinances, and recommendations of appropriate Village committees and commissions. All dedicated lands shall be accompanied by an environmental assessment indicating that such lands present no environmental hazard, and that they will not require environmental mitigation or remediation measures. Said environmental assessment shall be produced at the subdivider's expense. In all cases, the time period within which Plan Commission recommendation is required shall not commence until the Village has received all maps, plans, drawings, and related data necessary for review of the latest version of the certified survey map as outlined herein. Such time may be extended by written agreement of the subdivider. If the Plan Commission fails to act within 60 days and the period of time has not been extended by agreement, it shall be interpreted that the Plan Commission recommends approval of the certified survey map to the Village Board.

(D) Village Board Action. Where a certified survey map involves the dedication of public lands, the Village Board shall within 30 days from the date of the Plan Commission recommendation, approve, conditionally approve, or reject the certified survey map. If the Village Board fails to act within the 30-day period, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the certified survey map shall be deemed approved.

(E) Development Agreement. The Village Board may require the execution of a development agreement for a certified survey map involving public improvements.

(F) Recording of Certified Survey Map. The surveyor shall record a copy of the approved certified survey map with the register of deeds, but only after the following have occurred:

- (1) Certificates of the Village Board and/or Plan Commission, of the surveyors and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat.
- (2) All conditions of approval have been satisfied.
- (3) Upon recordation by the subdivider, two copies of the recorded document shall be furnished to the Village Clerk along with a digital copy in the format determined by the Village.

(G) Zero Lot Line Land Divisions. Zero lot line land divisions designed to put each dwelling unit of a side-by-side duplex on a separate lot, where the lot line will be placed along the common wall or walls of the duplex, shall adhere to the same procedures required for all other certified survey maps, as outlined in sections 17.0306 (A) through (F), above. This process will result in the creation of a "Twin House" as defined in Section 18.0306 C of the Zoning Ordinance. Section 18.0306 C of the Zoning Ordinance should be reviewed to determine if additional requirements will be imposed as conditions of CSM approval.

(H) Certified Survey Map Requirements.

- (1) The certified survey map (CSM) shall be prepared by a registered land surveyor and shall comply with the provisions of Section 236.34, Wisconsin Statutes, and of this section.
- (2) The certified survey map shall comply with all design standards, required improvements, and general provisions of this section.
- (3) The certificate of approval shall be placed on the face of the map.
- (4) If the certified survey map contains private roads, the following note shall be added to the certified survey map:

**NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES:**

THIS CERTIFIED SURVEY MAP CONTAINS PRIVATE ROAD(S), AND, AS A RESULT, CERTAIN PUBLIC SERVICES MAY BE LIMITED. THE EXTENT OF THESE LIMITATIONS MAY BE SPELLED OUT IN A DOCUMENT CALLED A DEVELOPMENT AGREEMENT, WHICH DIRECTLY RELATES TO THIS CSM AND IS FILED AS A PUBLIC DOCUMENT IN THE OFFICE OF THE VILLAGE CLERK FOR THE VILLAGE OF WILLIAMS BAY.

- (5) Parkland dedication monies in lieu of parkland dedication and park improvement fees shall not be required where the CSM does not result in the addition of any residential unit.
- (6) The certified survey map shall be offered for record within 6 months after the date of the last approval of the map and within 24 months after the first approval of the map, per Section 236.34(2)(b)1, Wis. Stats.

17.0307 REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the areas dedicated to the public, 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 17.0301 through 17.0305.

17.0308 CONDOMINIUM PLATS. A condominium plat prepared pursuant to Section 703.11 of the Wisconsin Statutes shall be reviewed in the same manner as a subdivision plat as set forth in Sections 17.0301 through 17.0305 of this Ordinance.

## **SECTION 17.0400 PRELIMINARY PLAT**

17.0401 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, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- (A) Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
- (B) Property Location of the proposed subdivision by: government lot, quarter-section, township, range, county and state;
- (C) General Location Sketch showing the location of the subdivision within the U. S. Public Land Survey section;
- (D) Date. Graphic Scale and North Arrow;
- (E) Names and Addresses of the owner, subdivider and land surveyor preparing the plat;
- (F) 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 the Ordinance and severe hardship would result from strict application thereof.

17.0402 PLAT DATA. All preliminary plats shall show the following:

- (A) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- (B) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than five (5) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level);
- (C) Water Elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum;
- (D) Floodplain Limits and the contour line lying a vertical distance of 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 elevation of the maximum flood of record;
- (E) 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;
- (F) 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 (1929 datum);
- (G) Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;

(H) Location, Size, and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.

(1) If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;

(I) Locations of All Existing Property Boundary Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features with-in the tract being subdivided or immediately adjacent thereto;

(J) Location, Width and Names of all proposed streets and public rights-of-way such as alleys and easements;

(K) Approximate Dimensions of All Lots together with proposed lot and block numbers;

(L) Location and Approximate Dimensions and Size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring lotting;

(M) Approximate Radii of All Curves;

(N) Existing Zoning on and adjacent to the proposed subdivision;

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

(P) Any Proposed Lake and Stream improvement or relocation;

(Q) Soil Type, Slope, and Boundaries as shown on the detailed operational soil survey maps prepared by the U. S. Soil Conservation Service;

(R) Location of Soil Boring Tests where required by Chapter COMM 85 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

(S) Location of Soil Percolation Tests where required by Chapter COMM85 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

17.0403 STREET PLANS AND PROFILES. The Village Plan Commission, upon the recommendation of 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 National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the Village Engineer.

17.0404 TESTING. The Village Plan Commission, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.

The Village does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter COMM 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat.

17.0405 SOIL AND WATER CONSERVATION. The Village Plan Commission, upon the recommendation of the Village Engineer, after 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, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the U. S. Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, and shall be in accordance with standards set forth in Section 17.0814 of this Ordinance.

17.0406 COVENANTS. The Village Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Village Attorney as to form.

17.0407 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.

## SECTION 17.0500 FINAL PLAT

17.0501 GENERAL. A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

17.0502 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:

- (A) Exact Length and Bearing of the centerline of all streets;
- (B) Exact Street Width along the line of any obliquely intersecting Street;
- (C) Railroad Rights-of-Way within and abutting the plat;
- (D) Setbacks or Building Lines;
- (E) Utility and/or Drainage Easements;
- (F) Street Addresses on each lot as determined by the Village Clerk;
- (G) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the plat;
- (H) Special Restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.

17.0503 DEED RESTRICTIONS. The Village Plan Commission may require that deed restrictions be filed with the Final Plat and shall be recorded with the approved plat.

17.0504 SURVEY ACCURACY. The Village Engineer shall examine all Final Plats within the Village and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- (A) 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 (1) part in 10,000, nor in azimuth, of (4) 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.
- (B) All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of one (1) part in 5,000 or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a 'measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- (C) Where the Plat is Located within a U. S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the tie required by Section 236.20(3) (b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance; and the

material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

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

**17.0505 SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

**17.0506 STATE PLANE COORDINATE SYSTEM.** Where the Plat is located within a U. S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, 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 Village's control survey.

**17.0507 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.

**17.0508 RECORDATION.** The Final Plat shall only be recorded with the county Register of Deeds after the certificates of the Wisconsin Department of Development, of the Village Board, of the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat. The plat shall be recorded by Subdivider with the County Register of Deeds within six months from the date of the last approval.

## **SECTION 17.0600 CERTIFIED SURVEY MAP**

**17.0601 GENERAL.** A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in Sections 17.0700 and 17.0800 of this Ordinance.

**17.0602 REQUIRED 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:

- (A) All Existing Structures, watercourses, drainage ditches and other features pertinent to proper land division;
- (B) Setbacks or Building Lines;
- (C) Utility and/or Drainage Easements;
- (D) Street Addresses on each lot as determined by the Village Clerk;
- (E) All Lands Reserved for future acquisition;
- (F) Date of the Map;

(G) Floodplain Limits and the contour line lying a vertical distance of 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 elevation of the maximum flood of record;

(H) Graphic Scale and North Arrow;

(I) Name and Address of the owner, subdivider and surveyor.

17.0603 ADDITIONAL INFORMATION. The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

(A) Existing Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less 10 percent, and of not more than five (5) feet where the slopes of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NCVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.

(B) Soil Type, Slope, and Boundaries as shown on the detailed operational soil survey maps prepared by the U. S. Soil Conservation Service.

(C) Location of Soil Boring Tests where required by Section ILHR 85.06 of the Wisconsin Administrative Code, made to a depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.

(D) Location of Soil Percolation Tests where required by Chapter COMM 85 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(E) The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development.

17.0604 STATE PLANE COORDINATE SYSTEM. Where the Map is located within a U. S. Public Land Survey quarter section the corners of which have been relocated, monumented and coordinated by the Village of Williams Bay, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the Map shall be tied directly to one (1) 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 plane coordinate of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearing shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

17.0605 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. In addition, 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.

17.0606 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. The Map shall be recorded by the Subdivider with the County Register of Deeds within six months from the date of the last approval.

## SECTION 17.0700 DESIGN STANDARDS

17.0701 STREET ARRANGEMENT. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the Village of Williams Bay, Wisconsin. 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, to 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. In addition:

(A) 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 shall also 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.

(B) 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 to which they connect.

(C) 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 area necessary to provide safe and convenient access to abutting property.

(D) 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 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.

(E) Arterial Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to an arterial 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 the use of frontage streets.

(F) Stream or Lake Shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half mile as required by Section 236.16(3) of the Wisconsin Statutes.

(G) 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.

(H) Alleys shall be provided in commercial and industrial areas for off-street loading and service areas 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 an arterial Street.

(I) Street Names shall not duplicate or be similar to existing Street names elsewhere in the Village, and existing street names shall be projected wherever possible.

17.0702 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:

(A) 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 20 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth.

(1) 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 is prohibited."

(B) Commercial and Industrial Properties 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 150 feet.

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

(D) 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.

17.0703 STREET AND PEDESTRIAN WAY DESIGN STANDARDS. The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as shown on Table 1 (below). Street sections are for standard arterial streets only. Cross-sections for freeways, expressway and parkways should be based upon detailed engineering studies. In addition:

(A) Cul-de-Sac streets designed to have one end permanently closed shall not exceed 750 feet in length. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a tear-drop turn around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet, and all urban cul-de sac streets designed to have one end permanently closed with a center planting island shall terminate in a tear-drop turn around having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet.

(B) Temporary Termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth above, or by construction of a temporary 'T' intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.

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

(1) Arterial streets: six (6) percent.

(2) Collector streets: eight (8) percent.

(3) Minor streets, alleys and frontage streets: 12 percent.

(4) Pedestrian ways: 12 percent unless steps or stairs of acceptable design are provided.

(5) The grade of any street shall in no case exceed 12 percent or be less than one-half (0.5) of one 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 15 times the algebraic difference in the rates of grade for arterial streets, and one-half (1/2) this minimum for all other streets.

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

(1) Arterial streets and highways: 500 feet.

(2) Collector streets: 300 feet.

(3) Minor streets: 150 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

Table 1

REQUIRED STREET CROSS SECTIONS  
 IN THE VILLAGE OF WILLIAMS BAY  
 AND IN THE VILLAGE'S EXTRATERRITORIAL PLAT REVIEW JURISDICTION

Type of Street Or Public Way	Urban Street Sections		Rural Street Sections	
	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions	Minimum Right-Of-Way To Be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	+ Dual 36-foot pavement (face of curb to face of curb) + 24-foot median + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	130 feet	+ Dual 24-foot pavements + 18-foot median + 10-foot outside shoulders + 6-foot inside shoulders + 16-foot roadside ditches
Arterial Streets (two-lane)	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	100-foot	+ 24-foot pavement + 10-foot shoulders + 28-foot roadside ditches
Collector Streets	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	None	None
Minor Streets	60 feet	+ 36-foot pavement (face of curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavement + 6-foot shoulders + 16-foot roadside ditches
Minimum Cul-de-Sac (w/o center island; Tear-drop Design)	60-foot radius	+ 48-foot radius pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	66-foot radius	+ 45-foot radius pavement + 6-foot shoulder + 16-foot roadside ditch
Minimum Cul-de-Sac (w/ center island; Tear-drop Design)	60-foot radius	+ 24-foot radius median + 24-foot circumferential pavement + 7-foot tree bank (curb lawn) + 4-foot sidewalk + 1-foot outside sidewalk	--	--
Cul-de-Sac Barrel	60 feet	+ 32-foot-pavement (face of curb to face of curb) + 9-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavement + 6-foot shoulders + 16-foot roadside ditches

(E) 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 new half-streets shall not be permitted.

17.0704 STREET INTERSECTIONS. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

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

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

(C) Property Lines at Street Intersections shall be rounded with a minimum radius of 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 15 feet.

(D) 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 250 feet of each other, measured along the centerlines of the arterial or collector street, then the location shall be so adjusted that the adjointment across the major or collector Street is continuous; and a jog is avoided.

17.0705 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. In addition:

(A) The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

(B) Pedestrian Ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.

(C) The Width of Blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(D) Utility Easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

17.0706 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 building contemplated. In addition:

(A) Interior Side Lot Lines shall be at right angles to straight street lines or radial to curved Street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.

(B) 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 of topography and orientation.

(C) Access. Every lot shall front or abut for a distance of at least 40 feet on a public street.

(D) Area and Dimensions of all lots shall conform to the requirements of the Village of Williams Bay Zoning Ordinance for the subdivisions within the Village, to the Village of Williams Bay extraterritorial Zoning Ordinance for the subdivisions within the Village's extraterritorial zoning area, and to the Walworth County Zoning Ordinance for the subdivisions within the remainder of the Village's extraterritorial limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with Chapter COMM 83 of the Wisconsin Administrative Code. The width and area of lots located on soils suitable for the use of an onsite soil absorption sewage disposal system shall not be less than 150 feet in width and 40,000 square feet in area.

(E) Depth of Lots shall be a minimum of 120 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.

(F) Width of Lots shall conform to the requirements of the Village Zoning Ordinance, or other applicable ordinance.

(G) Corner Lots shall have an extra width of 20 feet to permit adequate building setbacks from side streets.

(H) 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 in any plat abutting a lake or stream.

17.0707 BUILDING AND SETBACK LINES. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Village Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.

17.0708 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 interior side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a subdivision is traversed by a watercourse, drainage- way channel or stream, an adequate drainageway or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainageway 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. These design details are subject to review and approval by the Village Engineer.

17.0709 PUBLIC SITES AND OPEN SPACES. In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat as stipulated in Section 17.0203 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. Accordingly, each subdivider of land in the Village of Williams Bay shall, at the discretion and direction of the Village Plan Commission, either dedicate open space lands designated on

the Village Comprehensive Plan or plan component- -or reserve such open space lands and pay a public site fee or, where no open space lands are directly involved, pay a public site fee.

The Village Plan Commission shall, at the time of reviewing the Preliminary Plat or Certified Survey Map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval.

(A) Dedication of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Village's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one (1) acre for each 50 proposed or potential dwelling units; and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three (3) years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, the land will be released from reservation to the owner.

(B) Reservation of Site Option. Whenever a proposed playground, park, or other public open space land designated on the Village's comprehensive plan, neighborhood unit development plan, or other comprehensive plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and reserved at the time of final plat approval for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in Section 17.0709(C) of this Ordinance. If the land is not acquired within the three-year time period as set forth herein, the land will be released to the owner from reservation.

(C) Public Site Fee Option. If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Village Plan Commission requires the reservation of land as set forth in Section 17.0709(B) of this Ordinance, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount of \$750 for each proposed dwelling unit/lot within the plat. Public site fees collected by the Village Treasurer under the provisions of this Ordinance shall be placed in a non-lapsing special fund for Village parks and shall be separate from the General Fund of the Village, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Village.

## **SECTION 17.0800 REQUIRED IMPROVEMENTS**

17.0801 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 Engineer.

17.0802 GRADING. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, 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 Plan Commission, upon the recommendation of the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.

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.

17.0803 SURFACING. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations and the comprehensive plan or the comprehensive plan components of the Village. All roadways shall be surfaced with a three and one-half inch hot mix bituminous concrete pavement, made up of a two inch binder course and a one and one-half inch surface course, placed on an eight inch thick gravel base. The bituminous pavement shall be constructed in stages. The binder course being placed initially upon completion of the utilities, and the surface course being placed at such time that 75 percent of the lots within the subdivision have been developed, but not sooner than one (1) year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.

17.0804 CURB AND GUTTER. In all subdivisions, the Village Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Village shall be borne by the Subdivider.

17.0805 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 Plan Commission, as recommended by the Village Engineer and as set forth in Section 17.0814 of this Ordinance.

17.0806 SIDEWALKS. In all subdivisions, the Village Board shall require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. In addition, wider than standard sidewalks 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 code if such walks are necessary in their opinion for safe and adequate pedestrian circulation.

17.0807 PUBLIC SANITARY SEWERAGE. When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the Village of Williams Bay, 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. In addition:

(A) The Village Board shall require the installation of sewer laterals to the front or street side lot line for residential lots.

(B) The Size, Type, and Installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. The latest revision of the "Standard Specifications for Sewer and Water Construction in Wisconsin shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the "Standard Specifications." However, upon written approval of the Village Engineer, the trenches may be backfilled with excavated material, meeting the requirements of the "Standard Specifications." If excavated material is allowed for backfill, it shall be compacted by mechanical methods, meeting the approval of the Village Plan Commission, upon the recommendation of the Village Engineer.

(C) The Subdivider Shall Assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within 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 in the

total tributary drainage area which shall be prorated 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.

17.0808 STORM WATER DRAINAGE FACILITIES. The subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. 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 hazards to life or property. In addition:

(A) 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 devices.

(B) Shoreland Drainage facilities shall, if required, 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 other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.

(C) 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 those 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 prorated 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.

17.0809 WATER SUPPLY FACILITIES. When the proposed subdivision or certified survey map is located within the adopted water service area of the Village of Williams Bay, or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. 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 Natural Resources. In addition:

(A) The Village Board shall require the installation of water laterals to the front or street side lot line.

(B) 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 Plan Commission, upon the recommendation of the Village Engineer.

~~(C)~~ The Subdivider Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision.

17.0810 OTHER UTILITIES. The subdivider shall cause gas, electrical power, cable TV, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such utilities shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, lines required to service the plat shall be approved by the Village Engineer.

17.0811 STREET LAMPS. The subdivider shall pay to the Village the cost to install street lamps of a design approved by the Village Engineer, at the intersection of all streets to be dedicated and at such mid-block intervals as may be required by the Village Board.

17.0812 STREET SIGNS. The subdivider shall pay to the Village the cost to install street signs of a design approved by the Village Engineer at the intersection of all streets to be dedicated.

17.0813 STREET TREES. In all subdivisions with lots smaller than one (1) acre, the Village Board shall, and in other subdivisions may, require the developer to plant at least one (1) tree of an approved species and of at least one and one-half (1 1/2) inches in diameter at breast height (dbh) for each 50 feet of frontage on all streets to be dedicated. The trees shall be planted within the curb lawn. In addition:

(A) In Lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Village Treasurer of \$100.00 for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund for that purpose.

(B) Tree Plantings shall be completed by the subdivider or by the Village, as determined by the Village Board, in accordance with plans and specifications approved by and at such time as directed by the Village Park Commission.

17.0814 SEDIMENT CONTROL. The subdivider shall plant those grasses, trees, and vines, a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:

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

(B) Tree Cutting and Shrubbery Clearing shall not exceed 50 percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users. (see Section 17.1005 of this Ordinance).

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

(D) Earth Moving, 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, (see Sections 17.1004 and 17.1005 of this Ordinance).

(E) Review of the Conduct of Such Cutting, Clearing and Moving maybe requested of the Walworth County Land Conservation Committee, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Village Plan Commission as they deem appropriate.

## **SECTION 17.0900 EXTRATERRITORIAL LAND DIVISIONS.**

The Village's authority to approve land division within its extraterritorial jurisdiction is granted by sections 236.45(3), and 703 Wisconsin Statutes. The following policy shall govern the Village's approval and regulation of divisions of land within its extraterritorial jurisdiction area in order to promote the intent and those purposes set forth in this Chapter:

(A) No such land divisions will be permitted without approval of the Village in accordance with the procedures in this Chapter as applicable to land divisions within the Village.

(B) Review and Approval of Extraterritorial Plats and Certified Survey Maps. When it is proposed to divide lands located in the unincorporated area within one and one-half miles of the corporate limits of the Village of Williams Bay, the subdivider shall proceed as specified in Sections 17.0301 through 17.0306 of this Title, with the following exceptions or additions:

(1) Transmittal Responsibility. The Town Clerk, or County Planning, Zoning, and Sanitation Department, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the Village assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted.

(2) Approval authorities include the Village Board, the applicable town board, and the county planning agency.

(3) The subdivider may proceed with improvements pursuant to regulations promulgated by approved agencies.

(4) 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 plat or certified survey map.

(C) For Areas Designed on the Village of Williams Bay's Comprehensive Plan Future Land Use Map as "Exurban Residential"

(1) Land divisions will be permitted if not exceeding an overall density of one dwelling unit per acre, except in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party.

(D) For Areas Designated on the Village of Williams Bay's Comprehensive Plan Future Land Use Map for future Village growth or as "Agriculture/Rural"

(1) Land divisions will be permitted if not exceeding an overall density of one buildable lot per 35 acres, exclusive of a farmstead demonstrated by the land divider to the satisfaction of the Village to have been existing as of the effective date of this Chapter. The provisions of this paragraph shall not apply in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party

(2) The minimum lot size shall be one acre and the maximum lot size shall be 100,000 square feet. A smaller lot size may be allowed if also approved by the respective town board. In all instances, the density provisions of paragraph (1), immediately above, shall also apply. The provisions of this paragraph shall not apply in areas subject to extraterritorial zoning, or where subject to conflicting provisions in an intergovernmental agreement to which the Village of Williams Bay is a party

(E) The Village will attempt to seek consistency between its plans and locally adopted town plans. To the extent that the policies of the Village are more restrictive in regard to the protection of the public

health, safety, welfare, environmental quality, or in terms of implementing the Village's Comprehensive Plan or Official Map, the Village's policies shall prevail. All land divisions within the extraterritorial limits will be subject to the following land reservation or dedication requirements:

(1) Any public right-of-way area identified in the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.

(2) Any waterway or storm water management area identified on the Village's Comprehensive Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.

(3) All parklands proposed in adopted elements of the Village's Comprehensive Plan or Official Map shall be reserved or dedicated to the extent allowed under this Chapter.

(F) Such land divisions shall pay the required review fees contained in this Chapter prior to initial placement on the Plan Commission agenda.

(G) The plat or certified survey map shall include the entire original parcel of land from which any new lots or parcels are created, and a note shall be placed on the face of the plat or certified survey map indicating areas necessary for compliance with the density standard established herein.

(H) In addition to the procedures for land divisions within the Village limits, land divisions in the Village's Extraterritorial Land Division Jurisdiction shall also meet the following requirements:

(1) In all cases, the time period within which action is required shall not begin until the town board, the staff serving the Walworth County Zoning Agency, and the Village of Williams Bay have received all maps, drawings, and data required for plat or certified survey map approval.

(2) No person shall divide any land located within the Village's extraterritorial jurisdiction without first filing an application and paying the Village's standard land division review fees. The timing for filing the application and paying the Village's review fees shall be the same as otherwise required per land division within the Village.

(3) Submittal requirements for land divisions within the Village's Extraterritorial Land Division Jurisdiction shall be identical to those required for land divisions within the Village limits.

## SECTION 17.1000 CONSTRUCTION

17.1001 COMMENCEMENT. No construction or installation of improvements shall commence in a proposed subdivision until the Final Plat or Certified Survey Map has been approved by the Plan Commission and the Village Engineer has given written authorization and the required surety must have been given to the Village. Inspection fees shall be required as specified in Section 17.1100 of this Ordinance.

17.1002 BUILDING PERMITS. No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met.

17.1003 PLANS. The following plans and accompanying construction specifications shall be required by the Village Plan Commission and reviewed by the Village Engineer before authorization of construction or installation of improvements:

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

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

(C) Storm Sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.

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

(E) Erosion and Sedimentation Control Plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed, and plans to protect existing vegetation (fences, tree wells, etc) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication, U. S. Soil Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, as amended.

(F) Planting Plans showing the locations, age, diameter at breast height (dbh), and species of any required grasses, vines, shrubs, and trees.

(G) Additional special plans or information as required.

17.1004 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 the plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. In addition:

(A) All Erosion Control Plans shall incorporate best management practices to reduce soil loss during construction to 10 percent of the gross soil loss as estimated by the universal soil loss equation.

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

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

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

(E) Sediment Basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

17.1005 EXISTING FLORA. The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

17.1006 INSPECTION. The subdivider, prior to commencing any work within the subdivision, shall notify the Village Clerk to make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the Final Plat or where a Development Agreement has been entered into with the Village, prior to the release of the sureties.

## **SECTION 17.1100 FEES**

17.1101 GENERAL. The subdivider shall pay the Village all fees to the Village Treasurer as hereinafter required and at the times specified before being entitled to recording of a Plat or certified Survey Map.

17.1102 PRELIMINARY PLAT OR CERTIFIED SURVEY MAP REVIEW FEE. The subdivider shall pay a fee amounting to \$15.00 plus \$2.00 for each lot or parcel within the preliminary plat or certified survey map to the Village Clerk/Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. The subdivider shall pay a fee amounting to \$15.00 plus \$2.00 per dwelling unit within a condominium plat. A reapplication fee amounting to \$5.00 shall be paid to the Village Clerk/Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

17.1103 IMPROVEMENT REVIEW FEE. The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to one (1) percent of the cost of the required public improvements 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 difference, 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.

17.1104 INSPECTION FEE. The subdivider shall pay a fee to the Village Clerk/Treasurer equal to the actual cost to the Village for such inspections 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.

17.1105 FINAL PLAT REVIEW FEE. The subdivider shall pay a fee amounting to \$5.00 plus \$1.00 for each lot or parcel within the final plat to the Village Clerk/ Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review. The subdivider shall pay a fee amounting to \$5.00 plus \$1.00 per dwelling unit within a condominium plat. A reapplication fee amounting to \$5.00 shall be paid to the Village Clerk/Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

17.1106 PUBLIC SITE FEE. If the subdivision does not contain lands to be dedicated as required in Sections 17.0203 and 17.0709, the Village Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision. Said fee shall be paid to the Village Clerk at the time of first application for approval of a final plat of said subdivision in the

amount of \$750 for each dwelling unit/lot within the plat, certified survey map, or condominium plat. Public site fees shall be placed in a separate non-lapsing special fund by the Village Clerk to be used only for the acquisition and development of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.

17.1107 ENGINEERING FEE. The subdivider shall pay to the Village Clerk/Treasurer a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat. In addition:

(A) 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.

(B) Inspection, Checking and Reviewing Work as fees provided for in Section 17.1103 and 17.1104 of this Ordinance.

17.1108 ADMINISTRATIVE FEE. The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.

Legal work shall include the drafting of contracts between the Village and the subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered. Also see Section 18.1107 of the Village of Williams Bay Zoning Ordinance.

## **SECTION 17.1200 DEFINITIONS**

17.1201 GENERAL 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.

### 17.1202 SPECIFIC WORDS AND PHRASES.

Access- A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Alley- A special public way affording only secondary access to abutting properties.

Block- A tract of land bounded by streets, or a combination of streets, public parks, cemeteries, railroad right-of-way, shorelines of navigable waters, and municipal boundaries.

Building Line- A line on a lot, generally parallel to a lot line or public or private street right-of-way line, located a sufficient distance from either to comply with the provisions of this Chapter and Chapter 18: Zoning. The building lines on a lot determine the area in which buildings are allowed to be developed subject to all applicable provisions of this Chapter and Chapter 18: Zoning. Building lines are also referred to as "setbacks."

Certified Survey Map (CSM)-A method of permitting and recording a minor subdivision.

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 interests.

Comprehensive Plan- The extensively developed plan, also called a master plan, adopted by the Village Plan Commission and certified to the Village Board pursuant to Sections 61.35, 62.23, and 66.1001 of the Wisconsin Statutes, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities.

Condominium- A development of privately owned housing on unsubdivided land held in common ownership.

Condominium plat- A legal instrument of recordation as defined in Section 703.11 of the Wisconsin Statutes.

County planning agency- Any agency created by a county board and authorized by statute to plan land use such as a rural planning committee, a park commission, or a zoning committee.

Covenant- A binding agreement that limits the property rights of the owner.

Cul-de-Sac- A local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal or traffic movement.

Development agreement- A contract for improvements negotiated between the subdivider or condominium developer and the Village as a condition of final plat, condominium plat or CSM approval.

Driveway- An area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. The term "driveway" shall not include parking spaces or areas, or turnarounds.

Easement- Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

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. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial powers over any area.

Final Plat- A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

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

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

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



Lot depth- The average distance between the front lot line and the rear lot line of a lot.

Lot, Double Frontage- A lot, other than a corner lot, with frontage on more than one (1) street, or with frontage on a street and a navigable waterway. Double frontage lots shall normally be deemed to have two (2) front yards, or one front yard and one shoreyard, and no rear yard. Double frontage lots shall not generally be permitted except where the lot abuts an arterial highway or a navigable waterway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See Figure 17.1202)

Lot Line- A lot line is the line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying the regulations of this Chapter.

Lot Line, Front- A lot line that abuts a public or private street right-of-way. For corner lots, the lot line along the street from which the house is addressed shall be the front lot line. (See also lot line, street side). For double frontage lots, there shall be two front lot lines, or one front lot line and one shore lot line, and no rear lot lines.

Lot Line, Interior Side- Any boundary of a lot that is not a front lot line, street side lot line, or a rear lot line.

Lot Line, Rear- In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line.

Lot Line, Shore- The lot line that abuts a navigable waterway.

Lot Line, Street Side- For corner lots, the lot line that abuts a public or private street right-of-way but that is not the front lot line (also see "Lot line, front").

Lot of Record- A platted lot or lot described in a certified survey map or in a metes and bounds description that has been approved by the Village or by Walworth County; and has been recorded in the office of the Register of Deeds.

Lot, Reverse Frontage- A double frontage lot that takes access from a local street that is typically to the rear side of the building.

Lot width- The maximum horizontal distance between the side lot lines, measured parallel to the front lot line and at the rear of the required front yard.

Mature Woodland- Land that is covered with largely mature trees as defined by the Regional Planning Commission as part of its delineation of environmental corridors. .

Meander Line- A line run in surveying particular portions of the public lands which border on navigable rivers or lakes. In preparing an official plat from the field notes, the meander line is represented as the border line of the stream, and shows that the watercourse, and not the meander line as naturally run on the ground, is the boundary.

Median- The dividing area, either paved or landscaped, between opposing lanes of traffic on some streets.

Minimum setback- The shortest distance allowed between a lot line and a structure.

Minor Land Division- Any division of land not defined as a 'subdivision.' Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels of building sites, any one of which is less than five (5) acres or less in size; 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. Such minor land divisions shall be made by a Certified Survey Map.

Minor Street- A street used, or intended to be used, primarily for access to abutting properties.

Municipality- An incorporated village or city.

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 Water- Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [ v. Public Service Commission, 261 Wis. 2d 492 (1952) & DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis. 2d 936 (1975)].

Outlot- A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either re-divided into lots or combined with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

Plat- A map representing a tract of land or subdivision, showing the boundaries and locations of individual properties and streets, and shall include condominium plats.

Preliminary Plat- A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements.

Public Lands- Publicly owned and maintained properties that include, but are not limited to, rights-of-way, parks, and open space.

Public Way- Any public road, street, highway, walkway, drainageway, or part thereof.

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

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

Soil Mapping Unit- Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service.

Street, Arterial- A street that provides primary access to and through an area.

Street, collector- A street that disperses traffic throughout an area.

Street, local- A street that provides access to individual properties.

Street, local residential- A local street that primary serves to provide access directly to residential driveways and private residential courts and streets.

Street, Residential Collector- A collector street serving primarily residential land uses and that primarily serves to connect local residential streets to collector or arterial streets.

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, parcel or tract of land by the owners there of, 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 one and one-half (1 1/2) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of one and one-half (1 1/2) 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 forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

Wetland- An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

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.

## **SECTION 17.1300 ADOPTION AND EFFECTIVE DATE**

17.1301 PLAN COMMISSION RECOMMENDATION. The Village Plan Commission recommended the adoption of this Land Division Ordinance at a meeting held on the 25th day of November, 1986.

17.1302 PUBLIC HEARING. The Village Board held a public hearing on this proposed Land Division Ordinance on the 15th day of December, 1986.

17.1303 VILLAGE BOARD APPROVAL. The Village Board of Trustees of the Village of Williams Bay concurred with the recommendations of the Plan Commission and proceeded to adopt the Land Division Ordinance at a meeting held on the 16th day of February, 1987.

17.1304 EFFECTIVE DATE. This Land Division Ordinance shall take effect upon passage and adoption by the Village Board and the filing of proof of posting or publication in the Office of the Village Clerk.

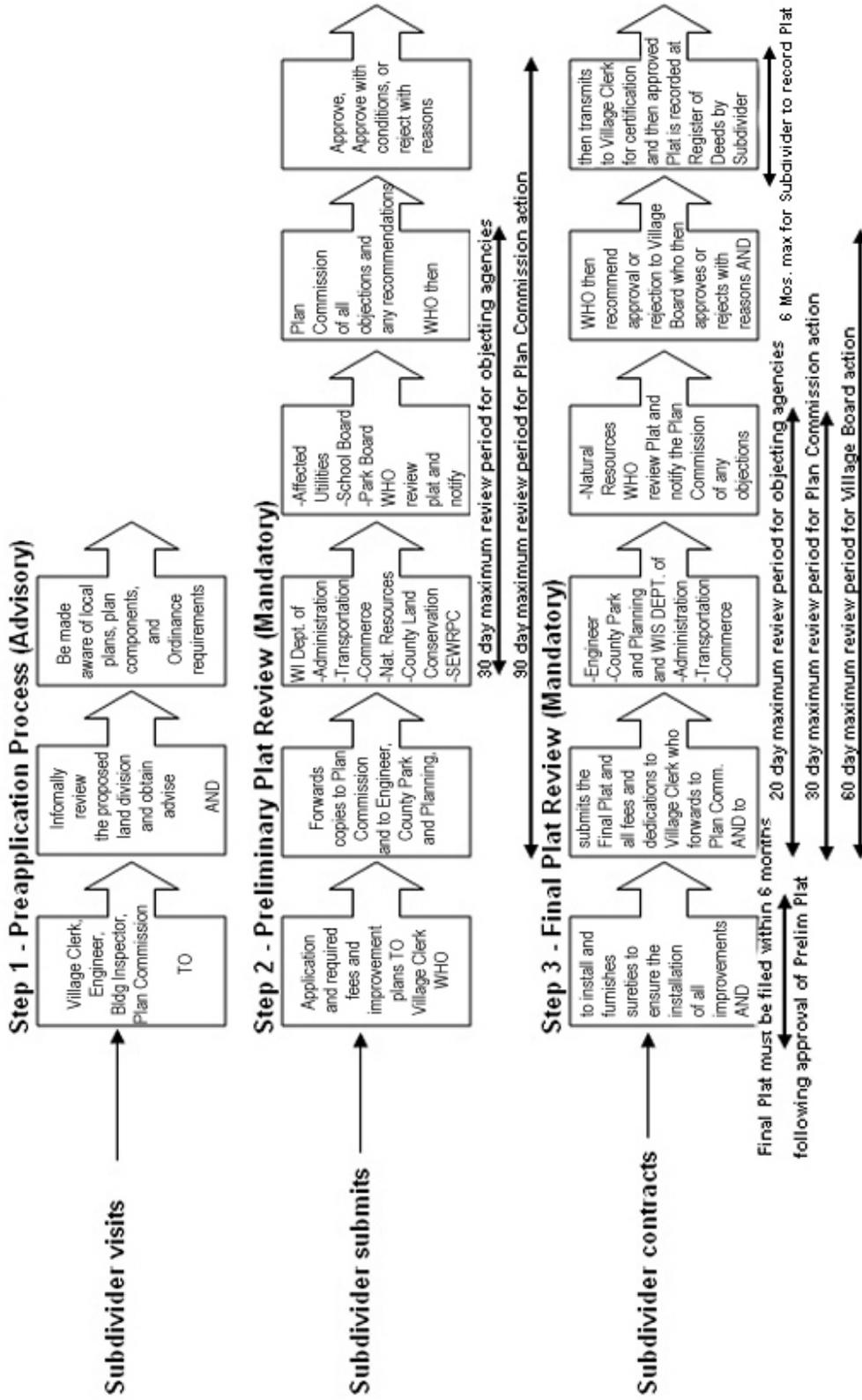
Date of Posting or Publication: April 18, 2005

Effective Date: April 19, 2005

## APPENDICES

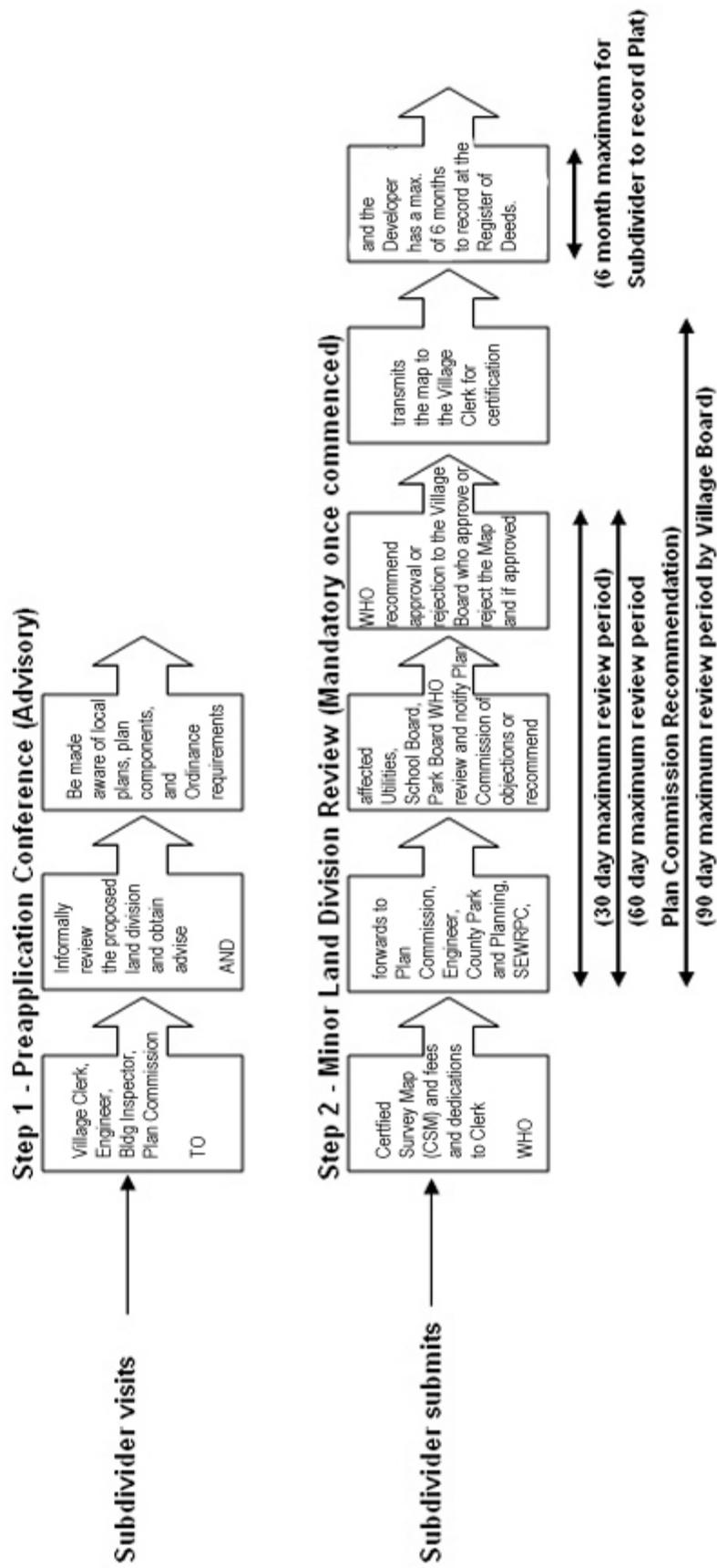
# Appendix 1

## Land Platting Procedures and Time Schedule For Preliminary Plats and Final Plats



## Appendix 2

### Land Platting Procedures and Time Schedule For Minor Land Divisions



APPENDIX B-1: SAMPLE DEVELOPMENT AGREEMENT

This agreement made this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, between \_\_\_\_\_ hereinafter called "Developer" and the Village of Williams Bay, a municipal corporation of the State of Wisconsin, located in Walworth County, hereinafter called the "Village."

Whereas, Developer is the owner of approximately \_\_\_\_ acres of land in the Village, said land being described as follows, to wit:

(Legal description of property involved)

Whereas, Developer desires to subdivide and develop said land for residential purposes; and

Whereas, said land is presently zoned \_\_\_\_\_, which allows the above development; and

Whereas, the Plan Commission of the Village has recommended to the Village Board of the Village that the proposed subdivision of the above described lands be given final approval when the plat thereof has been presented to the Plan Commission and Village Board on the condition that the Developer enter into an agreement with the Village relative to the manner and method by which said land is to be developed; and

Whereas, the Developer agrees to develop said land as herein described in accordance with this agreement.

Now, therefore, in consideration of the Village Board granting approval of a plat of the above described lands and the development thereof, the Developer does hereby agree to subdivide and develop said land as follows:

**Section I Improvements (See also General Provision, Sect. 17.0204)**

A. Roads and Streets. The Developer hereby agrees:

1. To grade and surface all roads and streets in \_\_\_\_\_ (subdivision name) in accordance with the plat of said subdivision and the plans and specifications attached hereto as Exhibit\_\_\_\_.
2. That roads and streets will be completed and presented to the Village before final plat approval but no later than \_\_\_\_\_.
3. That no building permits will be issued until the roads and streets have been dedicated to and accepted by the Village.

B. Curb and Gutter.

1. The Developer hereby agrees to construct and install curb and gutter in accordance with the standard specifications of the Village of Williams Bay on ( of streets, and side of streets if needed).
2. The Developer hereby agrees that curb and gutter will be completed and presented to the Village no later than \_\_\_\_\_.
3. The Developer hereby agrees that no building permits will be issued until curb and gutter has been dedicated to and accepted by the Village.

C. Sidewalks.

1. The Developer hereby agrees to construct and install sidewalks in accordance with the standard specifications of the Village of Williams Bay on ( of streets, and side of streets if needed).
2. The Developer hereby agrees that sidewalks will be completed and presented to the Village no later than \_\_\_\_\_.
3. The Developer hereby agrees that no building permits will be issued until sidewalks have been dedicated to and accepted by the Village.

D. Sanitary Sewer. The Developer hereby agrees:

1. To construct, furnish, install, and provide a complete sewerage system throughout the entire subdivision all in accordance with the plans, specifications, and drawings attached hereto as Exhibit \_\_\_\_\_.
2. That the Village Board will not accept the sewer improvements until the sanitary sewers have been installed in accordance with plans and specifications approved by the Village. However, under no circumstances shall construction of sanitary sewers be delayed longer than \_\_\_\_\_.
3. That no building permits shall be issued until the sanitary sewer lines have been dedicated to and accepted by the Village.

E. Water. The Developer hereby agrees:

1. To construct, install, furnish, and provide a complete system of water distribution throughout the entire subdivision, in accordance with the plans and specifications attached hereto as Exhibit \_\_\_\_\_.
2. That the Village Board will not accept the water distribution system until the water distribution system has been installed in accordance with plans and specifications approved by the Village. However, under no circumstances shall construction of the water distribution system be delayed longer than \_\_\_\_\_.
3. That no building permits shall be issued until the water distribution system has been dedicated to and accepted by the Village.

F. Surface Water Drainage. The Developer hereby agrees:

1. To construct, install, furnish, and provide adequate facilities for storm and surface water drainage through out the entire subdivision and a grading plan providing for sump pump discharge either to a tile or open swale, in accordance with the plans and specifications attached hereto as Exhibit \_\_\_\_\_.
2. That statements must be presented to the Village by the Developer as to who is going to maintain old surface water drainage. In the event the Village is going to be maintaining the same, then appropriate dedication of the facilities must be made.

G. Landscaping. The Developer hereby agrees:

1. To preserve to the maximum extent possible existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites,

private driveways, soil absorption waste disposal areas, paths, and trails by use of sound conservation practices.

2. To plant street trees at least six (6) feet in height in accordance with the species and the time schedule set forth in Exhibit\_\_\_\_\_.

3. To remove and lawfully dispose of all barns, outbuildings, destroyed trees, brush, tree trunks, shrubs, and other natural growth and all rubbish.

4. That all landscaping and removal of unwanted items will be completed in accordance with the schedule set forth in the landscaping plan (Exhibit \_\_\_\_), but under no circumstances later than\_\_\_\_\_.

#### H. Street Lamps.

1. The Developer hereby agrees to pay the Village \$\_\_\_\_\_ per lamp for \_\_\_\_\_ street lamps, or \$\_\_\_\_\_ for installation of street lamps within the subdivision.

#### I. Street Signs.

1. The Developer hereby agrees to pay the Village \$\_\_\_\_\_ per street sign for \_\_\_\_\_ signs, or \$\_\_\_\_\_ for the installation of street signs at all intersections within the subdivision.

### **Section II Consent and Waiver**

Prior to the acceptance of a final plat, the Developer shall furnish to the Village of Williams Bay a Consent and Waiver of the statutory provisions for the installation of sanitary sewer, storm sewer, sewer laterals, watermain water laterals, curb and gutter, sidewalk, street surfacing, underground street lighting services and all other underground utilities, which will be in a form approved by the Village Clerk and Village Attorney, and shall be recorded in the office of the Register of Deeds in the same manner as a lis pendens. Such Consent and Waiver shall provide that the installation of such services shall be made at the discretion of the Village Board of the Village of Williams Bay.

### **Section III Dedication**

Subject to all of the other provisions of this agreement and the exhibits hereto attached, the Developer shall, without charge to the Village, upon completion of all of the above described improvements, unconditionally give, grant, convey and fully dedicate the same to the Village, its successors and assigns, forever, free and clear of all encumbrances whatever, together with, including without limitation because of enumeration, all buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment appurtenances and habiliments which may in any way be a part of or pertain to such improvements and together with any and all necessary easements for access thereto. After such dedication, the Village shall have the right to connect or integrate other sewer or water facilities provided hereunder as the Village decides, with no payment or award to, or consent required of, the Developer. In the event the Developer requests that the Village Board accept the final plat prior to completion of any improvements, the Developer shall file with the Village a cash bond or letter of credit, at the Village's option, in an amount as established by the Village Engineer that will reasonably compensate the Village for completion of said improvements. Dedication shall not constitute acceptance of any improvement by the Village. All improvements will be accepted by the Village by separate resolution at such time as said improvements are in acceptable form and according to Village specifications.

#### **Section IV Miscellaneous Requirements**

A. Survey Monuments. The Developer hereby agrees to properly place install all survey or other monuments required by statute or ordinance.

B. Deed Restrictions. The Developer hereby agrees to execute and record deed restrictions in the form of Exhibit \_\_\_\_\_ attached hereto. Such restrictions shall include a covenant that there shall be no future division or subdivision of lots on this plat without the approval of the Plan Commission of the Village of Williams Bay.

C. Park Dedication. As provided in the Village's Land Division Ordinance, the Developer agrees to:

(1) dedicate \_\_\_\_\_ acres of land to the Village for park, recreation, and open space;

2) dedicate \_\_\_\_\_ acres of land and reserve \_\_\_\_\_ acres of land for park, recreation, and open space; and/or

3) pay a fee of \$\_\_\_\_\_ in lieu of dedication of lands for park, recreation, and open space. If lands reserved for park purposes are not purchased within three (3) years, unless the time is extended by mutual agreement, the Village shall release the reserved land to the Developer.

D. Grade. The Developer hereby agrees to furnish to the Village Engineer a copy of Exhibit \_\_\_\_\_, showing the Street grade in front of each lot and the recommended basement floor grade and/or finished yard grade.

#### **Section V Roads, Sanitary Sewers, Water, and Storm Water Warranty**

The Developer hereby warrants that the improvements described in Section I, A, B, C, D, E, F, will utilize good quality materials and workmanship.

#### **Section VI Method of Improvement**

The Developer hereby agrees to engage contractors for all work included in this agreement who are qualified to perform the work and who shall be listed as qualified for such work by the Village Board or by one of its commissions in the event said Board or commissions has published such lists prior to this date. The Developer further agrees to use materials and make the various installations in accordance with the approved plans and specifications made a part of this agreement by reference and including those standard specifications as the Village Board or its commissions may have adopted and published prior to this date. Withdrawal of all or any part of escrowed or secured funds as set forth in Section III of this agreement shall be made only with the approval of the Village Board.

#### **Section VII Plat Approval**

The Village shall, upon completion of the improvements described herein, or guarantee of such improvements as set forth in Section III of this agreement, complete the approval of the final plat of subdivision and cause the same to be signed and endorsed by the appropriate officers.

**Section VIII Phasing of Development**

The Village hereby agrees to allow the Developer to “phase” the installation of improvements in the subdivision. The Developer shall provide the Village with a schedule for phasing of the development which schedule shall become effective upon approval by the Village Board. In addition:

1. Phasing shall take place from existing public roads and utilities. The approval of a phasing plan shall allow the Developer to obtain building permits for each phase after all improvements are completed and accepted for the phase.

2. The installation of improvements for each phase shall be completed no later than the dates indicated in the following schedule.

a. First phase \_\_\_\_\_

b. Second phase \_\_\_\_\_

c. Third phase \_\_\_\_\_

d. Fourth phase (if necessary)

3. Section 236.11(b) of the Wisconsin Statutes which requires final plats to be filed within six months of the date of approval of the preliminary plat is hereby waived by the Village provided the Developer complies with the schedule set forth in paragraph two of this Section and further provided that the final plat of each phase complies substantially with the preliminary plat as provided in Section 236.11(b) of the Wisconsin Statutes.

**Section IX Village Responsibility**

The Village will not permit building permits to be issued to any person in said subdivision until all improvements have been dedicated and accepted by the Village and the Village will perform no repair, maintenance, or snow plowing on said improvements until accepted by the Village.

**Section X Zoning**

The Village does not guarantee or warrant that the subject lands of this agreement will not at some later date be rezoned, nor does the Village herewith agree to rezone the lands into a different zoning district. It is further understood that any rezoning that may take place shall not void this agreement.

**Section XI Amendments**

The Village Board and the Developer, by mutual consent, may amend this Development Agreement at any regularly scheduled meeting of the Village Board of the Village of Williams Bay. The Village Board shall not, however, consent to an amendment until after first having received a recommendation from the Village Plan Commission.

IN WITNESS WHEREOF, the Developer has caused this Agreement to be signed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

(Developer's Name) \_\_\_\_\_  
By: President

State of Wisconsin  
County of Walworth

Personally came before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_, the above named \_\_\_\_\_ President of \_\_\_\_\_ to me known to be the person who executed the foregoing instrument and to me known to be such President of said Corporation, and acknowledged that he executed the foregoing instrument as such officer as the deed of said Corporation by its authority.

\_\_\_\_\_  
Notary Public  
\_\_\_\_\_ County, Wisconsin  
My Commission Expires on \_\_\_\_\_

Accepted pursuant to Resolution adopted by the Village Board of the Village of Williams Bay this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

VILLAGE BOARD OF THE VILLAGE OF WILLIAMS BAY

BY: \_\_\_\_\_

BY: \_\_\_\_\_

Approved: \_\_\_\_\_, Village Attorney

This instrument was drafted by: \_\_\_\_\_

APPENDIX C-1: PLAN COMMISSION CHECKLIST FOR DISTRIBUTION OF PRELIMINARY PLATS

VILLAGE OF WILLIAMS BAY  
WALWORTH COUNTY

**PLAN COMMISSION CHECK LIST FOR DISTRIBUTION OF PRELIMINARY PLATS  
(Numbered Items of this form to be filled out by the subdivider or his agent.)**

1. \_\_\_\_\_  
(Name of Subdivision)
2. The subdivision is located within the Village of \_\_\_\_\_
3. The subdivision abuts or adjoins a state trunk highway? Yes  No
4. The subdivision is served by private waste disposal systems. Yes  No
5. The subdivision abuts a county park or parkway. Yes  No
6. \_\_\_\_\_  
Submitted by: (Signature) (Address)

Plat copies required by Village of Williams Bay	Number of Copies	To be Sent by Village Clerk To:
All Plats	2	Village of Williams Bay Plan Commission
All Plats	_____	Village Committees, Commissions and Departments (2 copies for each agency with jurisdiction).

Total number of copies required for Village of Williams Bay Review \_\_\_\_\_.

Plat copies required by Objecting Agencies.	Number of Copies	To be Sent by Village Clerk To:
All Plats	4	Walworth County Planning, Zoning, and Sanitation Department
All Plats	2	Wisconsin Department of Administration
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation
Subdivision not served by public sewer and no provision has been made	2	Wisconsin Department of Commerce
Subdivision lies within the shore-land/floodplain jurisdictional area	1	Wis. Department of Natural Resources

Subdivision abuts a lake or stream      1      Wis. Department of Natural Resources

Total number of copies required for objecting agency review\_\_\_\_\_.

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<u>Plat copies required by Advisory Agencies</u>	<u>Number of Copies</u>	<u>To be Sent by Village Clerk To:</u>
All Plats	2	Walworth County Land Conservation Committee
All Plats	2	SEWRPC
All Plats	2	All Public Utilities
All Plats	2	Williams Bay School District

Total number of copies required for advisory agency review \_\_\_\_\_.

Number of copies received \_\_\_\_\_

Date copies received \_\_\_\_\_

Date copies transmitted \_\_\_\_\_

I hereby certify that I received \_\_\_\_\_ copies of the Preliminary Plat of \_\_\_\_\_  
(Name of Subdivision)  
and transmitted the required copies as indicated above.

\_\_\_\_\_  
Williams Bay Village Clerk

\_\_\_\_\_  
Date

APPENDIX C-2: PLAN COMMISSION CHECKLIST FOR DISTRIBUTION OF FINAL PLATS

VILLAGE OF WILLIAMS BAY  
WALWORTH COUNTY

**PLAN COMMISSION CHECK LIST FOR DISTRIBUTION OF FINAL PLATS  
(Numbered Items of this form to be filled out by the subdivider or his agent.)**

1. \_\_\_\_\_  
(Name of Subdivision)

2. The subdivision is located within the Village of \_\_\_\_\_

3. The subdivision abuts or adjoins a state trunk highway? Yes  No

4. The subdivision is served by private waste disposal systems. Yes  No

5. The subdivision abuts a county park or parkway. Yes  No

6. \_\_\_\_\_  
Submitted by: (Signature) (Address)

Plat copies required by Village of Williams Bay	Number of Copies	To be Sent by Village Clerk To:
All Plats	2	Village of Williams Bay Plan Commission

Total number of copies required for Village of Williams Bay Review 2.

Plat copies required by Objecting Agencies.	Number of Copies	To be Sent by Village Clerk To:
All Plats	4	Walworth County Planning, Zoning, and Sanitation Department
All Plats	2	Wisconsin Department of Administration
Subdivision abuts or adjoins a state trunk highway or connecting street	2	Wisconsin Department of Transportation
Subdivision not served by public sewer and no provision has been made	2	Wisconsin Department of Commerce
Subdivision lies within the shore- land/floodplain jurisdictional area	1	Wis. Department of Natural Resources
Subdivision abuts a lake or stream	1	Wis. Department of Natural Resources

Total number of copies required for objecting agency review \_\_\_\_\_.

Number of copies received \_\_\_\_\_

Date copies received \_\_\_\_\_

Date copies transmitted \_\_\_\_\_

I hereby certify that I received \_\_\_\_\_ copies of the Final Plat of \_\_\_\_\_  
(Name of Subdivision)  
and transmitted the required copies as indicated above.

\_\_\_\_\_  
Williams Bay Village Clerk

\_\_\_\_\_  
Date

APPENDIX C-3: PRELIMINARY PLAT AND CERTIFIED SURVEY MAP CHECKLIST

Owner \_\_\_\_\_ Address \_\_\_\_\_

Location: \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼; Section \_\_\_\_\_, T\_\_\_\_N, R\_\_\_\_E, \_\_\_\_\_

Date Map Received by This Office \_\_\_\_\_ Date of Inspection \_\_\_\_\_

- |   |                          |   |                          |
|---|--------------------------|---|--------------------------|
| 1) Map Review Fee Paid  | <input type="checkbox"/> | 2) Maps Transmitted to Required Parties | <input type="checkbox"/> |
| 3) Adequate Drainage  | <input type="checkbox"/> | 4) No Flooding Potential                | <input type="checkbox"/> |
| 5) Minor Erosion Potential  | <input type="checkbox"/> | 6) No Adverse Soil Type(s)              | <input type="checkbox"/> |
| 7) No Bedrock Problem   | <input type="checkbox"/> | 8) No Groundwater Problem               | <input type="checkbox"/> |
| 9) Public Water Supply  | <input type="checkbox"/> | 10) Monuments Installed                 | <input type="checkbox"/> |
| 11) Percent of slope: 0-10%   | <input type="checkbox"/> | 11-15%                                  | <input type="checkbox"/> |
|   |                          | 16-20%                                  | <input type="checkbox"/> |
|   |                          | over 20%                                | <input type="checkbox"/> |
| 12) Lot Size: 6,000 ft. <sup>2</sup>  | <input type="checkbox"/> | 10,000 ft. <sup>2</sup>                 | <input type="checkbox"/> |
|   |                          | 20,000 ft. <sup>2</sup>                 | <input type="checkbox"/> |
|   |                          | 40,000 ft. <sup>2</sup>                 | <input type="checkbox"/> |
|   |                          | 5 acres                                 | <input type="checkbox"/> |
| 13) Zoning District: _____; Minimum Area Required: _____;   |                          |   |                          |
| Minimum Lot Width: _____.   |                          |   |                          |
| 14) Percolation Rate: < 3 <input type="checkbox"/> 3-45 <input type="checkbox"/> 45-60 <input type="checkbox"/>   |                          |   |                          |
| 15) Name and address of owner(s), seller, purchaser (if known), subdivider and surveyor, including his registration number.                               |                          |   | <input type="checkbox"/> |
| 16) Lands reserved for future dedication. (location and size).  |                          |   | <input type="checkbox"/> |
| 17) Graphic scale – not more than 100 feet to an inch for plats or 500 feet to an inch for Certified Survey Maps (CSM).                                   |                          |   | <input type="checkbox"/> |
| 18) Entire area contiguous to proposed plat owner by subdivider.  |                          |   | <input type="checkbox"/> |
| 19) General location sketch.  |                          |   | <input type="checkbox"/> |
| 20) Location of all existing buildings, watercourses, drainage ditches, percolation test sites, boring holes, and other significant site characteristics. |                          |   | <input type="checkbox"/> |
| 21) Existing and proposed contours.   |                          |   | <input type="checkbox"/> |
| 22) Water elevations of adjoining lakes and streams (if applicable).  |                          |   | <input type="checkbox"/> |
| 23) Floodplain limits (if applicable).  |                          |   | <input type="checkbox"/> |
| 24) Location, width and names of Right-of-ways shown.   |                          |   | <input type="checkbox"/> |
| 25) Type, width and elevation of any existing street pavements within the plat or certified survey.   |                          |   | <input type="checkbox"/> |
| 26) Location and names of any adjacent subdivisions.  |                          |   | <input type="checkbox"/> |

- 27) Location, size and invert elevations of any existing sanitary or storm sewers.
- 28) Location of all existing property boundary lines.
- 29) Location, width and names of all proposed streets and public Rights-of-way.
- 30) Approximate dimension of all lots shown.
- 31) Approximate radii of all curves.
- 32) Existing zoning on and adjacent to land division.
- 33) Any proposed lake and stream improvement or access.
- 34) Exact length and bearing of the centerline of all streets.
- 35) Setbacks or building lines.
- 36) Utility and/or drainage easements.
- 37) Certification by land surveyor of his compliance with all provisions of the Village Land Division Ordinance and Section 236.21(2)(a) of Wis. Statutes.
- 38) Owner's and mortgagee's certificate of dedication of streets and other public areas. Form same as required by Section 236.21(2)(a) of Wis. Statutes.
- 39) Certification of taxes paid in both Village and County.
- 40) Lot corners monumented in accordance with section 236.15(1)(c) and (d).
- 41) Comments. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

# SAMPLE LETTERS

APPENDIX D-1: SAMPLE LETTER OF TRANSMITTAL OF PRELIMINARY PLAT TO STATE AGENCIES

July 17, 2000\_\_\_\_

Wisconsin Department of Administration  
Plat Review  
101 East Wilson Street  
PO Box 1645  
Madison, Wisconsin 53701

Dear Sir:

Enclosed herewith please find \_\_\_\_ copies of the preliminary plat of \_\_\_\_\_ located in U. S. Public Land Survey Section \_\_\_\_ in the (Village) (Town) of \_\_\_\_\_, Wisconsin. The preliminary plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Village of Williams Bay Plan Commission. Please note that the Village Plan Commission is scheduled to meet to review objections and comments, and discuss the preliminary plat on \_\_\_\_\_, 2000\_\_\_\_\_.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Village Engineer.

Sincerely,  
Jean Gould  
Village Clerk

jpg  
Enclosure

APPENDIX D-2: SAMPLE LETTER OF TRANSMITTAL OF PRELIMINARY PLAT TO ADVISORY AGENCIES

July 17, 200\_\_\_\_

Walworth County Planning, Zoning and Sanitation Department  
Walworth County Land Conservation Committee  
Southeastern Wisconsin Regional Planning Commission  
WE Energies  
Alliant Energy  
SBC  
Williams Bay School District

Dear Sir:

Enclosed herewith please find \_\_\_\_ copies of the preliminary plat of \_\_\_\_\_ located in U. S. Public Land Survey Section \_\_\_\_ in the (Village) (Town) of \_\_\_\_\_, Wisconsin. The preliminary plat is being transmitted to you for your review and comments, prior to action by the Village of Williams Bay Plan Commission. Please note that the Village Plan Commission is scheduled to meet to review comments, and discuss the preliminary plat on \_\_\_\_\_, 2000\_\_\_\_. It is assumed that if no correspondence regarding the plat is received in this office within 30 days of your receipt of the plat, that you have no comments on said plat.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Village Engineer.

Sincerely,  
Jean Gould  
Village Clerk

jg  
Enclosure

APPENDIX D-3: SAMPLE LETTER OF TRANSMITTAL OF FINAL PLAT TO STATE AGENCIES

July 17, 2000\_\_\_\_\_

Wisconsin Department of Administration  
Plat Review  
101 East Wilson Street  
PO Box 1645  
Madison, Wisconsin 53701

Dear Sir:

Enclosed herewith please find \_\_\_ copies of the final plat of \_\_\_\_\_ located in U. S. Public Land Survey Section \_\_\_\_\_ in the (Village) (Town) of \_\_\_\_\_, Wisconsin. The final plat is being transmitted to you for your review and comment, as well as the review and comments of other state agencies, prior to action by the Village of Williams Bay Plan Commission and the Village Board of Trustees. Please note that the Village Plan Commission and the Village Board are scheduled to meet to review objections and comments, and discuss the final plat on \_\_\_\_\_, 2000\_\_\_\_ and \_\_\_\_\_, 2000\_\_\_\_, respectively.

Should you have any questions or comments regarding this matter, please do not hesitate to contact the writer or the Village Engineer.

Sincerely,  
Jean Gould  
Village Clerk

jpg  
Enclosure

APPENDIX D-4: SAMPLE IRREVOCABLE LETTER OF CREDIT

**(on bank or savings and loan letterhead)**

Issued in favor of the Village of Williams Bay  
Walworth County, Wisconsin

NAME OF DEVELOPER: \_\_\_\_\_

We hereby establish our irrevocable credit in your favor up to the aggregate amount of \$ (insert cost of improvements) available by your drafts drawn at sight, for the account of (subdivider's account name). This letter of credit is issued to guarantee the payments for improvements by (name of developer under the provisions of the Village of Williams Bay Land Division Ordinance, and the Subdivider's Agreement between (name of developer) and the Village of Williams Bay, executed on \_\_\_\_\_, 200\_\_.

Issuer agrees that in the event the facilities subject to this letter of credit and all work to be performed by said (name of developer) pursuant to the Subdivider's Agreement with the Village are not completed according to the terms of that agreement to the satisfaction of said Village, that said Village may, after ten (10) days notice in writing to issuer and (name of developer) cause such improvements to be completed.

Issuer shall cause to be paid thereafter up to the aggregate amount set forth above, upon presentation by the Village of Williams Bay of sight drafts, for the completion of such improvements.

Issuer agrees that all such drafts shall be honored on presentation without notice to or subject to confirmation by (name of developer)

Drafts under this letter must be drawn and negotiated not later than (a date by which improvements must be completed). The Village Clerk, as agent for the Village of Williams Bay, shall be notified sixty (60) days prior to maturity of this letter.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 200\_\_.

\_\_\_\_\_  
(name of lender)  
Issuer

BY: \_\_\_\_\_  
Signature and Title

Approved as to Form:

\_\_\_\_\_  
Village Attorney

Approved as to aggregate amount:

Approved as to Issuance:

\_\_\_\_\_  
Village Clerk

\_\_\_\_\_  
Developer

Accepted by the Village of Williams Bay, Walworth County, Wisconsin:

\_\_\_\_\_  
Village President

APPENDIX E: SITE ASSESSMENT CHECKLIST

<b>SITE ASSESSMENT CHECKLIST</b>		
<b>ITEM OF INFORMATION</b>	<b>YES</b>	<b>NO</b>
<b>(A) Land Resources.</b> Does the project site involve any of the following:		
(1) Changes in relief and drainage patterns (Attach a topographical map showing, at a minimum, 2-foot contour intervals)		
(2) A landform or topographical feature including perennial streams		
(3) A floodplain (If "yes," attach 2 copies of the 100-year floodplain limits.)		
(4) An area of soil instability (greater than 18% slopes and/or hydric of alluvial soils), as depicted in the applicable County Soils Survey		
(5) An area of bedrock within six feet of the soil surface as depicted in the County Soils Survey or a more detailed source		
(6) An area with groundwater table within five feet of the soil surface as described in the County Soils Survey or a more detailed source		
(7) Areas of existing fill or grading		
(8) An area with fractured bedrock within 10 feet of the soil surface as depicted in the County Soils Survey		
(9) Prevention of future gravel extraction		
(10) A drainageway with a tributary area of five or more acres		
(11) Lot coverage of more than 50% impermeable surfaces		
(12) Prime agricultural lands as depicted in the applicable County Soils Survey or adopted farmland preservation plans		
(13) Wetlands as depicted on WisDNR wetland inventory maps or more detailed sources		
(14) Environmental corridors, as mapped by the Village, County, or SEWRPC		
<b>(B) Water Resources.</b> Does the project site involve any of the following:		
(1) Location in an area traversed by a navigable stream, intermittent stream, or dry run		
(2) Impact on the capacity of a stormwater storage system or flow of a waterway within one mile		
(3) Existing drainage tile		
(4) Lowering of water table by pumping or drainage		
(5) Raising of water table by altered drainage		
(6) Frontage on a lake, river, stream, or other navigable waterway		
(7) The use of septic systems for on-site waste disposal		
(8) Existence or use of private wells		
<b>(C) Biological Resources.</b> Does the project site involve any of the following:		
(1) Critical habitat for plants and animals of community interest or per WisDNR inventory:		
(2) Endangered or rare plant or animal species per the WisDNR Wisconsin Natural Heritage Inventory:		
(3) Trees with a diameter of six or more inches at breast height outside of "mature woodlands" as defined in the subdivision ordinance (if yes, all trees of such size must be mapped)		
(4) Removal of over 40% of the trees on the site within a "mature woodland" as defined in the subdivision ordinance.		

<b>SITE ASSESSMENT CHECKLIST</b>		
<b>ITEM OF INFORMATION</b>	<b>YES</b>	<b>NO</b>
<b>(D) Human and Scientific Interest per State Historical Society Inventory.</b> Does the project site involve any of the following:		
(1) An area of archeological interest included on the Wisconsin Archeological Site Inventory:		
(2) An area of historical interest, including historic buildings or monuments listed on the State or National Register of Historic Places		
<b>(E) Energy, Transportation, Communications, and Community Facilities:</b>		
(1) Would the development increase traffic flow on any arterial or collector street by more than 10% based upon the most recent traffic counts and trip generation rates provided by the Institute of Transportation Engineers?		
(2) Is the land traversed by an existing or planned transportation facility, as shown on the Village's Official Map or in its Comprehensive Plan?		
(3) Is the land identified on the Village's Official Map or in its Comprehensive Plan for new or expanded community facilities?		
(4) Is the land within a highway noise impacted area (within 500 feet of an interstate or state or federal highway)?		
(5) Is the land traversed by an existing or planned utility corridor (gas, electrical, water, sewer, storm, communications)?		
<b>(F) Population:</b>		
(1) Which public school service areas (elementary, middle, and high) are affected by the proposed development, and what are those schools' available capacities?:	Elementary: _____ Capacity: _____ Middle: _____ Capacity: _____ High: _____ Capacity: _____	
<b>NOTES:</b>		
1. "Yes" answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development. 2. The Plan Commission may waive the filing of a site assessment checklist for subdivisions of less than 5 acres total area.		