

**CHAPTER 18**  
**LAND DIVISION CODE**

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## LAND DIVISION CODE

### 18.01 TITLE, PURPOSE & APPROVAL AUTHORITY

- (1) **Title.** This Chapter shall be known as, referred to, and cited as the "Land Division Code."
- (2) **Purpose.** The purpose of this Chapter is to regulate and control the division of land within the corporate limits and the extra-territorial plat approval jurisdiction of the Village; to promote public health, safety and general welfare; to encourage the most appropriate use of land; to provide the best possible living environment for people and to conserve the value of buildings placed upon the land by: furthering the orderly layout and use of land; preventing the overcrowding of land and avoiding undue concentrations of population; lessening congestion of streets and highways; securing safety from fire, flooding, water pollution and other hazards; providing for adequate light and air; assuring adequate streets, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements; providing for proper ingress and egress; insuring proper legal description and proper monumenting of land; facilitating further resubdivision of larger parcels into smaller parcels of land; and insuring enforcement of the development concepts, policies and standards delineated in the Village of Oregon Master Plan or plan component, the Official Map, and the Park Plan.
- (3) **Approval Authority.** The power to approve or object to preliminary plats, final plats, certified surveys, and condominium plats shall be exercised by the Village Board after considering the recommendation of the Plan Commission.

### 18.02 GENERAL PROVISIONS

- (1) **Application of Code.**
  - (a) This Chapter applies to all lands within the corporate limits and the extraterritorial plat approval jurisdiction of the Village.
  - (b) This Chapter shall not apply to divisions of tracts of land creating less than five (5) parcels in the following situations:
    1. Transfers of interests in land by will or pursuant to court order;
    2. Leases for a term not to exceed ten (10) years, mortgages or easements;
    3. The sale or exchange of parcels of land between adjoining property owners if additional lots are not thereby created and the lots resulting

are not reduced below the minimum size required by this Chapter or by other applicable laws and ordinances.

4. A division of land into parcels each of which is 10 acres or more, is restricted to use for agricultural purposes, and does not require the creation of any new streets or easements for access, ingress, or egress.

- (c) If a division of land is excepted from the requirements of this Chapter under §18.02(1)(b), the land divider shall notify the Plan Commission of the land division in writing, and shall provide the Plan Commission with a legal description of each parcel created by the division together with a copy of the will, court order, lease or other document that created the division.

**(2) Land Suitability.**

- (a) Following review and recommendations by the appropriate Village staff, the Plan Commission shall assess and determine the suitability of the land for the use proposed as part of its consideration of a preliminary plat, certified survey map or condominium plat. The Plan Commission may recommend that special conditions be imposed on the plat, certified survey map or condominium plat deemed necessary by it to protect the health, safety or welfare of future residents of the area. Those areas that are found to be environmentally sensitive shall be considered for preservation as open space. The determination of land suitability will, in part, be evaluated through the Environmental Assessment Checklist under §18.04(1)(b)2. The land divider shall furnish such maps, data and information as may be necessary to make a determination of land suitability.
- (b) No land shall be divided for development that the Village Board, after considering the recommendation of the Plan Commission, finds to be unsuitable for reason of flooding or potential flooding, soil limitations, inadequate drainage, steep topography, incompatible surrounding development, inadequate public services or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community.
- (c) If the Village Board determines that the land is unsuitable for the intended development, it shall state its reasons in writing to the land divider within 30 days of its decision. After such decision, the land divider may present additional evidence to support the proposed land division. Upon review of the additional evidence, the Village Board shall affirm, modify, or withdraw its determination of unsuitability.

**(3) Compliance Required.**

- (a) No person shall improve, build upon, convey, or monument any parcel, lot, or building site created in violation of this Chapter.

(b) No person shall divide or cause to be divided any parcel of land located within the Village or its extraterritorial plat review jurisdiction, no plat, certified survey map, condominium plat, or replat shall be recorded, and no street shall be laid out upon any parcel of land created by a land division absent compliance with all requirements of this Chapter and with the following:

1. The provisions of Wis. Stats. Ch. 236, with respect to land divisions.
2. The provisions of Wis. Stats. Ch. 703 with respect to condominium plats.
3. The rules of the Wisconsin Department of Transportation concerning subdivisions which abut a state trunk highway or connecting street.
4. The rules of the Wisconsin Department of Natural Resources governing floodplain management, shoreland/wetlands management, erosion control, and storm water runoff.
5. Applicable comprehensive plans or components of such plans prepared by state, regional, or county.
6. Applicable local and county regulations, including zoning, storm water management, sanitary, and building codes, and official maps.
7. The Village of Oregon Master Plan or plan component, the Official Map, and the Park Plan.

(4) **Permit Restriction.** No building permit, occupancy permit, or other permit authorizing construction, occupancy, or use of any building site created by a land division within the Village shall be issued unless and until all applicable provisions of this Chapter have been complied with.

(5) **Conformance with Objectives.** It is the intent of the Village that land be developed in harmony with the following objectives as set forth in the Village's adopted Master Plan, Park Plan, and Official Map:

- (a) To plan the location and/or timing of new development to make it efficient, to reduce public costs and to encourage separation and distinction between municipalities.
- (b) To direct and stage new growth only to those areas planned and programmed for development and capable of providing a full range of urban services, including transportation and schools.
- (c) To discourage scattered development and urban sprawl.

- (d) To insure that development complements rather than conflicts with natural features such as rolling topography, trees, creeks, ponds and rock formations.
- (e) To develop a system of interior open spaces within existing environmental corridors to delineate neighborhoods, control storm water drainage and provide circulation for pedestrian and bicycle traffic.
- (f) To ensure that development locates and coordinates safely and efficiently with transportation facilities.
- (g) To encourage preservation of open space and aesthetic quality in development through the use of planned development districts.
- (h) To favor development intensities and patterns that are supportive of alternative modes of transportation.
- (i) To promote and maintain balanced commercial activity that is viable and responsive to the needs of the community and the surrounding market area.
- (j) To preserve the quality of the water and the air and to prevent extreme noise and visual blight.
- (k) To preserve prime agricultural land through the design and location of development.
- (l) To encourage development in the Village with balanced residential, commercial, industrial and open space patterns and public services.

**(6) Determination of Adequacy of Public Facilities and Services for All Land Divisions.**

- (a) A certified survey map, preliminary plat, final plat, or condominium plat shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services are available to meet the needs of the proposed land division.
- (b) The applicant shall furnish any data requested by the Village staff to allow the Plan Commission and the Village Board to make such adequacy determinations. The Village Administrator shall transmit this information to the appropriate Village officials and bodies for review and shall act as coordinator for their reports to the Plan Commission and the Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, and transportation facilities.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:

1. That the capacity of the sanitary sewage collection system and treatment system necessary to serve the proposed development is available, presently under construction, or budgeted for by the Village and/or developer, as determined by the Public Works Committee or other appropriate Village official or body.
2. That the capacity of the public water distribution system and treatment system necessary to serve the proposed development is available, presently under construction, or budgeted for by the Village and/or developer, as determined by the Public Works Committee or other appropriate Village official or body.
3. That the capacity of the stormwater management system necessary to serve the proposed development is available, presently under construction, or budgeted for by the Village and/or developer, as determined by the Public Works Committee or other appropriate Village official or body.
4. That the capacity of the public parks, open space, and recreation facilities and services necessary to serve the proposed development is available, presently under construction, or budgeted for by the Village and/or developer, as determined by the Park Board.
5. That timely and adequate police protection services can be provided to the development as determined by the Police Department.
6. That timely and adequate fire protection and medical emergency services can be provided to the development as determined by the Fire District.
7. That the proposed land division is accessible by existing publicly maintained, all weather roads adequate to accommodate both existing traffic and traffic to be generated by the proposed land division, or necessary additional roads and road improvements are budgeted for construction with public or private financing, or public transportation service sufficient to serve the land division in combination with the foregoing is available or programmed for the area, as determined by the Plan Commission. The Plan Commission shall consider the recommendations of other commenting agencies and jurisdictions, and such factors as level of service, average and peak use, and any other information presented.
8. If the Village determines that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services

being adequate, conditional approval may include only such portions or may specify phasing of the development.

### **18.03 LAND DIVISIONS BY CERTIFIED SURVEY.**

A certified survey map that meets all of the requirements of Wis. Stat. §236.34 and of this Chapter may be utilized to divide any parcel into four parcels or less. The Village Board may require a preliminary plat to be filed by a land divider who is seeking approval of a certified survey. The certified survey map or preliminary plat, if required, shall include the entire parcel owned or controlled by the land divider and all contiguous lands under the control of the land divider whether or not separated by highways, streets, boundary lines or rivers. Furthermore, the land division shall depict the configuration, current use and ownership of all lands adjacent to the subject parcel.

### **18.04 APPROVAL PROCEDURES.**

#### **(1) Preapplication Submittals And Conferences.**

**(a) Notice of Intent.** A land divider proposing a land division shall file a written notice of intent to seek approval of a land division with the Village together with the requisite deposit.

**(b) Staff Conference.** After the notice of intent has been filed, the land divider shall schedule and attend a preapplication conference with the Village staff. The preapplication conference is intended (i) to familiarize the land divider with the purpose and objectives of this Chapter, with any applicable master plans and park plans, and with the various development plan implementation devices employed by the Village; and (ii) to familiarize Village officials with the project before the applicant enters into binding commitments or incurs substantial expense. It is also intended to discuss and determine the scope of the Development Impact Study required in connection with the proposed land division.

1. **Concept Plan.** A preliminary plat, certified survey map, condominium plat, or detailed development plan need not be submitted for review at the preapplication conference. However, the land divider should present general development and concept plans for all contiguous undeveloped land and developed land, whether or not it is to be included in the current proposal, and should indicate uses of all other lands contiguous to the proposed development. Such plans shall show approximate locations of all existing or proposed public streets and approximate lot sizes on a topographical map drawn to a scale of 1 inch equals 100 feet with contours at intervals of two (2) feet. The purpose of this requirement is to enable the Village to determine and plan for the type of development that is likely to occur in the area where the proposed land division would be located.

2. **Environmental Assessment Checklist.** An Environmental Assessment Checklist, a copy of which is found in Appendix A to this Chapter, shall be completed by the land divider and submitted to the Village staff for review at the pre-application conference.
  3. **Previous Approvals.** If the proposed land division was included in a previously approved application, the concept plans shall designate the areas so approved and identify any changes necessitated by or incorporated in the current proposal.
- (c) **Plan Commission Appearance.** Following the Staff Preapplication Conference, the land divider shall schedule a preapplication appearance before the Plan Commission to present its concept plan and to finalize the scope of the development impact study as required under §18.04(2).
- (2) **Development Impact Study.** A development impact study shall be submitted in connection with any proposed land division. The Development Impact Study shall be in writing, shall address the impacts of the proposal on the Village infrastructure, on municipal services, and on the Oregon School District, and such topics listed in Appendix B as the Plan Commission determines to be appropriate in connection with the proposed project. The Development Impact Study shall (i) contain such text, charts, tables, and maps as may be required to identify the impacts of the proposal, (ii) discuss how the impacts may be mitigated, and (iii) estimate both the public and private costs of mitigation. The Development Impact Study may be submitted prior to or together with the preliminary plat, certified survey map, or condominium plat as the land divider may choose.
  - (3) **Application.** A land divider seeking approval of any land division shall submit a written application for approval together with the requisite documents, fees, and deposit to the Village Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired.
  - (4) **Street Profiles & Other Information.** Four (4) sets of the street profiles and information required under §18.09(1) of this Chapter shall be filed with the application for approval of any land division.
  - (5) **Master Site Grading Plan.**
    - (a) Before final approval is granted for any land division, the land divider shall submit, along with the appropriate deposit, for review by the Village Engineer, a master site grading plan (MSGP). No land division shall be approved until the Village Engineer has determined that the submitted MSGP complies with the provisions of this subsection.
    - (b) The MSGP shall reference plan and profile drawings, typical street cross sections and specifications which indicate the proposed final grades of all streets shown on the plat, map or condominium plat. The MSGP shall also show existing and proposed

elevations of lot corners, possible building locations and minimum first floor elevations which will provide adequate lot drainage and shall indicate control of drainage in and adjacent to the certified survey map, plat, or condominium plat.

- (c) The MSGP shall comply with the storm water management ordinance and any grading, drainage and erosion control policies and ordinances adopted by the Village.
- (d) The drainage set forth on the MSGP shall be shown on the plat, map, or condominium plat by means of directional arrows along lot lines.

**(6) Specific Review Requirements**

**(a) Preliminary Plat Review.**

1. Before submitting a final plat for approval, the land divider shall file twenty (20) clearly legible, nonfading copies of a preliminary plat at scale and two (2) copies of each sheet thereof reduced in size to no more than 11" x 17" together with the Development Impact Study (if it has not yet been submitted) and an application for preliminary plat approval with the Village Clerk at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired. The land divider shall also forward a copy of the preliminary plat to the local electric and telecommunications companies.
2. If the land divider expects the Village to act as the transmitting authority in accordance with Wis. Stats. §236.12, the application shall state that the transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to each such authority.
3. The Plan Commission shall recommend approval, conditional approval, or rejection of the preliminary plat to the Village Board. The Village Board shall thereafter approve, conditionally approve, or reject the preliminary plat. The Village Administrator shall then notify the land divider and its designated agent, if any, of the action taken by the Village Board. If the plat was approved conditionally or rejected, the Village Administrator shall advise the land divider of the conditions of approval or the reasons for rejection. Unless the time is extended by written agreement between the land divider and the Village, the Village's failure to complete the action herein required within ninety (90) days after the preliminary plat and application for approval were filed shall constitute an approval of the preliminary plat.

4. The preliminary plat shall be accompanied by four (4) sets of street profiles and information required under §§18.09(1) and 18.04(6) of this Chapter.
5. Approval or conditional approval of a preliminary plat shall entitle the final plat to approval if the final plat conforms substantially to the preliminary plat, including any conditions of that approval, conforms to all applicable local plans and ordinances, and is submitted within twenty-four (24) months of the last required approval of the preliminary plat.

**(b) Final Plat Review**

1. The land divider shall file twenty (20) clearly legible, nonfading copies of the final plat at scale and two (2) copies of each sheet thereof reduced to no more than 11" x 17" in size, together with an application for final plat approval with the Village Clerk within twenty-four months (24) months after the last required approval of the preliminary plat and at least thirty (30) days prior to the meeting of the Plan Commission at which action is desired.
2. The land divider shall not submit the final plat for review until the Department of Commerce has certified, on the face of the plat, that the state agencies required to review the plat have no objections to it or that their objections have been satisfied as required by Wis. Stats. §236.12(6).
3. If the land divider expects the Village to act as the transmitting authority under Wis. Stats. § 236.12, the application shall state that the transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to each such authority.
4. Within two (2) days after the final plat is submitted for approval, the land divider shall send a legible copy of the plat to the local electric, telephone, and cable companies, to the Oregon Police Department, and to the Oregon Fire/EMS District.
5. The Plan Commission shall recommend approval or rejection of the final plat to the Village Board. The Village Board shall thereafter approve or reject the final plat. The Village Administrator shall thereafter notify the land divider and its designated agent, if any, of the action taken by the Village Board. If the plat was rejected, the Village Administrator shall advise the land divider, in writing, of the reasons for rejection. Unless the time is extended by written agreement

between the land divider and the Village, the Village's failure to complete the action herein required within sixty (60) days after the final plat and application for approval were filed shall constitute an approval of the final plat.

6. If the final plat conforms substantially to the approved preliminary plat, including any conditions of approval imposed by the Village, and complies with the provisions of this Chapter, all other applicable ordinances and regulations, and the Master Plan and Official Map of the Village, it shall be approved by the Village Board.
7. If the original final plat has been filed with another approving authority, the land divider may file a true copy of such plat in lieu of the original. However, before Village approval may be inscribed on the original final plat, the land divider shall certify the respects, if any, in which the original differs from the copy, and any such modification must first be approved by the Village.
8. The land divider shall submit four (4) sets of construction plans, including a master site grading plan and drainage plan, specifications, proposals and design data required under §18.04 and 18.09, all complying with the Village's construction standard and policies.
9. If permitted by the Village Board, the final plat may include only a portion of the approved preliminary plat when the land divider wishes to plat and develop the parcel in phases. Whenever the final plat consists of less than the entire preliminary plat, the land divider shall be required to record deed restrictions prohibiting any construction on the excluded portion of the preliminary plat until all required improvements have been made or contracted for in accordance with §18.04(7)(a) and the security required by §18.04(7)(b) has been furnished.

**(c) Certified Survey Review.**

1. The land divider shall file twenty (20) copies of the certified survey map, together with the Development Impact Study (if it has not been submitted), and an application for approval with the Village Clerk, at least thirty (30) calendar days prior to the meeting of the Plan Commission at which action is desired. The land divider shall also forward a copy of the map to the local electric and telecommunication companies.
2. The Plan Commission shall recommend approval, conditional approval, or rejection of the certified survey to the Village Board. The Village Board shall then approve, conditionally approve or reject the

certified survey. One copy of the certified survey shall be returned to the land divider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.

3. The land divider shall submit four (4) sets of construction plans, including a master site grading plan and drainage plan, specifications, proposals and design data required under §18.04 and 18.09, all complying with the Village's construction standard and policies.

**(d) Condominium Plat Review.**

1. The land divider shall file twenty (20) copies of the condominium plat map, together with the Development Impact Study (if it has not been submitted), and an application for approval with the Village Clerk, at least thirty (30) calendar days prior to the meeting of the Plan Commission at which action is desired. The land divider shall also forward a copy of the map to the local electric and telecommunication companies.
2. The Plan Commission shall recommend approval, conditional approval, or rejection of the condominium plat to the Village Board. The Village Board shall then approve, conditionally approve or reject the condominium plat. One copy of the condominium plat shall be returned to the land divider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto.
3. The land divider shall submit four (4) sets of construction plans, including a master site grading plan and drainage plan, specifications, proposals and design data required under §18.04 and 18.09, all complying with the Village's construction standard and policies.

**(e) Extraterritorial Land Divisions.**

1. **Extraterritorial Land Division Policies.** The following policies shall specifically govern the Village's review of division 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 Village approval in accordance with the procedures in this Chapter as applicable to land divisions within the Village.

- b. Such land divisions will be permitted if not exceeding an overall density of one (1) dwelling unit for 35 acres, exclusive of the farmstead demonstrated by the land divider to the satisfaction of the Village to be existing as of the effective date of this Chapter, September 21, 2000. Lots for non-residential use will be handled on a case-by-case basis. The standards used to review these land divisions will be the same as the standards contained in the Dane County Exclusive Agricultural Zoning District Ordinances that are used for considering rezonings. The only exception to this policy is that lots resulting in the infill of existing subdivisions may be permitted.
- c. The minimum lot size within the Village's extraterritorial limits shall be one (1) acre. A smaller lot size may be allowed if also approved by the respective Town Board. In all instances, the density provisions of paragraph 1.b. shall also apply.
- d. 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 Master or Comprehensive Plan or Official Map, the Village's policies shall prevail. All land divisions within the Village's extraterritorial limits will be subject to the land reservation or dedication requirements of this Chapter. This specifically means the following:
  - (i) Any public right-of-way area identified on the Village Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
  - (ii) Any waterway or storm water management area identified on the Village Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
  - (iii) If any lands fall within the limits of an environmental corridor, as mapped by the Village or Dane County, the land divider shall record a public open space easement specifying that the development shall be consistent with conservancy area zoning in the Village's Zoning Code.
- e. Such land divisions shall meet all of the development layout design standards contained in this Chapter.
- f. Such land divisions shall follow the erosion control requirements established by the Village in this Chapter or in any other ordinance or regulation.

- g. The plat, condominium 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.

**2. Extraterritorial Land Division Procedures.**

- a. In all cases, the time period within which action is required shall not begin until the Town Board, the staff serving the Dane County Zoning Committee, and the Village have received all maps, drawings and data required for plat, condominium plat, or certified survey map approval.
- b. No person shall divide any land located within the Village's extraterritorial land division approval jurisdiction without first filing an application and paying the Village's standard land division review fees contained in this Chapter. The timing for filing the application and paying the Village's review fees shall be the same as required for a land division within the Village limits.
- c. 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.

**(f) Requirement for Covenants or Deed Restrictions.** The Village may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village to protect environmental quality, public health, safety and welfare, or otherwise to implement the Village's Official Map or Master Plan. Any such restrictions shall be placed on the face of the plat, condominium plat, or certified survey map.

**(7) Contract and Security for Improvements**

**(a) Improvement Contract.**

- 1. Before any final plat, certified survey map, or condominium plat is inscribed by the Village Clerk, the land divider shall enter into a contract with the Village wherein the land divider agrees to make and install all required improvements (i) within eighteen months or (ii) where staged construction is permitted, at such other time as may be agreed to in the improvement contract.
- 2. Construction may be staged pursuant to an installation and completion schedule which is approved by the Village Board. Where staged construction is permitted, the Village Board may accept completed improvements within designated parts of the land division

when they have passed the requisite inspections, even though the particular improvements may not have been completed within the remainder of the land division.

**(b) Security for Performance.**

1. At the time the improvement contract is entered, the land divider shall furnish an irrevocable letter of credit to the Village in an amount equal to 110% of the estimated cost of all required improvements.
2. The letter of credit shall be in a form approved by the Village and shall name the Village as the beneficiary.
3. The security posted shall guaranty: (a) that all required improvements will be made and installed according to Village specifications by the land divider not later than eighteen (18) months from the date that the plat, certified survey map, or condominium plat is recorded or, where staging is permitted, that each stage will be completed by the date specified in the installation and completion schedule; (b) the quality and workmanship of the public improvements for one year following their acceptance by the Village; and (c) that the Village is reimbursed for all engineering, inspection, consulting and legal fees it incurs in connection with the plat, certified survey map, or condominium plat. The security posted shall be used, applied, or released pursuant to §18.10(7) of this Chapter.

**(c) Governmental Entities.** Governmental units to which these contract and security requirements apply may file, in lieu of said contract and security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

**(8) Execution of Documents By Village.**

After the final plat, certified survey map, or condominium plat has been approved by the Village Board, the improvement contract has been executed, and the security for performance has been furnished, the Village Clerk shall execute the appropriate certifications.

**(9) Recording Requirements.**

- (a) The land divider shall record the final plat, certified survey map, or condominium plat with the Dane County Register of Deeds (together with any required deed restrictions) within thirty (30) days after all required certificates have been executed.
- (b) Within seven (7) days after the final plat, certified survey map, or condominium plat is recorded, the land divider shall file five (5) certified copies and one copy reduced

to 11" x 17" of the recorded document with the Village Clerk, and shall notify the Village Clerk and Building Inspector, by separate written notice, of the volume, page number, and document number assigned to the recorded document by the Register of Deeds.

- (c) No building permit, occupancy permit, or other permit authorizing construction, occupancy, or use of any building site created by a land division shall be issued unless and until the copies and notice required herein have been provided to the Village.

## **18.05 DEDICATION AND RESERVATION OF LAND FOR PUBLIC USE.**

### **(1) General Requirements.**

- (a) **Design Considerations.** In designing any land division the land divider shall give due consideration to the dedication or reservation of suitable sites for future schools, parks, playgrounds, drainage ways and other public purposes; and to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines.
- (b) **Rights-of-Way, Easements, Parks, Public Sites Necessary to Serve Plat or Land Division.** Every plat, certified survey map, and condominium plat shall show on its face all streets, pedestrian ways, bike ways, public ways, drainage ways, utility easements, parks or open spaces that are being dedicated to the public or reserved for public acquisition to meet the needs created by the land division. The dimensions and limits of each dedication or reservation shall be specifically indicated on the plat, certified survey map, or condominium plat.
- (c) **Sites Shown On Master Plans, Official Maps and Park Plans.** Whenever a land division embraces all or part of any street, drainageway, public way, park, recreational area or open space shown on the Village Master Plan, Official Map or Park Plan, the public way, street, drainage way, park, recreational area or open space shall be made a part of the plat, certified survey map, or condominium plat, in the locations and dimensions indicated on the applicable plan or map. Any such site shall be dedicated to the Village, if dedication has been made a condition of approval, or reserved for a period of up to two (2) years, from the date of recording, for acquisition by the Village or such other municipal or quasi-municipal body as may be appropriate. Such reservation shall automatically expire if the Village or other governmental unit has not acquired the site, contracted for its acquisition, or commenced condemnation proceedings within said two year period.

**(d) Limitation.** A land divider shall not be required to dedicate more than one third (1/3) of the total area of the land division to meet the objectives of this section. However, if the land area is insufficient to meet such objectives, a fee in lieu of dedication, calculated under §18.05(2)(c) shall be paid for any shortfall in the land dedication.

**(2) Needs Created By The Proposed Land Division or Other Development.**

**(a) Application of Section.** The requirements of this section apply to all land divisions and to any conversion condominiums, rezoning, or conditional use approval which increases the number of residential units permitted on any parcel.

**(b) Basic Requirements.** The land divider shall dedicate sufficient land to provide adequate parks, playgrounds, recreational and open space areas to meet the needs to be created by the land division. At least two thousand nine hundred (2,900) square feet of land shall be dedicated for each proposed residential dwelling unit within the land division. Where a definite commitment is made to the Village by the land divider with respect to the number of dwelling units that will be constructed on any parcel of land which has a zoning classification that permits multi-family use, the dedication shall be based on that number. When no such commitment is made, the dedication shall be based upon the maximum number of dwelling units which the zoning classification of the parcel will permit.

**(c) Fee in Lieu of Dedication.** A land divider may be required to pay a fee in lieu of making the required land dedication when the Village, in its sole discretion, determines that: (i) there is no land suitable for parks within the proposed land division (ii) the dedication of land required by §18.05(2)(b) is not feasible, (iii) the dedication of land would not be compatible with the Village Master Plan, or (iv) a cash contribution will better serve the public interest than a dedication of land. A dedication of park land or open space designated on the Official Map may not be waived by the Park Board without prior approval of the Village Board in compliance with the provisions of Wis. Stats. §62.23(6)(c).

1. **Determination of fee.** The amount of any fee imposed pursuant to this section shall be \$750 times the maximum number of residential dwelling unit permitted by the zoning classification of the parcel. Where a definite commitment is made to the number of dwelling units that may be constructed on any parcel the fee shall be based on that number.

2. **Combined dedication and fee.** Subject to the limitation of §18.05(1)(d), the Village, in its sole discretion, may permit the land divider to satisfy the requirements of this section by combining a land dedication with a fee payment. In such cases the following formula shall be followed:

- a. Square footage of dedicated parkland divided by  
2,900 sq.ft = dwelling units
- b. Total units of the land division minus dwelling units from  
section A equals dwelling units (balance of required  
parkland) X \$750 per unit = fee in lieu of parkland  
dedication

Example:     Land Division  
 191,856 sq.ft. dedicated parkland/2,900 sq.ft. = 66 dwelling units  
 129 (total units) – 66 = 63 units X \$750 = \$47,250 payment

**(d) Park Fees Account.** The Village shall place any fees collected pursuant to this section in a separate account to be used for land acquisition and development of adequate park, playground, recreation and open space to meet the needs created by the land division, condominium conversion, rezoning or granted conditional use.

**(e) Exceptions.** No payment or land dedication shall be required in the following situations:

1. Where residential structures already exist on each lot or condominium unit created by the land division and there is no increase in the number of dwelling units previously allowed at each site.
2. Where the parcel is an outlot in excess of 10 acres and is not intended for sale or development.
3. When a lot or building site for which a payment or dedication has already been made is further divided, unless one or more new residential building sites are created. If the subsequent land division results in an increase in the number of permitted dwelling units, a payment or dedication based upon the additional number of dwelling units permitted shall be required.
4. Where the land division is located within the extraterritorial plat review jurisdiction of the Village. However, in those situations the land divider may be required to reserve areas for public sites or open spaces for acquisition by the Village for a period of 3 years from the date that the plat, certified survey map, or condominium plat is recorded.

## 18.06 MAPPING & INFORMATION REQUIREMENTS

- (1) **Preliminary Plats.** The preliminary plat shall be based upon a survey performed by a land surveyor registered in Wisconsin, shall be prepared with non fading black image on mylar or paper of good quality or other material that is capable of clear, legible reproduction, shall employ a graphic scale of not more than one hundred (100) feet to one (1) inch, at a size not to exceed 24" x 36", shall have a binding margin of 1 ½ inches on the left side and a one-inch margin on all other sides, and shall cover the entire area owned by the land divider, even though less than the total area is being proposed for development at the time. The following shall be correctly shown on the face of the preliminary plat:
- (a) Date, scale and a north point referenced to magnetic, true or other identifiable direction and related to the nearest exterior boundary line of a quarter section in which the subdivision is situated.
  - (b) The name of the proposed subdivision, which shall not duplicate the name of any plat previously recorded in Dane County.
  - (c) The name and address of the owner, the land divider and the surveyor preparing the plat.
  - (d) The location of the subdivision by township, range, section and county and such further description as shall accurately give the location, noted immediately under the name given the subdivision.
  - (e) The location of the subdivision shall be indicated by bearing and distance from a boundary line of a quarter section, recorded private claim or federal reservation in which the subdivision is located. The monumentation at the ends of the boundary line shall be described and the bearing and distance between them shown.
  - (f) Location and names of adjacent subdivisions, parks, cemeteries and adjoining parcels of unsubdivided land.
  - (g) Zoning within and adjacent to the subdivision.
  - (h) Location, right-of-way width, and names of any adjacent existing streets, alleys or other public ways; easements and railroad and utility rights-of-way shown in their proper locations by dotted or dashed lines. Parallel easement lines shall be shown by a centerline distance, bearing and width when easements are not parallel to a lot or boundary line.
  - (i) Water elevations of adjoining lakes or streams at the date of survey and approximate high and low water elevations, all referred to National Geodetic Vertical Datum (N.G.V.D.) (mean sea level).

- (j) Type, width and elevation of any adjacent existing street pavements, together with any legally established centerline elevations.
- (k) Location, size and invert elevation of any existing sanitary or storm sewers, culverts or drain pipes and the size of any existing water, sewer and gas mains on and adjacent to the tract and proposed to be used in the development. If sewers and water mains are not on or adjacent to the tract, the direction and distance to and size of the nearest ones showing invert elevations of sewers shall be indicated.
- (l) Locations of existing property lines, buildings, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- (m) Contours at vertical intervals of not more than five (5) feet where the slope is greater than ten percent (10%) and not more than two (2) feet where the slope is less than ten percent (10%). Elevations shall be marked on such contours as based on N.G.V.D.
- (n) The preliminary plat shall be accompanied by street profiles showing existing ground surface and proposed street grades, including extensions where requested. All profile sheets shall meet the approval of the Village Engineer.
- (o) Location, width and names of all new streets and rights-of-way, such as alleys, highways, easements and other public utilities.
- (p) Location and dimensions of any site proposed for public use or which is to be reserved by deed covenant for use of all property owners in the subdivision, with conditions, if any, of such dedication or reservation.
- (q) Approximate dimensions and areas in square feet and of lots and outlots, together with proposed lots, outlots and blocks consecutively numbered.
- (r) Proposed building envelopes.
- (s) Approximate radii, central angle subtended, chord bearing, chord length and arc length for each segment of all curves. Tangent bearing for each end of the main chord shall be given for all circular lines.
- (t) When requested by the Village, a draft of a protective covenant whereby the land divider proposes to regulate land use in the subdivision and otherwise protect the proposed development.
- (u) A small drawing of the section or governmental subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon. This drawing shall be oriented on the sheet in the same direction as the main drawing.

**(2) Final Plats.**

- (a) The final plat shall be prepared by a land surveyor, registered in Wisconsin, and shall comply with the requirements of Wis. Stats. §236.20 and §236.21 which are incorporated herein and adopted by reference.
- (b) In addition to the information required by Wis. Stat. §236.20 and §18.06(1) of this Chapter, the final plat shall show the following upon its face:
  - 1. Exact length and bearing of the centerline of all streets.
  - 2. Exact street width along the line of any obliquely intersecting street.
  - 3. Railroad rights-of-way within and abutting the plat.
  - 4. Setbacks or building lines required by the Plan Commission or Village Board.
  - 5. All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - 6. Special restrictions, if any, required by the Plan Commission or Village Board relating to access control along public ways or to the provision of planting strips.
  - 7. The rural fire number assigned to each lot if the subdivision is within the extraterritorial plat approval jurisdiction of the Village.
  - 8. A surveyors certificate that he or she has fully complied with the provisions of this Chapter.
- (c) The final plat may, when authorized by the Village, include only that portion of the approved preliminary plat which the land divider proposes for immediate development.

**(3) Certified Survey Maps.**

- (a) The survey map shall be prepared by a land surveyor registered in the State of Wisconsin and the survey map shall comply, in all respects, with the requirements of Wis. Stat. §236.34, which is incorporated herein and adopted by reference and shall show correctly on its face the information required by with Wis. Stats. §236.20(2)(a), (b), (c), (e), (f), (g), (h), (i), (j), and k), which are incorporated herein and adopted by reference.
- (b) In addition to the information required by Wis. Stat. §236.34, the survey map shall show the following correctly on its face:

1. All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
2. Such setback and building lines as may be required by the Plan Commission.
3. Date of the map.
4. Graphic scale.
5. Name and address of the owner, land divider, and surveyor.
6. A clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey.

(c) **Certifications.**

1. In addition to the certification required by Wis. Stat. §236.34(1)(d), the surveyor who prepared the survey map shall also certify on the face of the survey map that the survey map fully complies with the requirements of this Chapter.
2. The following certificate of Village approval shall be typed, lettered or otherwise reproduced legibly on the face of the survey map.
3. This certified survey, including any dedications shown thereon, has been filed with and approved by the Village Board of the Village of Oregon, Dane County, Wisconsin.

**(4) Condominium Plats.**

(a) A condominium plat shall contain at least the following particulars:

1. The name of the condominium and county in which the property is located on each sheet of the plat. The name of the condominium must be unique in Dane County. If there is more than one sheet, each sheet shall be consecutively numbered and show the relation of that sheet number to the total number of sheets.
2. A blank space at least 2.5 inches by 2.5 inches in size on the first sheet for recording use by the register of deeds.
3. A survey of the property described in the declaration complying with minimum standards for property surveys adopted by the examining board of architects, landscape architects, professional engineers,

designers and land surveyors and showing the location of any unit or building located or to be located on the property.

4. Diagrammatic floor plans of each building located or to be located on the property which show the approximate dimensions, floor area and location of each unit in it. Common elements shall be shown graphically to the extent feasible.
  5. All survey maps and floor plans submitted for filing shall be legibly prepared with a binding margin of 1.5 inches on the left side and a one-inch margin on all other sides on durable white paper 14 inches in length and 22 inches in width with nonfading black image or reproduced with photographic silver haloid image on double matte polyester film of not less than 4 millimeter thickness and 14 inches long by 22 inches wide. The maps and plans shall be drawn to a convenient scale.
  6. Every unit shall be designated on the condominium plat by the unit number. Unit numbers may not contain more than 8 numerals and must be unique throughout the condominium.
  7. A certificate of a licensed land surveyor authorized to practice that profession in Wisconsin that the plat is a correct representation of the condominium described and the identification and location of each unit and the common elements can be determined from the plat.
- (b) In addition to the information required by Wis. Stat. §236.34, the survey map shall show the following correctly on its face:
1. All existing buildings, water courses, drainage ditches and other features pertinent to proper division.
  2. Such setback and building lines as may be required by the Plan Commission.
  3. Date of the map.
  4. Graphic scale.
  5. Name and address of the owner, land divider, and surveyor.
  6. A clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey.

(c) Certifications.

1. In addition to the certification required by Wis. Stat. §703.10(4), the surveyor who prepared the survey map shall also certify on the face of the survey map that the survey map fully complies with the requirements of this Chapter.
2. The following certificate of Village approval shall be typed, lettered or otherwise reproduced legibly on the face of the survey map:

This survey map, including any dedications shown thereon, has been filed with and approved by the Village Board of the Village of Oregon, Dane County, Wisconsin.

3. The following certificate of Village approval shall be typed, lettered or otherwise reproduced legibly on the face of the condominium plat:

This condominium plat, including any dedications shown thereon, has been filed with and approved by the Village Board of the Village of Oregon, Dane County, Wisconsin.

## 18.07 DESIGN STANDARDS

### (1) Application of Requirements.

The design standards set forth in this section shall apply to plats, to certified survey maps, and to condominium plats unless waived by the Village Board pursuant to §18.11(2) of this Chapter.

### (2) Streets.

**(a) General.** The streets shall be designed and located with regard to existing and proposed streets, to the topography, to economical utility service, to such natural features as streams and tree growth, to public convenience and safety and to the proposed use of the land to be served by such streets. The arrangement, width, grade and location of all streets shall conform to the Official Map and the Master Plan of the Village and, where applicable, to the plans of any political subdivision superseding the authority of the Village.

### (b) Arrangement.

1. *Regional Collector streets.* Regional collector streets and highways shall be properly integrated with the existing and proposed system of

arterial streets and highways and, insofar as practicable, shall be continuous and in alignment with existing planned or platted streets with which they are to connect.

2. *Collector streets.* Collector streets shall be properly related to any mass transit systems, to special traffic generating from facilities such as schools, churches and shopping centers, to population concentrations and to the major streets into which they feed.
3. *Local streets.* Local streets shall be designed to conform to the topography, to discourage use by through traffic, to permit the design of efficient drainage and sewer systems and to require the minimum amount of street necessary to provide convenient, safe access to abutting property.

**(c) Treatment of Railroad Right-of-Ways or Limited Access Highways.** Where a land division borders on or contains a railroad right-of-way or limited access highway right-of-way, the Village may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land for park purposes in residential districts, or for commercial or industrial purposes in other districts. Location of minor (local) streets immediately adjacent and parallel to railroad right-of-ways shall be avoided.

**(d) Protection of Arterial (major) Streets and Highways.** Where a land division borders on or contains an arterial street or highway, the Village may require that marginal access streets be provided and/or that the backs of lots (reversed frontage) abut the major street or highway and be provided with screen planting contained in a non-access reservation along the rear property line.

**(e) Alleys.** Alleys shall be provided in commercial or industrial districts for off-street loading and service access, unless otherwise required by the Village, but shall not be approved in residential districts. No dead end alleys shall be approved; nor shall any alley connect to a major thoroughfare. The right-of-way width of an alley shall not be less than thirty (30) feet.

**(f) Intersections.**

1. Streets shall intersect each other as nearly as possible at right angles so far as good design and topography permit..
2. Not more than two (2) streets shall intersect at one point.
3. Street jogs with center line offsets shall be prohibited. Where streets intersect major streets, their alignment shall be continuous.

4. Street Intersection Spacing. Street intersections shall be spaced no closer to adjacent street intersections and to tee intersections on the opposite side of the street from the subject street than the minimum separation distances specified following, measured between centerlines. The intersecting street with the higher, functional class shall be used to determine the minimum separation distance.

<u>Street Functional Class</u> (As shown on Official Map)	<u>Minimum Separation Distance</u>
Regional Collector	600 feet
Major Collector	600 feet
Minor Collector	300 feet
Local	300 feet

The Village may approve street locations with minimum separation distances less than specified above upon submittal of a traffic study analyzing the present and future traffic capacity and safety operation of the proposed street layout.

- (g) Driveway Spacing.** All driveways shall be spaced no closer to adjacent street intersections, tee intersections on the opposite site of the street from the driveways, and adjacent driveways, than the minimum corner clearance distances specified below, measured between centerlines:

Street Functional Class (as shown on Official Map)	Upstream Approach	Downstream
Regional Collector		
>35 mph Speed Limit	450 feet	350 feet
≤35 mph Speed Limit	400 feet	350 feet
Major Collector	250 feet	250 feet
Minor Collector	*	*
Local (all streets other than above)	*	*

\* One driveway per lot is permitted at a location approved by the Director of Public Works. Access to corner lots shall be from the lesser functional class street and located adjacent to the property line most distant from the intersection. Shared driveways with adjacent property owners may be required to meet these specifications. The Village may approve driveway locations at locations other than specified above upon submittal of a comprehensive traffic impact study analyzing present and future traffic capacity and safety operation of the proposed driveway(s) and affected streets.

**(h) Street Width.** The right-of-ways and roadways of all streets shall be of the width specified on the Official Map or Master Plan of the Village or, if no width is specified therein, they shall not be less than the width specified below:

TYPE OF STREET	RIGHT OF WAY WIDTH	RIGHT OF WAY WIDTH
	(in feet)	(in feet) Face-Face Curb
Arterial Street	80	50
Collector Street	70	42
Collector Street	66	38

**(i) Grades.**

1. The grade of arterial and collector streets shall not exceed six percent (6%) unless necessitated by exceptional topography and approved by the Plan Commission. The grade of local streets shall not exceed eight percent (8%). The grade of any street shall in no case exceed ten (10%) or be less than one-half (1/2) of one percent (1%).
2. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for arterial and collector streets and twenty (20) times the algebraic difference for other streets.

**(j) Radii of Curvature.** When a continuous street centerline deflects at any one point more than five degrees (5°), a circular curve shall be introduced having a radius of curvature on such centerline of not less than the following:

Arterial and Regional Collector Streets	300 feet
Collector Streets	200 feet
Local Streets	100 feet

**(k) Tangents.** A tangent at least one hundred (100) feet long shall be introduced between reverse curves on arterial and regional collector streets. On all other streets, except cul de sac and dead end streets, at least one hundred (100) feet of tangent shall be provided between the curve and the center line of the intersecting street. On cul de sacs and dead end streets the length of the tangents shall be recommended by the Village Engineer but shall be not less than fifty (50) feet in length.

**(l) Cul-de-sacs.** Streets designed to have one end permanently closed shall not exceed five hundred (500) feet in length and shall terminate with a turnaround of not less than one hundred forty (140) feet in diameter of right-of-way.

- (m) **Dead End Streets.** Streets designated to have one end permanently closed shall not exceed (500) feet in length and shall terminate with a roadway turnaround of 110 feet in diameter and the land divider shall furnish and install a barricade per Village specifications when required by this Chapter. Streets that are likely to be extended, shall extend to the boundary of the land division and shall culminate in a hammerhead turnaround which will be abandoned at the time the street is extended beyond the boundaries of the plat.
- (n) **Half Streets.** Where an existing half street is adjacent to the tract being divided, the other half of the street shall be dedicated by the land divider.
- (o) **Reserve Strips.** There shall be no reserve strips controlling access to streets except where control of such strips is definitely placed in the Village under conditions approved by the Village.
- (p) **Street Names.** New street names shall not duplicate or be similar to existing street names within the metropolitan area, and existing street names shall bear the same name and be projected wherever possible as designated by the Village.
- (3) **BLOCKS.** The lengths, widths and shapes of blocks shall be compatible to the planned use of the land the type of development contemplated. Block lengths in residential areas shall not as a general rule exceed fifteen hundred (1500) feet nor be less than six hundred (600) feet between street lines.
- (4) **LOTS.**
- (a) The size, shape and orientation of lots shall be appropriate for the location of the land division and for the type of development and use contemplated. Lot design should be such as to provide an aesthetically pleasing building site and setting.
  - (b) Lot dimensions shall conform to the requirements of Chapter 17 of this Code, and in no case in a residential district shall lots be less than the minimum lot frontage at the building setback line and one hundred twenty (120) feet deep.
  - (c) Residential lots fronting on arterial major streets and highways shall be platted with extra depth to permit generous distances between the buildings and such traffic ways.
  - (d) Excessive depth in relation to width shall be avoided, and proportion of 2 to 1 shall normally be considered as a desirable maximum for lots of eighty (80) feet or more.
  - (e) Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off street service and parking facilities.
  - (f) Every lot shall front or abut on a public street.

- (g) Whenever possible, side lot lines shall be at right angles to straight street lines or radii to curved street lines on which the lot faces.
- (h) Corner lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
- (i) In case a tract is divided into large parcels, such parcels shall be arranged as to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of this Chapter.
- (j) Lots shall follow rather than cross municipal boundary lines.
- (k) 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.

**(5) EASEMENTS.**

- (a) Public utility easements shall be at least 6 feet wide or wider on each lot when recommended by the Village Engineer and may run across lots or on rear or side lot lines where necessary for the construction and maintenance of street lights, telephone, electronic communication systems, electric, gas, water, sanitary sewer, storm sewer, cable television and other utilities deemed necessary by the Village. Where an easement cannot be obtained on an abutting property (lot/s) the total minimum width of twelve (12) feet shall be placed on the proposed division/lot/s.
- (b) Where a land division is traversed by a water course, channel or stream, an adequate drainageway or easement shall be provided as required by the Village. The location, width, alignment and improvement of such drainageway or easement shall be subject to approval of the Village but to the extent practicable, shall conform substantially with the existing path of such water course, channel or stream. Such easement shall be maintained by the land divider and/or property owner.
- (c) Easements for street lightning are to be placed on the plat showing a minimum width of a twelve (12) foot easement going from the transmission line to the street right of way. Easements shall be placed a minimum of three hundred (300) feet apart and a maximum of four hundred (400) feet apart.

## 18.08 REQUIRED IMPROVEMENTS.

As a condition of approval of any plat, certified survey map, or condominium plat, the land divider shall be required to make, install, and dedicate the following improvements:

### (1) **Monuments.**

- (a) All land divisions shall be monumented in accordance with Wis. Stats. §236.15. The Village may waive the placing of monuments for a reasonable time on condition that the land divider executes a surety bond or cash escrow in the amount of \$100.00 per survey monument to ensure placing of such monuments. If the topography is such that extensive grading is required at the block and or lot corners, the land divider may with permission place the monuments after the grading is completed. Upon proof or by certification by a registered land surveyor that the monuments have been set the bond or cash escrow shall be returned.
- (b) **Removing of Monuments.** Any person who removes a monument shall be responsible for the proper replacement of such monument by a land surveyor registered in Wisconsin and shall bear the cost of such replacement.

### (2) **Utility Lines.** All utility lines shall be placed underground unless this requirement is waived, in writing, by the Village because of topography, soil, water table, solid rock, boulder or other physical conditions would make underground installation unreasonable or impractical. If overhead lines are approved, poles shall be only be placed on the rear lot lines.

### (3) **Water Mains and Sanitary Sewers.**

- (a) **General.** Water and sanitary sewer mains and laterals shall be installed to a termination point five (5) feet beyond the lot lines, where connection to the existing systems can be reasonably provided. All water and sewer mains are to be installed to the end of the lot or division for which approval is sought. Water mains shall not be less than eight (8) inches in diameter except under special conditions. Mains may be six (6) inches in diameter in cul de sacs as determined by the Village. In all case adequate fire flows must be provided. Sewer mains shall be not less than eight (8) inches in diameter.
- (b) **Sanitary Sewers.** The land divider shall install all sewer mains necessary to serve the land division at no cost to the Village. Where the Village requires the installation of mains larger than those required to serve the land division, the Village will pay for the incremental material of the larger mains unless installation of the larger main is required to extend sewer service to the land division. Where the installation of the larger main is required to extend sewer service to the land division, the entire cost of installation shall be borne by the land divider who shall then be reimbursed for the incremental cost as other property owners connect to the main extension installed by the land divider.

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- (c) **Water Mains.** The land divider shall install all water mains required to serve the land division at no cost to the Village. Where the Village requires the installation of mains larger than those required to serve the land division, the Village will pay for the incremental material of the larger mains unless installation of the larger main is required to extend sewer service to the land division. Where the installation of the larger main is required to extend water service to the land division, the entire cost of installation shall be borne by the land divider who shall then be reimbursed for the incremental cost as other property owners connect to the main extension installed by the land divider.

**(4) Storm Sewers and Drainage Facilities.**

- (a) **General.** Adequate facilities to provide storm water drainage, including retention or detention basins, open channels and buried storm sewers not less than fifteen (15) inches in diameter as approved by the Village Engineer and Director of Public Works. The land divider shall also comply with the requirements of Chapter 22 of this Code.
- (b) **Storm Sewers.** The land divider shall install all storm water drainage facilities and infrastructure required to serve the land division at no cost to the Village. Where the Village requires the installation of storm sewers larger than those required to serve the land division the Village will pay the incremental material unless installation of the larger storm sewer is required to extend service to the land division. Where the installation of the larger storm sewer is required to extend service to the land division, the entire cost of installation shall be borne by the land divider who shall then be reimbursed for the incremental cost as other property owners connect to the extension installed by the land divider.

**(5) Streets. (Amended #03-10, 07-21-03)**

- (a) Streets shall be graded in accordance with standard specifications as may be adopted from time to time by the Village Board. After installation of the water and sewer facilities, the roadway shall be surfaced with eight (8) inches minimum of crushed gravel or as otherwise provided in the standard specifications and inspected by the Village Engineer and Director of Public Works.
- (b) Following the approval by the Village Engineer and Director of Public Works of the grade and surfacing under paragraph (a), streets shall be paved to the appropriate roadway width as defined in this Chapter, with a binder course and a surface course as required by the standard specifications.

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**(6) Street Lightning.**

- (a) Street lights shall be installed in all new subdivisions, at the direction of the Public Works Director with review, approval and installation by the local electric utility company.
- (b) Street Lights shall be placed a minimum of three hundred (300) feet and maximum of four hundred (400) feet apart and on property lines at mid block, significant curves or bends in the streets. Street lights shall also be installed at all intersections and at the end of all cul de sacs.
- (c) Street lights shall be standard one hundred (100) Watt high pressure sodium bulb on a twenty eight (28) foot concrete pole with mast arms. Lamp 100 W, ballast 17, total watts 117, ANSI code 554b-100, lumens 9500, amps 2.0.
- (d) All costs of installing street lights shall be borne by the land divider.
- (e) Any request for a waiver, change or modification of these requirements must be submitted, in writing, to the Director of Public Works who shall refer the request with his recommendation and that of the local electric utility to the Plan Commission for its review and recommendation to the Village Board.

**(7) Street Signs.** The Village shall specify the type and design of street signs and install them. Signs to be a 9" blade (green) with 6" white letters. Any deviations from these standards must be approved, in writing, by the Plan Commission. Placement of the street signs shall be determined by the Director of Public Works or his or her designee. The land divider shall reimburse the Village for the cost of street signs, posts and installation.

**(8) Sidewalks.** Pedestrian ways or crosswalks/walkways not less than ten (10) feet in width with a five (5) foot wide concrete sidewalk, shall be required near the center and entirely across any block nine hundred (900) feet or more in length, where deemed essential to provide adequate pedestrian circulation or access to schools, playgrounds, parks, shopping centers, churches or transportation facilities unless changed or waived by the Village.

**(9) Partition Fences.** When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the land divider shall erect partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land.

**(10) Parkland.** When parkland is dedicated to the Village, the land divider shall:

- (a) Properly grade and contour for proper drainage;
- (b) Provide surface contour suitable for anticipated use of area as approved by the Park Board and Village Engineer.

- (c) Cover areas to be seeded with a minimum of six (6) inches of topsoil, seeded and fertilized as specified by Director of Public Works. Fine grading and seeding must occur within one (1) year following acceptance of the final plat improvements within that land division unless otherwise authorized by the Park Board. The improved area shall not be deemed officially accepted until a uniform grass cover to two (2) inch height has been established. It shall be the responsibility of the land divider to maintain the area until the Village accepts the dedication.
- (d) A neighborhood park shall be provided with a standard residential water service unless located directly adjacent to a fire hydrant. A community park shall be provided with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.

**(11) Improvements on Corner Lots and Double Frontage Lots.** The land divider shall pay the cost of improvements for sanitary sewers, water, storm sewers, street grading, base course and surfacing, curb and gutter and sidewalks along the longest side of any corner lot within the subdivision for which approval is sought or created by any new street opening from an existing street to the new subdivision or plat and along the rear lot line of any double frontage lot contained in the plat for which approval is sought as follows:

**(12) Off-Site Improvements.** The Village may require a land divider to undertake or to reimburse the Village for public improvements made beyond the boundaries of the land division where the public improvements are reasonably related to the land division.

**(13) Cost Recovery.** The Village may include a cost recovery provision within a Development Agreement that establishes a right of cost recovery for the developer for benefiting off-site development, establishes a responsibility for cost sharing with off-site development, or both.

## **18.09 REQUIRED IMPROVEMENTS PROCEDURE.**

### **(1) Plans and Construction Specifications.**

The land divider shall submit construction plans and specifications for all required improvements to the Village Engineer for review and approval at least four weeks before any construction bids are solicited. The Village Engineer shall be provided with such of the following plans and accompanying construction specifications as are involved in the project:

- (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) Watermain plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- (e) Plans and specifications for all underground utilities and facilities.
- (f) Such additional special plans, calculations, or information as may be required by the Village Engineer.

**(2) Construction and Material Standards. (Amended #03-10, 07-21-03)**

All required improvements shall be made and installed in accordance with the standard specifications as may be adopted from time to time by the Village Board. A copy of the standard specifications then in effect shall be given to the land divider at the time of the preapplication conference.

**(3) Inspection.**

Prior to commencing any work within the subdivision, the land divider shall make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to the Village's acceptance of the improvements or any release of the security deposited pursuant to §18.04(7)(b).

**(4) Scheduling.**

The construction schedule for all required improvements shall be approved by the Village Engineer. Construction shall not be commenced on any phase of the project until all approvals and conditional requirements have been satisfied.

**(5) Street Grading.**

- (a) The land divider shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, certified survey map, or condominium plat to the Village Engineer for review. After the design engineering and street grades have been approved by the Village Engineer, the proposed street shall be graded to the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. The bed for the roadways in the street right-of-way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved. The grading of rights-of-way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the project. Lots which abut principal and primary arterials shall be graded to proposed street grade or to a grade approved by the Village Engineer before any of the affected properties may be sold.

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(b) The land divider shall engage a registered engineer to set sub-base grade in accordance with approved centerline grade and cross section; and to set grades necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

1. The stripping and removal of all topsoil, debris and vegetation within the road bed.
2. Grading of full street rights-of-way to a tolerance of 0.1 feet of proposed centerline grade. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, or vegetation.
3. Grading beyond right-of-way to insure that the established grade will be preserved. Slopes shall be 1:1 for cut sections and 2:1 or less for fill sections.
4. Grading of vision triangle on corner lots. (Maximum embankment of three (3) feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).
5. Where a public greenway is included in the project, the land divider shall provide for an acceptable continuous drainageway in the greenway as determined by the Village Engineer.
6. Such additional grading as may be required for lots abutting greenways, terraces of streets abutting the project, public easements for sanitary sewer and sidewalk.

**(6) Utilities and Underground Facilities.**

Upon approval of the subgrading and erection of barricades the land divider shall install the water mains, storm and sanitary sewers, and other utilities. Prior to commencing construction of any required utilities the land divider shall submit the construction schedule, plans, and specifications to the Village Engineer for review and approval.

(a) **Water Valve Boxes.** All water valve boxes and shut offs to be checked by the developer s contractor to be sure of operation and brought to finished grade prior to acceptance by the Village. All valve boxes are to be clearly marked with a four (4) X four (4) wood post or steel fence post with a minimum height of four (4) feet and minimum bury of four (4) feet and painted blaze orange. The land divider shall be solely responsible for the protection of valve boxes and their repair if damaged until all required improvements (including gas, telephone, electric, cable television, curb

and gutter, streetlights and sidewalks) have been installed and accepted by the Village.

**(b) Electric, Telephone, and Cable Television Facilities**

All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, television cables and services installed in the new project area shall be underground unless the Village Board specifically determines that:

1. The placing of such facilities underground would not be compatible with the proposed development.
  2. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
  3. The lots to be served by said facilities can be served directly from existing overhead facilities.
- (c) Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.
- (d) Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.
- (e) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the land divider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities, whether overhead or underground, shall not disturb any monumentation in the land division.
- (f) If underground utilities and standard street improvements are installed in the same year, provision must be made for mechanical compaction of all underground utility ditches or trenches situated within the street right-of-way.

**(7) Street Lights.** Street lights as prescribed by the Village shall be installed at locations identified in the improvement contract.

**(8) Greenways.** Where greenways are included within the land division:

- (a) The land divider shall be responsible for an acceptable continuous drainageway through the proposed land division as determined by the Village Engineer. The land divider shall furnish the Village Engineer with a plan outlining the greenway boundaries and locations of existing drainage ways, if any. In addition, the land divider shall furnish to the Village Engineer a set of cross-sections (on 50 foot stations) of the greenway oriented upon a base line as prescribed by the Village Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Village Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the land divider or his agent, the land divider shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Village Engineer, where the hydraulic capacities including alignment and grade are not acceptable, such alignment, grade and slopes shall be improved by the land divider to the interim minimum requirements of a ten-foot wide ditch bottom with four to one side slopes, all to be sodded.
- (b) The land divider shall install permanent pipes or culverts at a grade designated by the Village Engineer under all streets crossing a greenway or drainageway. Said installation shall be in accordance with the Standard Specifications for Road and Bridge Construction of the Department of Transportation of the State of Wisconsin. All costs of the installation shall be the responsibility of the land divider. The permanent pipe or culvert shall not be installed previous to the installation of the sanitary sewer on a street crossing a greenway unless done pursuant to written agreement between the Village and the land divider. Culverts required across intersections for temporary street drainage, shall be furnished and installed by the land divider at his expense. All temporary culverts installed by the land divider shall be completely removed when the streets are constructed to standards and the area restored to as near to original condition as possible as determined by the Village Engineer.
- (c) All ditching and culvert installation shall be done in strict accordance with grades approved by the Village Engineer. The land divider's engineer shall be responsible for setting the required grades in the field for construction purposes.
- (d) To assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than four (4) feet above the flowline of the greenway, or to the elevation established by the Village Engineer. All lot grading and building elevations shall provide for positive drainage. No grading or filling within the greenway limit shall be done unless authorized by the Village Engineer in writing.

**(9) Street Construction.**

**(a) General.** After completion of the underground utilities and approval thereof, the streets shall be constructed.

**(b) Standard Street Improvements.**

1. (Amended #03-10, 07-21-03) Standard street improvements, for all streets in the land division and all connector and feeder streets and intersections serving the land division, shall include concrete curb and gutter, bituminous base course and bituminous surface course; ornamental street lights, pedestrian walkways, and curb ramping as required by Wis. Stat. §66.0909 of the Wisconsin Statutes.
2. The construction of standard street improvements can begin only when the construction of underground utilities included mechanical compaction and compaction tests have been approved by the Village Engineer.
3. The bituminous binder course shall be applied in the initial phase of construction but the finish surface shall be not be applied until one year after the binder course unless otherwise authorized, in writing, by the Village Engineer.
4. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

**(c) Walkways.**

1. *Surfaces.* The surface of walkways should possess stability and firmness, be relatively smooth in texture, and have a non-slip surface.
2. *Drainage Structures.* Drainage structures should be placed flush with the surface and should not be located between a curb ramp and the corner of a street, or immediately downgrade from a curb ramp.
3. *Ramps.* (Amended #03-10, 07-21-03) Steps and stepped ramps should be avoided if possible in order to facilitate servicing with wheeled vehicles. To facilitate movement over low barriers, a ramp should be installed. Surfaces should be non-slip but not corrugated. Where a walkway is required and the walkway connects with any village street,

curb ramping shall be provided in accordance with Wis. Stat. §66.0909.

4. *Wheel Stops.* Wheel stops shall be installed where wheeled vehicles may roll into a hazardous area. They should be 2" to 3" high, 6" wide, and should have breaks in them every 5' to 10' to allow for water drainage off of the walk.

**(d) Handicap Access.**

1. Handicap access ramping shall be provided to assure access to crosswalks at intersections and other designated locations. Curb ramping includes the curb opening, the ramp and that part of the sidewalk or apron leading to and adjacent to the curb opening.
2. Curb ramps shall conform to the following requirements:
  - a. Handicap access ramping shall be of permanent construction. The ramp shall be at least 40 inches wide. The sides of the ramp shall slope from the sidewalk or apron elevations to the ramp elevation with the widest portion of the side slope not less than 18 inches nor more than 24 inches wide at the curb. The ramp slope may not exceed one inch vertical to 12 inches horizontal from the flow line elevation of the curb. The curb opening shall be not less than 40 inches nor more than 80 inches wide at the flow line of the curb. The taper of the curb from the top of the curb to the flow line of the curb at the curb opening shall be not less than 18 inches nor more than 24 inches wide. The ramp shall be bordered on both sides and on the curb line with a 4-inch-wide yellow stripe or with brick of a contrasting color.
  - b. Handicap access ramping shall be in one of the following locations, to provide access to each end of each crosswalk affected:
    - (i) At the center of the curve of the street corner to accommodate crossing for either direction at the intersection. The entire curb corner may not be made into a ramp, but shall provide for standard sidewalk apron and curb on both sides of a ramp. Any safety zone marking required by ordinance shall be provided in the street or town road 40 inches out and parallel with the curb, joining with the standard safety pedestrian crossing markings in the street or town road;

- (ii) If compliance with subsection 1 is not feasible, centered on line with the crosswalk and pedestrian traffic and containing surface texturing to indicate clearly to the sense of touch that the surface differs from that of the sidewalk or street. The surface texturing shall consist of linear impressions one-fourth of an inch to three-eighths of an inch deep, oriented to provide a uniform pattern of diamond shapes. The diamond shapes shall measure approximately 1 1/4 inches wide by 2 1/4 inches long, with the length of the diamond shape parallel to the direction of pedestrian movement. The diamond shapes shall be spaced one-fourth of an inch to three-eighths of an inch apart. This surface texture may be achieved by impressing and removing expanded metal regular industrial mesh into the surface of the ramp while the concrete is in a plastic state; or
- (iii) If compliance with neither subsection 1 nor 2 is feasible, at a suitable location as near to the crosswalk as practicable. Any safety zone markings required by ordinance shall be provided in the street or town road 40 inches out and parallel with the curb, joining with the standard safety pedestrian crossing markings in the street or town road.

**(10) Improvements Required Prior To Issuance of Building Permit.**

No building permit shall be issued until all survey monuments have been set and the following improvements have been completed and approved by the Village Engineer: sewer, water, storm sewers, detention and retention basins, gas and electric, street graded to subgrade at full width with a minimum of eight (8) inches of crushed aggregate base course, and bituminous binder course.

**18.10 ACCEPTANCE OF IMPROVEMENTS AND DEDICATIONS.**

**(1) Land Divider's Responsibilities Prior to Acceptance.**

No dedication of improvements, utilities, streets, parks, easements, right-of-way or other sort to the Village or the public shall be considered accepted by the Village until the required public improvements attendant to such dedication have been accepted by the Village Board. The land divider shall remain responsible for and liable for the maintenance, safety, and use of all required public improvements until such time as the improvement has been accepted by the Village. If prior to acceptance, the Village is required to take any measure to maintain, protect, or guard any completed improvement that has not yet been accepted by the Village, the costs of such doing so shall be deducted from the security posted by the land divider.

**(2) Notice of Completion**

After any of the following improvements have been made, installed, and completed the land divider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection:

- (a) Sanitary sewer mains and services
- (b) Storm sewers
- (c) Water mains and services
- (d) Storm detention and retention basins and drainage ways
- (e) Grading, gravel, and bituminous binder course of streets.
- (f) Final surface course of streets.
- (g) Gas and electricity.
- (h) All block corners and interior lot corner have been monumented.
- (i) Final asphalt surface layer.

**(3) Inspection.** The Village Engineer shall inspect the improvements and notify the land divider, in writing, whether they have been approved or disapproved and if disapproved, the reason for disapproval.

**(4) Record Documents.** Following approval of the required improvements by the Village Engineer, the land divider shall provide all record documents necessary to incorporate any additions to and changes in the Village's digital base/parcel and utility map which changes shall then be made at the land divider's sole expense.

- (a) The mapping requirement shall apply to any additions to or changes in parcel boundaries and to the sanitary sewer, water main, and storm sewer networks.
- (b) The land divider shall have the option of submitting the documents in either of the following formats:
  - 1. Hard copy document of final plat, certified survey, or condominium plat and construction related record drawings.
  - 2. Digital drawing of the plat, certified survey map, or condominium plat with constructed related record drawings together with hard copies of each. The electronic file shall be in DXF format, unless another format is agreed upon by the Village Engineer.

- a. All graphic and text features will be separated out onto different drawing layers and the drawings shall contain all the information contained in the final plat, certified survey map, or condominium plat and construction related record drawings, including all required text. The Village may reject any electronic file that does not provide the requisite layering, information, record drawings or text.
- b. The following graphic features shall provided on separate layers:
  - monumentation points (where appropriate)
  - lot/parcel/block lines with coordinate geometry data
  - subdivision boundaries (where appropriate)
  - right of way lines
  - roadway center lines (where appropriate)
  - waterways
  - Corporate Limits of the Village
  - Sanitary, water and storm infrastructure including: pipes, manholes, valves, hydrants, inlets, catch basins and any other feature applicable to any of these utility systems.
  - Easements for storm water management
- c. The following text features shall be provided:
  - monumentation point coordinates referenced to the Dane County Coordinate System
  - lot/block numbers
  - lot dimensions (distance and bearing)
  - subdivision name
  - street and roadway names (not on centerline)
  - water, sanitary and storm pipe diameters
3. The GIS mapping updates include the building of the map topology so that the relevant information will be incorporated and updated in the digital maps database.
4. The charge for digital mapping by the Village is based upon the type and quality of document format submitted. Mapping charges shall be per the Village's annual fee resolution, a copy of which will be provided to the land divider upon request.

(5) **Lien Waivers & Affidavits.** After the engineer has approved an improvement, the land divider shall file lien waivers and such affidavits as may be required, in a form acceptable

to the Village and approved by the Village Attorney, with the Village Clerk. Such waivers and affidavits shall evidence that there are no claims, actions, or demands for damages, based upon contract or tort arising out of or in any way related to its construction and that no monies are owed to any surveyor, mechanic, contractor, subcontractor, materialman, or laborer in connection with the improvement.

(6) **Acceptance of Improvements.** After an improvement has been approved by the Village Engineer, the record documents have been furnished, and the requisite lien waivers have been filed, the Village Board will accept dedication of the improvement subject to the guaranty requirements set forth in §18.10(7)(b).

(7) **Release of Security.**

The security furnished pursuant to §18.04(7)(b) shall remain in place for a period of one year after completion of the required improvements and their acceptance by the Village Board unless partially released by the Village.

(a) **Partial Release.** Upon completion of any required improvement, the Village may release some of the security furnished if:

1. An written application for a partial release is filed with the Village;  
and
2. The remaining security will be sufficient to guaranty that all required improvements will be completed and that a balance equal to 10% of the total security furnished will be retained for the guaranty period.

(b) **Guaranty Period.** Ten percent (10%) of the security furnished pursuant to §18.04(7)(b) shall be retained for a period of one year following acceptance of the required improvements to guarantee them against defects in workmanship and materials. If any defect appears during the guaranty period, the land divider shall, at its expense, install replacements or perform acceptable repairs. If the land divider fails to do so, the Village may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Village will release the security to the land divider upon expiration of the one year guarantee period.

## 18.11 EXCEPTIONS & WAIVERS OF REQUIREMENTS

(1) **Exceptions.**

(a) The requirements of §18.04(1)(b), §18.04(3), §18.05(1), §18.05(2), §18.08, §18.09, and §18.10 shall not apply to land divisions in the extraterritorial plat approval jurisdiction of the Village.

- (b) This Chapter shall not apply to any condominium conversion if the condominium plat increases neither the number of residential property units permitted on the property described in the declaration nor the number of building sites on such property.

**(2) Waivers.**

- (a) The Village may waive dedication of any required street improvements constructed within a condominium plat if the improvements are constructed to Village standards and appropriate utility easements are given to the Village for any dedicated municipal utilities constructed within the boundaries of the condominium plat. The provisions of §18.11(2)(b) and §18.11(2)(c) shall not apply to a waivers requested or given under this subsection.
- (b) A land divider who believes that an extraordinary hardship would result from strict compliance with any requirement imposed by this Chapter may request a waiver of such requirement. A request for any such waiver shall be made in writing at the time when the preliminary plat, certified survey map, condominium plat, or condominium conversion is submitted to the Village for review. The request shall state the specific facts that the applicant believes would justify the granting of a waiver, and shall be supplemented with such maps, plans or other data that may aid the Village in its analysis of application.
- (c) The Plan Commission shall not recommend that any waiver be granted unless it determines upon the information presented to it in each specific case that:
  - 1. The circumstances upon which the request for a waiver is based are unique to the specific parcel of land and not to any circumstances personal to the land divider.
  - 2. The hardship is not self created and is not based upon the personal preference of or financial advantage to the land divider.
  - 3. Because of the unique shape, size, or topography of the specific parcel, strict compliance with the requirement for which the waiver is sought would impose an unreasonable hardship upon the land divider;
  - 4. Under the circumstances presented, the requirement is unnecessary to accomplish the purpose of this Chapter; and
  - 5. The granting of a waiver is unlikely to result in any costs current or future to the Village.
  - 6. After the Plan Commission has reviewed the request it shall recommend whether it should be granted or denied to the Village

Board. After considering the recommendation of the Plan Commission, the Village Board may reject the application or grant the waiver. No waiver shall be granted unless it is approved by the affirmative vote of 3/4 of the members of the Village Board.

## **18.12 REPLATS.**

- (1) A land divider who proposes to replat a recorded subdivision or any part of a recorded subdivision, shall vacate the recorded plat as provided in Wis. Stats. §§ 236.40 through 236.44.
- (2) A recorded subdivision may be replatted without circuit court action under Wis. Stats. §§ 236.40 through 236.44 where the replat complies with the requirements of Wis. Stats. Ch. 236 and the requirements of this Chapter applicable to original plats and does not alter any area dedicated to the public.
- (3) When a preliminary plat of a replat is filed, the Plan Commission shall hold a public hearing before it acts on the plat. Notices of the proposed replat and of the public hearing shall be mailed, at the land divider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat, to the owners of all properties adjacent to the proposed replat, and any abutting municipality at least ten (10) days prior to the time of such hearing.

## **18.13 FEES, CHARGES & DEPOSITS**

- (1) **Application Fees.** The application fees, per the Village's annual fee resolution, are imposed for the review of any land division and shall be paid to the Village at the times the application for approval is submitted.
- (2) **Park Fees.** Park fees imposed pursuant to §18.05(2)(c) shall be paid in a lump sum before the certification of approval on the final plat, certified survey map, condominium plat or conversion condominium plat is signed by the Village Clerk; or when the number of residential units permitted is increased because of a zoning change or conditional use permit before the issuance of any building or occupancy permit is issued for the newly permitted dwelling units.

- (3) **Storm Sewer Charges.** In addition to any required storm sewer improvements, the land divider shall pay an amount equal to Eight Hundred Dollars (\$800) per acre, exclusive of streets, public sites and open spaces, to the Village for storm sewer facilities to be used at the discretion of the Village Board for any storm water improvements within the Village limits.
- (4) [Cr. Ord#04-01 2/2/04] As a part of any application under this chapter, the owner of the subject property, and the applicant if other than the owner, shall sign an agreement assuring reimbursement of the costs incurred by the Village related to reviewing the application.
  - (a) The Village Board shall determine the form of the reimbursement agreement.
  - (b) The costs to be reimbursed shall include, but not be limited to, publication costs, engineering, inspection, legal and consulting fees and Village administrative costs incurred in connection with the review, design, inspection, study and processing of the application and negotiation of related documents and agreements.
  - (c) An application shall not be considered complete until the reimbursement agreement has been signed. Failure to comply with the agreement justifies rejection, disapproval or denial of the application.
  - (d) This subsection is supplementary to, and not in lieu of, sec. 25.09(2).

#### **18.14 PENALTIES AND REMEDIES.**

- (1) **Forfeiture.** Any person who violates any provision of this Chapter, shall be subject, upon conviction, to a forfeiture of not less than \$100 nor more than \$1,000 plus the costs of prosecution. Each day of noncompliance or violation shall constitute a separate offense. Section 25.04 of the Oregon Municipal Code shall apply to any action brought to enforce or collect a penalty for violation of this Chapter.
- (2) **Injunction.** The Village may institute injunction or other appropriate action to enjoin a violation of any provision of this Chapter.
- (3) **Assessors Plat.** The Village may order an assessors plat to be made under Wis. Stat. §70.27 at the expense of the land divider when a subdivision is created under Wis. Stat. §236.02(12)(b) by successive divisions.

## 18.15 CONSTRUCTION OF ORDINANCE.

- (1) **Rules of Construction.** In construing this Chapter the following rules shall be observed unless construction in accordance with the rule would produce a result inconsistent with the manifest intent of the regulation:
  - (a) All words and phrases shall be construed according to common and approved usage; but technical words and phrases and others that have a peculiar meaning in the law shall be construed according to such meaning.
  - (b) The singular includes the plural and the plural includes the singular.
  - (c) The present tense of a verb includes the future when applicable. The future perfect tense includes past and future tenses.
  - (d) The word "shall" is mandatory; the word "may" is permissive.
  - (e) All terms used which are defined in Wis. Stats. Ch. 236 shall have the same meaning ascribed thereto by the statutes unless otherwise defined in this Chapter or unless the context and/or subject matter clearly indicates otherwise.
- (2) **Computation of Time.** In computing any period of time prescribed or allowed by this Chapter, the day of the act, event or default from which the designated period of time begins to run shall not be included. The last day of the period so computed shall be included, unless it is a day that the Village Offices are closed, in which event the next day that the Village Offices are open shall be treated as the last day of the period.
- (3) **Severability.** The provisions of this Chapter are severable. If any provision is invalid, or if the application to any person or circumstance is invalid, such invalidity shall not affect other provisions or applications which can be given effect without the invalid provision or application.

## 18.16 DEFINITIONS OF WORDS AND PHRASES

The following words and phrases shall be construed as indicated unless such construction would produce a result inconsistent with the manifest intent of the chapter.

- (1) **Alley.** A public or private right-of-way shown on a plat, certified survey map, or condominium plat, which provides vehicular access to a lot, block, parcel of land, building or condominium unit.
- (2) **Arterial Street.** A public street used or intended to be used primarily for heavy or fast moving through traffic, to, from, or within the Village. Arterial streets also provide access to abutting land, to minor streets, and to collector streets.

- (3) **Block.** A tract of land bounded by streets or by a combination of streets and public parks or other recognized lines of demarcation.
- (4) **Building Line or Building Setback Line.** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the Village Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line. The building setback line shall be substantially parallel to the right-of-way.
- (5) **Certified Survey Map.** A map that meets the requirements of Wis. Stat. §236.34 and is used to divide a tract of land into four parcels or less.
- (6) **Collector Street.** A street which carries traffic from local streets to regional collector streets, including the principal entrance streets to residential developments and streets for circulation within such developments.
- (7) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for purposes of a preapplication conference.
- (8) **Condominium Plat.** A plat that establishes a condominium, pursuant to Ch. 703 Wis. Stats., and includes more than one building site whether that site is intended to be a condominium unit or a common element.
- (9) **Conversion condominium.** A structure which before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of the purchasers.
- (10) **Corner lot.** A lot abutting intersecting streets at their intersection.
- (11) **Cul-de-sac.** A short street having only one end accessible to traffic and the other end permanently terminated in a vehicular turnaround.
- (12) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (13) **Drainageway/Storm Water Management Area/Greenways.** An open area of land that is either dedicated to the Village or subjected to an easement that is intended to carry storm water on the ground surface or to retain or detain storm water.
- (14) **Easement.** The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

- (15) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within 1 1/2 miles of the corporate limits of the Village.
- (16) **Final Plat.** The final map, drawing or chart on which the subdividers plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.
- (17) **Frontage Street.** A local street auxiliary to and located on the side of an arterial or collector street for control of access and for service to the abutting development.
- (18) **Impervious Lot Area.** Roof areas, crushed aggregate or asphaltic concrete pavement and surfaces, sidewalks, decks or other hard surface areas.
- (19) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, water tower, roadway, street sign, street light, traffic control signal, park, parkway, public access, sidewalk pedestrian way, planting strip or any other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (20) **Land divider.** Any person, limited liability company, partnership, limited partnership, joint venture, corporation, or entity of any sort, that divides land within the Village or its extraterritorial plat approval jurisdiction, by plat, certified survey map, or condominium plat.
- (21) **Land Division.** A division of a parcel of land by subdivision plat, certified survey map, or condominium plat.
- (22) **Local Street.** Any street used or intended to be used primarily for access to abutting properties.
- (23) **Lot.** A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (24) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets and land under navigable bodies of water.
- (25) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard.
- (26) **Lot Lines.** The peripheral boundaries of a lot as defined herein.
- (27) **Lot Width.** The width of a parcel of land measured along the front building line.
- (28) **Master Plan.** The plan adopted by the Village to guide and accomplish a coordinated, adjusted and harmonious development of the Village, and in accordance with existing

and future needs, to best promote public health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development.

- (29) **Master Site Grading Plan (MSGP).** The plan indicating the elevations and drainage within the constructed plat or any land to be developed or improved.
- (30) **Official Map.** The map, adopted by the Village Board to conserve and promote the public health, safety, convenience, and general welfare, that shows existing and proposed streets, highways, historic districts, parkways, parks, playgrounds and the location of railroad rights-of-way, waterways and public transit facilities.
- (31) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey map, that is not intended for building or structure development, in the proposed land division, or is an otherwise undefined territory in a plat.
- (32) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this Chapter.
- (33) **Parcel.** Any defined area of land regardless of the manner of its legal description.
- (34) **Person.** Any individual, limited partnership, limited liability company, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (35) **Plan Commission.** The Oregon Plan Commission created pursuant to Wis. Stat. §62.23.
- (36) **Plat.** A map of a subdivision.
- (37) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to the Plan Commission for purposes of preliminary consideration under this Chapter and Wis. Stat. Ch. 236.
- (38) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Wis. Stats. §236.293, which constitute a restriction on the use of all private or platted property within a land division for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (39) **Regional Collector Street.** A street used or intended to be used to direct traffic from the collector street system to the arterial street system or other regional collector streets.
- (40) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot

or outlot is not a replat but is a land division. A sale or exchange of land between adjoining property owners is not a replat unless additional lots are created, one or more of the resulting lots are reduced below the minimum size required by this Chapter, or the sale or exchange enables construction or use of any site that was not previously permitted under the zoning ordinance.

- (41) **Reversed Corner Lot.** A corner lot which is oriented so that it has a rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (42) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (43) **Setbacks.** The standards for setbacks shall be as defined in the Village Zoning Code.
- (44) **Street.** A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, or however otherwise designated.
- (45) **Subdivision.** The division of a lot, parcel or tract of land any land divider for the purpose of sale or of building development, where the act of division creates:
  - (a) Five (5) or more parcels or building sites; or
  - (b) Five (5) or more parcels or building sites are created by successive divisions within five (5) years.
- (46) **Through Lot.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.
- (47) **Urban Service Area.** That portion of the Village and the area within its extraterritorial plat approval jurisdiction that has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (48) **Wetlands.** 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. (Sec 23.32 (1), Wis Stats.)

**APPENDIX A  
SUBDIVISION REGULATIONS  
ENVIRONMENTAL ASSESSMENT CHECKLIST  
FOR SUBDIVISION AND LAND DIVISION BY CERTIFIED SURVEY**

All “yes” answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

<u>Land Resources</u>	<u>Yes</u>	<u>No</u>
Does the project site involve (if “yes”, how does the developer propose to address the matter?)		
A. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals).	_____	_____
B. A flood plain. (If “yes”, attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100-year flood plain limits and the floodway limits (if officially adopted), of each site of the channel and a cross section of area to be developed).	_____	_____
C. An area of soil instability—greater than 20% slope and/or organic soils, peats, or mucks at or near the surface.	_____	_____
D. Prime agricultural land (Class I, II or III soils).	_____	_____
E. Wetlands and mapped environmental corridors	_____	_____
F. Unique physical features or wildlife habitat.	_____	_____

Water Resources

Does the proposed project involve:

A. Location within the area traversed by a navigable stream or dry run.	_____	_____
B. Lake frontage.	_____	_____

**Human and Scientific Interest**

**Yes**

**No**

Does the project site involve:

A. An area or buildings of archeological or geological interest.

\_\_\_\_\_

\_\_\_\_\_

B. An area of historical interest.

\_\_\_\_\_

\_\_\_\_\_

C. An area of buildings or monuments with unique architecture.

\_\_\_\_\_

\_\_\_\_\_

D. Unique, uncommon, rare, plants, animal habitats, old growth, trees significant for research or preservation.

\_\_\_\_\_

\_\_\_\_\_

**Energy, Transportation and Communications**

A. Does the development encompass any future street appearing on the Village of Oregon Official Map?

\_\_\_\_\_

\_\_\_\_\_

B. Is the development traversed by an existing or planned Utility corridor (gas, electricity, water, sewer interceptor, Communications, storm sewer)?

\_\_\_\_\_

\_\_\_\_\_

**Village Planning**

A. Is the development consistent with the Village Master Plan and other adopted planning documents?

\_\_\_\_\_

\_\_\_\_\_

## **APPENDIX B DEVELOPMENT IMPACT STUDY**

The Village recognizes that the size and type of developments will result in differing impacts and mitigation depending on the particular development and its demands. The scope of the Study will thus be adjusted accordingly to reflect those specific considerations. The following categories of study shall form the basis for determination of a specific scope for each proposed development:

### **(1) Surface Transportation**

Evaluate impact of proposed development on existing systems. Perform sufficient analysis to evaluate capacity of existing roadways and intersections and identify and estimate costs of improvements necessitated by proposed development. Include impacts of vehicular, pedestrian, and bicycle traffic from proposed development on the existing systems.

Describe and evaluate the impacts of the proposed development in terms of demand on the Village staff time to maintain additional roadways constructed by the proposed development. Identify the need to add additional staff, the costs thereof, and the timing for any necessary staff additions.

Describe and evaluate the probable additional annual cost to the Village to maintain the additional roadways constructed by the proposed development.

### **(2) Stormwater Management**

Describe the stormwater management approach proposed by the development, discuss compliance or any deviation from Village ordinance for stormwater management, and identify any annual costs to the Village for maintenance and operation of all control infrastructures proposed by the development.

Identify the value of any existing stormwater control facility capacity proposed for use by the development.

### **(3) Wastewater Collection and Treatment**

Describe and evaluate demands on existing collection and treatment facilities, consult with Village staff to identify methods to mitigate impacts to existing facilities including capital costs for upgrades to accommodate proposed development, analyze additional operation and maintenance costs, and identify impact of proposed development on life expectancy of treatment plant.

**(4) Potable Water Supply, Storage and Distribution System**

Describe and evaluate demands on existing water supply, storage, and distribution system; consult with Village staff to identify methods to mitigate impacts to existing facilities including capital costs for upgrades to accommodate proposed development; and analyze additional operation and maintenance costs to include added meter reading/testing, valve exercising, and hydrant flushing.

**(5) Park/Recreation Facilities**

Describe and evaluate demands of proposed development on existing Village facilities and identify and discuss proposed development plans to provide land, fees-in-lieu-of land, or a combination to meet Village requirements.

Describe and evaluate the costs of additional demands on Village staff for operation and maintenance associated with additional parklands, athletic fields, shelters, recreational programming, etc., provided or required because of the proposed development.

**(6) Refuse Collection**

Describe and evaluate the impacts and added costs for garbage collection and disposal, recyclable collection and disposal, and leaf/brush/yard waste collection and disposal resulting from the proposed development.

**(7) Impacts on Other Development**

Describe and evaluate the impacts of the proposed development on other potential residential, commercial, and/or industrial developments that are known to be underway or in the process of Village review at the time of the Pre-application Conference for this development.

**(8) Tree Survey/Impact Statement**

Provide a statement of the proposed development's impact on existing trees. The statement shall include a tree survey of existing trees, i.e., types and dimensions and a replacement schedule, if needed.

**(9) Other Municipal Services**

Describe and evaluate the impacts of this development on municipal functions including, but not limited to:

- Administration; including administrator, clerk-treasurer, economic development activities
- Public Works and Utility staffing

- Building inspection
- Assessor
- Utility management and billing
- Senior citizens center staffing and space
- Library staffing and space
- Police, fire, and EMS space and staffing
- Emergency government planning and resources

**(10) Other Utilities**

Describe and evaluate the impacts of this development on the following:

- Natural gas supply and distribution
- Electricity supply and distribution
- Telecommunications

**(11) Community Civic Organizations**

Describe and evaluate the impacts of the proposed development on the following: Civic Organizations, Chamber of Commerce, Welcome Wagon, Lions Club, Rotary, Kiwanis, Boy Scouts, and Girl Scouts

**(12) Other Community-based Organizations/Services**

Describe and evaluate the impacts of the proposed development on the following:

- Child Care Providers
- Community Based Residential Facilities
- Nursing Homes
- Assisted Living Facilities
- Health Care - both clinics located or needed in the community as well as in-home health care needs

**(13) Educational Institutions**

Describe and evaluate the impacts of the proposed development on the Oregon School District

**(14) Other Units of Government**

Describe and evaluate the impacts of the proposed development on such of the following communities as may be appropriate: the towns of Oregon, Dunn, and Rutland and the City of Fitchburg

**APPENDIX C**  
**CONSTRUCTION POLICIES & STANDARDS**

(See attached)

