

Chapter 38

LAND DIVISION

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LAND DIVISION ORDINANCE
of the
VILLAGE OF PADDOCK LAKE
KENOSHA COUNTY, WISCONSIN
CHAPTER 38, VILLAGE CODE OF ORDINANCES

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38.01 INTRODUCTION

(a) Authority. This ordinance is adopted pursuant to the authority granted by Sections 236.45 and 61.354 of the Wisconsin Statutes.

(b) Purpose. The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Village of Paddock Lake, Wisconsin, and within its extraterritorial plat approval jurisdiction, in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs.

(c) Intent. It is the intent of this ordinance to regulate the division of land so as to:

- (1) Promote the wise use, conservation, protection and development of the soil, water, wetland, woodland, and wildlife resources within the Village and its extraterritorial jurisdiction area and to achieve an appropriate relationship between land use and the supporting and sustaining natural resource base;
- (2) Lessen congestion in the streets and highways;
- (3) Further the orderly layout and appropriate use of land;
- (4) Secure safety from fire, panic and other dangers;
- (5) Provide the best environment for human habitation;
- (6) Conserve the value of buildings placed upon land;
- (7) Provide for proper ingress and egress;
- (8) Prevent the overcrowding of land and avoid undue concentration of population;
- (9) Provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems;
- (10) Facilitate adequate provision for transportation, water supply, stormwater, wastewater, schools, parks, playgrounds, and other public facilities and services;
- (11) Secure safety from flooding, water pollution,

disease and other hazards;

(12) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control projects;

(13) Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters;

(14) Preserve natural vegetation and cover and promote the natural beauty of the Village;

(15) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;

(16) Facilitate the further division of larger tracts into smaller parcels of land;

(17) Ensure adequate legal description and proper survey monumentation of divided land;

(18) Provide for dedication and reservation of appropriately located sites for streets (including adequate right-of-way for anticipated future widening of streets); water supply, stormwater and sewerage systems and facilities; schools, parks and playgrounds; and other desirable public facilities and services;

(19) Provide for the administration and enforcement of this ordinance;

(20) Provide penalties for the violation of this ordinance; and

(21) Assist in the implementation of the Village's comprehensive plan.

(d) Abrogation and Greater Restrictions. Except as is specifically provided herein, it is not the intent of this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, ordinances, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this ordinance imposes greater restrictions, and such restrictions do not contravene rights vested under law, the provisions of this ordinance shall govern.

(e) Interpretation. The provisions of this ordinance shall be interpreted to be minimum requirements and shall be liberally construed in favor of the Village.

(f) Severability. In the event that any section, provision, or portion of this ordinance is adjudged

unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

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

(h) Repeal. This ordinance shall repeal and recreate any prior ordinance of the Village of Paddock Lake regulating land divisions.

(i) Title. This ordinance shall be known as, referred to, and cited as the "Land Division Ordinance of the Village of Paddock Lake, Kenosha County, Wisconsin" and as "Chapter 38 of the Village Code of Ordinances."

38.02 GENERAL PROVISIONS

(a) Jurisdiction. This ordinance shall apply to all lands within the corporate limits of the Village of Paddock Lake, Wisconsin, and to all lands within the extraterritorial plat jurisdiction of the Village as established by Sections 236.10 and 66.32 of the Wisconsin Statutes. The provisions of this ordinance, as it applies to land divisions resulting in less than five (5) lots or parcels, shall not apply to:

(1) Transfers of interests in land by will or pursuant to court order.

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

(3) Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this ordinance, the zoning ordinances, or other applicable law, ordinances or regulations.

(4) Cemetery plats made under Section 157.07 of the Wisconsin Statutes.

(5) Assessor's plats made under Section 70.27 of the Wisconsin Statutes, but such assessors' plats shall comply with Sections 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e) of the Wisconsin

Statutes.

(b) Compliance. Except as is specifically provided for herein, it shall be unlawful to, and no person shall: (1) convey or divide any land located within the jurisdictional limits of this ordinance, or (2) record any conveyance or any plat, certified survey map or other evidence of a land division made in violation of this ordinance, or (3) construct, assemble or place any building, structure, or improvement upon any lot or parcel of land created by a conveyance or land division made in violation of this ordinance; and no Village zoning, building or occupancy permit or approval shall be granted with respect to any lot or parcel of land created in violation of this ordinance; unless and until such time as there has been full compliance with all requirements of this ordinance and with the following statutes, rules, regulations, ordinances and documents, as amended from time to time:

(1) Chapter 236 of the Wisconsin Statutes and all other applicable state and federal statutes.

(2) Rules of the Wisconsin Department of Industry, Labor and Human Relations regulating lot size and lot elevation, if the land to be divided is not served by a public sewer and provisions for such service have not been made, and regulating the extension of sewers.

(3) Rules of the Wisconsin Department of Transportation relating to safety of entrance upon and departure from abutting state trunk highways or connecting streets, and the preservation of the public interest and investment in the highway system, if the land owned or controlled by the divider abuts on a state trunk highway or connecting street.

(4) Rules of the Wisconsin Department of Natural Resources relating to the prevention and abatement of pollution, regulating development activities within floodland, wetland, and shoreland areas and within navigable waters, and regulating the extension of sewers.

(5) Rules of United States Army Corps of Engineers relating to wetlands.

(6) Rules of the United States Environmental Protection Agency relating to the prevention and abatement of pollution and to wetlands.

(7) The Village of Paddock Lake zoning ordinance and all other applicable village, town and county ordinances.

(8) Applicable intergovernmental cooperative agreements.

(c) Dedication and Reservation of Lands for Public Purposes.

(1) Sites for public purposes, open spaces. In the design and approval of any plat or certified survey map, due consideration shall be given to the establishment of, or the preservation of appropriate sites for, necessary or desirable streets, schools, parks, playgrounds, drainageways and other public facilities or uses, and the preservation of scenic and historic sites, stands of fine trees, marshes, lakes, ponds, watercourses or other desirable, unusual or environmentally sensitive natural features.

(2) Mandatory dedications.

(a) Dedication of land for streets: The divider of any proposed land division within the Village of Paddock Lake shall dedicate to the Village, without compensation, any land necessary for public streets or alleys required or proposed to serve such land division.

(b) Dedication of easements for other public improvements. The divider of any proposed land division within the Village of Paddock Lake shall dedicate to the Village, without compensation, appropriate easements for all sanitary sewerage systems facilities, water system facilities, storm sewer or drainage system facilities or drainageways, sidewalks or pedestrian walkways or other similar public improvements required or proposed to serve such land division and not located within public streets or alleys, together with any construction or access easements required in connection with such public improvements or facilities.

(c) Dedication of easements for private utilities. The divider of any proposed land division within the Village shall dedicate to the Village or other appropriate entity, without compensation, appropriate easements for all electric power, gas, telephone and other private utility or communications improvements or facilities required or proposed to serve such land division and not located within public streets or alleys.

(3) Dedication or reservation of land for other public purposes.

(a) Public facilities shown on comprehensive plan component. Whenever a proposed land division within the Village of Paddock Lake encompasses all or any part of the site of a proposed arterial or collector street, public way, park, playground, school, sanitary sewerage system facility, water system facility, storm sewer or drainage system facility or drainage or any other public facility or use, the location of which has been designated on a comprehensive plan component, the appropriate interest in a suitably located site of adequate size and shape for the intended purpose shall be dedicated or temporarily reserved for possible public acquisition, as a condition to final approval of any plat or certified survey map, unless the Village Board expressly waives or modifies this requirement. Whether requiring the dedication or such a site necessitates the payment of just compensation shall be determined by the Village Board prior to final approval of the plat or certified survey map.

(b) Other public facilities. The Village Board may require, as a condition to final approval of any proposed plat or certified survey map within the Village, the dedication or temporary reservation for possible public acquisition of an appropriate interest in a suitably located site of adequate size and shape for any public facility or use. Whether requiring the dedication of such a site requires the payment of just compensation shall be determined by the Village Board prior to final approval of the plat or certified survey map.

(c) Preservation easements or restrictive covenants. The Village Board may require, as a condition of final approval of any proposed plat or certified survey map within the Village, the dedication or temporary reservation for possible public acquisition of preservation easements, or the imposition of restrictive covenants running with the land, to preserve and protect scenic and historic sites, stands of fine trees, wetlands, marshes, lakes, ponds, watercourses

or other desirable, unusual or environmentally sensitive natural features, or otherwise to accomplish the purpose and intent of this Ordinance. Whether the requirement of such dedications or covenants necessitates the payment of just compensation shall be determined by the Village Board prior to final approval of the plat of certified survey map.

(4) Temporary reservations for possible public acquisition.

(a) Statement of reservation. Whenever any interest in land is reserved on a plat or certified survey map for possible acquisition for a public purpose or use, the plat or certified survey map shall show the boundaries of the reserved land and shall contain a statement of the purpose of the reservation, the interest reserved and the conditions upon which the land will be released from such reservation.

(b) Duration of reservation. Interests in land reserved for public acquisition on an approved final plat or certified survey map shall automatically be released from such reservation eighteen (18) months after the last required approval of such plat or certified survey map, unless the reserved interest in land shall have been acquired within such period; or unless a jurisdictional offer to acquire such interest shall have been made and a Lis Pendens recorded in the Office of the Register of Deeds for Kenosha County pursuant to Section 32.05 of the Wisconsin Statutes within such period; or unless a petition for condemnation proceeds shall have been filed in the Circuit Court for Kenosha County and a Lis Pendens recorded pursuant to Section 32.06 of the Wisconsin Statutes within such period; or unless the reservation period shall have been extended by written agreement signed by the divider and owner, if the owner and divider are not the same, and recorded within such period. In the event that the Village determines not to acquire the reserved interest in land, or receives an official communication from the public body having authority to acquire such land for the contemplated purpose that it has determined not to acquire such interest, the Village

Board shall promptly cause an appropriate document to be recorded releasing the land from the reservation.

(c) Conditional approval. To reduce the hardship on a divider imposed by a reservation of land or an interest in land for possible public acquisition, the Village Board may permit the plat or the certified survey map to show the ultimate treatment of such reserved land in the event that the reserved interest is not acquired for the public purpose or use. Such ultimate treatment shall be expressly conditioned, on the face of the plat, upon the expiration or removal of the reservation with no public acquisition having taken place while the land was under reservation.

(5) Compensation for dedications or acquisitions.

(a) Amount of Compensation. Whenever land or interests in land are to be dedicated or acquired after reservation, under circumstances requiring the payment of just compensation, the amount of compensation shall be determined in accordance with the provisions of Chapter 32 of the Wisconsin Statutes, as amended from time to time.

(b) Disagreement on amount of compensation. Whenever the Village Board shall have determined that the payment of just compensation is required, but the amount of compensation to be paid for lands or interests in land to be dedicated or acquired after reservation cannot be agreed upon by the Village Board and the divider (and the owner, if the divider is not the owner) prior to the Village Board's final approval of the plat or certified survey map, such lands or interests in land shall be temporarily reserved for possible public acquisition, and any acquisition shall be made in accordance with the provisions of Chapter 32 of the Wisconsin Statutes, as amended from time to time.

(6) Statement of dedication. Whenever land or interests in lands are dedicated on a plat or on a certified survey map, the plat or certified survey map shall show and describe the boundaries of the dedicated land and shall contain a statement of the purpose of the dedication and the interest

dedicated.

(7) Credit for dedications. The fair market value of any dedications made for purposes of schools or for parks or playgrounds shall be credited by the Village against any amounts owed by the divider for the public school site fee under Section 38.10(i) of this Ordinance or the public park site fee under Section 38.10(h) of this Ordinance, respectively.

(8) Environmental investigations. The Village Board may, as a condition to approval of any proposed plat or certified survey map, make or cause to be made, at the divider's cost, such investigations, tests, representations or warranties with respect to possible environmental contamination or pollution of any land proposed to be dedicated for public facilities which will serve the proposed land division, or may itself cause such investigations or tests to be made at the cost of the divider, as the Board deems reasonable and prudent under the circumstances. If such investigations or tests demonstrate that the land is contaminated or polluted, the Board may require the divider, as a condition to final approval of the plat or the certified survey map, to take reasonable appropriate remedial action.

(d) Improvements.

(1) As a condition of final approval of any final plat or certified survey map relating to land located within the Village of Paddock Lake, the divider shall sign and file with the Village Board a land division agreement with the Village agreeing to install all required public improvements in accordance with the provisions of this Ordinance and plans and specifications approved by the Village Board, and shall file with such agreement a surety bond or irrevocable letter of credit in an amount one hundred fifteen (115) percent of the estimated cost of the required improvements, as a guarantee that such improvements shall be completed in accordance with the approved plans and specifications and within the prescribed time. The divider's agreement and the surety bond or irrevocable letter of credit shall be drafted by the Village Attorney and shall be subject to approval as to form by the Village Attorney and shall be approved by the Village Board prior to granting final approval. The estimated cost of the required improvements shall be determined by the Village Board, with advice

from such other Village officials or consultants as may be deemed appropriate by the Board.

(2) Approval of contracts, contractors. All proposed contracts for the construction and installation of required public improvements shall be subject to the approval of the Village Board, as shall all contractors proposed to do or oversee such construction or installation.

(3) Installation. After final approval of any final plat or certified survey map, and after receiving written authorization from the Village to proceed, the divider shall install all public improvements required by this Ordinance, in accordance with plans and specifications approved by the Village Board, and at the cost of the divider except as is otherwise expressly provided by this Ordinance.

(4) Completion. The divider shall complete the installation of all underground sanitary sewerage system facilities, all underground storm sewer or drainage system facilities, all underground water system facilities, all underground private utilities and the base course on the roadways of all public streets and public alleys during the first twelve (12) month period following the last required approval of a final plat or certified survey map, or of a particular phase of a final plat, except as may be otherwise required by the Village Board. All other required public improvements shall be completed not later than twenty-four (24) months after the last required approval of a final plat or certified survey map, unless the Village Board shall otherwise require.

(5) Phasing. The Village Board may permit the divider to construct or install required public improvements in subdivisions or large lot subdivisions in phases corresponding to the phases of final plat approval. If a divider shall file a phasing plan with the preliminary or final plat, the phasing plan shall number, depict the boundaries of and describe each phase and shall state the deadline for submission of a final plat for each such phase. All such phasing plans shall be subject to approval by the Village Board. Phasing shall proceed from existing streets and utilities, unless a different phasing pattern is specifically approved by the Village Board. The approval of a phasing plan by the Village Board shall permit the divider to obtain building permits for each approved phase after approved

contracts for the installation of all required first year public improvements are awarded. Timely compliance by a divider with an approved phasing plan shall extend the six (6) months period within which a final plat is entitled to approval if it conforms substantially to the approved preliminary plat, including any conditions of that approval, and to local plans and ordinances authorized by law.

(6) Staking and engineering field inspection. All construction staking and engineering field inspection shall be conducted by the Village.

(7) Stop work orders. The Village Building Inspector and/or the Village Engineer shall have the authority to issue stop work orders on any required improvement whenever the design, location, materials, workmanship or manner of performance is not in accordance with the provisions of this Ordinance and the approved plans and specifications.

(8) Dedication and acceptance. Subject to the provisions of this Ordinance, the divider shall, upon completion of the required public improvements, unconditionally give, grant, convey and dedicate all required public improvements to the Village, its successors and assigns forever, free of charge to the Village, free and clear of any encumbrances whatsoever. Such dedication shall include, without limitation, all buildings, structures, mains, pipes, conduits, lines, machinery, equipment and appurtenances which is in any way forms a part of or pertains to such improvements, together with any easement necessary for access or maintenance. Dedications of improvements shall be accepted by the Village at such time as the improvements shall be accepted by the Village and are completed in accordance with the provisions of this ordinance and approved plans and specifications and acceptance, the Village shall have the right to connect to or to integrate with such improvements other facilities or improvements with no payment or award to the divider and without the dividers consent.

(9) Guarantee and indemnification. The divider shall guarantee all required public improvements against defects due to faulty materials or workmanship which appear, and of which the divider is notified, within a period of one (1) year from the date of acceptance; and shall agree to indemnify the Village for and hold the Village

harmless against the costs of any repairs required by such defects, any resulting damage to Village property and any resulting liability incurred by the Village.

(e) Variances.

(1) The Village Board shall have the authority in specific cases, upon application by a divider, and after a public hearing noticed by a Class I notice under Wisconsin Statutes Chapter 985, to grant such variances from the requirements of this Ordinance as will not be contrary to the public interest, where, owing to special conditions, which are not generally applicable to other properties and which are not of such a recurrent nature as to suggest that this Ordinance should be amended, a literal enforcement of the provisions of this Ordinance will result in practical difficulty or unnecessary hardship, so that the spirit of this Ordinance shall be observed, public safety and welfare secured, and substantial justice done. Unnecessary hardship shall not be considered as grounds for a variance if the hardship was created by the acts or omissions of the person or entity seeking the variance.

(2) The Village Board shall grant such variance only after making express findings, which shall be recorded in the minutes, that each requirement of subsection (1) of this section is satisfied, and only upon the affirmative vote of four (4) members of the Village Board.

(3) The granting of a variance under this section shall be unnecessary if specific authority is granted elsewhere in this Ordinance to waive or modify a requirement of this Ordinance.

(f) Land suitability.

(1) No land shall be divided for residential, commercial, industrial, governmental, institutional or any other land use if the land is determined to be unsuitable for such use by the Village Board, after receiving the recommendation of the Village Plan Commission and any other Village official or consultant as may be determined by the Board, for reason of flooding, inadequate drainage, adverse soil or rock conditions, unfavorable topography, contamination, erosion potential, inappropriate compaction or any other feature, characteristic or condition likely to be harmful to the public health, safety or

welfare or the health, safety or welfare of the future residents or users of the land in question or of adjacent properties.

(2) Filled lands shall not be divided into building sites which are proposed to be served by on-site soil absorption sewage disposal systems, except where soil borings, soil percolation tests, and any other appropriate tests or investigations conducted by a certified soil tester demonstrate that such soils are suited to the use of such systems. Such testing conducted at a minimum of one appropriate location per building site shall be required. The Village Board or Village Plan Commission may require additional testing or information.

(3) Lands filled within twenty (20) years shall not be divided into building sites except where soil borings, other appropriate tests, or investigations and the opinion of a recognized expert demonstrate that the compaction, bearing capacity and other relevant characteristics of the filled material makes it structurally suitable for the proposed use. Such testing and expert investigation of a minimum of one appropriate location per building site shall be required. The Village Board or Village Plan Commission may require additional testing or information.

(4) Lands having a slope of twelve (12) percent or more shall be maintained in permanent open space use. No lot shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.

(5) Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

(6) Lands having groundwater (constant water table) within five (5) feet of the natural undisturbed surface shall not be divided into building sites to be served by a on-site soil absorption sewage disposal system. Lands having the seasonal high water table within two (2) feet of the natural undisturbed surface shall not be divided into building sites to be served by a mound system. (Ref. ILHR Chapter 83).

(7) Lands covered by soils having a percolation rate slower than sixty (60) minutes per inch or faster than ten (10) minutes per inch shall not be

divided into building sites to be served by on-site soil absorption sewage disposal systems.

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

(9) The Village Board, in applying the provisions of this Section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for a particular use or uses. The Village Board may prescribe remedial action, if appropriate. The Village Board shall afford the divider an opportunity to present evidence to rebut the Board's findings of unsuitability if the divider so desires. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.

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

(1) Except as stated herein, 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. The Plan Commission and the Village Board may approve a certified survey map, preliminary plat, final plat or condominium plat in the A-2 district which is not serviced by municipal sanitary sewer and/or a public water distribution system.

(2) The applicant shall furnish any data requested by the Village staff. The Village Administrator shall transmit this information to the appropriate Village 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.

(3) Public facilities and public services for a proposed plat or certified survey map may be found to be adequate when the following conditions exist:

(a) 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.

(b) 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.

(c) 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.

(d) 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.

(e) That timely and adequate public protection service can be provided to the development as determined by the Police Department.

(f) That timely and adequate fire protection and rescue service can be provided to the development as determined by the Fire District.

(g) That the proposed land division is accessible by existing publicly maintained, all weather roads adequate to accommodate both existing traffic and that 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.

(h) If the Plan Commission or the Village Board determine 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.

(4) Failure to comply with the requirements of this ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of Section 236.31(3), Wisconsin Statutes.

(5) A building permit shall be refused for any site violation of this ordinance.

(h) Lot Sizes. In the case of all subdivisions and minor subdivisions, including all plats and certified survey maps, lot sizes shall conform to the area and width requirements of this Zoning Code, unless otherwise modified by the provisions of this Ordinance.

(i) Remedies and penalties.

(1) The Village may institute appropriate actions or proceedings to enforce the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes by means of injunction, forfeitures or penalties or otherwise as provided by law.

(2) Any person who violates the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than ten (\$10.00) Dollars nor more than Five Hundred (\$500.00) Dollars for each violation, unless more specific amounts are provided herein, plus the costs of prosecution. The penalty for default of payment of any such forfeiture and costs shall be imprisonment in the Kenosha County Jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate violation. Any specific forfeitures or penalties provided in Chapter 236 of the Wisconsin Statutes, including without limitation the following, shall be applicable:

(a) Recordation of a subdivision plat without submitting such plat for approval, or

failure to present such plat for recording within the time prescribed after approval: a forfeiture of not less than One Hundred (\$100.00) Dollars nor more than One Thousand (\$1,000.00) Dollars, pursuant to Section 236.30 of the Wisconsin Statutes.

(b) Violations of Section 236.31(1) of the Wisconsin Statutes relating to conveyances, or offers or contracts to convey subdivisions or lots in subdivisions, with knowledge that the final plat has not been recorded: a fine of not more than Five Hundred (\$500.00) Dollars or imprisonment in the Kenosha County jail for not more than six (6) months, or both.

(c) Violations of Section 236.32 of the Wisconsin Statutes, relating to failure to place monuments as required, or the knowing removal or disturbance of monuments, or the failure to replace monuments properly when ordered to do so: a fine of not more than Two Hundred Fifty (\$250.00) Dollars or imprisonment in the Kenosha County Jail for not more than one (1) year.

(3) An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Village, at the expense of the divider, when a subdivision is created by successive land divisions.

(j) Appeals. Any person aggrieved by an objection to a subdivision plat or by a failure to approve a plat or certified survey map, or by a discretionary condition imposed upon the approval of a plat or certified survey map, may appeal such objection, failure to approve, or condition as provided in Section 236.13(5) of the Wisconsin Statutes, as amended from time to time, within thirty (30) days of notification of such objecting authorities objection, failure to approve or condition. When the appeal is from an objecting authorities objection to a subdivision plat, or from a failure to approve a subdivision plat based on an unsatisfied objection of an objecting authority to a subdivision plat, the agency making the objection shall be made a party to the appeal.

38.03 LAND DIVISION PROCEDURES

(a) Pre-Application Conference. Prior to the filing of an application for the approval of a preliminary plat or a certified survey map, the divider shall meet and consult with the Village Building Inspector. This consultation is intended to

inform the divider of the purposes, objectives, and requirements of this Ordinance and of the various components of the Village's comprehensive plan; to identify at the earliest possible time any significant policy issues that may require conceptual plan review; to identify the need for neighborhood sketch planning; to identify problems or potential adverse impacts that will need to be addressed in the planning and approval process; and otherwise to assist the divider and the Village in making sound land-division decisions.

(b) Neighborhood Sketch Plan. If the Village Building Inspector determines at the pre-application conference that no detailed neighborhood development planning exists for the area in which the proposed land division will be located, then prior to filing any conceptual plan, preliminary plat or certified survey map, the divider shall pay to the Clerk/Treasurer the required neighborhood sketch plan fee pursuant to Section 38.10(b) and submit an appropriate neighborhood sketch plan or participate with the Village in the preparation of an appropriate neighborhood sketch plan which shows how the proposed land division will relate to the surrounding area, particularly in terms of required municipal facilities and services and compatibility of land uses. The neighborhood sketch plan is intended to provide the Village Building Inspector, the Village Plan Commission and the Village Board with the means of reviewing the pattern of existing and probable future development in and around the area proposed for land division, access and internal traffic movement and the practicability of providing municipal facilities and services to serve such area. The neighborhood sketch plan, which shall be drawn to a recognized engineering scale, shall include the following information:

- (1) Topographic contours at two (2) foot intervals.
- (2) Public street layout pattern, existing and proposed.
- (3) Lot or parcel layout, existing and proposed.
- (4) Zoning, existing and proposed.
- (5) Land uses, existing and proposed.
- (6) Sanitary and storm sewer, a drainage plan and water main facilities, existing and proposed, and related existing or proposed easements.
- (7) Lands reserved or dedicated for streets, parks, playgrounds, schools and other public purposes, existing or proposed.

(c) Conceptual Plan Review.

(1) If the Village Building Inspector determines in the pre-application conference, or as a result of reviewing the neighborhood sketch plan, that the proposed land division raises significant policy issues, then prior to filing a preliminary plat or certified survey map with the Village, the divider shall pay to the Village Clerk/Treasurer the required conceptual plan review fee pursuant to Section 38.10(c) and shall submit a conceptual plan of the proposed land division for review and comment by the Building Inspector, the Village Plan Commission, and the Village Board. Without limitation, conceptual plan review shall be required if the proposed land division will create more than ten (10) buildable lots, will require a rezoning or will require the installation or construction of infrastructure to be paid for by the Village or if there is a lack of agreement between the divider and the Plan Commission regarding appropriate dedications or reservations for public acquisition, or regarding appropriate waivers of or variances from the requirements of this Ordinance.

(2) The conceptual plan is intended to provide the Village Building Inspector, Plan Commission and the Village Board with an early opportunity to review policy issues relating to the proposed development and its possible adverse effects on the adjacent neighborhood and community.

(3) The conceptual plan, which shall be drawn to a recognized engineering scale, shall include the following information:

- (a) Neighborhood sketch plan, if required.
- (b) Graphic scale and north arrow.
- (c) Project name.
- (d) Name, address, and telephone number of developer, engineer, and architect.
- (e) Topographic contours at two (2) foot intervals.
- (f) Public/private street layout pattern.
- (g) Lot or parcel layout, including the dimensions and area of each.
- (h) Lands to be dedicated or reserved for streets, parks, schools, or other public

purposes.

(i) Proposed conceptual landscaping.

(j) Number of dwelling units per acre.

(k) Proposed techniques for handling on-site stormwater, retention/detention facilities.

(l) Conceptual building layouts and parking areas for all uses, other than single family residential uses.

(m) Location of existing and proposed sanitary and storm sewer and water facilities and existing and proposed utility and drainage easements.

(n) Artist renderings of structures and facilities, floor plans, if available.

(o) Identification of existing and proposed zoning districts.

(p) Significant environmental features, including without limitation, navigable waters, wetlands, floodlands, and woodlands.

(q) Any other information which the divider or the Village Building Inspector, Plan Commission or Village Board believes will be helpful in reviewing the conceptual plan.

(4) Any comments of the Village Plan Commission and of the Village Board upon completion of their conceptual review shall be taken into account in any further proceedings relating to the proposed land division.

(d) Preliminary Plat Review.

(1) Before submitting a final plat of any proposed subdivision or large lot subdivision for approval, the divider shall prepare and file with the Village Building Inspector a preliminary plat of such proposed subdivision or large lot subdivision together with sufficient copies for distribution in accordance with this section, a list of the applicable approving authorities under Section 236.10 of the Wisconsin Statutes and of the applicable objecting authorities under Section 236.12 of the Wisconsin Statutes, and a letter of application, and shall pay the preliminary plat review fee to the Village Clerk/Treasurer. The

preliminary plat shall be prepared in accordance with this Ordinance, and the divider shall file the plat, the list of approving and objecting authorities and the application with the Village Building Inspector at least 40 days prior to the public hearing held by the Village Plan Commission at which consideration is desired.

(2) No preliminary plat shall be submitted for approval until after the divider shall have fully complied with Sections 38.03(1) and 38.03(3) of this Ordinance and until after any required conceptual plan review has been completed.

(3) The village building inspector shall, within five (5) normal working days after the filing of the preliminary plat for a proposed subdivision, transmit four (4) copies of the plat, the list and the application to the Kenosha County Planning and Development Office; two (2) copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection with two (2) additional copies for the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street; two (2) additional copies for the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by public sewer and provision for such sewer has not been made; and two (2) additional copies to the Wisconsin Department of Natural Resources if shorelands, floodlands or any lands within five hundred (500) feet of the ordinary high water mark of any navigable stream, lake or other body of navigable water are included in the preliminary plat involving areas within the extraterritorial plat jurisdiction area, the Village Building Inspector shall also, within five (5) normal work days after filing, transmit two (2) copies of the plat to the Town Board of the Town of Bristol, Salem or Brighton, as appropriate.

(4) The Kenosha County Planning and Development Office, Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, the Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources shall hereinafter be referred to as "objecting authorities". Upon the receipt of the preliminary plat, these objecting authorities shall have twenty (20) days to review the plat and transmit comments concerning matters within their jurisdiction to the Village Building Inspector.

(5) The Village Building Inspector may, but shall not be required to, transmit the specified number of copies of the preliminary plat for a proposed large lot subdivision to the objecting authorities for such informal comment as they choose to make.

(6) In lieu of the procedure set forth in subsection (1) above, the divider of any proposed subdivision may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing of the preliminary plat directly to the Wisconsin Department of Agriculture, Trade and Consumer Protection, which will prepare and forward copies of the plat at the divider's expense to the objecting authorities. When the divider elects to use this alternative procedure, the divider shall submit to the Village Building Inspector the additional copies of the preliminary plat provided for by this section and shall otherwise comply with subsection (1).

(7) The Village Building Inspector shall promptly transmit eight (8) copies of the preliminary plat of any subdivision or large lot subdivision to the Village Plan Commission, eight (8) copies to the Village Board and one (1) copy each to the Village Engineer, Attorney, Sanitary Sewer Department and Highway Foreman.

(8) The Village Building Inspector shall also transmit one (1) copy of each of the preliminary plat of any subdivision or large lot subdivision to the Kenosha County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Wisconsin Natural Gas Company, Wisconsin Electric Power Company, and Wisconsin Bell or General Telephone and Electronics and the Village cable television franchisee for their review and recommendation concerning matters within their jurisdiction (five (5) copies total).

(9) The objecting authorities shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the divider and all other approving and objecting authorities of any objections or informal comments. If there are no objections to the preliminary plat of a proposed subdivision, the objecting authority shall so certify on the face of a copy of the plat and shall return that copy to the Village Building Inspector. If an objecting authority fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. If it is unclear from the face of any objection received by the

Village when the objecting authority received a copy of preliminary plat and when it acted, any objection, received by the Village within thirty (30) days of the date of original transmission of copies of the preliminary plat to or for such authority, shall be deemed timely.

(10) No plat of subdivision shall be approved or deemed to be approved until any timely objections from objecting authorities shall have been satisfied.

(11) The Village Building Inspector shall certify on the preliminary plat the date on which it was filed, the date on which the copies were transmitted to objecting authorities, the date on which any timely objections were received from objecting authorities or that none were received, and whether the objections were satisfied.

(12) The Village Plan Commission shall promptly review the proposed preliminary plat, after the appropriate objections or comments have been received, for conformance with the Ordinance and all applicable statutes, ordinances, rules, regulations, intergovernmental agreements, and comprehensive plan components. The Plan Commission shall comment on and recommend action on the proposed preliminary plat. The Plan Commission shall promptly transmit the plat and its comments and recommendations to the Village Board.

(13) Notification. The Village Plan Commission, at the time it recommends approval, conditional approval, or rejection of a preliminary plat, shall cause notice of its recommendation to be given to the clerk of any municipality or town within one thousand (1,000) feet of the boundary of the land included within the land division. (Failure to give such notice shall not invalidate any action under this Ordinance, however).

(e) Preliminary Plat Approval.

(1) The Village Board shall, within one hundred twenty (120) days of the date of filing of a preliminary plat, unless the time has been extended by agreement with the divider, approve, approve conditionally, or reject such plat.

(2) Written statement. If the preliminary plat is approved conditionally or rejected, the conditions of approval or reasons for rejection

shall be stated in the minutes of the meeting and a written statement of the conditions of approval or reasons for rejection shall be promptly forwarded to the divider.

(3) One (1) copy each of the preliminary plat as acted on by the Village Board, and of the written statement of the conditions of approval or reasons for rejection, if any, shall be placed in the Village Office permanent file.

(4) Failure of the Village Board to act on the preliminary plat within one hundred twenty (120) days from the date of filing shall constitute an approval of the plat as filed, unless the review period is extended by agreement with the divider, or unless timely objections of objecting authorities to a subdivision plat have not been satisfied. In the event a preliminary plat has not been approved or rejected within ninety (90) days of the date of filing and no agreement extending the review period has been entered into with the divider, then the Village Board shall schedule a meeting for reviewing the status of the preliminary plat not more than one hundred five (105) days from the date of filing.

(5) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, but if the final plat is submitted within six (6) months of the last required preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of approval, and to local plans and ordinances adopted as authorized by law, the final plat shall be entitled to approval.

(f) Final Plat Review.

(1) No final plat of any proposed subdivision or large lot subdivision shall be submitted for approval until after a preliminary plat of such subdivision or large lot subdivision shall have been duly approved in accordance with the provisions of this Ordinance.

(2) The divider shall prepare and file with the Village Building Inspector a final plat of any proposed subdivision or large lot subdivision, together with sufficient copies for distribution in accordance with this section, a list of the applicable approving authorities under Section 236.10 of the Wisconsin Statutes and the applicable objecting authorities under Section

236.12 of the Wisconsin Statutes, and a letter of application, and shall pay the final plat review fee pursuant to Section 38.10(g) to the Village Clerk/Treasurer. The final plat shall be prepared in accordance with this Ordinance, and the divider shall file the plat, the list, and the application with the Village Building Inspector at least forty (40) days prior to the public hearing held by the Village Plan Commission at which consideration is desired.

(3) The Village Building Inspector shall, within five (5) normal working days after the filing of a final plat, list and application for a proposed subdivision, transmit four (4) copies to the Kenosha County Planning and Development Office; two (2) copies to the Wisconsin Department of Agriculture, Trade and Consumer Protection; with two (2) additional copies for the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street; two (2) additional copies to the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for such service has not been made; and two (2) additional copies to the Wisconsin Department of Natural Resources if shorelands, floodlands or lands within five hundred (500) feet of the ordinary high water mark of any navigable stream, lake or other body of navigable water are included in the final plat. For any final plat involving areas within the extraterritorial plat jurisdiction area, the Village Building Inspector shall also, within five (5) normal work days after filing, transmit two (2) copies of the plat to the Town Board of the Town of Bristol, Salem or Brighton, as appropriate.

(4) The Kenosha County Planning and Development Office, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, the Wisconsin Department of Industry, Labor and Human Relations and the Wisconsin Department of Natural Resources shall hereafter be referred to as "objecting authorities". Upon the receipt of the final plat, these objecting authorities shall have twenty (20) days to review the plat and transmit comments concerning matters within their jurisdiction to the Village Building Inspector.

(5) The Village Building Inspector may, but shall not be required to, transmit the specified number

of copies of the final plat for a proposed large lot subdivision to the objecting authorities for such informal comment as they may choose to make.

(6) In Lieu of the procedure set forth in subsection (2) above, the divider of any proposed subdivision may, pursuant to Section 236.12(6) of the Wisconsin Statutes, submit the original drawing the final plat directly to the Wisconsin Department of Agriculture, Trade and Consumer Protection, which will prepare and forward copies of the plat at the divider's expense to the objecting authorities. When the divider elects to use this alternative procedure, the divider shall submit to the Village Building Inspector the additional copies of the final plat provided for by this Section and otherwise fully comply with subsection (2).

(7) The Village Building Inspector shall promptly transmit eight (8) copies of the final plat to the Village Plan Commission, eight (8) copies to the Village Board and one (1) copy each to the Village Engineer, Attorney, Sanitary Sewer Department and Highway Foreman.

(8) The Village Building Inspector shall also transmit one (1) copy of each of the final plat to the Kenosha County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Wisconsin Natural Gas Company, Wisconsin Electric Power Company, and Wisconsin Bell or General Telephone and Electronics and the Village cable television franchisee for review and recommendation concerning matters within their jurisdiction (five (5) copies total).

(9) The Kenosha County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Wisconsin Natural Gas Company, Wisconsin Electric Power Company and Wisconsin Bell or General Telephone and Electronics and the Village cable television franchisee shall hereafter be referred to as advisory authorities. Upon the receipt of the final plat, these advisory authorities shall have twenty (20) days to review the plat and transmit comments to the Village Plan Commission.

(10) The objecting authorities shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the divider and all other approving and objecting authorities of any objections or informal comments. If there are

no objections to the final plat of a proposed subdivision, the objecting authority shall so certify on the face of a copy of the plat and shall return that copy to the Village Building Inspector. If an objecting authority fails to act within twenty (20) days, it shall be deemed to have no objection to the plat. If it is unclear from the face of any objection received by the Village when the objecting authority received a copy of the final plat and when it acted, any objection received by the Village within thirty (30) days of the date of the original transmission of copies of the final plat to or for such authority shall be deemed timely.

(11) The Village Building Inspector shall certify on the final plat the date on which it was filed, the date on which copies were transmitted to objecting authorities, the date on which any timely objections were received from objecting authorities or that none were received, and whether the objections were satisfied.

(12) Plan Commission recommendation. The Village Plan Commission shall, within forty (40) days of the date of the filing of the proposed final plat review the proposed final plat as to its conformance with the approved preliminary plat; any conditions of the approval of the preliminary plat, this Ordinance and other applicable statutes, ordinances, rules, regulations, intergovernmental agreements and comprehensive plan components and shall comment and recommend action on the proposed final plat. The Plan Commission shall promptly transmit the plat and its comments and recommendations to the Village Board.

(13) Phased final platting. If permitted by the Village Board, the approved preliminary plat may be final platted in phases, with each phase encompassing only that portion of the approved preliminary plat which the divider proposed to record at one time and with respect to which the divider proposes to install all required public improvements in one phase. Each such phase shall be designated as a phase of the approved preliminary plat. Timely compliance by a divider with an approved phasing plan (see Section 38.02(4)(e) of this Ordinance) shall extend the six (6) months period within which a final plat is entitled to approval if it conforms substantially to the approval, and to the local plans and

ordinances authorized by law.

(g) Final Plat Approval.

(1) Submission. If the final plat is not submitted for approval within thirty-six (36) months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat, unless the divider shall have timely complied with an approved phasing plan. (See Sections 38.03(6)(m) and 38.02(4)(e) of this Ordinance.)

(2) Village Board action. The Village Board shall, within one hundred twenty (120) days of the date of filing of a final plat, unless the time has been extended by agreement with the divider, approve, conditionally approve or reject the plat. Ten (10) days prior written notice shall be given to the clerk of any municipality or town whose

boundary is within one thousand (1,000) feet of any land included within a proposed final plat of the Village Board's intention to consider approval of such a plat, but failure to give such notice shall not invalidate any action taken under this Ordinance.

(3) Written statement. If the final plat is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be stated in the minutes of the meeting and a written statement shall be promptly forwarded to the divider.

(4) Failure to act. Failure of the Village Board to take action on a proposed final plat within one hundred twenty (120) days of the filing of the plat, the time having not been extended by agreement with the divider and no unsatisfied objections from objecting authorities having been filed, the plat shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk/Treasurer. In the event a preliminary plat has not been approved or rejected within ninety (90) days of the date of filing and no agreement extending the review period has been entered into with the divider, then the Village Board shall schedule a meeting for reviewing the status of the preliminary plat not more than one hundred five (105) days from the date of filing.

(5) Satisfying of conditions. The divider shall

submit to the Village Board proof of satisfaction of all conditions imposed by the Board within six (6) months, or such other time period as the Board may prescribe, after notification of the conditional approval. The Village Board shall grant final approval when all such conditions are satisfied. Until all such conditions are satisfied, and the Board has granted final approval, the final plat shall not be certified as approved and shall not be recorded.

(6) Final approval. Upon granting final approval, the Village Board shall cause the Village President and the Village Clerk/Treasurer to so certify on the face of the original plat and promptly return the plat to the divider for recording.

(7) Recordation. The divider shall record the finally approved final plat with the Kenosha County Register of Deeds within twelve (12) months after the last required approval and within thirty-six (36) months of preliminary plat approval or such final plat shall be void.

(h) Minor Land Division (Certified Survey Map) Review and Approval. (See Section 38.11(7) of these Ordinances)

(1) The divider shall prepare a certified survey map of any proposed minor land division, a list of approving authorities and a letter of application, in accordance with this Ordinance, and shall file the original and three (3) copies of the certified survey map, the list and the letter of application with the Village Building Inspector, and shall pay to the Village Clerk/Treasurer the required certified survey map fee pursuant to Section 38.10(e), at least thirty (30) days prior to the meeting of the Plan Commission meeting at which action is desired.

(2) No certified survey map shall be submitted for approval until after the divider shall have fully complied with Sections 38.03(a), 38.03(b) and 38.03(c) of this Ordinance and until after any required conceptual plan review has been completed.

(3) The certified survey map shall include all of the contiguous land which is owned or controlled by the divider (or the owner if the divider and the owner are not the same) even though only a portion of such land is proposed for immediate development or conveyance, except that if the land

division results in a residual parcel in excess of ten (10) acres which is not intended for immediate development or conveyance. The Village Board may waive this requirement, provided that a supplementary map of reasonable accuracy shall be attached showing the relationship of the land division to such contiguous land.

(4) The Village Building Inspector shall promptly transmit eight (8) copies of the certified survey map, a list of approving authorities and letter of application to the Village Plan Commission and eight (8) copies to the Village Board, as well as one (1) copies each to any other approving authority.

(5) The Village Building Inspector shall also promptly transmit copies of the certified survey map to all affected Village Departments and agencies including, but not limited to, the Village Engineer, Attorney, Sanitary Sewer Department and Highway Foreman, for their comments and recommendations concerning matters within their jurisdiction. Copies may also be transmitted to the Kenosha County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment.

(6) The Village Building Inspector shall promptly transmit copies of the certified survey map to the Kenosha County Planning and Development Office to verify and/or complete an affidavit of verification of holding tank rights for the property, where applicable.

(7) Plan Commission review. The certified survey map shall be reviewed by the Village Plan Commission for conformance with this Ordinance and with all applicable statutes, ordinances, rules, regulations, intergovernmental agreements, and comprehensive plan components.

(8) Plan Commission recommendation. The Village Plan Commission shall, within forty (40) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map, and shall promptly transmit the map along with its recommendations to the Village Board.

(9) Village Board action. The Village Board shall approve, approve conditionally or reject the certified survey map within sixty (60) days from

the date of filing of the map unless the time is extended by agreement with the divider.

(10) Written statement. If the certified survey map is approved conditionally or rejected, the conditions of approval or reasons for rejection shall be stated in the minutes of the meeting and a written statement shall be promptly forwarded to the divider.

(11) Satisfaction of conditions. The divider shall submit to the Village Board proof of satisfaction of all conditions imposed by the Board within six (6) months, or within such other period of time as the Board may prescribe, after notification of the conditional approval. The Village Board shall grant final approval when all such conditions are satisfied. Until all such conditions are satisfied, the certified survey map shall not be certified as approved and shall not be recorded.

(12) Certification of approval. Upon granting final approval of the certified survey map, the Village Board shall cause the Village President and the Village Clerk/Treasurer to so certify on the face of the original map and promptly return the map to the divider for recording.

(13) Recordation. The divider shall record the finally approved certified survey map with the Kenosha County Register of Deeds within thirty (30) days after the last required approval.

(14) Copies. The divider shall file three (3) copies of the recorded certified survey map with the Village Building Inspector for the permanent records of the Village within thirty (30) days after the last required approval of the certified survey map.

(15) Failure to act. Failure of the Village Board to take action on a proposed certified survey map within sixty (60) days of the filing of the map, the time having not been extended by agreement with the divider, the map shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the map by the Village Clerk/Treasurer.

(i) Review and Approval of Extraterritorial Plats and Certified Survey Maps. When a divider proposes to divide lands located in the unincorporated area within one and one-half (1½) miles of the corporate limits of the Village of Paddock Lake, the

following exceptions to the provisions of this Ordinance shall apply:

(1) Transmittal responsibility. If a plat of subdivision is first submitted to the Town of Bristol Clerk or to the Town of Salem Clerk or the Town of Brighton Clerk, or to the Kenosha County Planning and Development Office, the Town or County shall be responsible for transmitting copies of the plat or map to designated objecting authorities unless the divider has specifically requested that the Village assume the responsibility of transmitting all review copies. The divider shall specify in his letter of application to whom the original application is being submitted.

(2) Improvements. The divider shall not be required to make any improvements other than those required by the Town or County.

(3) Dedications. The divider shall not be required to dedicate land to the Village nor shall the divider be required to pay a public site fee to the Village.

(j) Replat. When a divider proposes to replat or vacate a recorded plat or certified survey map, or part thereof, the divider shall first comply with Sections 236.36 through 236.44 of the Wisconsin Statutes to the extent applicable. The divider shall then proceed in accordance with the provisions of this Ordinance.

(k) Extraterritorial Land Divisions.

(1) Extraterritorial land division policies. The following policies shall specifically govern the Village's review of divisions of land within its extraterritorial jurisdiction area in order to promote the intent and those purposes set forth in this Chapter:

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

(b) 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. 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 Kenosha County 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 of the Village of Paddock Lake 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., immediately above, 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 Comprehensive Plan or Official Map, the Village's policies shall prevail. All land divisions within the extraterritorial limits will be subject to the land reservation or dedication requirements of this Chapter. This specifically means the following:

(1) 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.

(2) 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.

(3) If any lands fall within the limits of an environmental corridor, as mapped by the Village or Kenosha 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) Such land divisions shall pay the required review fees contained in this Chapter prior to initial placement on the Plan Commission agenda.

(h) 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 Kenosha County Land Use Committee, and the Village of Paddock Lake 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 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 otherwise required per land division within the Village.

(c) Before filing an application for approval of a plat or certified survey, the subdivider shall consult with the Village Building Inspector and shall prepare the following:

(1) Prepare a preliminary sketch for review and approval.

(2) Complete a Environmental Assessment Checklist, or when required, an expanded Environmental Assessment Report required by this Chapter, for review and approval.

(3) This procedure is intended to assist the developer in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances. The pre-application information shall be submitted to the Plan Commission for review and approval.

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

38.04 PRELIMINARY PLAT

(a) General. A preliminary plat shall be required for all subdivisions and large lot subdivisions. The preliminary plat shall be based upon a survey by a registered land surveyor and shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch.

(b) Plat data. All preliminary plats shall show each of the following:

(1) Title or name under which the proposed subdivisions or large lot subdivision is to be recorded. Such title shall not be the same as or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.

(2) Location of the proposed subdivision or large lot subdivision by: government lot, quarter-section, township, range, county and state.

(3) General location sketch showing the location of the subdivision or large lot subdivision within the U.S. Public Land Survey section.

(4) Date, graphic scale and north arrow.

(5) Names and addresses of the owner, divider and land surveyor preparing the plat.

(6) All contiguous land which is owned or controlled by the divider (or the owner, if the divider and the owner are not the same) shall be included in the land division even though only a portion of said land is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of the Ordinance and severe hardship would result from strict application thereof.

(7) Exact length and bearing of the exterior boundaries of the proposed subdivision or large lot subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

(8) Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level).

(9) Water elevations of lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.

(10) Floodland limits as a contour line showing the elevation of the 100-year recurrence interval flood, or where such data is not available of the maximum flood of record.

(11) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

(12) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all referenced to mean sea level (1929 datum).

(13) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.

(14) Location, size and invert elevation of any existing sanitary or storm sewers, wells, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on the or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat, and their size and invert elevations.

(15) Proposed lot grades shall be shown on the preliminary plat or grading plan. Lot grades shall be one and one-half (1½) to two (2) feet above the roadway center line grade or as otherwise recommended by the Village Building Inspector.

(16) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being divided or immediately adjacent thereto.

(17) Location, width and names of all proposed streets and public rights-of-way such as alleys and easements. To the extent practicable, all street names shall conform to the existing system of numerical streets and avenues.

(18) Approximate dimensions of all lots together with proposed lot and block numbers.

(19) Location and approximate dimensions of any sites to be reserved or dedicated for streets, schools, parks, playgrounds, drainageways, or other public purposes or uses.

(20) Approximate radii of all curves.

(21) Existing and proposed zoning on the proposed subdivision or large lot subdivision.

(22) Any proposed lake or stream access with a small drawing clearly indicating the location of the proposed subdivision or large lot subdivision in relation to the access.

(23) Any proposed lake and stream improvement or relocation.

(24) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

(25) Location of soil boring tests, where required by Section ILHR 85.06 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.

(26) Location of soil percolation tests where required by Section ILHR 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed (if applicable). The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

(c) Street Plans and Profiles. The Village Board, after determining from the preliminary plat that the engineering design characteristics are such that the site will require stormwater management engineering design and calculations for retention or detention facilities, or substantial grading and other earthmoving operations for the installation of public improvements, including public sanitary sewer, public water, storm sewer, and curb and gutter; shall require the divider to provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision or large lot subdivision when requested. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall be designed in conformance with the Village's engineering design specifications.

(d) Testing. The Village Board, after determining from a review of the existing engineering studies or previous soil boring completed for the preliminary plat that the soil, slope, vegetation, or drainage characteristics of the site are such that the installation of public improvements will require additional engineering design studies or investigations, may require that borings and soundings be made in specified areas to

ascertain subsurface soil, rock and water conditions. Where the subdivision or large lot subdivision will not be served by public sanitary sewer service, the provisions of Chapter ILHR 85 of the Wisconsin Administrative Code shall be complied with, and the appropriate data shall be submitted with the preliminary plat.

(e) Soil and Water Conservation. The Village Board, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the land division or otherwise entail a severe erosion hazard, shall require the divider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the U.S. Conservation Service Technical Guide, adopted by the Kenosha County Land Conservation Committee, and shall be in accordance with standards set forth in Section 38.09(d) of this Ordinance.

(f) Covenants.

(1) Whenever the divider proposes to regulate land use, density, environmental protection, street access, landscaping, building materials, or other matters in the proposed land division by means of restrictive covenants, the divider shall submit all such proposed covenants. The covenants shall be subject to approval of the Village Board. Such covenants shall not conflict with and shall not be less restrictive than any applicable village, town, county, state or federal statutes, ordinances, rules or regulations.

(2) The divider shall be required to create appropriate and satisfactory mechanisms to ensure that common areas, outlots, retention and detention facilities and other similar areas are properly maintained. The Village of Paddock Lake shall be granted appropriate authority to enforce the maintenance of such areas, or perform such maintenance itself, and to recover the cost of performing such maintenance.

(g) Surveyor's Certificate. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that the surveyor has fully complied with the provisions of this Ordinance.

38.05 FINAL PLAT.

(a) General. A final plat prepared by a registered land surveyor shall be required for all subdivisions and large

lot subdivisions. Such plat shall comply in all respects with the requirements of Chapter 236 of the Wisconsin Statutes, as amended from time to time, and the provisions of this Ordinance.

(b) Additional Information. The final plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, each of the following:

- (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 or abutting the plat;
- (4) Setbacks or building lines required by the Village Board in accordance with the guidelines set forth in Section 38.07(g) of this Ordinance;
- (5) Utility and/or drainage easements;
- (6) All lands to be dedicated or reserved for future public acquisition, or reserved for the common use of property owners within the plat;
- (7) Special restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.

(c) Recorded Restrictions. The Village Board may require that restrictions be filed with the final plat to accomplish the purpose and intent of this Ordinance and that such restrictions shall be recorded with the approved plat and run with the land.

(d) Survey Accuracy. The Village Building Inspector shall examine all final plats within the Village and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Building Inspector, field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- (1) Maximum error of closure before adjustment of the survey of the exterior boundaries of the final plat shall not exceed, in horizontal distance or position, the ratio of one (1) part of ten thousand (10,000), or in azimuth, of four (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure

of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

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

(3) Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Village of Paddock Lake, Kenosha County or the Southeastern Wisconsin Regional Planning Commission, the tie required by Section 236.20(3)(b) of the Wisconsin Statutes shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.

(4) The Village Board shall receive the results of the Village Consulting Engineer's examination prior to approving the final plat.

(e) Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes, as amended from time to time.

(f) State Plane Coordinate System. Where the final plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Paddock Lake, Kenosha County or the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid

bearings and distances of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Kenosha County control survey.

(g) Certificates. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in connection with the owner's or mortgagee's certificate, the owner shall submit as a condition of approval of the final plat, an abstract of title certified to the date of submission for approval, or a policy of title insurance brought up to the date of submission. In addition, the surveyor shall certify that he has fully complied with all of the provisions of this Ordinance.

(h) Recordation. The final plat shall only be recorded with the Kenosha County Register of Deeds after final approval by the Village Board and after all required certificates are attached to or inscribed thereon. The approved final plat shall be recorded by the divider within twelve (12) months after its last required approval and within thirty-six (36) months of preliminary plat approval or such final plat shall be void.

38.06 CERTIFIED SURVEY MAP.

(a) General.

(1) A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes, as amended from time to time. The certified survey map shall comply with the design standards and improvement requirements set forth in Sections 38.07 and 38.08 of this Ordinance, except as provided in Section 38.03(i) of this Ordinance with respect to extraterritorial certified survey maps.

(2) A certified survey map may be used to change boundaries of lots, blocks and outlots within a recorded final plat or certified survey map if the redivision does not result in a subdivision or a large lot subdivision, or alter areas dedicated to the public or violate any provision of this Ordinance. A certified survey map may not alter the exterior boundaries of a recorded plat or certified survey map, alter areas previously dedicated to the public or a restriction placed on

platted or mapped land by covenant, easement, or by any other means.

(b) Required Information. The certified survey map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, as amended from time to time, the following:

(1) All existing structures, watercourses, drainage ditches and other features pertinent to proper land division;

(2) Setbacks or building lines if required by the Village board in accordance with the guidelines set forth in Section 38.07(g) of the Ordinance;

(3) Utility and/or drainage easements;

(4) All lands to be dedicated or reserved for future acquisition.

(5) Date of map.

(6) Floodland limits and the contour line representing the elevation of the 100-year recurrence interval flood, or where such data is not available, a contour line showing the elevation of the maximum flood of record;

(7) Graphic scale and north arrow.

(8) Name and address of the owner, divider and surveyor.

(c) Additional Information. The following additional information shall be provided by the divider unless the Village Board decides that such information is not necessary for the proper review and consideration of the certified survey map:

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

(2) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.

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

(4) Location of soil percolation tests where required by Section ILHR 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three(3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.

(5) Location of the ordinary high water mark as defined by the Wisconsin Department of Natural Resources.

(d) State Plane Coordinate System. Where the certified survey map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Village of Paddock Lake, Kenosha County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearings and distances of such tie shall be determined by field measurements, and the material and Wisconsin State Plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Kenosha County's control survey.

(e) Certificates. The surveyor shall certify on the face of the map that he has fully complied with all of the provisions of Section 236.34 of the Wisconsin Statutes and this Ordinance. The Village Board, upon final approval of the map, shall cause its approval to be certified on the face of the map.

In addition, if streets or other public areas are to be dedicated or reserved, an owner's certificate and the mortgagee's certificate, if applicable, in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes shall be required. In connection with the owner's or mortgagee's certificate, the owner shall submit, as a condition of approval of the certified survey map, an abstract of title insurance to

the date of submission for approval, or a policy of title insurance brought up to the date of submission.

(f) Recordation. The certified survey map shall only be recorded with the Kenosha County Register of Deeds after final approval by the Village Board and after all required certificates are attached to or inscribed thereon. The approved map shall be recorded by the divider within thirty (30) days after its last required approval.

(g) Frequency of Divisions. No more than four (4) lots or parcels, each of one acre or less in area, shall be created from a single lot or parcel by successive certified survey map land divisions within a period of five (5) years.

(h) Correction Instruments. Correction instruments relating to plats or certified survey maps may be received in the Kenosha County Register of Deeds Office and may include:

(1) Affidavits or Warranty Deeds to correct distances, angles, directions, bearings, chords, block or lot numbers, street names or other details shown on a recorded plat or certified survey map. All affidavits or warranty deeds shall be approved by the Plan Commission and Village Board prior to recording. Correction instruments shall not create new buildable lots and shall not create nonconforming lots.

(2) Ratifications of a recorded plat or a certified survey map signed and acknowledged in accordance with Section 706.07 of the Wisconsin Statutes.

(3) Certificates of owners and mortgagees of record at the time of recording.

38.065 CONDOMINIUM PLATS.

(a) General. A condominium plat shall meet the requirements of Chapter 703, Wisconsin Statutes, and the requirements of this chapter. The provisions of this chapter governing subdivision plats shall apply to condominium plats.

(b) Required Information. A condominium plat shall show the required particulars enumerated in §703.11, Wis. Stats.

(c) Certificate. A condominium plat shall be recorded with the County Register of Deeds only after the certificates of the Village Board and the surveyor are placed on the face of the map. The map shall be recorded by the Village Clerk/Treasurer within ninety (90) days of its approval by the Village Board.

(d) Recordation. A condominium plat shall contain the surveyor's certificate required in §703.11(4), Wis. Stats., and a certificate by the Village Clerk/Treasurer indicating compliance with this section.

(e) Fees. An application fee of Twenty-five (\$25.00) Dollars shall be required in conjunction with the submittal review and approval of a condominium plat.

(f) Extraterritorial Condominium Plat. Any condominium plat which falls within the Village's extraterritorial jurisdiction for the review of divisions of land shall conform to the requirements of this chapter including, but not limited to, §38.03(k) of these ordinances.

38.07 DESIGN STANDARDS.

(a) Street Arrangement. In any new land division the street layout shall conform to the arrangement, width and location indicated on the comprehensive plan component of the Village of Paddock Lake, Wisconsin and to the Development Agreement governing the proposed land division, as may be amended. In areas for which such comprehensive plan has not been completed, the street layouts shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The land division shall be designed so that to provide each lot with the required frontage access on a public street unless access from a private street is allowed in accordance with the Development Agreement. In addition:

(1) Arterial Streets, as hereinafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and arterial streets beyond the boundaries of the Village. They shall also be properly integrated with and related to the existing and proposed system of collector streets and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect in a linear fashion.

(2) Collector streets, as hereinafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and the conveyance of this traffic to the arterial street system and shall be properly related to

special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the arterial and collector streets to which they connect.

(3) Minor streets, as hereinafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting properties.

(4) Proposed streets shall extend to the boundary lines of the parcel or tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the land division or for the advantageous development of the adjacent parcels or tracts.

(5) Arterial street protection. Whenever the proposed land division contains or is adjacent to an arterial street, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screening or landscape planting contained in a non-access area along the rear property line, or by the use of frontage streets.

(6) Stream or lake shores shall have a minimum of sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half ($\frac{1}{2}$) mile as required by Section 236.16(3) of the Wisconsin Statutes.

(7) Non-access areas shall not be provided on any plat or certified survey map to control access to streets or alleys, except where control of such areas is placed with the Village under conditions approved by the Village Board.

(8) Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Village Board.

(9) Private Streets shall be allowed by Development Agreement by the Village and the locations and dimensions of such streets shall be governed by the terms of the Development Agreement, which shall be recorded in the office

of the Register of Deeds.

(b) Limited Access Highway Treatment. Whenever the proposed land division contains or is adjacent to a limited access highway, the design shall provide the following treatment:

(1) When lots within the proposed land division back upon the right-of-way of an existing or proposed limited access highway, a planting strip at least twenty (20) feet in depth shall be provided adjacent to the highway in addition to the normal lot depth. This strip shall be a part of the platted lots and shall have the following restriction lettered on the face of the plat or map: "This strip is reserved for the planting of trees and shrubs, and the building of structures hereon is prohibited".

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

(3) Streets parallel to a limited access highway, when intersecting an arterial street or collector street which crosses said highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

(c) Street and Pedestrian Way Design Standards. The minimum right-of way and roadway pavement width of all proposed streets shall be as specified by applicable comprehensive plan components, including without limitation, neighborhood sketch plans, or the County jurisdictional highway system plan, or if no width is specified therein, the minimum widths shall be as shown on Table 1, below, which is incorporated by reference.

Street cross sections shall be in accordance with Table 1, below, which is incorporated by reference.

Table 1
REQUIRED STREET CROSS SECTIONS IN THE VILLAGE
OF PADDOCK LAKE AND THE VILLAGE'S EXTRATERRITORIAL
PLAT REVIEW JURISDICTION

Type of Street	Minimum Right-of-Way
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<u>or Public Way</u>	<u>To Be Dedicated</u>	<u>Minimum Dimensions</u>
Arterial Streets (four-lane) or 2-lane divided	130 ft.	*Dual 24 ft. pavement *18 ft. median *10 ft. outside shoulders * 6 ft. inside shoulders *16 ft. roadside ditches
Arterial Streets (two-lane)	100 ft.	*24 ft. pavement *10 ft. shoulders *28 ft. roadside ditches
Collector Streets	100 ft.	*24 ft. pavement *10 ft. shoulders *28 ft. roadside ditches
Minor Streets	66 ft.	*24 ft. pavement * 4 ft. shoulders *17 ft. roadside ditches
Minimum Cul-de-Sac (w/o center island; Tear-drop Design)	66 ft. radius	*45 ft. radius pavement * 5 ft. shoulders *16 ft. roadside ditches
Minimum Cul-de-Sac (w/center island; Tear-drop Design)	To be determined on a case-by-case basis	To be determined on a case-by-case basis

(1) Cul-de-Sac streets designed to have one end permanently closed shall not exceed eight hundred (800) feet in length measured along their centerlines from the centerline of the adjoining street to the end of their rights-of-way. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a tear-drop turn-around having a minimum right-of-way radius of seventy-five (75) feet and a minimum outside curb radius of forty-eight (48) feet, and all urban cul-de-sac streets designed to have one end permanently closed with a center planting island shall terminate in a tear-drop turn-around having a minimum right-of-way radius of seventy-five (75) feet and a minimum outside curb radius of sixty (60) feet.

(2) Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary construction of a "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on either side.

(3) Street grades. All residential streets shall be centered within the right-of-way. Unless necessitated by exceptional topography, and subject to the approval of the Village Board, the maximum vertical centerline grade of any street or public way shall not exceed the following:

(a) Arterial streets: five (5) percent.

(b) Collector streets: seven (7) percent.

(c) Minor streets, alleys and frontage streets and cul-de-sacs: ten (10) percent.

(d) Pedestrian ways: ten (10) percent unless steps or stairs of acceptable design are provided.

(e) The grade of any street shall in no case exceed ten (10) percent or be less than one-half of one percent (0.5).

Street grades shall be established wherever practicable so as to avoid excessive grading, the removal of ground cover and tree growth, and general leveling of the topography.

(4) Radii of curvature. When a continuous, horizontal street centerline deflects at any one point by more than two (2) degrees, a circular curve shall be provided having a radius of curvature on said centerline of not less than the following:

(a) Arterial streets and highways: five hundred (500) feet.

(b) Collector streets: three hundred (300) feet.

(c) Minor streets and cul-de-sacs: one hundred fifty (150) feet.

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

Cul-de-sac shall be connected to the approach street by reverse curvatures having a radius of not less than thirty (30) feet per curve.

(5) Centerline profile. When there is a change in street centerline profiles of more than one (1) percent, a vertical curve shall be provided.

Vertical curve requirements shall be in accordance with Wisconsin Department of Transportation requirements. Minimum vertical curve lengths shall provide a sight distance of not less than three hundred (300) feet, measured from an eye level of four (4) feet high, with a clear view of an obstacle not over two (2) feet high.

Unless otherwise approved, residential streets shall have a centerline crown. Offset crowns, or continuous cross slope shall be considered on a case by case basis.

(6) Roadway elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

(a) Arterial streets and collector streets shall be designed so that they will not be overtopped by the 50-year recurrence interval flood.

(b) Minor streets shall be designed so that they will not be overtopped by the 10-year recurrence interval flood.

(7) New and replacement bridges and culverts. All new and replacement bridges and all culverts over navigable waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage or the 100-year recurrence interval flood, as established in the applicable federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

All new and replacement bridges shall be constructed in accordance with all applicable statutes and state and federal rules and regulations and plans shall be submitted to the Wisconsin Department of Natural Resources (DNR) to

assure compliance therewith.

(8) Half-streets. Where an existing dedicated or platted half-street is adjacent to the tract or parcel being divided, the other half of the street shall be dedicated and improved by the divider. The platting of new half-streets shall not be permitted.

(d) Street Improvements. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good engineering design permit. In addition:

(1) The number of streets converging at one intersection shall not exceed two (2).

(2) The number of intersections along arterial streets shall be held to a minimum. Whenever practicable, the distance between such intersections shall not be less than one thousand two hundred (1,200) feet.

(3) Property lines at street intersections shall be rounded with a minimum radius of fifteen (15) feet. Radii of twenty (20) feet are desirable. Radii at intersections of minor or collector streets with arterial streets shall be determined on a case-by-case basis with a radius of twenty (20) feet being the minimum.

(4) Minor streets shall not necessarily continue across arterial or collector streets; but if the centerline of such minor streets approach arterial or collector streets from opposite sides within two hundred fifty (250) feet of one another, measured along the centerlines of the arterial or collector street, then the location shall be so adjusted that the joinder across the arterial or collector street is continuous and a jog is avoided.

(5) Alleys shall not be allowed in residential subdivisions.

(e) Blocks. The widths, lengths and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

(1) The length of blocks in residential areas shall not as a general rule be less than six hundred (600) feet nor more than one thousand five hundred (1,500) feet unless otherwise dictated by

exceptional topography or other limited factors of good design.

(2) Pedestrian ways or sidewalks of not less than four (4) feet in width may be required near the center and entirely across any block over nine hundred (900) feet in length where deemed essential by the Village Board to provide adequate pedestrian circulation or access to schools, parks, churches or transportation facilities or similar places used by the public. Pedestrian ways or sidewalks of not less than ten (10) feet in width may be required near shopping centers or other commercial uses.

(3) The width of blocks shall generally be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic or where good urban planning design provides other acceptable alternatives. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

(4) Utility easements for electric power, gas service, telephone service and other communication services shall, where practical, be placed on mid-block easements along rear lot lines.

(f) Lots. 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. The lots shall generally be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

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

(2) Double frontage and reverse frontage lots shall generally be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.

(3) Access. Every lot shall front or abut for a distance consistent with the applicable Village

Zoning Ordinance or other applicable ordinance.

(4) Area and dimensions of all lots shall conform to the requirements of the Village of Paddock Lake or applicable town or county zoning ordinance, whichever is more stringent. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Chapter ILHR 83 of the Wisconsin Administrative Code. In addition, the width and area of lots to be served by on-site soil absorption sewage disposal systems shall not be less than one hundred fifty (150) feet in width and forty thousand (40,000) square feet in area.

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

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

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

(8) Shape of lots shall generally be rectangular, with the exception of lots located on curves or cul-de-sacs.

(9) Cul-de-Sac lots may reduce the frontage on a public street as outlined in each zoning district in the Village's Zoning Ordinance.

(10) Lands lying between the meander line and the water's edge, and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications in any plat or certified survey map abutting a lake or stream.

(g) Building and Setback Lines. Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the land division is located, may be

required by the Village Board to provide aesthetically consistent site lines for structures and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting yard requirements to protect natural resource elements.

(h) Easements. The Village Board shall require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, cable television wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a land division is traversed by a watercourse, drainageway channel or stream, an adequate drainageway easement shall be provided. The location, width, alignment and improvement of such drainageway easements shall be reviewed by the Village Building Inspector; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Board and shall be based on Village engineering plans and specifications.

38.08 REQUIRED PUBLIC IMPROVEMENTS.

(a) Survey Monuments.

(1) The divider shall, at the divider's cost, install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes.

(2) The Village Board may waive the placing of monuments under Section 236.15(b), (c) and (d) for a reasonable time, not to exceed one (1) year, on condition that the divider files an irrevocable letter of credit in a sufficient amount (to be determined by the Village Board with the advice of the Village Engineer and such other Village officials or consultants as the Board may determine) and in a form satisfactory to the Village Attorney, to insure the placing of such monuments within the prescribed time. Additional time may be granted by the Board upon a showing of just cause.

(b) Grading. After installation of temporary block corner monuments by the divider and the establishment of street grades by the Village's detailed engineering plans and

specifications, the divider shall, at the divider's cost, grade the full width of the right-of-way of all dedicated streets in accordance with plans and standard specifications approved by the Village board. The divider shall grade the roadbeds in the street rights-of-way to subgrade.

Cut and Filled Lands shall be graded to a maximum slope of one to four (1:4) and shall be covered with permanent vegetation.

(c) Surfacing.

(1) New roadways and underground improvements and facilities shall be constructed, at the divider's cost, and be in accordance with the following schedule:

First 12-month period following the last required approval of final plat or certified survey map: Install all underground sanitary sewerage system facilities, all underground storm sewer system facilities and all underground water system facilities, as well as all underground private utility facilities, followed by the installation of a crushed stone base course on all public streets.

(If compacted granular material is used for backfilling the sanitary sewers, water mains, storm sewers and related facilities the Village Building Inspector may permit the finish grading of the base course, installation of concrete curb and gutter and the installation of the binder course of paving on roadways during the first 12-month period. This will permit the completion of improvements within two (2) years.)

Second 12-month period: Finish grading and compact the crushed stone base course, install concrete curb and gutter, install binder course of pavement on roadways and restore terrace areas.

Third 12-month period: Replace damaged binder sections and install surface course of bituminous pavement.

(2) After the installation of all underground improvements and facilities, the divider shall surface all roadways in dedicated streets to the widths prescribed by this Ordinance.

(3) The use of geotextile fabrics to establish adequate subgrades shall be reviewed on a case-by-case basis when determined to be necessary by the

detailed engineering design specifications and standards prepared for the site.

(4) Upon the completion of subgrade work, and prior to placing crushed aggregate base material, the Village shall be contacted and shall inspect and approve the subgrade.

(5) All residential and commercial collector and minor street roadways, including cul-de-sacs, shall have a ten (10) inch aggregate base course of crushed limestone, consisting of four (4) inches of #2 stone (1 to 1½ inches), four (4) inches of ¾ inch traffic bond and two (2) inches of ¼ inch stone screenings.

(6) All arterial street roadways shall have a crushed aggregate base course of crushed limestone, consisting of eight (8) inches of #2 stone (1 to 1½ inches), four (4) inches of ¾ inch traffic bond and two (2) inches of ¼ inch stone screenings.

(7) All industrial street roadways shall have a crushed aggregate base course of crushed limestone, consisting of six (6) inches of #2 stone (1 to 1½ inches).

(8) The base course shall be placed and compacted in four (4) inch maximum lifts. Compaction shall consist of compacting each layer of base course until no further appreciable consolidation is evidenced under the action of compaction equipment, which shall consist of vibratory rollers, tamping rollers and pneumatic tire rollers.

(9) The Village shall be contacted and shall inspect and approve the base course prior to construction of the concrete curb and gutter and installation of bituminous concrete or concrete pavement.

(10) Three (3) inch bituminous concrete pavement shall be placed over the compacted crushed aggregate base for residential and commercial collector and minor street roadways. The three (3) inch pavement shall consist of a one and three-quarter (1¾) inch binder course and a one and one-fourth (1¼) inch surface course. Bituminous concrete pavement, aggregate, asphalt cement and mix shall be in accordance with Village standards and specifications.

(11) A minimum of four (4) inches of bituminous concrete pavement shall be placed over the compacted aggregate base for arterial street roadways. The four (4) inch pavement shall consist of two and one-half (2½) inch surface course. The actual pavement thickness shall be subject to a detailed design evaluation by the Village. Bituminous concrete pavement, aggregate, asphalt cement and mix shall be in accordance with Village standards and specifications.

(12) All industrial street roadway surfaces shall consist of eight (8) inches of concrete base course placed over the compacted crushed aggregate base with a one and one-half (1½) inch bituminous concrete surface course placed over the concrete base. Concrete pavement shall be in accordance with Village standards and specifications. A tack coat shall be applied over the concrete base prior to final surfacing.

(13) Curb and gutter shall not be constructed until the second 12-month period following the last required approval of the final plat or certified survey map, unless compacted granular backfill is used for all underground improvements and facilities and approval is given by the Village Building Inspector. Curb and gutter shall be completed by the end of the second 12-month period. The Village shall be contacted and shall inspect and approve the curb and gutter prior to the installation of the binder course.

(14) The binder course on roadways shall not be installed under the second 12-month period following the last required approval of the final plat or certified survey map, unless compacted granular backfill is used for all underground improvements and facilities and approval is given by the Village Building Inspector. In no case shall the binder course be placed until after the construction of the concrete curb and gutter.

(15) The surface course shall be constructed after seventy-five (75) percent of the residential lots have been developed, or within the third 12-month period after the last required approval of the final plat or the certified survey map, whichever occurs first. The Village shall be contacted and shall inspect and approve the binder course to the installation of the surface course.

(16) Sanitary and storm sewer manhole frames and water main valve boxes shall be raised prior to

constructing the surface course. Any distressed areas of binder or base shall be repaired prior to installation of the surface course. All roadways shall be swept clean and a tack coat applied prior to installation of the surface coat.

(17) The Village Board, upon a showing of good cause, may alter any of the time requirements stated in this section.

(d) Curb and Gutter. Except in the A-2 district, in all land divisions which do not currently abut an improved public street, the divider shall, at the divider's cost, construct concrete curb and gutters in accordance with plans and specifications approved by the Village Board. Concrete curb and gutters for all new residential streets where curb openings for driveways cannot be determined shall be thirty (30) inch-wide "Mountable Type" in accordance with the typical residential street cross section. Concrete curb and gutters in existing residential areas, or where curb openings can be determined prior to construction, shall be thirty (30) inch-wide Wisconsin Department of Transportation "Type D". Curb openings at all intersections shall be provided for handicap accessibility ramps. Curb and gutters shall be installed in accordance with the time requirements of Section 38.08(h) of this Ordinance.

Four (4) inches of topsoil with Madison Parks seed or equivalent, fertilizer and mulch in accordance with the Village requirements shall be placed between the curb lines and right-of-way lines, and maintained for a one (1) year period, at the divider's cost.

(e) Rural Street Sections. Except as stated herein, permanent rural street cross sections shall not be installed in subdivisions or large lot subdivisions. The Village Board may approve the use of rural street sections (see Table 1 in Section 38.07(c) of this Ordinance) for minor land divisions and in subdivisions in the A-2 district. The divider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with engineering plans and specifications approved by the Village Board.

(f) Urban Street Sections. Except as stated in Section 38.08(e), above, all subdivision and large lot subdivision streets shall be constructed in accordance with the Village's urban design specifications and standards (see Table 1 in Section 38.07(c) of this Ordinance).

(g) Public Sanitary Sewerage System Facilities. Except in the A-2 district where the Plan Commission and Village Board may allow private sanitary disposal systems, public sanitary sewerage system facilities shall be required for all subdivisions or large lot subdivisions. Public sanitary sewer

system facilities may be required for minor land divisions within reasonable proximity to existing public sanitary sewerage facilities. The divider shall construct all required sanitary sewerage system facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision, large lot subdivision or minor land division. In addition:

(1) Sewer laterals shall be installed to the street lot line.

(2) The size, type, design, location and manner of installation of all sanitary sewers, sanitary laterals and related sanitary sewerage system facilities required or proposed to be constructed shall be in accordance with the plans and specifications approved by the Village Board and the Fifth Edition (March 1, 1988) of "Standard Specifications for Sewer and Water Construction in Wisconsin", prepared by a committee of municipal engineers, consultant engineers, suppliers of construction materials and contractors experienced in public works construction, as amended from time to time, hereinafter referenced to as the "Standard Specifications for Sewer and Water Construction in Wisconsin". Plans prepared by the divider or the Village's Consulting Engineer shall be prepared at a scale of no greater than one (1) inch equals forty (40) feet horizontal one (1) inch equals four (4) feet vertical.

(3) All sanitary sewer and sanitary sewer lateral trenches within dedicated streets shall be backfilled with excavated or granular material meeting the requirements of the "Standard Specifications for Sewer and Water Construction in Wisconsin". All backfill shall be compacted by mechanical methods.

(4) Sanitary sewers shall provide basement level service in all new subdivisions, large lot subdivisions and minor land divisions.

(5) The divider shall bear the cost of installing all sanitary sewers, sanitary sewer force mains, sewer laterals, lift stations, and sewer appurtenances within the land division, except for the added material cost of installing oversized sewers and related facilities greater than twelve (12) inches in diameter which are necessary to serve tributary areas lying outside of the proposed land division. The divider shall assume the cost of installing all boundary sanitary sewer mains which are determined to be necessary by the

Village. The Village shall reimburse the divider for the reasonable materials costs of the required oversizing.

(6) In addition, the divider may be required to pay to the Village a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers or related facilities to serve the total tributary area, which cost shall be prorated in proportion to the ratio which the total drainage area to be served by such larger sewers or related facilities.

(7) Sanitary sewer trunk line fees collected by the Village shall be placed in a non-lapsing fund for sanitary sewerage facilities, which shall be separate from the General Fund of the Village. Such special fund shall be used exclusively for sanitary sewerage facilities projects which benefit the land division with respect to which such fees are paid.

(8) The Village may participate in the oversizing costs of lift stations and sewer force mains serving the areas outside of the proposed development.

(9) Installation of all sanitary sewer system facilities shall be completed within the first 12-month period following the last required approval of the final plat of certified survey map, unless the Village Board expressly waives or modifies this requirement for good cause shown.

(h) Storm Sewer and Drainage System Facilities. All streets in subdivisions, large lot subdivisions and all land divisions for commercial or industrial use shall be provided with storm sewer systems and concrete curb and gutter for storm water runoff. The divider shall construct storm water drainage facilities, adequate to serve the land division and upstream tributary areas. Such facilities may include, without limitation, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins, as required. All such facilities shall be adequate size and grade to hydraulically accommodate runoff from the ten (10) year recurrence interval storm except as may be otherwise required by this Ordinance, and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. All storm sewer and drainage system facilities shall be constructed in accordance with plans and specifications approved by the Village Board and the "Standard Specifications for Sewer and Water Construction in Wisconsin". Plans prepared by the divider or the Village's Consulting Engineer shall be prepared at a scale of no greater

than one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical. In addition:

(1) Storm sewer and drainage system facilities shall be designed to convey runoff from the ten (10) years recurrence interval storm, as published by the Southeastern Wisconsin Regional Planning Commission in Technical Record Volume 2, Number 4, except as may be otherwise required by this Ordinance.

(a) The rational formula shall be used to compute runoff rates.

(b) Velocities within storm sewers shall not exceed twelve (12) feet per second.

(c) Storm sewer catch basins, manholes, storm sewer materials and backfill requirements shall be in accordance with Village engineering and design standards.

(d) Storm sewer catch basins shall be located at all intersections to prevent surface runoff intervals along residential streets. Vertical sag curves shall be provided with multiple catch basins where overtopping of the roadway would cause damage to adjacent property.

(e) If adequate downstream storm drainage facilities are not available, detention/retention basins shall be provided to store runoff. Detention/retention basins shall be sized using USDA Soil Conservation Service procedures for a design one hundred (100) year recurrence interval storm based upon developed conditions. The release rates shall be the ten (10) year recurrence interval storm based upon existing conditions.

(2) Unpaved road ditches shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having severe or very severe erosion hazards and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazards, the divider shall install a paved invert or check dams, flumes, or other energy dissipating devices.

(3) Shoreland drainage facilities shall, if required, include water retention structures and

settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes.

(4) All storm sewer trenches within dedicated streets shall be backfilled with excavated or compacted granular material meeting the requirements of the "Standard Specifications for Sewer and Water Construction in Wisconsin". All backfill shall be compacted by mechanical means.

(5) The divider shall bear the cost of installing all storm sewer and drainage system facilities within the proposed land division, except for the added material costs of installing oversized storm sewers or related facilities greater than thirty-six (36) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed land division. The Village shall reimburse the divider for the reasonable material costs of the required oversizing.

(6) In addition, the divider shall be required to pay to the Village a storm sewer trunk fee, based on the added cost of installing larger storm sewers or related facilities in the total tributary drainage area, which cost shall be prorated in proportion to the ratio which the total area of the proposed land division bears to the total drainage area to be served by such larger storm sewers or related facilities.

(7) Storm sewer trunk fees collected by the Village shall be placed in a nonlapsing special fund for Village storm water management projects, which shall be separate from the General Fund of the Village. Such special fund shall be used exclusively for storm water management projects which benefit the land division with respect to which such fees are paid.

(8) Installation of all storm sewer and drainage system facilities shall be completed within the first 12-month period following the last required approval of the final plat or certified survey map, unless the Village Board expressly waives or modifies this requirement for good cause shown.

(i) Water Supply System Facilities. If available, public water supply and distribution system facilities shall be required for all subdivisions and large lot subdivisions. Public water system facilities may be required for minor land divisions located within reasonable proximity to such facilities. The divider shall construct the water supply and distribution

facilities, when required, in such a manner as to make adequate water service available to each lot within the land division. The divider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Industry, Labor and Human Relations. In addition:

(1) Water laterals shall be installed to the street lot line, in the case of connection to public water supply and distribution systems.

(2) The size, type, design, location and manner of installation of all public water mains and related water system facilities required or proposed to be constructed shall be in accordance with plans and specifications approved by the Village Board and the "Standard Specifications for Sewer and Water Construction in Wisconsin". Plans prepared by the divider or the Village's Consulting Engineer shall be prepared at a scale of no greater than one (1) inch equals forty (40) feet horizontal and one (1) inch equals four (4) feet vertical.

(3) The divider shall bear the cost of installing all water mains, water laterals, and water system appurtenances within the proposed land division except for the added material costs of installing oversized water mains or related facilities greater than twelve (12) inches in diameter which are necessary to serve areas lying outside of the proposed land division. The divider shall bear the cost of installing all boundary water mains which are determined necessary by the Village. The Village shall reimburse the divider for the reasonable costs of the required oversizing.

(4) In addition, the divider may be required to pay to the Village a water trunk fee in an amount based upon the added cost of installing larger water mains or related facilities in the total water service area, which cost shall be prorated in proportion to the ratio which total area of the proposed land division bears to the total water service area to be served by larger water mains or related facilities.

(5) Water trunk fees collected by the Village shall be placed in a special nonlapsing fund for water system projects, which shall be separate from the General Fund of the Village. Such special fund shall be used exclusively for water system projects which benefit the land division

with respect to which such fees are paid.

(6) All water main trenches within dedicated streets shall be backfilled with excavated or granular material meeting the requirements of the "Standard Specifications for Sewer and Water Construction in Wisconsin". All backfill shall be compacted by mechanical means.

(7) Installation of all water system facilities shall be completed within the first twelve (12) month period following the last required approval of the final plat or certified survey map, unless the Village Board expressly waives or modifies this requirement for good cause shown.

(8) All water distribution facilities shall be designed so as to allow for the installation of water meters on each water lateral and every lot shall be restricted, either by deed restriction or on the face of the final plat so as to notify all subsequent transferees that no building permits shall be issued for the erection, construction or occupancy of a building or structure unless the plans therefore include the installation of a water meter(s).

(j) Other Utilities. The divider shall cause proposed gas, electrical power, telephone or cable television facilities to be installed in such a manner as to make adequate service available to each lot in the land division. All such facilities shall be located underground in all subdivisions and large lot subdivisions. Plans showing the proposed location of all utilities proposed to service the site shall be subject to review and approval.

(k) Street Lights. The divider of a subdivision or large lot subdivision shall pay to the Village the cost of installing fiberglass break-away pole (high-pressure sodium shoe-box fixture) street lights at the intersections of all streets to be dedicated and at such mid-block intervals as may be required by the Village Board. Other street light types or designs may be approved by the Village Board, with recommendation from the Plan Commission.

(l) Street Signs. The divider shall pay to the Village the cost of installing street signs of a design approved by the Village Board, with recommendation from the Plan Commission, at the intersection of all streets to be dedicated.

(m) Street Trees. In all subdivisions with lots smaller than one (1) acre, the Village Board shall, and in other subdivisions may, require the divider to plant at least one (1) tree of an approved species and of at least one and one-half (1½)

inches in diameter at breast height for each fifty (50) feet of frontage on all streets to be dedicated. The trees shall be planted within the curb lawn following the installation of the curb and gutter. Recommendation of the type and location of tree plantings shall be made by the Tree Commission. In addition:

(1) In lieu of planting street trees, the divider may pay a tree fee to the Village Clerk/Treasurer of Five Hundred (\$500.00) Dollars for each tree to be planted. Monies collected for tree planting shall be kept in a special tree planting fund, separate from the Village General fund. Such special fund shall be used exclusively for planting trees to benefit the land divided with respect to which such fees were paid.

(2) Tree plantings shall be completed by the divider or by the Village, as outlined in the Land Division Agreement, in accordance with plans and specifications approved by and at such time as prescribed by the Village Board, with consideration given to the actual and/or probable location of sewer laterals.

38.09 CONSTRUCTION

(a) Commencement. No construction or installation of improvements shall be commenced in a proposed land division until after the final plat or certified survey map shall have been finally approved, and certified by the approving agencies, and the Village shall have given written authorization to the divider to commence such construction or installation. Payment of inspection and construction-related fees shall be required as specified in Section 38.10 of this Ordinance.

(b) Building Permits. No building, zoning or occupancy permit shall be issued for the erection, construction or occupancy of a building or structure on any lot created in violation of this Ordinance until all of the requirements of this Ordinance have been satisfied. No building or zoning permits shall be issued with respect to any land division until approved contracts shall have been awarded for all of the required first year improvements.

(c) Plans. The following plans, profiles and specifications are required, and shall be submitted for review and approval by the Village Board, with the advice and recommendation of the Building Inspector and Plan Commission, before authorization of any construction or the installation of any improvements. The Village President and Clerk/Treasurer shall place their certification of such approval on each of the following plans, which shall be kept on file in the Village Office:

(1) Street plans, profiles and specifications showing existing and proposed grades, elevations and cross-sections of required improvements.

(2) Sanitary sewer facilities plans, profiles and specifications showing the locations, grades, sizes, elevations and materials of all required sanitary sewer facilities.

(3) Stormwater management facilities plans, profiles and specifications showing the locations, grades, sizes, cross-sections, retention/detention facilities, elevations and materials of all required stormwater management facilities.

(4) Water supply facilities plans, profiles and specifications showing the locations, sizes, elevations and materials of all required water facilities.

(5) Other facilities plans, profiles and specifications showing the locations, sizes, elevations and materials of all gas, electric, telephone or other communications facilities.

(6) Erosion and sedimentation control plans showing and describing the structures required to retard the rate of runoff water, the grading and excavating practices to prevent erosion and sedimentation, the time span that soil will be exposed, and the practices and structures to protect existing vegetation. Such plans shall generally follow the guidelines and standards set forth in the publication, U.S. Soil Conservation Service Technical Guide, adopted by the Kenosha County Land Conservation Committee, as amended.

(7) Planting plans showing the location, age, diameter at breast height, and species of any proposed grasses, vines, shrubs, and trees.

(8) Additional special plans or information as required by the Village Board to clarify planning, engineering or design criteria as presented in the divider's proposed land division.

(d) Erosion Control.

(1) Construction site erosion control shall be provided during all phases of grading and construction to prevent sediment from entering storm sewers, watercourses or adjacent property. An erosion control plan shall be submitted to the Village Board for approval prior to commencing

construction.

(2) The Village Board may require the divider to provide or install appropriate erosion control protection and rehabilitation measures, such as silt fencing, erosion bales, sediment ponds, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.

(3) Tree cutting and shrubbery clearing shall not exceed fifty (50) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and preserve natural screening of any development from stream or lake users. (See Section 38.09(e) of this Ordinance.)

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

(5) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to minimize the impact of development on natural fauna, flora, watercourses, water regimen, and topography. (See Section 38.09(e) of this Ordinance.)

(6) Review of the proposed or actual conduct of any cutting, clearing or earth moving may be requested of the Kenosha County Land Conservation Committee, the DNR District Fish and Game Managers, and the State District Forester by the Village Building Inspector, Village Tree Commission, Village Plan Commission, or Village Board as they deem appropriate.

(7) The divider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise so protected that erosion, siltation, sedimentation, and washing are prevented.

(8) All erosion control plans shall incorporate best management practices to reduce soil loss during construction.

(9) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.

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

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

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

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

(f) Inspection and Construction Related Services. The divider, prior to commencing any work within the land division, shall notify the Village to make arrangements for adequate inspection. The Village shall, at the divider's expense, provide all necessary inspection and construction related services for streets, utilities, and storm sewers and shall inspect and approve all completed work prior to the release of the sureties.

38.10 FEES.

(a) General. The divider shall submit all required fees, bonds and letters of credit to the Village Clerk/Treasurer at the times specified before final approval of a plat or certified survey map, except fees payable under Section 38.10(h) hereafter, which shall be payable as specified in that subsection. In addition, the Land Division Agreement shall be executed and filed by the divider prior to preliminary approval of any plat or final approval of any certified survey map.

(b) Neighborhood Sketch Plan Fee. The divider shall pay to the Village Clerk/Treasurer prior to the preparation or

submission of a neighborhood sketch plan a fee of twenty (\$20.00) Dollars, per acre for each acre included in the divider's proposed land division to assist in defraying the costs of reviewing the sketch plan.

(c) Conceptual Plan Review Fee. The divider shall pay a fee in an amount to be determined by the Zoning Administrator, taking into account the estimated costs for engineering, legal and administration which will be incurred by the Village in reviewing the conceptual plan. This amount shall be determined and given to the divider in writing as soon as practicable. These fees are payable to the Village Clerk/Treasurer at the time of first application for the review of the conceptual plan to assist in defraying the cost of review.

(d) Preliminary Engineering Cost Estimate Fee. Following the conceptual review if a conceptual review is required, a divider interested in obtaining a preliminary engineering cost estimate for street, sanitary sewer, water, storm sewer or other required street improvements within a development site, shall pay a fee of Four Hundred (\$400.00) Dollars, to the Village Clerk/Treasurer.

(e) Certified Survey Map Review Fee. The divider shall pay a fee of fifty (\$50.00) Dollars, for each certified survey map to the Village Clerk/Treasurer at the time of the first application for approval of any proposed certified survey map to assist in defraying the cost of review.

(f) Preliminary Plat Review Fee. The divider shall pay a fee of Five Hundred (\$500.00) Dollars, plus One Hundred Fifty (\$150.00) Dollars, per lot or parcel within a proposed preliminary plat to the Village Clerk/Treasurer at the time of the first application for approval of such preliminary plat to assist in defraying the cost of review. A reapplication fee of Fifty (\$50.00) Dollars, shall be paid to the Village Clerk/Treasurer at the time of submission of any modifications or additions to any preliminary plat which has previously been reviewed.

(g) Final Plat Review Approval. The divider shall pay a fee of One Hundred (\$100.00) Dollars, for each lot or parcel within a proposed final plat to the Village Clerk/Treasurer at the time of the first application for approval of such plat to assist in defraying the cost of review. A reapplication fee of Fifty (\$50.00) Dollars, shall be paid to the Village Clerk/Treasurer at the time of submission of any modifications or additions to any final plat which has previously been reviewed.

(h) Public Park Site Fee. The divider shall pay a public park site fee to the Village Clerk/Treasurer in the amount of Two Thousand Four Hundred (\$2,400.00) Dollars for each buildable single-family residential lot on the plat or map or Two Thousand Four Hundred (\$2,400.00) Dollars for each proposed or

potential dwelling unit in the case of planned unit developments, multi-unit dwellings or condominiums, payments to be made prior to the time of issuance of any building permit for such improvement. Public park site fees collected by the Village Clerk/Treasurer under the provisions of this ordinance shall be placed in a non-lapsing special fund for Village parks and shall be separate from the general fund of the Village, and said special funds shall be used exclusively for the acquisition and development of park, recreation and other open space area within the Village to serve the residents of the proposed land division or development. As a complete alternative to the public park site fee to be paid hereunder, the Village Board may, at the option of the Village, accept land dedicated for playground, park or other public open space purposes which are consistent with the Village comprehensive plan where the dedication of such land is at a rate of a minimum of one (1) acre of land so dedicated for each twenty-five (25) proposed or potential dwelling units within the land to be divided, subdivided or developed as a planned unit development, multi-unit dwelling, condominium development or single-family residential development. Nothing contained herein shall prohibit the Village Board from entering into an agreement with the divider to provide for the payment of public park site fees and/or the dedication of land for playgrounds, parks or other public open spaces or an agreement combining both the payment of public park site fees and the dedication of land, so long as such agreement is in writing and results in a payment of park site fees and/or dedication of public land to the Village which is roughly proportional to the requirements set forth in this section, which shall be deemed to be minimum requirements.

(i) **Repealed.**

(j) Engineering and Inspection Fees. In the event that the actual cost for engineering inspection work incurred by the Village through final plat approval exceeds the total fees paid by the divider under subsections ©), (f) and (g), above, then the divider shall pay to the Village Clerk/Treasurer upon demand, a fee equal to the actual cost incurred by the Village for all engineering or inspection work conducted by, or on behalf of the Village in connection with its review of any proposed plat or certified survey map or inspection of any engineering work. Engineering work shall include, without limitation the preparation of construction plans and specifications, review of plans, construction staking, inspection of construction, and such other engineering or inspection services as the Village may deem necessary to assure that construction of the required improvements is in compliance with the approved plans and specifications. The Village may permit the divider to furnish all, or some part of the required construction plans and specifications, and no engineering fees shall be charged for such plans and specifications, but shall be charged for the review of such plans.

(k) Administrative Fee. The divider shall pay to the Village Clerk/Treasurer, upon demand and in no event later than the final approval of any plat or certified survey map, a fee equal to the cost of any legal, administrative or fiscal services incurred by the Village in connection with its review of any plat or certified survey map. Legal work shall include, without limitation, the drafting of contracts between the Village and the land divider. These fees may also include the cost of obtaining professional opinions including, but not limited to those of attorneys, accountants, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered.

(l) Storm Sewer Trunk Fee. To the extent that a divider is required to pay the storm sewer trunk fee provided for in Section 38.08(h) of this Ordinance, such fee shall be paid to the Village Clerk/Treasurer prior to the final approval of any plat or certified survey map.

(m) Sanitary Sewer Trunk Fee. To the extent that a divider is required to pay the sanitary sewer trunk fee provided for in Section 38.08(g) of this Ordinance, such fee shall be paid to the Village Clerk/Treasurer prior to the final approval of any plat or certified survey map.

(n) Water Trunk Fee. To the extent that a divider is required to pay the water trunk fee provided for in Section 38.08(I) of this Ordinance, such fee shall be paid to the Village Clerk/Treasurer prior to the final approval of any plat or certified survey map.

(o) Effect on Nonpayment of Fees. Notwithstanding any other provision of this Ordinance, no final approval of any final plat or certified survey map shall be granted by the Village Board until such time as all fees imposed under this Ordinance have been paid in full, with the exception of construction-related fees.

38.11 DEFINITIONS.

(a) General Definitions. For the purposes of this Ordinance, the following defined works or phrases shall have the definitions provided below. Words or phrases that are not defined shall have their common, ordinary meaning. Additionally, as used in this Ordinance, the word "shall" is mandatory, and the word "may" is permissive. Singular words generally include the plural and vice-versa.

(b) Specific Words and Phrases.

(1) Advisory authority. Any authority or agency, other than an objecting authority, to which a plat or certified survey map may be submitted for

review and comment. An advisory agency may give advice to the Village, but suggestions made by an advisory authority are not binding on the Village of Paddock Lake Village Board.

(2) Alley. A special public way affording only secondary access to abutting properties.

(3) Approving authority. Each governmental body having authority to approve or reject a plat or certified survey map. The approving authorities with respect to subdivision plats are set out in Section 236.12 of the Wisconsin Statutes.

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

(5) Block. A tract of land or plat bounded by streets, or a combination of streets, public parks, cemeteries, railroad right-of-ways, shorelines of navigable waters, and municipal boundaries, and consisting of a number of platted lots.

(6) Building setback line. A line parallel to a lot line and set at a prescribed distance from the lot line to comply with the terms of the Village Zoning Ordinance, which delineates the street side of the buildable area of a lot.

(7) Certified survey map. A map prepared in accordance with Section 236.34 of the Wisconsin Statutes and applicable provisions of this Ordinance for the purpose of dividing land into not more than four (4) lots and which depicts a land division resulting in not more than four (4) lots. Minor land divisions can be legally accomplished only by means of an approved certified survey map.

(8) Collector street. A street used, or intended to be used, to carry traffic from minor streets to arterial streets, including, without limitation, the principal entrance streets to residential developments.

(9) Community. A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic and/or physical interests.

(10) Comprehensive plan component. Each

ordinance, plan, study, agreement or other document duly adopted or approved by the Village Board or the Village Plan Commission of the Village of Paddock Lake, which relates to or affects the regulation of, or the planning for, land use and development or public services and facilities within the Village of Paddock Lake or within its extraterritorial plat approval jurisdiction, without regard to whether such document was originally prepared by the Village or by some other entity such as the Southeastern Wisconsin Regional Planning Commission or Kenosha County.

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

(12) Dedication. Any land identified on a plat or certified survey map as being under public ownership for purposes of future public improvements or facilities.

(13) Divider. Any person, including the owner of land or the owner's or agent who divides, conveys or seeks to divide or convey land in such a way that a land division, subdivision, large lot subdivision, minor land division or replat results.

(14) Extraterritorial plat approval jurisdiction. The unincorporated area within one and one-half (1½) miles of a village or fourth-class city and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers of two (2) municipalities overlap, the jurisdiction over the overlapping area is divided by a line all points of which are equidistant from each municipality so that not more than one (1) municipality exercises extraterritorial powers over any particular area.

(15) Face of curb. The vertical portion of the curb facing the pavement on a non-mountable curb. On mountable curbs, the curb face is computed to be a point six (6) inches from the back of the curb to the front of the curb.

(16) Final plat. A final scale map, prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into five (5) or more lots which depicts a land division (either a

subdivision or a large lot subdivision) resulting in five (5) or more lots.

(17) Flag lot. A lot which is without street frontage for much of its width and which has access to a street only by virtue of a narrow leg or "flagstaff" where the driveway is usually located. Flat lots resemble the shape of a flag and flagstaff. The creation of flag lots is prohibited.

(18) Floodlands. Those lands, including the floodways and flood fringe areas which are subject to inundation by the 100-year recurrence interval flood or, where such date is not available, by the maximum flood of record.

(19) Frontage street. A minor street which is auxiliary to and located beside an arterial street, and which is used to control access to the arterial street and to serve the abutting development.

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

(21) High groundwater elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.

(22) Irrevocable letter of credit. An agreement guaranteeing payment of land division improvements, entered into by a bank, savings and loan association, or other financial institution authorized to do business in this state and which has a financial standing acceptable to the Village.

(23) Kenosha County Planning and Development. The departmental agency of county government in

Kenosha County having preliminary and final plat review and approval authority.

(24) Land division. Any division or conveyance of land which results in the creation of one (1) or more additional lots or parcels.

(25) Land division agreement. An agreement between the Village and a divider with respect to the construction improvements and other matters relating to a finally approved land division.

(26) Large lot subdivision. Any land division resulting in five (5) or more lots, less than five (5) of which are each one and one-half (1½) acres or less in area. Large lot subdivisions can be legally accomplished only by means of an approved preliminary plat and final plat.

(27) Lot. Any parcel of land formed by a land division.

(28) Lot, corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five (135) degrees or less, measured on the lot side.

(29) Lot, double frontage. A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards, two (2) side yards and no rear yard. Double frontage lots are generally not permitted unless the lot abuts an arterial street. If a double frontage lot abuts any arterial street, direct access to the arterial street is restricted by means of a planting buffer or some other acceptable measure.

(30) Minor land division. Any land division not defined as a "subdivision" or "large lot subdivision". Minor land divisions include all land divisions and conveyances of land resulting in the creation of no more than four (4) lots. Minor land divisions can be legally accomplished only by means of an approved certified survey map.

(31) Minor street. A street used, or intended to be used, primarily for access to abutting properties.

(32) Municipality. An incorporated village or city.

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

(34) Navigable stream. Any stream capable of floating any boat, skiff or canoe of the shallowest draft used for recreational purposes at any time of the year.

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

(36) Objecting authority. An agency empowered to object to a subdivision plat pursuant to Chapter 236 of the Wisconsin Statutes. The Village of Paddock Lake may not finally approve any subdivision plat with respect to which a timely objection by an objecting authority has been certified until such objection has been satisfied.

(37) Outlot. A parcel of land, other than a buildable lot or block, which is designated as such on a plat or certified survey map, and which can be left as open space, redivided into buildable lots, or combined with one (1) or more adjacent outlots or lots for the purpose of creating buildable lots.

(38) Person. Any individual, corporation, partnership, association, body politic or corporate.

(39) Preliminary plat. A map, preliminary scale map prepared in accordance with the requirements

of Chapter 236 of the Wisconsin Statutes and of this Ordinance, for the purpose of dividing land into five (5) or more lots, which depicts a land division (either a subdivision or a large lot subdivision) resulting in five (5) or more lots.

(40) Public way. Any public road, street, highway, drainageway, or part thereof.

(41) Reservation. Land identified on a plat or certified survey map to be set aside for possible future acquisition for public improvements or facilities. Land reservations do not imply public ownership.

(42) Roadway. The paved portion of a street.

(43) Sanitary sewer service area. The area within and surrounding a city, village or other community that is planned to be served with public sanitary sewerage facilities by the year 2010 as determined by the Southeastern Wisconsin Regional Planning Commission, as amended from time to time.

(44) Shorelands. Those lands lying within one hundred (100) feet from the high water elevation of navigable lakes, ponds, streams and flowages.

(45) Subdivision. Any land division resulting in five (5) or more lots at least five (5) of which are one and one-half (1½) acres or less in area, or any series of successive land divisions which result in five (5) or more lots being created from the same parcel of land within a period of five (5) years, each of which is one and one-half (1½) acres or less in area. Subdivisions can be legally accomplished only by means of an approved preliminary plat and final plat. (By way of distinction, see definitions for "large lot subdivision", "minor land division" and "land division".)

(46) Surety bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if the contract or obligation is unfulfilled by the divider.

(47) Wetlands. Those areas 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.

38.12 ADOPTION AND EFFECTIVE DATE.

Pursuant to Section 66.035 of the Wisconsin Statutes, this Ordinance shall be effective upon adoption by the Village Board, and upon posting in three (3) public places in the Village of Paddock Lake, three (3) public places in the Town of Bristol and three (3) public places in the Town of Salem and three (3) public places in the Town of Brighton which are likely to give notice to persons affected.