

## Chapter 281

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Village Board of the Village of Hustisford 3-28-1994 as Title 14, Ch. 1 of the 1994 Code. Amendments noted where applicable.]**

#### GENERAL REFERENCES

Plan Commission — See Ch. 17.  
Building construction — See Ch. 140.  
Construction site erosion control — See Ch. 154.  
Driveways and culverts — See Ch. 160.  
Sewer Utility — See Ch. 262.  
Streets and sidewalks — See Ch. 277.  
Trees and shrubs — See Ch. 292.  
Water Utility — See Ch. 315.  
Zoning — See Ch. 325.

#### ARTICLE I Introduction

##### **§ 281-1. Authority and purpose.**

- A. In accordance with the authority granted by §§ 236.13(1)(b) and 236.45, Wis. Stats., and for the purposes listed in §§ 236.01 and 236.45, Wis. Stats., the Village Board of the Village of Hustisford, Wisconsin, does hereby ordain as follows:
- (1) The provisions of this chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village of Hustisford.
  - (2) This chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- B. The purpose of this chapter is to promote the public health, safety, convenience and general welfare of the community. The regulations are designed to lessen congestion in the highways and streets; to foster the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air, including access to sunlight for solar collectors and to wind for wind energy systems; to discourage overcrowding of the land; to protect the community's agriculture base; to facilitate adequate provision for transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with the reasonable consideration of, but not limited to, the present character of the Village and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, protecting farming and open spaces, and providing for the most appropriate use of land in the Village of

Hustisford.

**§ 281-2. Abrogation and greater restrictions.**

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

**§ 281-3. Interpretation.**

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

**§ 281-4. Severability.**

If any provision of this chapter is invalid or unconstitutional, or if the application of this chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this chapter which can be given effect without the invalid or unconstitutional provision or application.

**§ 281-5. Title.**

This chapter shall be known as, referred to, or cited as the "Village of Hustisford Subdivision Chapter" or the "Village of Hustisford Land Division and Subdivision Chapter."

**ARTICLE II  
Definitions**

**§ 281-6. Definitions.**

The following definitions shall be applicable in this chapter:

**ALLEY** — A public right-of-way which normally affords a secondary means of vehicular access to abutting property.

**ARTERIAL STREET** — A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land and to collector and minor streets.

**BIKEWAY** — A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.

**BLOCK** — An area of land within a subdivision that is entirely bounded by a combination or combinations of streets, exterior boundary lines of the subdivision and streams or water bodies.

**BUILDING LINE or BUILDING SETBACK LINE** — A line parallel to a lot line and at

a distance from the lot line so as to comply with the yard and setback requirements of Chapter 325, Zoning, of this Code or any restriction on the plat which identifies a line on the plat as a building setback line.

**COLLECTOR STREET** — A street which collects and distributes internal traffic within an urban area, such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.

**COMMISSION** — The Plan Commission created by the Village Board pursuant to § 62.23, Wis. Stats.<sup>1</sup>

**CONCEPT PLAN** — A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes.

**CONDOMINIUM DEVELOPMENT** — A real estate development in which a condominium form of ownership pursuant to Ch. 703, Wis. Stats., is utilized.

**CONSOLIDATION** — Legally merging two or more recorded parcels into a single parcel.

**CONVEYANCE** — Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.

**CUL-DE-SAC** — A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.

**DEAD-END STREET** — A street permanently or temporarily closed at one end, with or without turnarounds.

**DIVISION OF LAND** — A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale or development.

**DRAINAGEWAY** — An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry stormwater on the ground surface in lieu of an enclosed storm sewer. Drainageways may serve multiple purposes in addition to their principal use, including but not limited to maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, stormwater detention, park development, and other related uses. Drainageways may also be referred to as "greenways."

**EASEMENT** — The area of land set aside or over or through which a liberty, privilege or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.

**EXTRATERRITORIAL PLAT APPROVAL JURISDICTION** — The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities.

**FINAL PLAT** — The final map, drawing or chart on which the subdivider's plan of

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<sup>1</sup>. Editor's Note: The definition of "Comprehensive Development Plan," which immediately followed this definition, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

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

**HALF STREET** — A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided, or an existing street of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.

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

**LIMITED ACCESS HIGHWAY** — A highway designed in such a manner so as to provide no direct access to properties abutting its right-of-way and including all highways designated as limited access highways by the Plan Commission.<sup>2</sup>

**LOCAL STREET** — A street of little or no continuity designed to provide access to abutting property and leading into collector streets.

**LOT** — A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.

**LOT AREA** — The area contained within the exterior boundaries of a lot, excluding streets, and land under navigable bodies of water.

**LOT, CORNER** — A lot abutting intersecting streets at their intersection.

**LOT DEPTH** — The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.

**LOT LINES** — The peripheral boundaries of a lot as defined herein.

**LOT, REVERSED CORNER** — A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.

**LOT, THROUGH** — A lot having a pair of opposite lot lines along two more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines.

**LOT WIDTH** — The width of a parcel of land measured along the front building line.

**MAJOR THOROUGHFARE** — A street used or intended to be used primarily for fast or

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2. Editor's Note: Added at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.

**MASTER PLAN** — An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other Village agency which may pertain to the division of lands, including the Official Map, comprehensive utility plans, and other planning documents, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, the Official Map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.

**MINOR STREET** — A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street."

**MINOR SUBDIVISION (CERTIFIED SURVEY)** — The division of land by the owner or subdivider resulting in the creation of not more than four parcels or building sites, any one of which is 35 acres in size or less, or the division of a block, lot or outlet within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlet.

**OFFICIAL MAP** — A map indicating the location, width, and extent of existing and proposed streets, highways, drainageways, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Ch. 62, Wis. Stats.

**OUTLOT** — A parcel of land, other than a lot, so designated on a plat or certified survey and which is not intended for building or structure development in the proposed land division.

**OWNER** — Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, or public or quasi-public corporation, or combination of these, having any pecuniary interest in lands regulated by this chapter.

**PARCEL** — Contiguous lands under the control of a subdivider, whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies.

**PEDESTRIAN PATHWAY** — A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.

**PERSON** — Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.

**PLANNED COMMERCIAL SITE** — A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village recorded in the

office of the Dodge County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Master Plan or on the Official Map at the time of initial recording unless the designated facility is in public ownership or easement.

**PLANNED UNIT DEVELOPMENT or PUD** — A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves a clustering of buildings, providing common open space, and mixing different types of housing (single-family, duplexes, and multifamily). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.

**PLAT** — The map, drawing or chart on which the subdivider's plat of subdivision is presented to the Village for approval.

**PRELIMINARY PLAT** — The preliminary plat map, drawing or chart indicating the proposed layout of the subdivision to be submitted to the Plan Commission for its consideration as to compliance with the Master Plan and these regulations, along with required supporting data.

**PROTECTIVE COVENANTS** — Contracts entered into between private parties or between private parties and public bodies pursuant to § 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

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

**RESIDENTIAL DWELLING UNIT or DWELLING UNIT** — A single-family dwelling or part of a duplex, apartment, or other multiple-family dwelling occupied by one family or one distinct set of inhabitants or occupants.

**RIGHT-OF-WAY** — A public way dedicated to the public for its intended use.

**SHORELANDS** — Those lands within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

**STREET** — A public way for pedestrians and vehicular traffic and utility access, including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.

STRUCTURE — Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.

SUBDIVIDER — Any person, firm, corporation, agent, partnership, or entity of any sort which divides or proposes to divide, by plat or certified survey, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this chapter.

SUBDIVISION. — Division of a lot, parcel or tract of land by the owner thereof or the owner's agent for the purpose of sale or of building development where:

- A. The act of division creates five or more parcels, lots or building sites of 35 acres each or less in area; or
- B. Five or more parcels, lots or building sites of 35 acres each or less in area are created by successive divisions within a period of five years.

URBAN SERVICE AREA — That portion of the Village and the area within its extraterritorial jurisdiction which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, the water supply and distribution system, streets and highways.

VILLAGE — The Village of Hustisford, Dodge County, Wisconsin, and, where appropriate, its Village Board, commissions, committees and authorized officials.

WETLANDS — An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions [§ 23.32(1), Wis. Stats.].

WISCONSIN ADMINISTRATIVE CODE — The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system, as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

### ARTICLE III General Provisions

#### **§ 281-7. Compliance required; jurisdiction.**

- A. Compliance. No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division, without compliance with all requirements of this chapter and the following:

- (1) The provisions of Ch. 236 and § 82.18, Wis. Stats.

- (2) The rules of the Wisconsin Department of Commerce contained in Ch. COMM 85, Wis. Adm. Code, for subdivisions not served by public sewer.
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation, contained in Ch. TRANS 233, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for the Floodplain Management Program and the Shoreland/Wetland Management Program.
  - (5) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
  - (6) All applicable local and county regulations, including zoning, sanitary, building and official mapping ordinances.
  - (7) The Village of Hustisford Master Plan and Official Map or components thereof:
    - (a) Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Master Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the subdivider in the location and at a width indicated along with all other streets in the subdivision.
    - (b) Where a proposed school site or other public ground shown on the Master Plan or Official Map of the Village of Hustisford is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this chapter or reserved for a period of up to five years from the date of approval of the final plat for acquisition by the Village of Hustisford or any other appropriate agency having the authority to purchase said property. The Village, or other agency having the authority to purchase said property, and the subdivider shall enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five-year period.
  - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this section.
  - (9) The Village's sewer and water rules on file with the Public Service Commission of the State of Wisconsin concerning sewer and water installations and services. These rules, and Chapter 262, Sewer Utility, of this Code, are incorporated herein by reference and made a part hereof as though fully set forth herein.
- B. Extraterritorial plat approval jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as the unincorporated area within the extraterritorial jurisdiction of the Village of Hustisford. The Village has elected to approve plats under its extraterritorial plat

approval jurisdiction as provided in Ch. 236 and § 66.0105, Wis. Stats.

- C. Jurisdiction. The provisions of this chapter, as they apply to divisions of tracts of land into less than five 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) The sale or exchange of parcels of land between adjoining property owners or where not more than one additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one lot may be created in this fashion within a one-year period.
- D. Certified survey. Any division of land other than a subdivision as defined in § 236.02(12), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in § 236.34, Wis. Stats., subject to approval of the Village Board.
- E. Compliance; issuance of permits. The Village of Hustisford shall not recognize and no building or other permits shall be issued by the Village authorizing the building on or occupancy or improvement of any parcel of land not on record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully complied with and a resolution approving the land division has been adopted by the Village Board of the Village of Hustisford.
- F. Applicability to condominiums. This chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to § 703.27(1), Wis. Stats. For purposes of this chapter, a condominium unit and any associated limited common elements shall be deemed to be equivalent to a lot or parcel created by the act of subdivision.
- G. Recording of plats or certified surveys. Plats and certified surveys approved by the Village Board of the Village of Hustisford must be recorded, together with the adopting resolution, with the County Register of Deeds within six months of the date of the last resolution of preliminary approval and not later than 24 months following the date of the first resolution of approval. Land divisions shall not be recognized by the Village until recorded with the Register of Deeds. The volume, page, and document numbers of the recording shall be filed with the Village Clerk-Treasurer and Building Inspector prior to issuance of any permits. The subdivider shall file six certified copies of the approved land division with the Village Clerk-Treasurer.<sup>3</sup>

#### **§ 281-8. Land suitability.**

- A. Suitability. No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other

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3. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this subsection, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.

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

**§ 281-9. Condominium developments.**

A. Findings.

- (1) The Village Board hereby finds that certain issues arise in condominium developments that require limited applicability of this chapter to condominium developments. The State Legislature has recognized that subdivision ordinances may apply to condominiums but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
- (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate parcels, with each property entity having different ownership and management. The Village of Hustisford determines that this factor makes a condominium development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management, and control.
- (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments which are characterized by division of land into lots. These impacts include:
  - (a) Additional population density.
  - (b) The possibility of use of particular land in a manner unsuitable to the land's characteristics.
  - (c) Additional demands upon Village-area parks, recreation areas, utility facilities and schools.
  - (d) Additional traffic and street use.

- B. Portions of chapter applicable to condominium developments. The following sections of this chapter shall apply to condominium developments:
- (1) Section 281-8 relating to land suitability and construction practices.
  - (2) Sections 281-10 through 281-12 relating to preliminary plat approval. This stage of approval shall be the only approval required for a condominium development. The technical requirements for preliminary plats set forth in § 281-18 shall not apply, since condominiums have separate technical standards set forth in Ch. 703, Wis. Stats.
  - (3) Article IX relating to fees for review.
  - (4) Article VI relating to required improvements.
  - (5) Article VII relating to design standards for improvements.
  - (6) Article VIII relating to dedication requirements.
- C. Exceptions. This section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this chapter.
  - (2) Any conversion of a structure or structures in existence on the effective date of this chapter to a condominium after the effective date of this chapter.

ARTICLE IV  
**Plat Review and Approval**

**§ 281-10. Preliminary consultation.**

Before filing a preliminary plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of these regulations, the Master Plan, Master Plan components and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and the planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

**§ 281-11. Submission of preliminary plat.**

- A. Submission. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 15 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file copies of the plat and the application as required by this section with the Village Clerk-Treasurer at least 25 days prior to

the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the preliminary plat to the Plan Commission and to the Village Engineer and Village Attorney for review and a written report of their recommendations and reactions to the proposed plat. An abstract of title or a registered property report shall be referred to the Village Attorney at this time for his or her examination and report.<sup>4</sup>

- B. Additional filings. Simultaneously with the filing of the preliminary plat, the owner shall file with the Village Clerk-Treasurer a report addressing sewer and water service feasibility, drainage facilities and center-line profiles showing streets in the subdivision.
- C. Property owners' association; restrictive covenants. A draft of the legal instruments and rules for proposed property owners' associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to § 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants shall be submitted at the time of filing the preliminary plat with the Village Clerk-Treasurer.
- D. Environmental assessment.
  - (1) Filing requirement. An environmental assessment checklist shall be completed by the subdivider for review by the Plan Commission with the preliminary plat, or preferably as part of the preliminary consultation, for any subdivision or land division by certified survey which the Village has authority to approve.
  - (2) Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
  - (3) Coverage. The environmental assessment checklist shall apply to all reviewable subdivisions and land divisions by certified survey. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for land divisions by certified survey of less than five acres total area.
  - (4) Checklist form. An environmental assessment checklist form as required under this Subsection D is available from the Village Clerk-Treasurer.

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4. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- E. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.
- F. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:
  - (1) Use statement. A statement of the proposed use of lots stating the type of residential buildings with the number of proposed dwelling units and the types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population;
  - (2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
  - (3) Area plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Village Board may require that the subdivider submit a preliminary plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- G. Street plans and profiles. The subdivider shall provide street plans and profiles showing the existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- H. Soil testing. The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in § 281-8, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to the groundwater table.
- I. Drafting standards. The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet having two-foot contour intervals; shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) and easements which the subdivider proposes to make; and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

**§ 281-12. Preliminary plat review and approval.**

- A. Referral to other agencies.
  - (1) The subdivider shall, within two days after filing with the Village, transmit

two copies to the County Planning Agency, two copies to the Supervisor of Plat Review in the Wisconsin Department of Administration, additional copies to the Supervisor of Plat Review for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall be hereinafter referred to as "objecting agencies."<sup>5</sup>

- (2) Within 20 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection A(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty-day limit, it shall be deemed to have no objection to the plat.
- (3) In lieu of the procedure under Subsection A(1) above, the subdivider or the subdivider's agent may submit the original plat to the Wisconsin Department of Administration which shall forward two copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within 20 days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Administration. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within 20 days from the date of the receipt of copies of the plat, and the Department fails to act within 30 days of receipt of the original plat, it shall be deemed that there are no objections to the plat, and, upon demand, it shall be so certified on the face of the plat by the Department.<sup>6</sup>

B. Plan Commission review. After review of the preliminary plat and negotiations with

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<sup>5</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

<sup>6</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within 60 days of filing, or within such time as extended by agreement with the subdivider of its submission, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions for approval or the reasons for rejection. Such action of the Plan Commission shall be submitted to the Village Board for approval, and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor.

- C. Board action. After receipt of the Plan Commission's recommendation, the Village Board shall, within 90 days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the preliminary plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
- D. Effect of preliminary plat approval. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval. Conditional approval may be granted subject to satisfactory compliance with pertinent provisions of this chapter and Ch. 236, Wis. Stats. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.<sup>7</sup>
- E. Preliminary plat amendment. Should the subdivider desire to amend the preliminary plat as approved, he may resubmit the amended plat, which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

### **§ 281-13. Final plat review and approval.**

- A. Filing requirements.
  - (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 15 copies of the plat and the application with the Village Clerk-Treasurer at least 15 days prior to the meeting of the Plan Commission at which action is desired. The owner or subdivider shall file 15 copies of the final plat not later than 24 months after

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<sup>7</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the approval of the preliminary plat.<sup>8</sup>

- (2) The subdivider shall, within two days after filing with the Village, transmit two copies to the County Planning Agency, two copies to the Supervisor of Plat Review in the Wisconsin Department of Administration, additional copies to the Supervisor of Plat Review for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for service has not been made, and the original final plat and adequate copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce shall be hereinafter referred to as "objecting agencies."<sup>9</sup>
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by § 236.12(2), Wis. Stats.
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk-Treasurer 15 copies of the final plans and specifications of public improvements required by this chapter and a signed copy of the developer's contract required by § 281-22.<sup>10</sup>
- (5) The Village Clerk-Treasurer shall refer two copies of the final plat to the Plan Commission, one copy to the Village Engineer, one copy to the Village Attorney, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report and final plat shall be referred to the Village Attorney for his or her examination and report. The Village Clerk-Treasurer shall also refer final plans and specifications for public improvements required by this chapter to the Village Engineer for review. The recommendations of the Plan Commission, Village Attorney, and Village Engineer shall be made within 30 days of the filing of the final plat.

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8. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

9. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

10. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.

B. Plan Commission review.

- (1) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat and any conditions of approval of the preliminary plat, this chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Village Board.
- (2) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.<sup>11</sup>
- (3) If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat.<sup>12</sup>
- (4) The Plan Commission shall, within 30 days of the date of filing of the final plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.

C. Board review and approval.

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

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11. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

12. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (2) The Village Board shall, when it determines to approve a final plat, give at least 10 days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.
  - (3) Upon failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- D. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation are filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds.<sup>13</sup>
- E. Copies. The subdivider shall file 15 copies of the final plat with the Village Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.<sup>14</sup>
- F. Partial platting. The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat which the subdivider proposes to record at the time.

**§ 281-14. Certified survey map.**

- A. Use of certified survey map.
- (1) A certified survey map, prepared and recorded in accordance with § 236.34, Wis. Stats, and the requirements of this article, and having been approved by the Village Board, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
    - (a) The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Village and recorded with the County Register of Deeds as a subdivision plat, certified survey, or assessor's plat, of any size, which results in not more than four lots, outlots, parcels, or mortgage descriptions being created by any division or successive division, regardless of any changes in ownership, within any five-year period; or
    - (b) The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the County Register of Deeds, including those recorded by a metes and bounds description, provided that any of the resulting parcels are not less than 35 acres in size, and which results in not more than four lots, outlots, parcels, or mortgage descriptions being created by any division or successive division, regardless of changes of

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13. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

14. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

ownership, within any five-year period.

- (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
  - (3) The certified survey map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The applicant shall comply with all requirements of this chapter, including but not limited to Article VII (Design Standards), Article VI (Required Improvements), and Article VIII (Park and Public Land Dedications) when a certified survey map is used. A certification of the approval of the certified survey map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
  - (4) The applicant for a land division shall file five acceptable reproductions of a certified survey map and a written application requesting approval with the Village Clerk-Treasurer.
- B. Referral to Plan Commission. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Plan Commission.
  - C. Review by other Village agencies. The Village Clerk-Treasurer shall transmit a copy of the map to the Village Engineer and the Village Attorney and to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 10 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The applicant shall be required to file at the time of application public improvement plans as required for final plats.
  - D. Review; approval or rejection. The Plan Commission shall, within 30 days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map, along with its recommendations, to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within 90 days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the applicant.<sup>15</sup>
  - E. Recordation.

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15. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (1) All recording fees shall be paid by the applicant.<sup>16</sup>
  - (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- F. Reapprovals. Submittals of previously approved certified survey maps for replatting or reapproval by the Village Board shall be in accordance with § 281-15 in this article.

**§ 281-15. Replat.**

- A. Except as provided in § 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The subdivider or person wishing to replat shall then proceed using the approval procedures for preliminary and final plats prescribed in this article.
- B. Whenever a preliminary plat for a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published and mailed to adjacent property owners following the same procedures as found in § 281-12B.
- C. Whenever an approved final plat is submitted for reapproval within six months of the initial resolution approving the plat and which is substantially in conformance with the approved plat and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Village Board. No final plats shall be reapproved by the Village Board following the expiration of the six-month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Village.

**§ 281-16. Determination of adequacy of public facilities and services.**

- A. A preliminary plat, final plat or certified survey shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required; the Village Board, at its discretion, may waive this provision if the Board agrees to use bonding/borrowing for the project.
- B. The applicant shall furnish any data requested by the Village Clerk-Treasurer, who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Village Clerk-Treasurer shall act as coordinator of the reports from staff to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation

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<sup>16</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

facilities, transportation facilities and schools.

- C. Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
- (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Village Board for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Village Board shall consider the recommendations of the Village Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewage treatment facilities and any other information presented.
  - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year and funds, either public or private, are available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
  - (3) The Village Clerk-Treasurer verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary stormwater management facilities.
  - (4) The Public Works Superintendent can demonstrate to the Plan Commission and the Village Board that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare of the future residents of the proposed land division or existing Village residents.
  - (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open-space facilities and services which meet the standards of the Village's Master Plan.
  - (6) The Police Department, EMS and Fire Department verify that timely and adequate service can be provided to the residents.
  - (7) The proposed land division is accessible by an existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and Village standards.
- D. Where the Plan Commission and 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.

- E. The above requirements shall not apply to those areas outside the corporate limits of the Village of Hustisford and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Hustisford public water distribution and/or public sewerage system if determined by the Village Engineer to be feasible. If such connection(s) is not determined feasible, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such Village public water and/or sewerage systems are determined by the Village Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the Village public water and sewerage facilities upon a determination by the Village Engineer that such facilities are available for feasible connection.

**§ 281-17. Land divisions within extraterritorial plat approval jurisdiction.**

- A. Application required. No person, firm or corporation shall divide any land located within the one-and-one-half-mile extraterritorial plat approval jurisdiction of the Village of Hustisford without first filing an application and a certified survey map and/or preliminary plat with the Village for approval by the Plan Commission.
- B. Preapplication procedure.
  - (1) Before filing an application for approval of a certified survey, the subdivider shall consult with the Plan Commission and shall:
    - (a) Prepare a preliminary sketch for review and approval.
    - (b) Complete an environmental assessment checklist.
  - (2) This procedure will assist the applicant in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances.
  - (3) The preapplication information shall be submitted to the Plan Commission for review and approval 15 days prior to when the application will be considered.
- C. Extraterritorial land division policies. The following policies shall govern the Village Plan Commission in approving divisions of land within the one-and-one-half-mile extraterritorial area in order to protect the rural character and farming viability:
  - (1) No subdivisions without public sanitary sewer service as defined in this chapter, except for land divisions by certified survey as referred to in § 281-14, will be permitted within the one-and-one-half-mile extraterritorial limits of the Village of Hustisford. At the time of submission of a final subdivision

plat, the subdivider shall present evidence of a binding commitment for public sanitary sewer service to each lot within the proposed subdivision prior to the sale of any lot within the subdivision.

- (2) For land divisions by certified survey as defined in § 281-14, the procedure for approval by the Village shall be as specified in § 281-14. The Plan Commission may require approval of the certified survey map by the pertinent town board before acting as specified under this section. Land divisions by certified survey as referred to in § 281-14 will be permitted for farm-related dwellings, for rural residential dwellings, and for commercial use not exceeding an overall density of one unit for 35 acres. The only exception to this policy is that lots resulting in the infill of existing subdivisions may also be permitted. Approval will be determined based on the provisions of § 236.13, Wis. Stats.
- (3) The Village of Hustisford will attempt to seek consistency of locally adopted town plans. To the extent that the policies of the Village of Hustisford are more restrictive and are applicable under law, the Village's policies shall prevail unless town requirements control. All land divisions within the one-and-one-half-mile extraterritorial area will be subject to the land preservation or dedication requirements of this chapter. This specifically means the following:
  - (a) Any waterway or stormwater management area identified on the Village Master Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
  - (b) Any lands falling within the limits of an environmental corridor, as mapped by the Village of Hustisford or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in Chapter 325, Zoning.
- (4) Lands falling within the one-and-one-half-mile extraterritorial area shall be required to meet all of the design standards contained in Article VII of this chapter, where applicable, unless town requirements control.
- (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this chapter.
- (6) The Plan Commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan Commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.
- (7) In all cases, the time period within which action is required shall not begin until the town board, pertinent county reviewing officials, and the Village of Hustisford have received all maps, drawings and data required for plat

approval, applications have been completed and fees have been paid.

ARTICLE V  
**Technical Requirements**

**§ 281-18. Preliminary plats.**

A. General requirements.

- (1) A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, and the plat shall be prepared on mylar or paper of good quality at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:
  - (a) The title under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the Village unless considered an addition to the subdivision.
  - (b) The legal description/location of the proposed subdivision by government lot, quarter section, township, range, county and state.
  - (c) The date, scale and North point.
  - (d) Names, telephone numbers, and addresses of the owner and any agent having control of the land, engineer, subdivider, or land surveyor preparing the plat.
- (2) The entire area contiguous to the proposed plat owned or controlled by the subdivider may be required by the Plan Commission to be included on the preliminary plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the preliminary plat in question. The Village Engineer may waive these requirements where adjacent development patterns have already been established.

B. Plat data. All preliminary plats shall show the following:

- (1) The exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
- (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
- (3) The location, right-of-way width and name 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.

- (4) The location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) The 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 center-line elevations.
- (6) The location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes; the location of manholes, catch basins, hydrants, and electric and communication facilities, whether overhead or underground; 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 sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) Corporate limit lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior boundaries of the plat and extending to the center line of adjacent public streets to national map accuracy standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to mean sea level datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) The high-water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom.
- (11) The water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 100 feet therefrom at the date of the survey.
- (12) Floodland and shoreland boundaries and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
- (13) The location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with § COMM 85, Wis. Adm. Code, where

the subdivision will not be served by public sanitary sewer service.

- (14) The location, width and names of all proposed streets and public rights-of-way such as alleys and easements.
- (15) The approximate dimensions of all lots, together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (16) The location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (17) The approximate radii of all curves.
- (18) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (19) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (20) Soil tests and reports as may be required by the Village Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
- (21) Setbacks and building lines for each lot consistent with the pertinent requirements of Chapter 325, Zoning.
- (22) Design features.
  - (a) The locations and widths of proposed alleys, pedestrianways and utility easements.
  - (b) Layout numbers and preliminary acreages and dimensions of lots and blocks.
  - (c) The minimum front, rear, side, and street yard building setback lines.
  - (d) The location and size of proposed sanitary sewer lines and water mains.
  - (e) The gradients of proposed streets and sewer lines (and water mains, if required).
  - (f) Areas, other than streets, alleys, pedestrianways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
  - (g) The location and description of survey monuments.
  - (h) An identification system for the consecutive numbering of all blocks and lots within the subdivision.

- (i) Sites, if any, to be reserved for parks or other public uses.
  - (j) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses exclusive of single-family dwellings.
  - (k) Provisions for surface water management, including both minor and major system components, detention/retention facilities, including existing and postdevelopment one-hundred-year flood elevations, etc.
  - (l) Potential resubdivision and use of excessively deep (over 200 feet) or oversized lots must be indicated in a satisfactory manner.
  - (m) Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (23) Where the Plan Commission or Village Engineer finds that it or he requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it or he shall have the authority to request in writing such information from the subdivider.
- C. Additional information. The Plan Commission and/or Village officials may require a proposed subdivision layout of all or part of the contiguously owned land, even though division is not planned at the time.

**§ 281-19. Final plats.**

- A. General provisions. A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats., and this chapter.
- B. Additional information. The final plat shall show correctly on its face, or on a supporting document, in addition to the information required by § 236.20, Wis. Stats., the following:
- (1) The exact street width along the line of any obliquely intersecting street.
  - (2) The exact location and description of streetlighting and lighting utility easements.
  - (3) Railroad rights-of-way within and abutting the plat.
  - (4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (5) Special restrictions required by the Village Board, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
  - (6) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
  - (7) Groundwater presence. Where the groundwater table is equal to or less than

nine feet from the proposed street center-line elevation, the subdivider shall place the following note on the plat: "Subsoil information indicates the presence of high groundwater conditions on Lot(s) \_\_\_\_\_. On these lots, either basement elevations must be elevated above the groundwater level or the basement exteriors must be fully waterproofed."

- (8) Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
  - (9) A numbered identification system for all lots and blocks.
- C. Deed restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the final plat.
- D. Property owners' association. The legal instruments creating a property owners' association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.
- E. Street dedication. Public rights-of-way for streets and other public areas shall be dedicated to the Village with final plat approval. Such dedications shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.
- F. Survey accuracy.
- (1) Examination. The Village Board and Plan Commission, or their designees, shall examine all final plats within the Village of Hustisford and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and the legibility and completeness of the drawing.
  - (2) Maximum error of closure. The maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of 1:5,000, nor in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
  - (3) Street block and lot dimensions. 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 checks disclose an error for any interior line of the plat greater than the ratio of 1:3,000 or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.

- (4) Plat location. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by § 236.20(3)(b), Wis. Stats., may 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.
- G. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.
  - H. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
  - I. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and in addition the surveyor shall certify that he has fully complied with all the provisions of this chapter.

**§ 281-20. Certified survey land divisions.** <sup>17</sup>

- A. Additional information. The certified survey map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:
  - (1) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
  - (2) Setbacks or building lines required by the Village Board and Chapter 325, Zoning.
  - (3) All lands reserved for future acquisition.
  - (4) Date of the map.
  - (5) Graphic scale.
  - (6) Name and address of the owner, subdivider and surveyor.
  - (7) Square footage of each parcel.
  - (8) Present zoning for the parcels.
- B. State plane coordinate system. Where the map is located within a quarter section,

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<sup>17</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane 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 Village's control survey.

- C. Certificates. The surveyor shall certify on the face of the certified survey map that he has fully complied with all the provisions of this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- D. Street dedication. Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.
- E. Requirements. To the extent reasonably practicable, the certified survey shall comply with the provisions of this chapter relating to general requirements, design standards and required improvements. Conveyance by metes and bounds shall be prohibited where the lot(s) involved is less than 1 1/2 acres or 300 feet in width.

## ARTICLE VI Required Improvements

### § 281-21. Public improvements.

- A. General requirements.
  - (1) In accordance with the authority granted by § 236.13, Wis. Stats., the Village of Hustisford hereby requires that, as a condition of final plat or certified survey approval, the subdivider agree to make and install all public improvements required by this chapter and that the subdivider shall provide the Village with security to insure that the subdivider will make the required improvements. As a further condition of approval, the Village Board hereby requires that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
  - (2) As a condition for the acceptance of dedication of public rights-of-way, the Village requires that the public ways have been previously provided with all necessary facilities constructed to Village specifications, including but not limited to sewerage, storm drainage, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, streetlighting and such other facilities required by the Village Board.
- B. Options.
  - (1) The required public improvements shall be installed by the subdivider at his

cost, or the subdivider may petition the Village for the installation of the required public improvements through the special assessment "B" bond process as provided for in § 66.0713(4), Wis. Stats., or another acceptable special assessment process, with the special assessments being payable at the time of lot sale, payable in a maximum of seven annual installments, together with interest.

- (2) The Village may enter into a recapture agreement with the subdivider agreeing to require payment of recapture costs of public improvements from those properties benefiting from the improvements. The Village shall prohibit development on those properties until payment has been made. The subdivider may contract directly with adjacent property owners and/or subdividers of adjacent land for reimbursement of the oversized and/or off-site improvements constructed.
  - (3) In addition to the above, the Village may enter into an agreement to reimburse the subdivider, at the end of the seven-year period, for his cost (at the time of construction) of those oversized improvements constructed within the proposed land division but which are oversized to serve lands beyond the boundaries of the land division or other lands within the subdivider's control and which have not, during the seven-year period, been reimbursed to the subdivider. Said payment shall be only for the actual additional cost of constructing the oversized improvements within the boundaries of the land division and shall not provide for payment of any interest. The Village shall then establish special assessments against those benefiting properties outside the proposed land division boundaries or the subdivider's control for those costs. To be eligible to proceed under this provision, the land division must occur within areas identified in the Village's Master Plan or other adopted comprehensive development or public facilities plans.
  - (4) Any workable combination of the above determined by the Village Board as acceptable may be used.
  - (5) If the Village finds that Village construction of such public improvements would not be warranted as a special assessment to the intervening properties or as a governmental expense until some future time, the developer shall be required, if he wishes to proceed with the development, to obtain necessary easements or rights-of-way and construct and pay for such public improvement extensions as provided under Subsection B(1) or (2) above.
- C. Installation standards. The required public improvements shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the Village Engineer. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within 18 months of the date of final plat adoption shall be made to the new or revised standards and/or specifications. The Village Engineer shall review and approve the construction

plans, specifications and calculations for the construction of the required public improvements.

- D. Project manager. The subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required public improvements. The project manager shall be granted authority on behalf of the subdivider to make decisions related to the construction of the required public improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the subdivider directly.

**§ 281-22. Contract; guarantees; survey monumentation.**

- A. Contract. The subdivider shall be required to enter into a contract with the Village for land division improvements agreeing to install improvements as herein provided before final approval of any plat, certified survey or land division. The contract form shall be provided by the Village and may provide for a phasing of public improvements construction, provided that such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- B. Financial guarantees.
- (1) The subdivider shall file with said contract, subject to the approval of the Village Attorney, a certified check in an amount equal to 125% of the estimate of the cost of the improvements, as determined by the Village Engineer; said filing of surety shall guarantee that such improvements will be completed by the subdivider or his contractors not later than 18 months from the date of recording the final plat or certified survey map. When a certified check is posted as security, the instrument must be negotiable by the Village. When the security is furnished to insure the construction of required improvements within the extraterritorial jurisdiction of the Village, it may name the town and the county, or either of them, as additional obligees, payees or beneficiaries.<sup>18</sup>
  - (2) When the land is situated within the extraterritorial jurisdiction of the Village, the subdivider shall, at the time the contract is entered, furnish a certified check to the Village in an amount equal to 125% of the estimated cost of all required improvements as determined by the Village Engineer, except the costs to be paid through special assessments or by the Village.<sup>19</sup>
  - (3) However, the subdivider may elect, with the approval of the Village, to install

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18. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

19. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

the improvements in construction phases, provided that:

- (a) The phases are specified in the contract for land division improvements;
  - (b) The developer submits surety in an amount equal to 125% of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer; improvements constructed during the first stage and each successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the subdivision or comprehensive development until the security required for the next stage of construction has been posted with the Village;<sup>20</sup>
  - (c) The developer records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Village's approval is obtained;
  - (d) The subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
  - (e) Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (4) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
  - (5) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the subdivider from time to time, is authorized to recommend to the Village Clerk-Treasurer a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the subdivider and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, in his sole discretion, upon submission of lien waivers by the subdivider's contractors, to reduce the amount of surety. The amount of surety remaining shall be equal to 125% of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to insure performance of the one-year guarantee as specified in Subsection D below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer, are valid for noncompletion, the Village Clerk-Treasurer is authorized, in his sole discretion, to accept a reduction in the amount of surety to an amount, in the estimate of the Village Engineer,

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20. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

sufficient to cover the work remaining to be completed, including performance of the one-year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Village Engineer prior to commencing construction. The Village Board, at its option, may extend the bond period for additional periods not to exceed one year each.

- (6) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, agreeing to comply with the provisions of this section.
  - (7) The subdivider shall agree in the development contract to pay all Village legal fees, Village engineering fees, Village administrative fees, and street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main and electric utility assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including but not limited to curb and gutter, local storm sewer, sidewalks and a bituminous pavement).<sup>21</sup>
- C. Waiver of special assessment notice and hearing. The subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of special assessment notices and hearings such that the subdivider, his heirs and assigns (including purchasers of property from the subdivider) waive notice and hearing for and authorize the assessment for any and all of the required public improvements in phases of the land division intended for future development in accordance with § 66.0703(7)(b), Wis. Stats.
- D. Improvement guarantee. The subdivider shall include in said contract an instrument of public improvement guarantee by certified check or cash escrow deposit that guarantees maintenance, repair, and replacement by the developer of said public improvements which deteriorate or fail to meet performance or operating standards during the term, or any penalties which may be incurred as a result thereof, equal to 25% of the Village Engineer's estimate of the cost of the public improvements. If within one year after the date of final acceptance of any public improvement by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of public improvements) any work on any public improvement is found to be defective, the subdivider shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause the

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21. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the improvement guarantee instrument.<sup>22</sup>

- E. Survey monumentation. Before final approval of any plat or certified survey within the corporate limits of the Village, the subdivider shall install monuments placed in accordance with the requirements of Ch. 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to street or public rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on the condition that the subdivider executes a surety to insure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half, one-quarter, one-quarter-one-quarter, or other such section monument, the established monument shall be preserved and/or fully restored by the subdivider at his cost.

**§ 281-23. Required construction plans; Village review; inspections.**

- A. Engineering reports, construction plans and specifications. As required by § 281-11, engineering reports shall be submitted simultaneously with the filing of the preliminary plat. At the final plat or certified survey stage, construction plans or specifications for the required improvements conforming in all respects to the standards of the Village Engineer and the ordinances of the Village shall be prepared at the subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his seal. Said plans and specifications shall be accompanied by such supporting calculations and reports as required by the Village Engineer to enable him to review the plans and specifications. Such plans and specifications, together with the quantities of construction items, shall be submitted to the Village Engineer for his approval and for his estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Simultaneously with the filing of the final plat or certified survey with the Village Clerk-Treasurer or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following public improvements:
- (1) Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

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22. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - (4) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with Chapter 154, Construction Site Erosion Control, of this Code, if applicable.
  - (6) Planting plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
  - (7) Additional special plans or information as required by Village officials.
- B. Action by the Village Engineer. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this chapter and other pertinent Village ordinances and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he shall notify the owner, who shall modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- C. Construction and inspection.
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this chapter. Building permits shall not be issued until all improvements required by this chapter are satisfactorily completed.
  - (2) During the course of construction, the Village Engineer shall make such inspections as he or the Village Board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to ensure satisfactory work.
- D. Record plans. After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made two copies of record plans showing the actual as-built location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Such plans shall be filed with the Village Clerk-Treasurer.

**§ 281-24. Street improvements.**

The subdivider shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this chapter, particularly §§ 281-39 and 281-40.

- A. General considerations. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- B. Construction standards. Construction of all streets shall conform to the current standards as established by the Village in this chapter and elsewhere and shall be subject to approval of the Village Engineer before acceptance.
- C. Official Map. The arrangement, width, grade and location of all streets shall conform to the Official Map.<sup>23</sup>
- D. Street construction. After the installation of all required utility and stormwater drainage improvements, the subdivider shall prepare for surfacing all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations, by placing crushed rock on said roadways and, in addition, shall surface said street in a manner and quality consistent with this chapter and plans and specifications approved by the Village Engineer. Construction shall be to Village standard specifications for street improvements.
- E. Street cross sections. When permanent street cross sections have been approved by the Village, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Engineer.

**§ 281-25. Curb and gutter.**

- A. After the installation of all utility and stormwater drainage improvements, the subdivider shall be required to construct concrete curbs and gutters or, if approved by the Village, a system of ditches and culverts. The subdivider shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat. The cost of the curb and gutter and required inspection, supervision and engineering fees shall be paid for by the subdivider. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The cost of installation of all inside curbs and gutters for dual roadway pavements shall be borne by the Village.
- B. Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements.

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23. Editor's Note: Original § 14-1-53(d), Survey monumentation, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 281-22E, Survey monumentation.

**§ 281-26. Sidewalks and bikeways.**

- A. Specifications. All required sidewalks shall satisfy the design specifications in Chapter 277, Streets and Sidewalks, § 277-4 of this Code.
- B. Extra-sized sidewalks. Wider-than-standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas and other places of public assemblage, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this section if such walks are necessary, in its opinion, for safe and adequate pedestrian circulation.
- C. Location. The subdivider shall be required to provide sidewalks and bikeways to Village specifications as follows:
  - (1) Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible within the right-of-way line. Where, as a result of such major obstructions as large and established trees, steep hills, drainageways, or major utility lines, the construction costs of the sidewalk or bikeway in its normal location would be prohibitive, sidewalks or bikeways may be located elsewhere within the street right-of-way, or within an easement, with the approval of the Village Engineer. Sidewalks and bikeways constructed at street intersections or within five feet of a legal crosswalk shall include provisions for curb ramping as required by § 66.0909, Wis. Stats., and in accordance with Village standards. In all cases where the grades of sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street [see § 66.0907(2), Wis. Stats.].
  - (2) Sidewalks in street rights-of-way shall be specifically intended to serve adjacent lots and the pedestrian traffic generated from and to those lots.
- D. Bikeways.
  - (1) Bikeways shall be designed to serve both pedestrian and bicycle traffic in areas where the majority of the adjoining lots do not have frontage on or access to the street, are not being served by a bikeway, or in high traffic areas. In general, those lots which do not front or have access on the street in question are not the generating or terminating point for the pedestrian or bicycle traffic.
  - (2) More specifically, bikeways shall be designed to transport the majority of pedestrian or bike traffic through the area as opposed to serving the adjoining lots as a sidewalk does.
  - (3) Bikeways shall not be installed in lieu of sidewalks. However, where permitted by Village ordinance, persons may ride a bicycle upon public sidewalks.<sup>24</sup>

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24. Editor's Note: See Ch. 128, Bicycles and Play Vehicles.

- E. Location determination. The Village Engineer shall determine where sidewalks and/or bikeways are required in accordance with this section.
- F. Construction standards. Bikeways shall be constructed according to § 281-41E.
- G. Required locations. The subdivider shall be required to install, as directed by the Village Board, sidewalks and/or bikeways in accordance with the following:
  - (1) All through highways, or extensions thereof, shall have sidewalks and/or bikeways installed in any number of block-long increments between consecutive intersections (one block being from one intersection to the next consecutive intersection) regardless of length or location within or outside of plat boundaries.
  - (2) Other streets, both major and minor, which serve as major pedestrian access routes to and from such pedestrian traffic generators as business establishments, restaurants, schools, neighborhood parks, high-density multifamily developments, etc., shall have sidewalks and/or bikeways installed.
  - (3) All streets which currently have sidewalk along only a portion of street between consecutive intersections shall be completed from intersection to intersection.

**§ 281-27. Sanitary sewer system.**

- A. There shall be provided a sanitary sewer system to all lots, approved by the Village Engineer. The subdivider shall install adequate sanitary sewer facilities and connect them to Village sewer mains subject to specifications and inspection by the Village Engineer. All sanitary sewers shall be in accordance with Ch. NR 110, Wis. Adm. Code. The subdivider shall pay all the costs of all sanitary sewer work, including the bringing of the sanitary sewer of adequate capacity and depth from where it exists to the land division in question, as well as providing all sanitary sewer work within the land division. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.
- B. Sanitary sewers, including all related items (manholes, wyes, tees, stubs for future extensions, etc.), shall be installed meeting the specifications and requirements of the Village. Installation shall be required all the way across each lot. Where sewers larger than eight inches in diameter are required, the land divider shall be responsible for the cost of an eight-inch sewer. The difference in cost between the eight-inch sewer and that installed shall be borne by the developer, with the right of recoupment.
- C. The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewer service available to each lot within the subdivision. Where public sanitary sewers of adequate capacity are determined by the Village Engineer to be available, extensions of the public sanitary sewer system shall be made so as to provide sewer service to each lot. Gravity sanitary sewers shall be extended to the land division and to each buildable lot in accordance with Village

comprehensive sanitary sewer plans as determined by the Village Engineer. Sewerage service lines of the sizes and materials required by the Plumbing Inspector shall be installed from the sanitary sewers to the property line of every lot in the subdivision. This installation will be coordinated with the installation of sanitary sewers. The size, type and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. All sanitary sewer facilities shall be floodproofed.

- D. The ends of the services for each lot shall be accurately measured and recorded with the Village Engineer and marked in the field with appropriate staking.

**§ 281-28. Water supply facilities.**

- A. There shall be provided a water supply system in conformity with the master plan of the water system as approved by Village utilities. The subdivider shall install and connect Village water to serve all lots subject to specifications and inspection by Village utilities and the State of Wisconsin. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine. The subdivider shall pay all costs of installing and connecting adequate Village water, including the bringing of water from where it exists to the land division in question as well as providing all waterworks within the land division. The subdivider shall provide for a minimum water main diameter of eight inches and the location of public fire hydrants along the public streets at not greater than a spacing of 450 feet for residential areas or a spacing of 600 feet for commercial areas. Fire hydrants which have not passed testing or have not been operationalized shall be covered with securely attached bags to preclude their being inadvertently used by the Fire Department in an emergency situation.
- B. The land divider shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with the Village master water main plan, including the water main, pipe fittings, valves, hydrants and lateral house connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the Village Engineer and by Village utilities, the land divider shall cause to be installed, in accordance with the Standard Specifications for Sewer and Water Construction in Wisconsin, all facilities required, and the cost of the same, including inspection, supervision and engineering fees, shall be paid for by the subdivider.
- C. Where water mains larger than eight inches in diameter are required, the subdivider shall be responsible for the cost of an eight-inch main. The difference in cost between the eight-inch main and that installed shall be borne by the developer, with the right of recoupment. Installation shall be required all the way across each lot.<sup>25</sup>
- D. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division. Extensions of the public water supply system shall be designed so as to provide public water service to each

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25. Editor's Note: Original § 14-1-57(a)(4), which immediately followed this subsection and adopted utility rules, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II). See § 281-7A(9).

lot and the required fire flow protection to each hydrant. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.

**§ 281-29. Stormwater drainage facilities.**

Pursuant to § 281-43, the subdivider shall provide stormwater drainage facilities which include curb and gutter, manholes, catch basins and inlets, storm sewers, storm sewer laterals from the main to the lot line, road ditches and open channels, as may be required. All such facilities are to be of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, the type of facility required, the design criteria and the sizes and grades to be determined by the Village Engineer. Such required improvements shall be dedicated to the Village upon such terms and conditions as the Village Board may determine.

**§ 281-30. Other utilities.**

- A. Insofar as possible, all utilities, including but not limited to natural gas, telephone, cable television, electric, and water, shall be installed underground with an affidavit by the subdivider that the maintenance of said public improvements will be guaranteed by the subdivider due to use of the improvements by purchasers and construction traffic. Prior to any maintenance, repair or replacement being performed by the developer during the surety period, he shall notify the Village Engineer at least one workday prior to the doing of the work and obtain approval of the Village Engineer as to the nature and manner of work to be done.<sup>26</sup>
- B. The subdivider shall cause gas, electric power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision, certified survey or land division. All new electrical distribution, television cable and telephone lines from which lots are individually served shall be underground unless the Village Board, upon the recommendation of pertinent Village utilities or the Plan Commission, specifically allows overhead poles for the following reasons:
  - (1) The topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
  - (2) The lots to be served by said facilities can be served directly from existing overhead facilities.
- C. Plans indicating the proposed location of all gas, electrical power, cable television and telephone distribution and transmission lines required to service the plat shall be provided by the appropriate private utilities.

**§ 281-31. Streetlamps.**

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<sup>26</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

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

**§ 281-32. Street signs.**

- A. The subdivider shall arrange with the Village and pay the costs of providing the street signing necessary to serve the development. Such signing shall include street name signs and such temporary barricades and "Road Closed" signs as may be required by the Village Engineer or Public Works Superintendent until the street improvements have been accepted by Village Board resolution.
- B. The Public Works Superintendent shall have the authority to impose any restrictions as to traffic on street improvements not yet accepted by the Village as he may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.

**§ 281-33. Erosion control.**

The subdivider shall cause all gradings, excavations, open cuts, side slopes, and other land surface disturbances to be mulched, seeded, sodded or otherwise protected so that erosion, siltation, sedimentation and washing are prevented. The subdivider shall submit an erosion control plan that specifies measures that will be taken to assure the minimization of erosion problems.

**§ 281-34. Partition fences.**

When the land included in a subdivision plat or certified map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider shall erect, keep, and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. A covenant binding the developer and his grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes, shall be included upon the face of the final plat or certified survey map.

**§ 281-35. Easements.**

- A. Utility easements. The Village Board, on the recommendation of appropriate departments, utilities and agencies serving the Village, shall require utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground

installations and prevent the planting of trees in the easement area. All such utilities shall be installed underground, as required in § 281-30 of this chapter.

- B. Drainage easements. Drainage easements shall comply with the requirements of § 281-43F of this chapter.
- C. Easement locations.
  - (1) Utility easements shall be at least 15 feet wide, unless the utilities, in writing, approve a narrower width, and may run across lots or alongside of rear lot lines. Such easements should preferably be located along rear lot lines. Evidence shall be furnished the Plan Commission that easements and any easement provisions to be incorporated in the plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
  - (2) All easements dedicated on final plat or certified survey maps for poles, cables or conduits for electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All easements for storm and sanitary sewers, water and force mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easement for," followed by a reference to the use or uses for which they are intended.
- D. Deed restrictions for easements. Deed restrictions shall accompany each final plat or certified survey map and shall be filed in the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public easements which are being established; a description by reference to the final plat or certified survey map shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such easements are granted the right to place utilities and shall state that the elevation of such easements as graded by the subdivider may not be altered thereafter by him or any subsequent landowner by more than six inches.<sup>27</sup>

**§ 281-36. Extra-sized and off-site facilities.**

When any public improvements of adequate capacity are not available at the boundary of a proposed land division, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a final plat or certified survey map, assurances that such improvement extensions shall be provided in accordance with the following standards:

- A. Design capacity. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located, and the improvements shall be of sufficient capacity to handle the expected development of the overall service area involved.
- B. Extra-sized and off-size improvements. Where improvements of adequate size needed to serve the development are not available at the boundary of the

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<sup>27</sup>. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

development, the subdivider shall proceed under one of the alternatives as identified in § 281-21.

- C. Lift stations. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Village Engineer's requirements. Equipment similar to existing Village equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the subdivider unless otherwise determined and agreed upon by the Village Board. Gravity sanitary sewer service shall be employed whenever determined by the Village Engineer to be feasibly accessible.

**§ 281-37. Acceptance of improvements and dedications.**

- A. Acceptance of improvements. The dedication of any improvements, utilities, streets, parks, easements, rights-of-way or other lands or rights to the Village or the public shall not be considered accepted by the Village for public ownership until such time as the required public improvements within the intended dedication or necessary because of the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such dedication. Improvements shall be dedicated to the Village free and clear of any encumbrances. The subdivider shall be responsible for and liable for the maintenance, safety and operation of all required public improvements until such time as the improvements are accepted by the Village Board by resolution. In the event the Village must take measures to maintain, operate or make safe a public improvement existing or required as a result of the land division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the subdivider in accordance with the provisions of this chapter.
- B. Inspection and certification of improvements.
  - (1) After any of the following increments of the required improvements have been installed and completed, the subdivider shall notify the Village Engineer, in writing, that the work is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon a contract or tort arising out of or in any way related to the project, and that no moneys are owed to any surveyor, mechanic, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:
    - (a) Sewer mains and services (either storm or sanitary).
    - (b) Water mains and services.

- (c) Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
  - (d) Other miscellaneous appurtenances to the above increments, such as sidewalks, bikeways, streetlighting, street signing, etc.
- (2) The Village Clerk-Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the area of acceptance and shall prepare a final billing for engineer, inspection and legal fees and submit it to the subdivider for payment. The Village Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Village Clerk-Treasurer recommending either approval or disapproval. When the engineering, inspection and legal fees, taxes and special assessments have been paid and when the necessary lien waivers and affidavits have been filed, the report of the Village Engineer, together with the recommendation of the Village Clerk-Treasurer, shall be forwarded to the Village Board for approval and acceptance of the improvements and dedications.

**§ 281-38. Site grading.**

The subdivider shall be required to grade the full land division in accordance with the requirements of § 281-45.

ARTICLE VII  
**Design Standards**

**§ 281-39. General street design standards.**

- A. Compliance with statutes. In laying out a certified survey or subdivision, the owner shall conform to the provisions of Ch. 236, Wis. Stats., and all applicable Village regulations. In all cases where the requirements of this chapter are different from the requirements of Ch. 236, the more restrictive provision shall apply.
- B. Dedication. The subdivider shall dedicate land and improve streets as provided in this chapter and § 281-24. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Village Board. The subdivision, certified survey parcel or land division shall be so designed as to provide each lot with satisfactory access to a public street or road.
- C. Compliance with Master Plan and ordinances.
  - (1) The arrangement, character, features, and layout of land divisions in the Village of Hustisford shall be designed to comply with the standards of this chapter, the Master Plan, the Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions and which have been adopted by the Village Board. Where no such planning documents have been adopted, subdivisions shall be

designed according to engineering and planning standards approved by the Village Engineer and applied so as to properly relate the proposed development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the Official Map, streets shall be provided in locations determined necessary by the Village Engineer and to the right-of-way widths required in this article for the classification of street required.

- (2) The arrangement, character, extent, width, grade, and location of all streets shall conform to the Village Master Plan, the Official Map, and to this chapter and other Village planning documents and shall be considered in their relation to existing and planned streets, reasonable circulation of traffic, topographical conditions, runoff of stormwater, public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (3) The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.

D. Areas not covered by Official Map or plan. In areas not covered by the Official Map or Village Master Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.

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

F. Street classifications. Streets shall be required and classified by the Village Engineer, in accordance with the Village's Master Plan and, where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below:

- (1) Arterial streets. Arterial streets shall be arranged to provide through traffic for a heavy volume of vehicles. Arterial streets shall have a right-of-way width of not less than 86 feet for a median-divided roadway nor less than 66 feet for a single roadway, with a roadway width of 36 feet.
- (2) Collector streets. Collector streets shall be arranged so as to provide ready collection of traffic from individual areas and conveyance of this traffic to the major street and highway 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 major streets into which they feed. Collector streets have a right-of-way width of not less than 66 feet, with a roadway width of 36 feet.

- (3) Local/minor streets. Local streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewer systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Local streets have a right-of-way width of not less than 60 feet, with a roadway width of 36 feet.
  - (4) Alleys. Alleys shall be located at rear property lines, shall discourage through traffic, shall serve fewer than 50 vehicles per day, and shall be intended to provide access to off-street loading and service areas and not primary access to parcels.
- G. Reserve strips. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- H. Extraterritorial streets. Streets located in the extraterritorial plat jurisdiction of the Village shall provide for the dedication of the minimum widths of right-of-way in accordance with the standards of this chapter. Extraterritorial streets within the urban service area shall be provided to the structural standards of this chapter and minimum pavement widths of 24 feet and without curb and gutter. Other streets within the extraterritorial plat jurisdiction of the Village shall meet or exceed the town road standards of § 82.50, Wis. Stats.
- I. Alleys; cul-de-sac streets.
- (1) Commercial and industrial. Alleys shall be provided in all commercial and industrial districts, except that the Village Board, upon the Plan Commission's recommendation, may waive this requirement where other definite and assured provision is made for service access, such as off-street loading and parking, consistent with and adequate for the uses proposed. Where approved, the paved width of the right-of-way for commercial and industrial alleys shall be not less than 30 feet. Alley rights-of-way shall be 50 feet. Alleys shall be constructed according to base and surfacing requirements for streets.<sup>28</sup>
  - (2) Residential. Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances. Where approved, the paved width of the right-of-way for residential alleys shall not be less than 24 feet.<sup>29</sup>
  - (3) Dead end. Dead-end alleys are prohibited, except under very unusual circumstances, and crooked and T-alleys shall be discouraged. Temporary

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28. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

29. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

dead-end streets shall not be over 1,000 feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this chapter and shall provide for temporary culs-de-sac or turnarounds as approved by the Village Engineer.

- (4) Cul-de-sac streets. Cul-de-sac streets designed to have one end permanently closed shall terminate with a turnaround of not less than 120 feet in diameter and a roadway turnaround of 96 feet in diameter.<sup>30</sup>
- J. Continuation. Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. The use of culs-de-sac shall be held to a minimum, and permanently dead-ended streets shall be prohibited. Provisions shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, upon the recommendation of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layout or the most advantageous future development of adjacent tracts.
- K. Minor streets. Minor streets shall be so laid out as to discourage their use by through traffic.
- L. Frontage roads. Where a land division abuts or contains an existing or proposed arterial highway or railroad right-of-way, the subdivider shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Village Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
- M. Private streets. Private streets shall not be approved, nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
- N. Horizontal curves. When connecting street lines deflect from each other at any one point by more than 5°, they shall be connected by a curve with a radius of not less than 150 feet on local streets, 250 feet on collector streets, and 450 feet on arterial streets.
- O. Visibility. Streets shall afford maximum visibility and safety for motorist, bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the center line, shall be provided of at least 500 feet on major thoroughfares, 200 feet on collector-distributor streets, and 120 feet on all other streets.
- P. Tangents. A tangent at least 100 feet long shall be required between reverse curves on arterial and collector streets.
- Q. Street grades. The grade of major thoroughfares and collector streets shall not

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30. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

exceed 6% unless necessitated by exceptional topography and approved by the Plan Commission. Grades of local streets shall not exceed 10%. The minimum grade of all streets shall be 0.4%.

- R. Vertical curves. All changes in street grades shall be connected by vertical curves of a minimum length, in feet, equivalent to 20 times the algebraic difference in the rate of grade for major thoroughfares and 1/2 this minimum length for all other streets.
- S. Half streets. Half streets shall not be platted unless necessary to provide the full width of an existing street platted to half width. All newly platted streets shall be platted to the required full width. Where a half street exists adjacent to a proposed land division, the subdivider shall endeavor to acquire and dedicate the remaining half street.
- T. Intersections.
  - (1) Angle of intersect. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than 15 feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
  - (2) Number of streets converging. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two. Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least 125 feet from each other.
  - (3) Number of intersections along arterial streets. The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than 1,200 feet, unless otherwise determined by the Village Engineer to provide better safety.
  - (4) Local street spacing. Local streets and frontage roads intersecting with other local streets or collector streets shall, wherever practicable, be spaced no closer than 150 feet between right-of-way lines nor closer than 250 feet to the right-of-way of an arterial street.
  - (5) Property lines at street intersections. Property lines at street intersections shall be rounded with a minimum radius of 25 feet or of a greater radius when required by the Village Engineer.
  - (6) Local streets. Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such local streets approach the major streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
  - (7) Additional sight easements. At any intersection determined by the Village Engineer, restricted development easements or additional street right-of-way

shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than 30 feet from the intersection point.

U. Street names.

- (1) New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets. Street names shall be subject to approval by the Village Board.
- (2) All streets shall be named in conformity with the street-naming plan of the Village or with adjoining streets. In the case of diverging streets, the name shall be repeated. New street names shall not duplicate the names of existing streets; provided, however, that streets that are obviously in alignment with others already existing and named shall bear the names of the existing streets.

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

- (1) Subdivision lots. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."
- (2) Commercial and industrial districts. Commercial and industrial districts shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (3) Streets parallel to a limited access highway. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) Minor streets. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

**§ 281-40. Construction and dedication of streets and roads.**

A. General requirements.

- (1) Construction standards. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction and its supplements and this chapter, whichever is more restrictive. The design requirements of this section and § 281-39 shall be applicable to all streets and roads that are to be dedicated to the Village, regardless of whether such streets or roads are part of a new subdivision or land division. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher-quality pavement. Any variation of this must have prior approval of the Village Engineer. Combination concrete curb and gutter is required on all streets. (Refer to § 281-25, Curb and gutter.) A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Village Engineer.
- (2) Project costs. All roadway surveys, dedications, plans and specifications and construction will be at the expense of the applicant or applicants. This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.
- (3) Preliminary consultation. Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Hustisford, the applicant shall notify the Village Engineer. An on-site meeting will then be arranged to be attended by the Village Engineer and the applicant. Plans must be provided in order for the Village Engineer to check the design and the drainage.
- (4) Material slips. Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Village before the Village approves the final construction.
- (5) Required inspections. Prior to the commencement of any street construction, the subdivider shall notify the Village Engineer, at least one workday in advance, as to the nature of the work being done. The Village Engineer shall be contacted for required inspections after the following phases of construction: subbase grading, crushed aggregate base course, bituminous surface course, and shouldering. Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.
- (6) Tests of materials. The Village reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.

- (7) Pavement samples. Samples of bituminous concrete will be taken by the Village during pavement construction operations for purposes of determining that the material meets specifications.
- B. Construction standards. All streets and highways constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards and shall be adequate for the zoning classification or projected use of the area served by the street:
- (1) General. After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Village Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site-grading plan, as determined by the Village Engineer or his designee.
  - (2) Street rights-of-way. Streets shall have a right-of-way width as established on the Official Map or as designated in § 281-39F; provided, however, that a greater or lesser roadway width may be required by the Village Engineer where necessary to assure uniformity along the entire length of any street.
  - (3) Temporary streets. Construction of temporary streets shall require authorization of the Plan Commission.
  - (4) Standard street improvements.
    - (a) Standard street improvements shall include streetlights, concrete curb and gutter, bituminous base course, bituminous surface course and, when required, walkways.
    - (b) The construction of standard street improvements can begin only when either:
      - [1] The underground utilities were installed in the previous construction season; or
      - [2] The construction of underground utilities included mechanical compaction, and compaction tests have been approved by the Village Engineer.
    - (c) Upon obtaining the written approval of the Village Engineer, the subdivider can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or this requirement is waived, in writing, by the Plan Commission.
    - (d) Where he deems appropriate, the Village Engineer may require that pavement construction take place over a two-year period, with the lower

coat being placed in the same year as the underground utilities are constructed and with the upper coat being placed in the following year, after thorough cleaning and application of a tack coat to the first coat.

- (5) Roadway base standards.
  - (a) The subdivider must bring all streets and alleys to a grade established by the Village Board. All site work by Village employees in determining grade shall be billed at the Village rate and paid by the owner.
  - (b) Residential streets shall have a roadway base of six inches minimum compacted in-place crushed aggregate base course of Gradation No. 2 in the top layer and Gradation Nos. 1 and 2 in the lower level.
  - (c) On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a base course of eight inches minimum compacted shall be constructed upon an inspected and approved subgrade, either well-graded crushed gravel from a state-approved pit with a maximum stone of 1 1/2 inches and no greater than 10% by weight passing a No. 200 sieve or No. 3 crushed rock approximately six inches in depth and one or more layers of fine aggregate, either three-fourth-inch crushed gravel, well-graded with no greater than 10% passing a No. 200 sieve, or three-fourth-inch traffic-bound crushed rock.
  - (d) In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis pursuant to Subsection B(8)(c) below.
  - (e) In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
  - (f) In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to the line, grades and shape shown on the approved plans, profiles and cross sections.
  - (g) The subdivider shall furnish drawings which indicate the proposed grades of streets shown on the plat, and after approval of those grades by the Village Engineer and adoption by the Village Board, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross section. The grading is to be completed prior to the installation of utilities. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the subdivider.
- (6) Roadway subgrade quality.
  - (a) All subgrade material shall have a minimum California bearing ratio

(CBR) of three. Subgrade material having a CBR less than three shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions. The soil support CBR values selected for use by the designer should represent a minimum value for the soil to be used.

- (b) Stable and nonorganic subbase material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential and low bearing capacity when wet or are highly elastic shall be removed and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low bearing capacity when wet, an underdrain system shall be installed to keep the water level five feet below the pavement surface. Unstable and organic material must be subcut, removed and replaced with a suitable granular or breaker-run material approved by the Village Engineer.
- (7) Roadway grading; ditches. Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a back slope of 4:1 where ditches are allowed. The roadway shall be compacted and graded to a subgrade using, where necessary, approved fill material in accordance with Wisconsin Department of Transportation standards. Roadside ditches, where allowed by the Village, shall be a minimum of 26 inches below the finished roadway center-line elevation or as approved by the Village Engineer. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of 3:1 ditch from the edge of the shoulder to the bottom of the ditch and 2:1 on the back slope.
- (8) Pavement thickness.
- (a) Residential and rural-type roads shall have a minimum of 2 1/2 inches of thick, compacted, hot-mix bituminous concrete pavement, placed in two layers: a binder course 1 1/2 inches thick and a surface course of one inch.
  - (b) On commercial, arterial or other heavy-use roads, there shall be a minimum of 3 1/2 inches of bituminous concrete pavement, placed in two layers: a binder course two inches thick and a surface course 1 1/2 inches thick.
  - (c) In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads with a greater thickness after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to. In no event shall paving occur later than 18 months from the Village's approval of the final or official plat. All subsequent shouldering where ditches are allowed shall be brought to even grade with bituminous mat.

- (d) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding 12 feet and on each side of any structures located in the concrete (i.e., inlets).
- (9) Shoulder width.
  - (a) A shoulder a minimum of four feet wide on each side of the road is required where curb and gutter is not used and wider when required by the town road standards as noted in § 82.50, Wis. Stats.
  - (b) Where ditches are allowed, road shoulders shall have a minimum thickness of 2 1/2 inches of compacted, in-place, crushed, state-approved aggregate base course over a minimum six inches of compacted, in-place, crushed, state-approved aggregate base course, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of six inches.
- (10) Roadway culverts and bridges. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, titled "Drainage," of the Facilities Development Manual of the Wisconsin Department of Transportation. All roadway culverts shall be provided with concrete or metal apron end walls. The developer shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tiles where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's subgrade, drainage facilities shall be installed before road construction is started. Existing condition status shall be based on a maximum of a Curve 70.
- (11) Driveways.
  - (a) Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved pursuant to Chapter 160, Driveways and Culverts, of this Code.
  - (b) Driveway specifications shall be as prescribed in Chapter 160, Driveways and Culverts, of this Code.
  - (c) Driveway culverts shall be sized by the Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber end walls. Driveway culverts shall be installed as prescribed in Chapter 160, Driveways and Culverts, of this Code.
- (12) Topsoil, grass seed, fertilizer and mulch. All disturbed areas (ditches and back slopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be

protected by erosion control materials such as hay bales, sod, erosion control mats, etc.

- (13) Drainage improvements. In the case of all new roads and streets, the Village Engineer may require that stormwater retention areas and storm sewers be constructed in order to provide for proper drainage.
  - (14) Continuity and transitions.
    - (a) All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide, for the greater of either the existing or required pavement type, width, grade and cross slope.
    - (b) Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than 250 feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than 15:1 unless the Village Engineer determines that special circumstances prevent the use of such ratio, in which case the minimum transition ratio shall be 10:1.
  - (15) Curb and gutter. Combination concrete curb and gutter is required on all streets. Curb and gutter in residential areas shall have a six-inch barrier curb with a twenty-four-inch flag, except at driveway aprons where depressed curb shall be constructed. Depressed curb ramps shall be constructed at all handicap ramps for sidewalks and at all bikeways. Said curbs and gutters shall be constructed of concrete, 3,500 pounds per square inch strength at 28 days, and contain two continuous one-half-inch-diameter reinforcing rods in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the Village Engineer. Expansion joints 1/2 inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding 300 feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
  - (16) Postconstruction traffic limited. No vehicular traffic shall be permitted on the pavement for a minimum period of between 24 and 72 hours following paving, as determined necessary by the Village Engineer to protect the new pavement.
- C. Selection of alternative design. The Village Engineer shall select a pavement structure to be used after reviewing equivalent alternative pavement designs with the subdivider. The Village Engineer shall require one or more of the pavement designs of the subdivider based on the following criteria:
- (1) Life cycle cost.

- (2) The history of similar pavements in the area.
- (3) Adjacent existing pavements.
- (4) The staging of construction.
- (5) The construction season.
- (6) Friction requirements.
- (7) Depressed, surface, or elevated design.
- (8) Higher governmental preference (e.g., if a state highway).
- (9) Stimulation of competition.
- (10) The conservation of materials.
- (11) Construction considerations.
- (12) Recognition of local industry.
- (13) The availability of materials and methods locally.

D. Final inspection. Upon completion of the proposed streets, the Village Engineer will proceed to make a final inspection, accepting or rejecting the street as the case may be. After all of the provisions of this chapter have been complied with, the street will be inspected by Village officials, and at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for or arrangements have been made for the payment through written instrument by the subdivider. If the street is rejected, corrections shall be made as required by the Village Board, upon the Village Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall dedicate to the Village all land necessary for streets. The subdivider shall warranty the fitness of street improvements for one year after construction.

**§ 281-41. Block design standards.**

- A. Length; arrangement. The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street center line to street center line) shall not be less than 500 feet nor exceed 1,200 feet nor have less than sufficient width to provide for two tiers of lots of appropriate depth between street lines. A block shall be so designated as to provide two tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park, where it may have a single tier of lots. Culs-de-sac may be used where the inter-block spacing of adjacent streets exceeds the appropriate depth of two tiers of lots.
- B. Pedestrian pathways. Pedestrian pathway easements not less than 10 feet wide may be required by the Village Board, upon the recommendation of the Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers,

transportation and other community facilities.<sup>31</sup>

- C. Sidewalks. Sidewalks shall be constructed according to the standards in Chapter 277, Streets and Sidewalks, § 277-4 of this Code. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of 1/2 inch per foot times the distance between the curb and the street, sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of 1/4 inch per foot and a maximum of 3/4 inch per foot toward the street, unless public drainage is available behind the sidewalk or bikeway.
- D. Bikeways. Bikeways shall be constructed of bituminous pavement, at least six feet in width, in accordance with standard Village specifications.<sup>32</sup>

**§ 281-42. Lot design standards.**

- A. Lot dimension. Lot dimension shall conform to the requirements of Chapter 325, Zoning, but in no case shall have a frontage of less than 80 feet at the front yard building line or a depth of less than 100 feet. The requirements of the zoning regulations insofar as they may specify greater areas or distance shall be complied with.
- B. Commercial or industrial lots. Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by Chapter 325, Zoning.
- C. Lots where abutting arterial highway. Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra 15 feet of lot and an extra 15 feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
- D. Corner lots. Corner lots for residential use shall have extra width to permit full building setback from both streets or as required by applicable zoning regulations.
- E. Access to public street. Every lot shall front or abut on a public street. Every lot shall front or abut on a public street for a distance of at least 50 feet and shall be not less than 80 feet in width at the front building line, including cul-de-sac lots, or as required by Chapter 325, Zoning, the more restrictive of which shall apply.
- F. Side lots. Side lot lines shall be substantially at right angles to or radial to abutting street center lines. Lot lines shall follow Village boundary lines.
- G. Double and reversed frontage lots. Double frontage and reversed frontage lots shall

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31. Editor's Note: Original § 14-1-72(c), Street tree planting strip easements, which immediately followed this subsection, was deleted at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

32. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

be avoided, except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

- H. Natural features. In the dividing of any land, regard shall be shown for all natural features, such as tree growth, watercourses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- I. Land remnants. All remnants of lots below minimum size left over after the dividing of a larger tract must be added to adjacent lots or a plan shown as to future use rather than allowed to remain as unusable parcels.
- J. Large lots. In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by Chapter 325, Zoning, for the zoning district in which the land is located, such parcels shall be so arranged to permit redividing into parcels in accordance with this chapter and with Chapter 325, Zoning.
- K. Trunk highway proximity. All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than 50 feet from the nearer right-of-way line or 110 feet from the center line, whichever is more restrictive (see Ch. TRANS 233, Wis. Adm. Code). The subdivider may appeal this requirement to the Village Engineer. Upon written request of the Village Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- L. Easement allowance. Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- M. Drainageway and watercourse. Lots abutting upon a watercourse, drainageway, channel or stream shall have such additional depth or width as required by the Village Engineer to obtain building sites that are not subject to flooding from a postdevelopment one-hundred-year storm.

**§ 281-43. Drainage and stormwater management system.**

- A. Purpose. The following provisions in this section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops and to ensure that the costs of providing and developing such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.
- B. Drainage system required.
  - (1) As required by § 281-29 in this chapter, a drainage system shall be designed

and constructed by the subdivider to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. Postdevelopment runoff shall be limited to predevelopment levels. A final plat shall not be approved until the subdivider shall submit plans, profiles and specifications as specified in this section, which have been prepared by a registered professional engineer and approved or modified by the Village Board, upon the recommendations of the Plan Commission and Village Engineer.

- (2) Lots shall be laid out so as to provide positive drainage away from all buildings, and individual lot drainage shall be coordinated with the general storm drainage pattern for the area. Drainage shall be designed so as to avoid concentration of storm drainage water from each lot to adjacent lots.
- (3) The Plan Commission shall not recommend for approval any subdivision plat which does not provide adequate means for stormwater or floodwater runoff. Any stormwater drainage system will be separate and independent of any sanitary sewer system. Storm sewers, where necessary, shall be designed in accordance with all governmental regulations, and a copy of design computations for engineering capacities shall accompany plans submitted by the planning engineer for the final plat. When calculations indicate that curb capacities are exceeded at a point, no further allowance shall be made for flow beyond that point, and basins shall be used to intercept flow at that point.

C. Drainage system plans.

- (1) The subdivider shall submit to the Village at the time of filing a final plat a drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the subdivision. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed subdivision. The report shall also include:
  - (a) Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
  - (b) Quantities of flow at each inlet or culvert.
  - (c) Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (2) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the subdivision.
- (3) The design criteria for storm drainage systems shall be based upon information provided by the Village Engineer.
- (4) Material and construction specifications for all drainage projects (i.e., pipe,

culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Engineer.

- D. Drainage system requirements. The subdivider shall install all the storm drainage facilities indicated on the plans required in Subsection A of this section necessary to serve, and resulting from, the phase of the land division under development.
  - (1) Street drainage. All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall be designed to carry street, adjacent land and building stormwater drainage. Stormwater shall not be permitted to be run into the sanitary sewer system within the proposed subdivision.
  - (2) Off-street drainage. The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the subdivider shall make provisions for dedicating an easement pursuant to Subsection G to the Village to provide for the future maintenance of said system.
- E. Protection of drainage systems. The subdivider shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. (Generally ditches or channels with grades up to 1% shall be seeded, those with grades up to 4% shall be sodded and those with grades over 4% shall be paved.)
- F. Drainage easements. Where a land division is traversed by a watercourse, drainageway, channel or stream:
  - (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this section;
  - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this section; or
  - (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high-water mark or, in the absence of such specification, not less than 30 feet.
- G. Dedication of drainageways. Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on the Village Comprehensive Storm Water Management Plan, Master Plan and/or Official Map or any portion

thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the subdivider as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways in the land division. Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Ch. 88, Wis. Stats., the subdivider shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the Village in accordance with § 88.83, Wis. Stats.

- H. Dedication/preservation of stormwater management facilities. The subdivider shall dedicate sufficient land area for the storage of stormwater to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the Village Engineer. Whenever a proposed stormwater management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, Master Plan and/or Official Map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public to the requirements of the Master Plan and/or Official Map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five years from the date of final plat approval for future dedication to the Village or other appropriate agency.
- I. Storm drainage facilities. The subdivider, at his cost, shall install all drainage facilities identified in the erosion control plan or determined by the Village Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a comprehensive surface water management study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
- J. Minor drainage system. The subdivider shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the postdevelopment runoff resulting from a five-year, twenty-four-hour rainfall (a ten-year, twenty-four-hour rainfall for a commercial zoning district) event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55). Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted, provided that such accumulations do not allow the water to flow across the crown of the street from one side to the other. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving fewer than 10 dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than 1%.

- K. Major drainage system. The subdivider shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating postdevelopment runoff in excess of that accommodated by minor system components resulting from twenty-four-hour rainfall events for storms with return frequencies greater than two years up to and including the one-hundred-year return event (as identified in TR 55). Runoff resulting from a one-hundred-year, twenty-four-hour rainfall event shall be contained within the street right-of-way.
- L. Drainage piping systems.
- (1) Unless otherwise approved by the Village Engineer, all drainage piping of 12 inches in diameter and greater in street rights-of-way shall be constructed of Class 3 reinforced concrete pipe. Piping materials outside of rights-of-way shall be subject to approval of the Village Engineer. All storm sewer outlets shall be equipped with steel bar or iron pipe debris gates.
  - (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.
- M. Open channel systems.
- (1) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels, provided there is adequate access by the Village for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one slope. Drainageways, where subject to high groundwater, continuous flows, or other conditions as determined by the Village Engineer that would hamper maintenance operations due to consistently wet conditions, shall have a paved concrete invert of not less than eight feet wide and side slopes to a point one foot above the channel invert.
  - (2) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one foot above the elevation of inundation resulting from a predevelopment five-year, twenty-four-hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the Village's erosion control requirements. Velocities for grass-lined channels shall not exceed those presented in the Village's Surface Water Management Study, if one is adopted.
- N. Standards for on-site detention storage. When the subdivider employs on-site detention to control erosion and sedimentation, reduce the postdevelopment peak runoff rate or temporarily store stormwater runoff due to inadequate downstream drainage facilities, the detention (storage) facilities shall be subject to regulation in accordance with the following standards:

- (1) Where on-site detention is temporarily employed for erosion and sedimentation control, the detention facilities shall safely contain the predevelopment runoff from a five-year storm event of twenty-four-hour duration.
- (2) Where on-site detention is permanently employed to reduce the postdevelopment peak runoff, the detention facility shall safely contain the postdevelopment runoff from a twenty-five-year storm event of twenty-four-hour duration within the limits of the facility.
- (3) Postdevelopment runoff shall be limited to predevelopment levels.
- (4) All temporary detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one-hundred-year storm event of twenty-four-hour duration.
- (5) All permanent detention facilities shall safely contain the runoff from the one-hundred-year storm event of twenty-four-hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center 10 feet of any collector street or the top of the curb on any local street.
- (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication titled "Urban Hydrology for Small Watersheds, TR-55" and as accepted and approved by the Village Engineer.
- (7) The storage of stormwater runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless an easement providing for such storage has been approved and recorded for said lands.
- (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.
- (9) Any wet detention facilities shall include riprap to not less than two feet above the normal pool elevation for protection from wave action.
- (10) The sides of all detention facilities shall have a maximum slope ratio of 4:1 (horizontal to vertical), with flatter slopes being required where determined practical by the Village Engineer.
- (11) The Village Board, upon recommendation by the Village Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long downtimes or permanent water features or other features requiring additional security for safety reasons.
- (12) The maximum depth of a detention pond shall be determined by the Village

Engineer and shall be protected if required.<sup>33</sup>

**§ 281-44. Nonresidential subdivisions.**

A. General provisions.

- (1) If a proposed subdivision includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A nonresidential subdivision shall also be subject to all the requirements of site plan approval set forth in the Village Building Code.<sup>34</sup> A nonresidential subdivision shall be subject to all the requirements of this chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Master Plan or Official Map and Chapter 325, Zoning.

B. Standards. In addition to the principles and standards in this chapter, which are appropriate to the planning of all subdivisions, the applicant shall demonstrate to the satisfaction of the Village Board that the street, parcel and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to street, curb, gutter and sidewalk design and construction.
- (4) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to the installation of public utilities, including water, sewer and stormwater drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying nonresidential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

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33. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

34. Editor's Note: See Ch. 140, Building Construction.

**§ 281-45. Grading.**

The subdivider shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

A. Master site-grading plan.

- (1) A master site-grading plan shall be prepared by the subdivider for all new subdivisions. This plan shall be prepared in accordance with the requirements and standards of the Village.
- (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the subdivision. The cost of the preparation of such a plan shall be paid for by the subdivider.
- (3) After approval or modification of these plans by the Village Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire subdivision lot area shall be graded in accordance with the master site-grading plan. The owners of the subdivision lots shall adhere to those plans.
- (4) Upon completion of all street and subdivision grading, the grades shall be checked and certified by the Village Engineer to determine that the completed grading work is in accordance with the master site-grading plan.
- (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the subdivider.

B. Right-of-way grading. The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of sight triangles at each intersection.

C. Block grading. Block grading shall be completed by one or more of the following methods:

- (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities.
- (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale, provided that any ditches or swales are in public drainage easements and provided that a deed restriction is adopted which prohibits alteration of the grades within five feet of any property line from the grades shown on the master site-grading plan.
- (3) Draining across rear or side lot lines may be permitted, provided that the course of drainage is within a public drainage easement and is toward public drainage facilities and provided that a deed restriction is adopted which prohibits alteration of the grades within five feet of any property line from the grades shown on the master site-grading plan.

D. Miscellaneous grading requirements.

- (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a grade approved by the Village Engineer, and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility.
  - (2) Grading activities shall not result in slopes greater than 3:1 on public lands or lands subject to public access.
  - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the erosion control plan approved by the Village Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the Village releasing the one-year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
  - (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.
- E. Drainage flows. The subdivider shall cause to be set upon the master grading plan arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site or the construction of the required public improvements or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major (one-hundred-year event) drainage components. The arrows shall be accompanied on the master grading plan with the following note: "Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the Village Engineer."

**§ 281-46. Erosion control.**

The Village finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Village. Therefore, it is declared to be the purpose of this section to control and prevent soil erosion and minimize stormwater runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village. All land-disturbing activities shall be subject to the provisions of Chapter 154, Construction Site Erosion Control, in this Code.

ARTICLE VIII  
**Park and Public Land Dedications**

**§ 281-47. General requirements.**

- A. Subdivider to dedicate land. In order that adequate open spaces and sites for public

uses may be properly located and reserved and in order that the cost of providing public areas such as, but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a certified survey or subdivision development, each subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.

- B. General design. In the design of a subdivision, land division, planned unit development or certified survey, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, drainageways and other public purposes. Such sites are to be shown on the preliminary plat and final plat and shall comply with the Village Master Plan or component of said plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.
- C. Site reservation required.
  - (1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the Master Plan of the Village, such area shall either be dedicated to the proper public agency or, at the Village Board's determination, it shall be reserved for acquisition thereby within a three-year period by purchase or other means. If the land is not acquired during this period, it shall be released to the subdivider.
  - (2) Whenever any river, stream or important surface drainagecourse is located in the area being divided, the subdivider of land shall provide an easement along each side of the river, stream or drainagecourse for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainagecourse for drainage or recreational use.

**§ 281-48. Land dedication; fees in lieu of land.**

- A. Dedication of sites. Where feasible and compatible with the Master Plan of the Village, the subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village of Hustisford. The location of such land to be dedicated shall be determined by the Village Board. Where the dedication is not compatible with the Master Plan or for other reasons is not feasible as determined by the Village Board, the subdivider shall, in lieu thereof, pay to the Village a fee as established by this article, or a combination thereof.
- B. Dedication of parks, playgrounds, recreation, and open spaces. The subdivider shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the land division, subdivision or comprehensive development. The minimum dedication shall be:
  - (1) Five percent of the total acreage intended to be used for commercial or industrial uses.

- (2) Five percent of the total acreage intended to be used for single-family and two-family dwelling units.
  - (3) Ten percent of the total acreage intended to be used for multifamily dwellings.
- C. Combination of residential uses. Where a combination of residential uses is intended, the minimum dedication shall be the sum obtained by adding 10% of the acreage intended for single-family and two-family dwellings and 15% of the acreage intended for multifamily dwellings. Where a definite commitment is made to the Village by the developer with respect to those portions of the total acreage intended for single-family, duplex and multifamily dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the parcel will permit.
- D. Minimum size of park and playground dedications.
- (1) In general, land reserved for recreation purposes shall have an area of at least two acres. Where the amount of land to be dedicated is less than two acres, the Village Board may require that the recreation area be located at a suitable place on the edge of the proposed land division, subdivision or certified survey so that additional land may be added at such time that the adjacent land is subdivided. In no case shall an area of less than one acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
  - (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, play field or for other recreation purposes and shall be relatively level and dry. A recreation site shall have a total frontage on one or more streets of at least 200 feet, and no other dimension of the site shall be less than 200 feet.
- E. Fees in lieu of land.
- (1) Where, in the sole discretion of the Village Board, there is no land suitable for parks within the proposed land division or the dedication of land would not be compatible with the Village's Master Plan or park plan, the minimum size under Subsection D cannot be met, or Village officials determine that a cash contribution would better serve the public interest, the Village Board shall require the subdivider to contribute a park and recreation development fee in lieu of land. The fees collected shall be held in a nonlapsing fund to be used for purchase, development, improvement and maintenance of parks, playgrounds, open spaces and other recreational sites and facilities. The total fee shall be computed on the basis of the maximum residential use of each parcel permitted in the particular zoning district under Chapter 325, Zoning. For each proposed residential development, the fee shall be as prescribed in the Village Fee Schedule.<sup>35</sup> The fee shall be paid to the Village at the time of final plat or certified survey approval. This fee shall be annually adjusted by

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35. Editor's Note: See Ch. A330, Fees.

the Clerk-Treasurer by adding to the base fee the consumer price index (CPI) cost on March 1 of that year for each possible dwelling unit within the plat/land division allowed by Chapter 325, Zoning.

- (2) The Village Board may, in its sole discretion, permit the subdivider to satisfy the requirements of this article by combining a land dedication with a fee payment. If a land dedication of 25% of the required dedication is made, the subdivider shall also contribute an amount equal to 75% of the required per-unit fee in lieu of land. If a land dedication of 50% of the required dedication is made, the subdivider shall also contribute an amount equal to 50% of the required per-unit fee in lieu of land. If a land dedication of 75% of the required dedication is made, the subdivider shall also contribute an amount equal to 25% of the required per-unit fee in lieu of land.
  - (3) The Village shall place any fee collected pursuant to the provisions of this section in a separate account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- F. Park impact fees. In addition to any other park and recreation fees required by this article, a park impact fee as prescribed in the Village Fee Schedule<sup>36</sup> shall be paid by the person requesting a building permit at the time of application. Such fees shall be placed in a special park and recreation fund.
- G. Extraterritorial areas. Where the land division, subdivision or comprehensive development is situated within the extraterritorial jurisdiction of the Village and the town operates and maintains a park system, the parkland area dedicated to the town or fees paid to the town in lieu of such dedication shall be credited against any dedication required by or fee imposed pursuant to this section.
- H. Limitations. A subdivider shall not be required to dedicate more than 1/3 of the total area of the plat to meet the objectives of this section.
- I. Suitability of lands. The Village Board shall have sole authority to determine the suitability and adequacy of parklands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- J. Access to dedicated land. All dedicated land shall have frontage on a public street and shall have unrestricted public access.
- K. Utility extensions. The subdivider shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.

**§ 281-49. Reservation of additional land.**

When public parks and sites for other public areas as shown on the Master Plan or Master

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36. Editor's Note: See Ch. A330, Fees.

Plan component lie within the proposed area for development and are greater in area than required by § 281-48, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one year after final plat approval unless extended by mutual agreement.

**§ 281-50. Development of park area.**

- A. When parklands are dedicated to the Village, the subdivider is required to:
- (1) Properly grade and contour for proper drainage;
  - (2) Provide surface contour suitable for anticipated use of the area as approved by the Village Engineer; and
  - (3) Cover areas to be seeded with a minimum of four inches of quality topsoil, seed as specified by the Village Engineer and mulch, as specified in the Standard Specifications for Road and Bridge Construction Sections 627 and 629. The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that land division unless otherwise authorized by the Village. The improved area shall not be deemed officially accepted until a uniform grass cover to a two-inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
- B. It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.
- C. A neighborhood park area shall be provided by the subdivider with a standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall be provided by the developer with a minimum six-inch water service or at least one fire hydrant and at least one four-inch sanitary sewer lateral, all located at the street property line.
- D. The Village Board may require certification of compliance with this article by the subdivider. The cost of such report shall be paid by the subdivider.
- E. If the subdivider fails to satisfy the requirements of this section, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- F. The subdivider shall pay all costs of public improvements in the public streets adjacent to or within all public lands and/or parklands.

ARTICLE IX  
Fees

**§ 281-51. Administrative and other fees.** <sup>37</sup>

- A. General. The subdivider shall pay the Village of Hustisford all fees as hereinafter required and at the times specified before being entitled to the recording of a plat or certified survey map. At the time of submission of a plat or certified survey, the Plan Commission, at its sole discretion, may require the subdivider to make a good faith deposit with the Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Village because of the land division. Unused portions of such fund may be refunded to the subdivider.
- B. Engineering fee. The subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or certified survey map, including inspections required by the Village pursuant to § 281-23C. The subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- C. Administrative fee. The subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map.
- D. Concept plan. There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. However, such reviews shall be conducted only as staff time permits.
- E. Preliminary plat.
  - (1) A subdivider who submits a preliminary plat for the Village Plan Commission and the Village Board shall file said preliminary plat with the Village Clerk-Treasurer and shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a preliminary plat shall be as prescribed in the Village Fee Schedule. If the plat is rejected, no part of the fee shall be returned to the petitioner.
  - (2) A reapplication fee as prescribed in the Village Fee Schedule shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval or amendment of any preliminary plat which has previously been reviewed.
- F. Final plat review fee.
  - (1) The subdivider shall pay a fee as prescribed in the Village Fee Schedule per lot within the final plat to the Village Clerk-Treasurer at the time of first application for final plat approval of said plat to assist in defraying the cost of review.

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<sup>37</sup>. Editor's Note: See the Village Fee Schedule in Ch. A330, Fees.

- (2) A reapplication fee as prescribed in the Village Fee Schedule shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval or amendment of any final plat which has previously been reviewed.

G. Certified survey.

- (1) The subdivider shall pay an application fee as prescribed in the Village Fee Schedule for each certified survey.
- (2) Should the subdivider submit an amended or revised certified survey, the resubmittal fee shall be as prescribed in the Village Fee Schedule for each amended or revised certified survey.

H. Objecting to agency review fees. The subdivider shall transmit all fees required for state agency review to the Village Clerk-Treasurer at the time of application. Said review fees shall be retransmitted to the proper state review agency by the Village Clerk-Treasurer. Said fees shall be applicable, where appropriate, to review fees required by the Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce and the Wisconsin Department of Natural Resources.

I. Public site fee. If the subdivision does not contain lands to be dedicated as required in this chapter, the Village Clerk-Treasurer shall require a fee pursuant to § 281-48 for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.

J. Assessments. All outstanding assessments due to the Village shall be due prior to the signing of the final plat or certified survey by the Village.

K. Cost determination. The subdivider or divider of land within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal and real estate fees incurred in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:

- (1) The cost of Village employees' time engaged in any way with the land division based on the hourly rate paid to the employee multiplied by a factor determined by the Village Clerk-Treasurer to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- (2) The cost of Village equipment employed.
- (3) The cost of mileage reimbursed to Village employees which is attributed to the land division.
- (4) The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed 10% of the cost of the materials.
- (5) All consultant fees, including but not limited to legal and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less

than \$50, the Village shall bill the subdivider monthly for expenses incurred by the Village. Statements outstanding for more than 30 days shall accrue interest at the rate of 1 1/2% per month. Bills outstanding for more than 90 days shall be forwarded to the subdivider's surety agency for payment. Amounts less than \$50 shall be held for billing by the Village until amounts total more than \$50 or until the conclusion of project activities.

**ARTICLE X**  
**Administration and Enforcement**

**§ 281-52. Variances and exceptions.**

- A. Where the subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter. Application for any such variance shall be made in writing by the subdivider to the Village Clerk-Treasurer at the time when the preliminary plat or certified survey is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Village officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Village Clerk-Treasurer may request that the Village Engineer, Village Attorney or other officials review each situation to ensure that the request is consistent with the requirements and standards of this chapter. The Village Clerk-Treasurer shall refer the matter to the Plan Commission with a written report and recommendation from Village staff. The Plan Commission shall make a recommendation to the Village Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- B. The Plan Commission shall not recommend, nor shall the Village Board grant, variations or exceptions to the regulations of this chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located.
  - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property.
  - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.

- (4) There would be no costs (present or future) to the Village resulting from the granting of the variance or exception.
- C. Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Village Clerk-Treasurer to notify the Plan Commission and the subdivider.
- D. Variances from the strict application of this chapter may also be granted in accordance with this chapter in the case of planned unit developments, provided that the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this chapter, Village zoning ordinances, and any Village Master Plan.

**§ 281-53. Violations and penalties; appeals.**

- A. Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or the Wisconsin Statutes, and no person shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division, certified survey, or replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.
- B. Penalties.
  - (1) Any person, firm or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, be subject to a penalty as provided in Chapter 1, § 1-3. Each day a violation exists or continues shall constitute a separate offense.<sup>38</sup>
  - (2) Recordation improperly made has penalties provided in § 236.30, Wis. Stats.
  - (3) Conveyance of lots in unrecorded plats has penalties provided for in § 236.31, Wis. Stats.
  - (4) Monuments disturbed or not placed have penalties as provided for in § 236.32, Wis. Stats.
  - (5) An assessor's plat made under § 70.27, Wis. Stats., may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.
- C. Revocation of permits and/or approvals.
  - (1) The Village Engineer, Public Works Superintendent or Building Inspector

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38. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

may revoke or suspend any permit or approval issued under the regulations of this chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:

- (a) Whenever the Village Engineer shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the subdivider or his contractor has refused to conform after written warning or instruction has been issued to him.
  - (b) Whenever the continuance of any construction becomes dangerous to life or property.
  - (c) Whenever there is any violation of any condition or provision of the application for permit, of the permit, or of any approval.
  - (d) Whenever, in the opinion of the Village Engineer, Public Works Superintendent or Building Inspector, the subdivider has provided inadequate management of the project.
  - (e) Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
  - (f) Whenever there is a violation of any of the conditions of an approval or occupancy given by the Village Engineer, Public Works Superintendent or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
- (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant for the permit, the owner of the premises and his agent, if any, and/or on the person having charge of construction.
  - (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Public Works Superintendent or Building Inspector.
  - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulations of this chapter. However, such work as the Village Engineer, Public Works Superintendent or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he may require for the preservation of life and safety.
  - (5) Any appeals of such revocations or suspensions must be made in writing and within seven calendar days to the Village Clerk-Treasurer for consideration by

the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven days prior to the meeting date.

- (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this chapter is obtained.
  - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this chapter may result in health or safety problems for the occupants.
- D. Appeals. Any person aggrieved by an objection to a plat or certified survey, or a failure to approve a plat or certified survey, may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within 30 days of notification of the rejection of the plat or certified survey. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the plat or certified survey be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

**§ 281-54. Disclaimer on approvals.**

- A. The purpose of requiring approvals under this chapter is to ensure the health, safety, morale, comfort, prosperity and general welfare of the Village of Hustisford. This chapter shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, or the Village as a municipal corporation for the granting of approval or the denial of any approval. All approvals rendered as part of this chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.
- B. Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee for the design or construction of any improvements within the land division.

**§ 281-55. Restrictions for public benefit.**

Pursuant to § 236.293, Wis. Stats., any restriction placed on platted lands by covenant, grant of easement, land division, certified survey, or consolidation approval which was required by the Village and which names a public body or public utility as grantee, promisee or beneficiary vests in the public body or utility the right to enforce the restriction by law or in equity against anyone who has interest in the land subject to the restriction. The restriction may be released or waived by resolution of the Village Board.