

# TITLE 14

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## Subdivision and Platting

**Chapter 1**      Land Division and Subdivision Code



# Title 14 ► Chapter 1

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## Land Division and Subdivision Code

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## Article A: Adoption; Introduction

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### Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Secs. 236.13(1)(b) and 236.45, Wis. Stats., and for the purposes listed in Secs. 236.01 and 236.45, Wis. Stats., the Village Board of the Village of Wheeler, 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 Wheeler.
  - (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) **Purpose.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Wheeler in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
  - (2) Insuring proper legal description and proper monumenting of land;
  - (3) Preventing overcrowding of land and avoiding undue concentration of population;
  - (4) Lessening congestion in the streets and highways;
  - (5) Securing safety from fire, flooding, water pollution and other hazards;
  - (6) Providing adequate light and air;
  - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
  - (8) Facilitating further resubdivision of larger parcels into smaller parcels of land;
  - (9) Insuring enforcement of the development concepts, policies, goals and objectives delineated in the Village of Wheeler Comprehensive Plan ("Smart Growth Plan") and related components, and, but not limited to, the Official Map, Zoning Code, Erosion Control and Storm Water Runoff Code, and Building Code of the Village of Wheeler, if such plans are adopted by the Village.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
  - (2) **Lessen Congestion** in the streets and highways;

- (3) **Further the Orderly** layout and appropriate use of land;
- (4) **Secure Safety** from fire, panic, and other dangers;
- (5) **Provide Adequate Light** and air;
- (6) **Facilitate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
- (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
- (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
- (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
- (10) **Preserve Natural Vegetation and Cover** and promote the natural beauty of the Village of Wheeler;
- (11) **Restrict Building Sites** in areas covered by poor soils or in other areas poorly suited for development;
- (12) **Facilitate the Further Division** of larger tracts into smaller parcels of land;
- (13) **Ensure Adequate** legal description and proper survey monumentation of subdivided land;
- (14) **Provide for the Administration** and enforcement of this Chapter;
- (15) **Provide Penalties** for its violation; and
- (16) **Implement** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village of Wheeler, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village Zoning Code, Village Building Code and other planning documents of the Village of Wheeler described in Subsection (b)(9) above.

*State Law Reference:* Chapter 236, Wis. Stats.

## **Sec. 14-1-2 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.

## **Sec. 14-1-3 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 Wheeler and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.



**Sec. 14-1-4 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.

**Sec. 14-1-5 Repeal.**

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

**Sec. 14-1-6 Title.**

This Chapter shall be known as, referred to, or cited as the "Village of Wheeler Subdivision Chapter (Ordinance)" or "Village of Wheeler Land Division Chapter (Ordinance)."

**Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.**



## Article B: Definitions

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### Sec. 14-1-10 Definitions.

- (a) **General Definitions.** The language set forth in the text of this Chapter shall be interpreted according to the following rules of construction:
- (1) **Singular and Plural.** The singular number includes the plural, and the plural the singular.
  - (2) **Tense.** The present tense includes the past and future tenses, and the future the present.
  - (3) **Shall and May.** The word "shall" is mandatory; the word "may" is permissive.
  - (4) **Gender.** The masculine gender includes the feminine and neuter genders.
  - (5) **Defined Words and Terms.** Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof. Any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word.
  - (6) **Words Not Defined Herein.** Any words not defined in this Section shall be presumed to have their customary dictionary definitions.
- (b) **Specific Words and Phrases.** The following definitions shall be applicable in this Chapter:
- (1) **Abutting.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.
  - (2) **Access.** A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.
  - (3) **Adjacent.** Nearby, but not necessarily touching or abutting.
  - (4) **ADT.** Average daily traffic. The average total number of vehicles traversing a street on a typical day.
  - (5) **Advisory Agency.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board. Examples of advisory agencies include regional planning commissions, school districts, and local utility companies.
  - (6) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
  - (7) **Approving Agencies.** Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10, Wis. Stats.

- (8) **Arterial Street.** A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall generally be designed to convey an average daily traffic (ADT) of three thousand (3,000) and greater.
- (9) **Bicycle Path.** A pathway designed specifically to satisfy the physical requirements of bicycling.
- (10) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (11) **Block.** A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.
- (12) **Buffer.** See definition for "Bufferyard."
- (13) **Bufferyard.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural vegetation, or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the certified survey map, subdivision plat, or condominium plat.
- (14) **Buildable Lot.** See definition of "Lot, Buildable."
- (15) **Building Line (or Buildable Line).** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the applicable Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
- (16) **Caliper.** A measurement of the diameter of a tree taken six (6) inches from above the ground level for trees up to and including four (4) inch caliper sizes, and twelve (12) inches above the ground level for larger sizes.
- (17) **Certified Survey Map.** A minor land division, as defined in Section 14-1-34 of this Code of Ordinances and prepared and recorded as set forth in Section 236.34, Wis. Stats. See "Minor Land Division."
- (18) **Channel.** A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks which serve to confine water.
- (19) **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. It is a street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers.

- Collector streets shall be designed to convey an average daily traffic (ADT) of between five hundred (500) and three thousand (3,000).
- (20) **Commission, Plan.** The Plan Commission created by the Village Board pursuant to Sec. 62.23, Wis. Stats. [The Village CUITently does not have a Plan Commission].
- (21) **Common Area.** Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.
- (22) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
- (23) **Comprehensive Plan ("Smart Growth Plan").** The extensively developed plan, also called a Master Plan or Smart Growth Plan, adopted by the Village of Wheeler Plan Commission and certified to the Village Board pursuant to Section 62.23, Wis. Stats., or a Comprehensive Plan adopted by the Village Board pursuant to Section 66.1001, Wis. Stats. The Land Use Plan shall be considered an element, or component, of the Comprehensive Plan. The Comprehensive Plan shall also include, as its components, neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban development, and public facilities. Devices for implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of, or component of, the Comprehensive Plan.
- (24) **Comprehensive Plan Component.** Each plan, ordinance, study, standard, agreement, or other document duly adopted or approved by the Village Board or Plan Commission (if created for comprehensive plan development purposes) which is related to the regulation of or the planning for land use or development, or to the provisions of public improvements or services within the Village.
- (25) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes. See also Articles D and E of this Chapter.
- (26) **Condominium.** A building, or group of buildings, in which dwelling units or other nonresidential floor area portions thereof are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Property subject to a condominium declaration as defined, regulated and established under Chapter 703, Wis. Stats., and this Chapter.
- (27) **Condominium Association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (28) **Condominium, Conversion.** A structure which, before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of the purchasers.
- (29) **Condominium Declarant.** The owner of property who subjects said property to a condominium declaration.

- (30) **Condominium Declaration.** The instrument by which property becomes subject to Chapter 703, Wis. Stats.
- (31) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (32) **Condominium Unit.** A part of a condominium intended for any type of independent use, including one (1) or more cubicles of air at one (1) or more levels of space or one (1) or more rooms or enclosed spaces located on one (1) or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.
- (33) **Conservation Easement.** A type of protective covenant, the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Chapter.
- (34) **Consolidation.** Legally merging two (2) or more recorded parcels into a single parcel.
- (35) **Contiguous.** In contact with one (1) or more sides.
- (36) **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.
- (37) **County Planning Agency.** The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.
- (38) **Cul-de-sac.** A local street having but one (1) end or outlet open to traffic and the other end being permanently terminated in a vehicular turnaround for the safe and convenient reversal of traffic movement.
- (39) **Curb.** A vertical or sloping edge of a roadway, drive, or parking area.
- (40) **DBH.** Diameter at breast height. (See definition of "Diameter at Breast Height.")
- (41) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (42) **Dedication (Of Land and/or Interest in Land).** The grant and conveyance of a geographically defined interest in land which is identified on a subdivision plat or certified survey map as being the subject of a dedication, grant and conveyance to the Village or some other entity, usually for public improvements, facilities, or uses; the act of making such a dedication. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.
- (43) **Dedication (Of Public Improvements).** The grant and conveyance to the Village of completed public improvements in a land division by the subdivider or condominium developer (as applicable); the act of making a dedication.
- (44) **Deed Restriction.** A restriction on the use of a property set forth in the deed.
- (45) **Detention Basin.** A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede its flow and to gradually release the same at a rate not greater than that prior to the

development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

(46) **Developer.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

(47) **Development.**

a. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

1. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
3. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
5. Demolition of a structure; or
6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

b. The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
2. Work by any public or quasi-public utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; or
3. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the temporary decoration of the exterior of the structure is affected; or

4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
  5. Work involving the landscaping of a detached dwelling; or
  6. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planted areas.
- c. "Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Village. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (48) **Development Agreement.** See definition of "Subdivider's Agreement."
- (49) **Development, Multi-Family Dwelling.** A residential building designed for occupancy by two (2) or more dwelling units.
- (SO) **Development, Rural.** Agricultural, residential, recreational, and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment.
- (51) **Development, Urban.**
- a. Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities, including, but not limited to:
    1. Full- or part-time law enforcement and fire protection and community administration;
    2. Additional public streets and highways;
    3. Neighborhood parks and playgrounds;
    4. Neighborhood schools;
    5. Local libraries;
    6. Public sanitary sewer facilities;
    7. Public public solid waste removal;
    8. Storm sewer facilities;
    9. Continual street maintenance;
    10. Curbs, gutters, sidewalks and/or drainage ditches; and
    11. Street lighting; and
  - b. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters.
- (52) **Diameter at Breast Height.** The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above the ground line. This point of measurement is used for established and mature trees.



- (53) **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, development, foreclosure or condemnation. Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a subdivision plat, a certified survey map, or condominium plat.
- (54) **Drainageways.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. The land on either side of and within thirty (30) feet of the centerline of any naturally occurring trench, ditch, swale, or similar depression into which surface water flows, conveys surface water, and which are dry throughout most of the year, but may hold water during and immediately after either a rain storm or periods of snow melt. Drainageways shall include intermittent streams, but shall not include lakes, ponds, perennial streams, floodlands, 100-year recurrence interval floodplains, floodways, shoreland-wetlands, and wetlands. 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, storm water detention, park development, and other related uses. (Also referred to as "greenways").
- (55) **Drip Line.** The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.
- (56) **Driveway.** A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.
- (57) **Driveway Approach.** That portion of a driveway located within a public right-of-way that is widened to accommodate turning movements to access property and streets.
- (58) **Dwelling Unit.** One (1) or more rooms, including a bathroom and complete kitchen facilities that are arranged, designed, or used as living quarters for one family or household.
- (59) **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, quasi-public entity (such as a homeowners' association), or part of the public.
- (60) **Easement, Conservation.** A type of "protective covenant" the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat, or filed as a separate legal instrument used to conserve and preserve a natural resource feature protected under the provisions of this Chapter.
- (61) **Equestrian Trail.** A pathway designed specifically to satisfy the physical requirements of horses, or other equine, riding.
- (62) **Erosion.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

- (63) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (64) **Face of Curb.** On a nonmountable curb, the vertical portion of the curb facing the roadway pavement. On a mountable curb, the curb face is located six (6) inches from the back of the curb in the direction of the roadway pavement.
- (65) **Final Plat.** The final map, drawing, or chart on which the subdivider's or condominium developer's (as applicable) plan of subdivision is presented for approval under the requirements of Chapter 236, Wis. Stats., as amended, and this Chapter, as amended, and which, if approved, will be submitted to the County Register of Deeds.
- (66) **Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (67) **Flood of Record, Maximum.** The highest recorded elevation of a recorded flood event.
- (68) **Flood Protection Elevation.** An elevation two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.
- (69) **Flood/ands.** Those lands, including the channels, floodways, and flood fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood [or that flood having a one percent (1%) probability of occurring in any given year] is generally used for zoning regulation. Where detailed flood data are not available, the maximum flood of record is used.
- (70) **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (71) **Floodway.** A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- (72) **Forest.** See definitions for "Woodland, Mature" and "Woodland, Young."
- (73) **Frontage.** All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.
- (74) **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.

- (75) **Gutter.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.
- (76) **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.
- (77) **High Groundwater Elevation.** The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year, or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red, and brown colors are intermingled giving a multi-colored effect.
- (78) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- (79) **Homeowners' Association.** A Wisconsin non-profit membership corporation which serves as an association of homeowners within a subdivision, certified survey map, or condominium having shared common interests and responsibilities with respect to the costs and upkeep of common private property of a subdivision, certified survey map, or condominium. Such common property includes private recreation and open space areas within the subdivision, certified survey map, or condominium. For the purposes of this Chapter, homeowners' associations include condominium associations.
- (80) **Impervious Lot Area.** Roof areas, gravel and bituminous surfaces, sidewalks, decks or other hard surface areas.
- (81) **Improvement.** Any man-made immovable item which becomes part of, placed upon, or is affixed to, real estate.
- (82) **Improvement, Public.** Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (83) **Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into with a bank, savings and loan, or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the Village, and which is approved, as to form, by the Village Attorney.
- (84) **Lake.** Any body of water two (2) acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.

- (85) **Land Division.** Any division or conveyance of land or an interest in land that results in the creation of one (1) or more additional lots or parcels, including, without limitation, any subdivision or minor land division. Notwithstanding the foregoing definition, the creation of any condominium shall be deemed to be a land division under this Chapter. A land division can be legally created or accomplished only by means of:
- a. A preliminary and final plat approved by the Village as specified by this Chapter;
  - b. A certified survey map approved by the Village as specified in this Chapter; or
  - c. In the case of a condominium, by means of condominium instruments approved by the Village as specified in this Chapter.
- (86) **Landscape Bufferyard.** See the definition for "Bufferyard."
- (87) **Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.
- (88) **Lateral, Sanitary Sewer Service.** Pipes installed for conducting water to the lots of certified survey maps, subdivision plats, condominium plats, or other lots or parcels of land to larger sanitary sewer pipes, called "trunk", "interceptor" or "main" sewers which are oftentimes located within easements or rights-of-way.
- (89) **Lateral, Water Service.** Pipes installed for conducting water to the lots of Certified Survey Maps, Subdivision Plats, Condominium Plats, or other lots or parcels of land from larger water mains which are often times located within easements or rights-of-way.
- (90) **Letter of Credit.** An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.
- (91) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (92) **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 and shoreland/floodplain ordinance.
- (93) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.
- (94) **Lot, Buildable.** A lot on which a principal building to be utilized for one (1) or more uses can be lawfully constructed.
- (95) **Lot, Corner.** A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of one hundred thirty-five degrees (135°) or less, measured on the lot side.

- (96) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (97) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards and two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (98) **Lot, Flag.** A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.
- (99) **Lot Frontage.** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.
- (100) **Lot Lines.** The peripheral boundaries of a lot as defined herein. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- (101) **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.
- (102) **Lot, Through.** A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (103) **Lot Width.** The horizontal distance between the side lot lines measured at the front setback lines.
- (104) **Major Thoroughfare.** A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (105) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other agency which may pertain to the division of lands, including the Comprehensive Plan, the Official Map, comprehensive utility plans, and other planning documents (if available) 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, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.
- (106) **Minor Land Division (Certified Survey Map).** Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than

four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.

- (107) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street." Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred fifty (250).
- (108) **National Map Accuracy Standards.** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.
- (109) **Natural Resources.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, floodlands, wetlands, and shoreland-wetlands as defined in this Chapter.
- (110) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (111) **Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annual recurring basis [*Muench v. Public Service Commission*, 261 Wis. 2d 492 (1952) & *DeGavnor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)].
- (112) **Objecting Agencies.** An agency empowered to object to a subdivision plat pursuant to Chapter 236, Wis. Stats. The Village may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, Wisconsin Department of Safety and Professional Services, Wisconsin Department of Transportation, and the County Planning Agency.
- (113) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, waterways, parkways, required rights-of-way, public

- transit facilities, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Section 62.23(6), Wis. Stats.
- (114) **Open Space.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.
- (115) **Open Space, Common.** Open space within or related to a development, neither individually owned nor dedicated for public use but typically owned by a property owners' association, which is designated and intended for the common use and/or enjoyment of the residents of the development, and which is accessible and usable by all persons who occupy a principal use within the development.
- (116) **Open Space, Deed Restricted.** Deed restricted open space on platted "lots" is not occupied by any principal or accessory buildings or structures, roads, road rights-of-ways, or parking areas. Deed restricted open space on platted "outlots" is not occupied by non-recreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "outlots" is by a homeowners' association. The maintenance of deed restricted open space located on platted "lots" is by the individual lot owner.
- (117) **Open Space, Private.** An open space area privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these having legal title to the open space area.
- (118) **Open Space, Public.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (119) **Ordinary High Water Mark.** The point on the bank or shore of a navigable water up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, or other easily recognized characteristics.
- (120) **Out/ot.** 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. A parcel of land, other than a lot or block, so designated on the plat, but

not of standard lot size, which can be either redivided into lots or combined in the future with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. Section 236.13(6), Wis. Stats., prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Village shall generally require that any restrictions related to an outlot be included on the face of the preliminary plat, final plat or certified survey map.

- (121) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these, having legal title or sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel by certified survey maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a certified survey map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.
- (122) **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. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
- (123) **Park, Public.** An outdoor recreation park conveyed or otherwise dedicated to a local government, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (124) **Pedestrianway.** A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (125) **Person.** Shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint ventures, joint stock companies, public or private corporations, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district, or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
- (126) **Plan Commission.** A Plan Commission created by the Village Board pursuant to Sec. 62.23, Wis. Stats., for comprehensive plan amendment purposes.
- (127) **Planned Unit Development (PUD).** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves



- clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). 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.
- (128) **Plat.** The map, drawing or chart on which the subdivider's land division or condominium is presented to the Village for approval.
- (129) **Pond.** All bodies of water less than two (2) acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- (130) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration pursuant to the requirements of Ch. 236, Wis. Stats., the Comprehensive Plan, and this Chapter.
- (131) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 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.
- (132) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (133) **Recreation Land, Community Level Public Outdoor.** An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than a typical neighborhood-oriented park or children's park. Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two (2) to ten (10) miles and provides sufficient useable land area per capita to meet the standards set forth in the adopted Comprehensive Plan or element thereof. The size of such areas typically ranges from twenty (20) to ninety-nine (99) acres in area.
- (134) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.
- (135) **Reservation.** A geographically defined area of land or interest in land, identified on a subdivision plat, certified survey map, or condominium as having been temporarily set aside for possible future acquisition for public improvements, facilities, or uses. Such a reservation does not imply public ownership.
- (136) **Reserve Strip.** Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two (2) abutting properties.

- (137) **Residential Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (138) **Retention Basin.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.
- (139) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (140) **Runoff.** The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.
- (141) **Setback.** Those minimum street, front, rear, and/or side yards required by the pertinent zoning codes governing the Village.
- (142) **Sewer Service Area.** If the Village adopts such a classification, that portion of the Village and the area 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, water supply and distribution system, streets and highways.
- (143) **Shore Buffer.** The area located within seventy-five (75) feet of the ordinary highwater mark of all navigable waters and parallel to that ordinary high water mark.
- (144) **Shore/ands.** Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain (i.e, the outward edge of the floodplain), whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the highwater mark thereof.
- (145) **Shore/and-Wetland.** A wetland, as defined by this Chapter and pertinent shoreland-wetland ordinances, which is located within a shoreland area.
- (146) **Sidewalk.** A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.
- (147) **Sketch Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes. Also called a "Concept Plan". See also Articles D and E of this Chapter.
- (148) **Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.
- (149) **Slope, Steep.** Three (3) categories of steep slopes are defined herein for use in this Chapter. These categories are based upon the relative degree of the steepness of the slope as follows: ten to twenty percent (10-20%); twenty to thirty percent (20-30%); and greater than thirty percent (30%). No land area shall be considered a steep slope

- unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.
- (150) **Soil Mapping Unit.** Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service of the U.S. Department of Agriculture.
- (151) **Stream.** A course of running water, flowing either perennially or intermittently in a channel.
- (152) **Street.** A dedicated public way for pedestrians and vehicular traffic and utility access including but not limited to highways, arterials, collectors, 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.
- (153) **Street Line.** A line separating a lot, piece, or parcel of land from a street.
- (154) **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.
- (155) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey map, 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. For purposes of this Chapter, "subdivider" shall also mean and include condominium developers.
- (156) **Subdivider's Agreement.** An agreement by which the Village and subdivider or condominium developer (as applicable) agree in reasonable detail as to all of those matters which the provisions of this Chapter permit to be covered by the Subdivider's Agreement.
- (157) **Subdivision.** The division of a lot, parcel or tract of land by the owner(s) thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of ten (10) acres each or less in area; or
  - b. Five (5) or more parcels, lots or building sites of ten (10) acres each or less in area are created by successive divisions within a period of five (5) years.
- (158) **Subgrade.** The natural ground lying beneath a road.
- (159) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider or condominium developer.
- (160) **Tree.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one (1) trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

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- (161) **Tree, Canopy.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.
- (162) **Tree, Street.** A tree adjacent to a public place, street, special easement, or right-of-way adjoining a street. (See also Title 6, Chapter 4 of this Code of Ordinances).
- (163) **Tree, Understory.** A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.
- (164) **Trip.** A single or one-way vehicle movement to or from a property.
- (165) **Unit.** See definition of "Condominium Unit."
- (166) **Village.** The Village of Wheeler, Dunn County, Wisconsin.
- (167) **Village Engineer.** A registered professional engineer who is a consultant to or employee of the Village, and is duly appointed by the Village Board to the position. References to "Village Engineer" may also mean that certain tasks may be performed by the Building Inspector or other Village officials.
- (168) **Village Planner.** A professional planner who is a consultant to or employee of the Village, or a consulting professional planner who provides resident staff services to the Village, and who is duly appointed by the Village Board to the position.
- (169) **Watercourse.** A permanent or intermittent stream channel.
- (170) **Wetland.** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions. [Sec. 23.32(1), Wis. Stats.]
- (171) **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 Sec. 35.93 and Chapter 227, Wis. Stats., including subsequent amendments to those rules.
- (172) **Zoning District.** As defined in the appropriate zoning code and accompanying maps as amended.
- (173) **Zoning Permit.** The permit required by the Village Zoning Code and pertinent building codes before the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Chapter.

**Sec. 14-1-11 through Sec. 14-1-19      Reserved for Future Use.**

## Article C: **General Provisions**

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### **Sec. 14-1-20 General Provisions.**

- (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, Wis. Stats., and applicable Wisconsin Department of Administration plat review procedures under the Wisconsin Statutes and the Wisconsin Administrative Code.
  - (2) The rules governing plumbing, Wisconsin Department of Safety and Professional Services, contained in Chapter SFS 385, Wis. Adm. Code, for subdivisions not served by public sewer.
  - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Chapter HY 33, 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/Wetlands 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 Wheeler Comprehensive Plan, ("Smart Growth Plan") and Official Map, or components thereof, if adopted:
    - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Comprehensive 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 land division. The State Comprehensive Planning Law [Sec. 66.1001, Wis. Stats.] requires all land divisions after January 1, 2010, to be consistent with the provisions of the local comprehensive plan].
    - b. Where a proposed park site or other public ground shown on the Comprehensive Plan or Official Map of the Village of Wheeler is located in whole or in part within the proposed subdivision, such proposed park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for acquisition by the

Village of Wheeler, Dunn County, 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 (5) year period.

- (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
- (9) The Village's water rules are on file with the Public Service Commission of the State of Wisconsin concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as pertinent unincorporated areas within areas of statutory extraterritorial jurisdiction. The Village of Wheeler has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and Section 66.0105, Wis. Stats.. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) 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 ten (10) years, mortgages or easements;
  - (3) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (c) **Certified Survey Map.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **Compliance; Issuance of Permits.** The Village of Wheeler shall not recognize, and no building or other permits shall be issued by the Village authorizing the building on, 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 Wheeler.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. [See Section 14-1-22]. 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.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Village Board of the Village of Wheeler, must be recorded together with the adopting resolution, with the appropriate County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the

first resolution of approval [thirty-six (36) months in the case of a Final Plat]. 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 (6) certified copies of the approved land division with the Village Clerk-Treasurer.

## Sec. 14-1-21 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 for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the subdivider an opportunity to present evidence regarding such unsuitability if he so desires. Thereafter the Village Board 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, especially with a trunk diameter of six (6) inches or more, 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.
- (c) **Additional Considerations.**
  - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society.
  - (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
  - (3) Suitability of land for private sewerage systems , where authorized by the Village, shall be determined in accordance with Ch. SPS 383, Wis. Adm. Code.
- (d) **Poor Drainage; Floodable Conditions; Adverse Soil or Rock Formations.** Where the subdivision or other division of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, poor soil conditions, adverse rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, or for any other reason, such areas shall not be divided into buildable sites, and shall be addressed as follows:
  - (1) **Poor Drainage.** Land subject to ponding, poor permeability or poor drainage or for other causes as determined by the Village Board or its designated agent, and if said

land is not zoned as a conservancy or wetland-floodplain district on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:

- a. If said land is designated, and accepted by the Village, as a park, parkway, other open space, or other public use on an official plan or map of the Village of Wheeler, the developer/subdivider may dedicate said land to the Village, but in any case shall reserve said land for not less than two (2) years for acquisition by the Village of Wheeler.
- b. If said land is not designated as a park, parkway, or other public use on an official plan or map, then the developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building therein.
- c. In lieu of the requirements set forth in Subsection (d)(1)a above, the developer/subdivider may, at his/her expense, prepare a development proposal for the problem area. It shall be submitted for the Village Board's approval and shall be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the Village to insure that such work will be done at a specified time, if approved.

(2) ***Adverse Soil and Rock Formations.***

- a. Soil suitability rating for a proposed subdivision shall be determined by the Plan Commission from sources available to it. The Plan Commission shall determine the minimum lot size required if public sewer is not available even though the minimum lot size allowed under the applicable zoning code is less than the soil rating might require. In order to determine the precise location of soil boundaries, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the applicant, and according to the procedures established by the State Division of Health of the Wisconsin Department of Family Services and the Wisconsin Department of Safety and Professional Services.
- b. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data before approval of the proposed development or land division can be approved by the Village. If this plan is approved, the applicant shall provide an irrevocable letter of credit or cash deposit to the Village of Wheeler to insure that such work will be done at a specified time.



- (e) **Miscellaneous Provisions.** Village officials shall also consider, but not be limited to, the following items in determining land suitability:
- (1) **Flood/ands.** No lot served by public sanitary sewer facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
  - (2) **Lands Having a Slope** of twenty percent (20%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (f) **Application of Standards By Village Officials.** Village officials, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he/she so desires. Thereafter the Village Board may affirm, modify, or withdraw its determination of unsuitability.

## Sec. 14-1-22 Condominium Developments.

- (a) **Purpose.**
- (1) The Village Board of the Village of Wheeler 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 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. 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.

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- 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 14-1-21 relating to land suitability and construction practices.
  - (2) Sections 14-1-30 through 14-1-33 relating to preliminary and final plat approval. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
  - (3) Article I relating to fees for review.
  - (4) Article F relating to required improvements.
  - (5) Article G relating to design standards for improvements.
  - (6) Article H 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.

### **Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations; Common Areas.**

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The subdivider shall provide the Village with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the subdivider's expense. The documents required by this Section shall be filed with the Village at the time of preliminary plat submittal.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.
- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
  - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any

- stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Village and incorporated in the development agreement; such requirement is only inapplicable where the Village has expressly determined to have, in the alternative, the Village maintain such facilities and areas.
- (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The subdivider shall arrange with the Village a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Village Assessor or Village Engineer may be utilized in developing such methodology, at the subdivider's expense.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space or prairies to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice Of Transfer Of Common Areas.** The Village shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the Village at least thirty (30) days prior to such transfer.
- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Village may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Village shall have the right to enter the premise and take the needed corrective actions. The costs of corrective actions by the Village shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

*Cross-Reference:* Section 14-1-74.

## **Sec. 14-1-24 Sale or Exchange of Parcels of Land Between Owners of Adjoining Properties.**

The sale or exchange of parcels for lot line adjustment purposes between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the

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minimum sizes required by applicable zoning laws or other applicable laws, ordinances or comprehensive plan. Lot line adjustments between two (2) different, but adjacent, land use categories or districts are considered to be minor adjustments which do not require an amendment to the Village of Wheeler Comprehensive Plan, provided that such an adjustment does not create a substandard or nonconforming lot under applicable regulations.

**Sec. 14-1-25 through Sec. 14-1-29 Reserved for Future Use.**

## Article D: Plat Review and Approval

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### Sec. 14-1-30 Preliminary Consultation; Concept Plan Review.

(a) **Pre-Application Conference.**

(1) **Optional Consultation.**

- a. Prior to the filing of an application for the approval of a Preliminary Plat or Condominium, the Subdivider or Condominium Developer (as applicable) is encouraged to submit an application for a "Concept Plan Review" and to consult with all affected utilities, the Village Clerk-Treasurer, Village Planner, Village Engineer, and the Village Board in order to obtain their advice and assistance. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer.
  - b. This consultation is neither formal or mandatory and is intended to inform the Subdivider of the purpose and objectives of these regulations; the Village of Wheeler Comprehensive Plan and Comprehensive Plan components; duly adopted Plan implementation devices of the Village; the availability of sanitary sewer, water service, stormwater management facilities, and site grading requirements; and to otherwise assist the Subdivider or Condominium Developer (as applicable) in planning the development.
- (2) **Conference Objectives.** In doing so, both the Subdivider or Condominium Developer (as applicable) and the Village of Wheeler may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and surrounding area. The Subdivider or Condominium Developer will gain a better understanding of the subsequent required procedures.

(b) **Concept Plan Review.** Prior to the submission of a Preliminary Plat or Condominium Plat to the Village, a Concept Plan may be prepared and submitted in accordance with Section 14-1-40, and the Subdivider or Condominium Developer (as applicable) shall file at least eight (8) copies of the Concept Plan with the Village Clerk-Treasurer, or other Village-authorized agent/employee, together with all necessary fees and deposits. Within forty (40) days of the filing of a Concept Plan Review application with the Village Clerk-Treasurer or designee, Village Planner, Village Engineer, Village Attorney, and Village Board shall review the Concept Plan and conduct the pre-application conference pursuant to Subsection (a) above. In addition:

- (1) **Copies of Concept Plan to Village Board.** The Village Clerk-Treasurer or designee shall, within two (2) regular business days after the filing of the Concept Plan, transmit copies to the members of the Village Board.
- (2) **Copies of Concept Plan to Affected Entities.**
  - a. The Village Clerk-Treasurer or designee shall, within three (3) business days transmit a copy of the Concept Plan to the Village Planner, affected utilities,

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Village Engineer and Village Attorney for review and recommendations concerning matters within their jurisdiction.

- b. The recommendations of the Village Planner, Village Attorney, Village Engineer, and the recommendations of affected local utilities shall be transmitted to the Village Board within twenty (20) days from the date the Concept Plan is filed.
- c. The Concept Plan shall then be reviewed by the Village Board at the pre-application conference for general conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, Village Comprehensive Plan, or adopted plan components which affect it.

*Cross-Reference:* Section 14-1-40.

## **Sec. 14-1-31 Submission of Preliminary Plat.**

(a) **Preliminary Plat Submission.**

- (1) **Filing of a Preliminary Plat.** Before submitting a Final Plat for approval, the Subdivider or Condominium Developer (as applicable) shall prepare a Preliminary Plat and associated application. The Preliminary Plat shall be prepared in accordance with Section 14-1-41, and the Subdivider or Condominium Developer (as applicable) shall file a sufficient number of copies of the Preliminary Plat, and a letter of application with the Village Clerk-Treasurer or designee, together with all necessary fees at least thirty (30) days prior to the meeting of the Village Board at which first consideration is desired and is properly noticed.
- (2) **Preliminary Plat Documents to be Transmitted by Village Clerk-Treasurer.** The Village Clerk-Treasurer or designee shall, within three (3) normal business days after filing, transmit copies of the Preliminary Plat to:
  - a. The Village Board;
  - b. The Village Planner (if involved);
  - c. The Village Engineer and Village Attorney; and
  - d. The Fire Chief and law enforcement authorities.
- (3) **Preliminary Plat Documents to be Transmitted by Developer.** The Subdivider shall also, pursuant to Section 236.12(6), Wis. Stats., submit the Preliminary Plat directly to the Plat Review Section of the Wisconsin Department of Administration, which will prepare and forward copies of the plat at the Subdivider's expense to the objecting agencies. It shall be the responsibility of the Subdivider to submit to the Village Clerk-Treasurer the additional copies required for the Village reviews required under this Subsection:
  - a. Two (2) copies to the Director of Plat Review, Wisconsin Department of Administration;

- b. Additional copies to the Director of Plat Review, Wisconsin Department of Administration for retransmission of two (2) copies each to:
    - 1. The Wisconsin Department of Transportation (WisDOT), if the subdivision abuts or adjoins a State Trunk Highway or a connecting highway;
    - 2. The Wisconsin Department of Safety and Professional Services, if the subdivision is not served by a public sewer and provision for such service has not been made;
    - 3. The Wisconsin Department of Natural Resources (WDNR), if lands included in the plat lie within five hundred (500) feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision;
  - c. One (1) copy to each school district with jurisdiction; and
  - d. Additional copies that may be requested by approving authorities and objecting agencies; and
- (4) **Fees Required by State Agencies.** Any appropriate fees to be paid by the Subdivider or Condominium Developer (as applicable) for the required state agency reviews shall be paid directly by the developer to the Wisconsin Department of Administration.
- (5) **Certified Survey Maps.** Certified survey maps shall be submitted and approved pursuant to Sections 14-1-35 and 14-1-43.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat (or Certified Survey Map), the Subdivider shall file with the Village Clerk-Treasurer ten (10) complete sets of preliminary engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service plans, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Draft 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 Sec. 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. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements.)
- (d) **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.
- (e) **Street Plans and Profiles.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles existing and proposed ground surface, proposed and, when requested by the Village Board or Village Engineer,

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established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.

- (f) **Compliance with State/County Sanitary Requirements.** The Subdivider shall provide verification that all applicable State of Wisconsin and County sanitary permit requirements can be satisfied where it is proposed to use private septic systems due to the unique requirements of the site. [Note: The Village generally requires new lots to connect to the Village public sewer system.]
- (g) **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 Map) 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 (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), 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.

*Cross-Reference:* Sections 14-1-41, 14-1-44 and 14-1-45.

## **Sec. 14-1-32 Preliminary Plat Review and Approval.**

- (a) **Initial Review.**
  - (1) The Preliminary Plat shall be reviewed by the Village Board for conformance with this Chapter and all other ordinances, rules, regulations, the Village Comprehensive Plan or other adopted plans which affect it.
  - (2) All reviews and reports concerning the Preliminary Plat prepared by the Village Planner, Village Engineer, law enforcement authorities, and/or Fire Chief shall be submitted to the Village Board for its consideration.
  - (3) The Village Clerk-Treasurer shall give notice of the Village Board's review of the Preliminary Plat by listing the application as an agenda item on the Village Board's meeting notice. Such notice shall include the name of the applicant, the address of the property in question, and the requested action.
  - (4) Extensions of time from the timeline herein or a decision to hold an application in abeyance may only be made by written agreement between the Subdivider and Village Board.
- (b) **Notification by Objecting Agencies.**
  - (1) The objecting agencies under Section 14-1-31(a) shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat (statutory period) notify the





- Subdivider or Condominium Developer (as applicable) and all other approving and objecting agencies of any objections.
- (2) If there are no objections, the objecting agencies shall so certify on the face of the copy of the Plat and shall return that copy to the Village Clerk-Treasurer or designee.
  - (3) If an objecting agency fails to act within the twenty (20) day period allowed by law, the objecting agency will be deemed to have no objections to the Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).
- (c) **Village Board Action.**
- (1) The Village Board shall within ninety (90) days of the date of filing a Preliminary Plat with the Village Clerk-Treasurer or designee shall approve, approve conditionally, or reject such Plat after receipt of the objecting agencies' recommendations, unless review time is extended by written agreement with the Subdivider or Condominium Developer pursuant to Section 236.11(1)(a), Wis. Stats.
  - (2) The Village Clerk-Treasurer shall give notice of the Village Board's consideration of the Preliminary Plat by listing it as an agenda item in the Village Board's meeting notice published in the official Village newspaper or legally posted. Such notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within two hundred (200) feet of the proposed Preliminary Plat shall receive written notice from the Village of the meeting.
  - (3) One (1) copy of the Preliminary Plat may thereupon be returned to the Subdivider or Condominium Developer (as applicable) with the date and action endorsed thereon, and if approved conditionally or rejected with a letter setting forth the conditions of approval or the reasons for rejection accompanying the plat. One (1) copy each of the Preliminary Plat and accompanying letter shall be placed in the Village's permanent records.
- (d) **Failure of Village Board to Act.** Failure of the Village Board to act within ninety (90) days of the date of filing of the Preliminary Plat, or within the time extended by written agreement with the Subdivider or Condominium Developer (as applicable), shall constitute an approval of the Preliminary Plat pursuant to state law.
- (e) **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 thirty-six (36) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout pursuant to Sec. 236.11(l)(b), 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 Village Board at the time of its submission.
- (f) **Preliminary Plat Amendment.** Should the Subdivider or Condominium Developer desire to amend the Preliminary Plat as approved, he/she 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 in its entirety.

### **Sec. 14-1-33 Final Plat Review and Approval.**

- (a) **Designation of Approving Authorities.** The Village Board is the approving authority for Final Plats.
- (b) **Designation of Objecting Agencies.** The Wisconsin Department of Administration, Wisconsin Department of Safety and Professional Services, Wisconsin Department of Transportation (if the subdivision, certified survey map or condominium abuts or adjoins a state trunk highway or connecting highway) and Wisconsin Department of Natural Resources (if applicable) shall be hereinafter referred to as objecting agencies.
- (c) **Final Plat and Application Submittal.** The Subdivider or Condominium Developer (as applicable) shall prepare a Final Plat and an application in accordance with Section 14-1-42 and shall file the required number of Final Plat copies and the application as set forth below:
  - (1) **Submittal of Final Plat to the Wisconsin Department of Administration; Objecting Agencies.** Before any approvals of the Final Plat are made, the Subdivider or Condominium Developer (as applicable) or agent shall submit the original Final Plat to the Director of Plat Review, Wisconsin Department of Administration, which agency shall forward, at the Subdivider's or Condominium Developer's expense, the following:
    - a. Two (2) copies of the Final Plat to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
    - b. Two (2) copies to the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for such service has not been made; and
    - c. Two (2) copies to the Wisconsin Department of Natural Resources (WDNR), if lands included in the Final Plat lie within five hundred (500) feet of the ordinary high water mark or any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision.
  - (2) **Submittal of Final Plat to the Village Clerk-Treasurer.**
    - a. After approval by the Wisconsin Department of Administration and other state objecting agencies, the Subdivider or Condominium Developer (as applicable) shall file a sufficient number of copies of the Final Plat and application with the Village Clerk-Treasurer with required fees and the receipt for the proper filing fees of each of the other approving authorities and objecting agencies at least fifteen ( 15) days prior to the meeting of the Village Board at which consideration is desired.

- b. The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws.
  - c. Simultaneously with the filing of the Final Plat, the owner shall file with the Village Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
  - d. If the Final Plat is not submitted within thirty-six (36) months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted upon mutual agreement of all approving authorities.
- (3) **Village Transmittal of Final Plat.** The Village Clerk-Treasurer or designee shall, within two (2) business days after the filing by the Subdivider or Condominium Developer, transmit with a cover letter and copies of the Final Plat and application to:
- a. The Village Board;
  - b. The Village Planner (if involved);
  - c. The Village Engineer and Village Attorney;
  - d. Law enforcement authorities and Fire Chief;
  - e. Each school board with jurisdiction; and
  - f. Additional copies that may be requested by approving authorities and objecting agencies.
- (d) **Response From Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider or Condominium Developer (as applicable) and all other approving authorities and objecting agencies of any objections, as follows:
- (1) **Certification of No Objections.** If there are no objections, the objecting agencies shall so certify on the face of the copy of the Final Plat and shall return that copy to the Village Board.
  - (2) **Failure to File Objections.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- (e) **Professional Examination.** The Final Plat shall be examined by the Village Engineer, Village Planner, Village Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat. Any such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11(1)(e), Wis. Stats.
- (f) **Village Board Approval or Rejection of Final Plat.**
- (1) **Conformance with Preliminary Plat.** The Village Board shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter, and all ordinances, rules, regulations, adopted regional and county development plans, and Village Comprehensive Plans and adopted plan components which may affect it. All reviews and reports concerning the Final Plat prepared by the Village Planner, Village Attorney, Village Engineer, law

enforcement authorities, and Fire Chief shall be submitted to the Village Board for its consideration.

- (2) **Village Board Action; Timeline.**
    - a. The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer or designee, approve or reject the Final Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).
    - b. Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved.
  - (3) **Reasons For Rejection or Conditional Approval to Be Stated.** If the Final Plat is rejected or conditionally approved, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider or Condominium Developer (as applicable).
  - (4) **Wisconsin Department of Administration Certification.** The Village Board may not inscribe its approval on the Final Plat unless the Wisconsin Department of Administration has certified on the face of the Final Plat that the copies were forwarded to the objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days, or, if filed, have been met.
- (g) **Recordation.**
- (1) **Village Certification.**
    - a. After the Final Plat has been approved by the Village Board and improvements as shall be required by the Village have either been installed or a Subdivider's Agreement with sufficient sureties assuring their installation is executed and filed with the Village Clerk-Treasurer, the Village Clerk-Treasurer shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat returned to the Subdivider or Condominium Developer (as applicable) for recording with the County Register of Deeds.
    - b. When the Village Board has conditionally approved a Final Plat, the Subdivider or Condominium Developer (as applicable) shall satisfy all of the conditions specified for the execution of the Plat, including final approval by the county planning agency, within sixty (60) days of such conditional approval.
  - (2) **Recording Time Requirement.** Pursuant to Sec. 236.25(2)(b), Wis. Stats., the County Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from the date of last approval of the Final Plat or thirty-six (36) months from the last required approval of the Preliminary Plat.
- (h) **Copies of the Recorded Final Plat.** The Subdivider or Condominium Developer (as applicable) shall file at least ten (10) copies of the recorded Final Plat with the Village Clerk-Treasurer and copies, as necessary, to other affected agencies for their files.
- (i) **Partial Platting.**
- (1) **Plat and Condominium Phasing.** The Final Plat may, if permitted by the Village Board, be platted as a Final Plat in phases with each phase constituting only that

portion of the approved Preliminary Plat which the Subdivider or Condominium Developer (as applicable) proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a "phase" of the approved Preliminary Plat.

- (2) **Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.** Final Plats for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for not less than six (6) months but may be allowed to be extended for up to thirty-six (36) months from the date of such Final Plat approval as may be allowed by the Village Board.
  - (3) **Expansion of a Condominium.** Any expansion of a condominium permitted under Section 703.26, Wis. Stats., shall be treated as a separate phase of the condominium.
- (j) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Subdivision Plat and which contain natural resources required to be preserved under this Chapter, and/or by the developer, deed restrictions and/or conservation easements shall be filed with the Final Plat.

## Sec. 14-1-34 Minor Land Divisions By Certified Survey Map.

- (a) **When Required.** When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites, any of which is thirty-five (35) acres or less in size, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded Subdivision Plat without changing the exterior boundaries of a block, lot or outlot (thus not constituting a "subdivision" as defined in Section 14-1-10), the Subdivider shall subdivide by use of a Certified Survey Map. The Certified Survey Map shall include all parcels of land thirty-five (35) acres or less in size and may, at the owner's discretion, include any other parcels containing more than thirty-five (35) acres.
- (b) **Village Board Review and Approval.**
  - (1) The Subdivider shall prepare the Certified Survey Map in accordance with Section 14-1-42, and file the Map according to the following requirements:
    - a. The Subdivider shall file a sufficient number of copies of the Certified Survey Map, and an application letter with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Village Board at which action is desired.
    - b. The Village Clerk-Treasurer shall, within three (3) business days after filing, transmit copies of the certified survey map and application along with a letter of application to all approving authorities including extraterritorial plat review agencies if not waived in writing.
    - c. The Village Clerk-Treasurer shall, within two (2) normal business days after filing, transmit the Certified Survey Map and application to the following:

1. The Village Board;
  2. The Village Planner (if involved);
  3. The Village Engineer and Village Attorney;
  4. Law enforcement authorities and Fire Chief;
  5. Each school district with jurisdiction; and
  6. Additional copies that may be requested by approving authorities and objecting agencies.
- d. The recommendations of all approving authorities shall be transmitting to the Village Board within twenty (20) days from the date the Certified Survey Map is filed with the Village Clerk-Treasurer.
  - e. The Certified Survey Map shall be reviewed by the Village Board for conformance with this Chapter and all other ordinances, rules, regulation, adopted regional, county or Village comprehensive plans or adopted plan components which affect it. All reviews and reports concerning the Certified Survey Map prepared by the Village Planner, Village Attorney, Village Engineer, law enforcement authorities, and/or Fire Chief shall be submitted to the Village Board for its consideration.
- (2) 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 ninety (90) days from the date of filing of the map with the Village of Wheeler unless the time is extended by agreement with the Subdivider.
  - (3) If the Certified Survey 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 Subdivider.
  - (4) If the Certified Survey Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider.
- (c) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved under this Chapter, deed restrictions and/or conservation easements shall be filed with the Certified Survey Map.
- (d) **Recordation.**
- (1) All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
  - (2) The Subdivider shall record the Certified Survey Map with the County Register of Deeds within thirty (30) days of its last approval.
- (e) **Copies.** The Subdivider shall file a sufficient number of copies of the Certified Survey Map with the Village Clerk-Treasurer for distribution to the Village Board and other affected agencies for their files as set forth under Subsection (b) above.

*Cross-Reference:* Section 14-1-43, Technical Requirements for Certified Survey Map Land Division; Review and Approval

**Sec. 14-1-35 Administrative Fees.**

- (a) **General.** The Subdivider shall pay the Village of Wheeler all fees as hereinafter required per Section 14-1-90 and at the times specified before being entitled to recording of a Subdivision Plat, Condominium Plat, or Certified Survey Map.
- (b) **Engineering and Other Professional Fees.** Per Section 14-1-90, the Subdivider shall pay a fee equal to the actual cost to the Village for all engineering, planning, legal and other professional services work incurred by the Village in connection with the Plat, Condominium Plat or Certified Survey Map, including inspections required by the Village. The Subdivider shall pay a fee equal to the actual cost to the Village for such inspection(s) as the Village Board 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.
- (c) **Administrative Fee.** Per Section 14-1-90, Subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the Subdivision Plat, Condominium Plat, or Certified Survey Map. Included as such administrative fees shall be the cost of publication.

**Sec. 14-1-36 Replat.**

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The Subdivider or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Village Clerk-Treasurer shall schedule a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed Replat and to the owners of all properties within two hundred (200) feet of the exterior boundaries of the proposed Replat.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Village Board may require that such lots be arranged so as to allow resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

**Sec. 14-1-37 through Sec. 14-1-39 Reserved for Future Use.**





## Article E: Technical Requirements for Plats and Certified Surveys

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### Sec. 14-1-40 Concept Plan Information.

- (a) **General Requirements.** The optional Concept Plan shall be based upon a survey by a registered land surveyor and the Concept Plan prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Legal Description of the Property.** Legal description of the proposed subdivision by government lot, quarter-section, township, range, county, and state.
  - (2) **Identification as Concept Plan.** The Concept Plan shall be clearly noted and labeled on its face "Concept Plan."
  - (3) **Location Sketch.** General location sketch showing the location of the subdivision within the U.S. Public Land Survey section along with location of adjacent property boundary lines.
  - (4) **Date, Scale, North Arrow.** Date of concept plan, graphic scale, and north arrow.
  - (5) **Owner, Subdivider or Condominium Developer (as applicable), Land Planner, Land Surveyor.** Names and addresses of the owner, Subdivider or Condominium Developer (as applicable), and land planner or land surveyor who prepared the Concept Plan.
  - (6) **Contiguous Land Area.** Entire area contiguous to the proposed plat owned or controlled by the Subdivider or Condominium Developer (as applicable) shall be included on the Concept Plan.
  - (7) **Use Statement.** A statement of the proposed use of the lots stating the use, type of buildings and/or uses proposed to occupy the lots, number of proposed lots, and number of dwelling units per lot.
  - (8) **Proposed Zoning Changes.** If any changes are contemplated, the proposed zoning plans for the property, including dimensions. The indication of such information, however, shall not constitute an application for a zoning amendment. All applications for zoning amendments shall meet the applicable requirements of the Village Zoning Code (Title 13).
- (b) **Concept Plan Data.** All Concept Plans shall show, at a minimum, the following; additional information may be indicated on the Concept Plan by the Subdivider or Condominium Developer (as applicable):
- (1) **Exterior Plat Boundaries.** The exterior boundaries of the proposed subdivision and the total acreage encompassed thereby.
  - (2) **Corporate Limit Lines.** Any corporate limit lines with the exterior boundaries of the plat, co-terminus to said exterior boundaries, or adjacent thereto.
  - (3) **Existing Rights-of-Way.** Location, right-of-way width, and names of all existing streets, alleys or other public ways, easements, and railroad and utility rights-of-way within the exterior boundaries of the proposed plat or adjacent thereto.

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- (4) **Utility Location.** Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent to the lands being platted. The nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size.
- (5) **Physical Features.** General locations of all existing property boundary lines, structures, driveways, streams and watercourses, rock outcrops, woodlands, railroad tracks, and other similar significant natural or man-made features within the tract being subdivided and adjacent thereto.
- (6) **Proposed Streets and Public Rights-of-Way.** Location and width of all proposed streets and public rights-of-way, such as alleys and easements.
- (7) **Size of Lots.** Approximate size (in square feet or acres) of all lots.
- (8) **Sites To Be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- (9) **Lake or Stream Access Locations.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the proposed access.
- (10) **Lake or Stream Improvements or Relocations.** Any proposed lake and stream improvement or relocation including explanation of the proposed improvement and/or relocation.
- (11) **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and floodplains.

*Cross-Reference:* Section 14-1-30.

## **Sec. 14-1-41 Technical Requirements for Preliminary Plats.**

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
  - (1) **Identification as a Preliminary Plat** shall be clearly noted and labeled on its face "Preliminary Plat".
  - (2) **Title** or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded Plat and is so stated on the Plat.

- (3) **Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
  - (4) **Date, Scale and North Arrow.**
  - (5) **Names and Addresses** of the owner, subdivider and land surveyor preparing the plat.
  - (6) **Entire Area** contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
  - (7) **A Use Statement** of the proposed use of lots stating type of residential buildings with number of proposed dwelling units, types of business or industry so as to reveal the effects of the development on traffic, fire hazards and congestion of population.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; 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;
  - (3) **Area Plan.** Where the Subdivider owns property adjacent to that which is being proposed for the subdivision, the 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.
  - (4) **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.
  - (5) **Locations of all Existing Property Boundary Lines,** structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
  - (6) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (7) **Location and Names of any Adjacent Subdivisions,** condominiums, parks and cemeteries and owners of record of abutting unplatted lands.
  - (8) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to mean sea level (1929 datum).
  - (9) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, 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 are located on or immediately adjacent to the tract, the nearest such sewers which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (10) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
  - (11) **Existing Zoning** on and adjacent to the proposed subdivision under the requirements of the Village Zoning Code (Title 13).
  - (12) **Existing and Proposed Contours.** Existing and proposed contours within the exterior boundaries of the Preliminary Plat and extending to the centerline of adjacent public streets. In addition:
    - a. Existing and proposed contours shall be at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more.
    - b. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level).
    - c. At least two (2) permanent benchmarks shall be located in the immediate vicinity of the Preliminary Plat. The location of the benchmarks shall be indicated on the Preliminary Plat together with their elevations referenced to National Geodetic Datum of 1929 (mean sea level) and the monumentation of the benchmarks clearly and completely described on the Preliminary Plat.
  - (13) **Water Elevations of All Lakes, Ponds, Streams, Flowages and Wetlands** at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level). In addition, the status of the navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be noted on the Preliminary Plat based upon a determination by the Wisconsin Department of Natural Resources with the date of such determination so noted on the face of the Preliminary Plat.
  - (14) **Flood/and and Shore/and Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
  - (15) **Soil Types** and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
  - (16) **Location of Soil Tests** where required by SPS 383 and 385, Wis. Adm. Code, and in areas not served, as determined by the Village Board, by municipal or sanitary district sewage treatment facilities, conducted in accordance with SPS 393 and 385,

Wis. Adm. Code, taken at the location and depth in which private onsite wastewater treatment systems are to be installed:

- a. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater.
  - b. The results of such tests shall be submitted along with the Preliminary Plat.
- (17) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H85.06, Wis. Adm. Code, where the subdivision will not be served by public sanitary sewer service, if permitted in extraordinary situations by the Village Board.
  - (18) **Location, Width and Names** of all proposed streets and public rights-of-way such as alleys and easements.
  - (19) **Size of All Lots and Outlots.** Approximate dimensions and size (in square feet or acres) of each lot together with proposed lot and block numbers as well as for all proposed outlots.
  - (20) **Building Setback Lines.** All building setback lines (front, side and rear) with the respective dimension of each, shall be indicated on the face of the Preliminary Plat for each lot proposed.
  - (21) **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 formation of lots.
  - (22) **Approximate Radii of all Curves.**
  - (23) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
  - (24) **Any Proposed Lake, Pond and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Wisconsin Department of Natural Resources, when applicable.
  - (25) **Wetland and/or Floodplain Delineation.** Location and delineation extent of wetlands and/or floodplains. The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of floodplains and/or wetlands shall be noted on the face of the Preliminary Plat with the date of the field survey concerned.
  - (26) **Groundwater Data and Groundwater Supply Impacts.** If the proposed subdivision is to be served by private wells, data shall be provided to the Village which indicates how the existing groundwater table proposed to supply the proposed private wells will be impacted by the proposed subdivision and development.
  - (27) **Historic, Cultural, and Archaeological Features.** Any on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins, and burial sites - which have been identified by the State Historical Society of Wisconsin shall be so noted on the Preliminary Plat with a brief description of each such feature. Based upon any such sites identified by the State Historical Society of Wisconsin

- being present on the property, the Village Board may require the applicant to prepare a more detailed on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins, and burial sites - survey of the property in order to better identify and locate such features.
- (28) **Scenic Vistas Identification.** Scenic vistas shall be identified by both views into the proposed subdivision from adjacent roads and public areas and views from within the proposed subdivision. All such scenic vistas shall be documented through the use and submission of topographic maps and photographs identifying all such scenic vistas.
- (29) **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Preliminary Plat. The location and extent of conservation easements shall be directly related to the Natural Resource Protection Plan.
- (30) **Draft Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association Documents.** Draft declaration of deed restrictions, protective covenants, conservation easements, and homeowners' association documents shall be submitted with the Preliminary Plat as required under Subsection (g).
- (31) **Where the Village Board or Village Engineer** finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the Subdivider.
- (c) **Street Plans and Profiles.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles showing existing and proposed ground surface, proposed and, when requested by the Village Board or Village Engineer, established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.
- (d) **Testing.** The Village Board, upon recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to groundwater table.
- (e) **Soil and Water Conservation.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the publications *USDA Conservation Technical Guide*, prepared by the U.S. Department of Agriculture, the *Wisconsin Construction Site Best Management Practices Handbook* prepared by the Wisconsin Department of Natural Resources, and Title 15, Chapter 2, "Construction Site Erosion Control" of the Village of Wheeler Code of Ordinances.

- (f) **Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association.** The following documents shall be submitted with the Preliminary Plat as required:
- (1) **Declaration of Deed Restrictions and Protective Covenants.** The Village Board shall require submission of a draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
  - (2) **Conservation Easements.** The Village Board shall, where natural resources are present which are required to be preserved, require submission of a draft of conservation easements whereby the Subdivider or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the Natural Resources Protection Plan.
  - (3) **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The Village Board shall require submission of a draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that 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 Section 236.293, Wis. Stats., whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. (See also Section 14-1-23).
  - (4) **Village Attorney Review.** The Village Attorney shall review all draft declaration of deed restrictions and protective covenants, conservation easements, and homeowners' association documents and shall approve said instruments as to form.
- (g) **Surveyor's Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the Preliminary Plat that it is a correct representation of all existing land divisions and features within and thereto; and that he/she has fully complied with the provisions of this Chapter and Chapter 236, Wis. Stats.
- (h) **Additional Information.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

## Sec. 14-1-42 Technical Requirements for Final Plats.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.



- (b) **Additional Information.** The Final Plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., the following:
- (1) **Exact Length and Bearing** of the center line of all streets.
  - (2) **Exact Street Width** along the line of any obliquely intersecting street.
  - (3) **Exact Location and Description** of street lighting and lighting utility easements.
  - (4) **Railroad Rights-of-Way** within and abutting the plat.
  - (5) **Setbacks, Shore Yard Setbacks, Wetland Shore Yard Setbacks, and Building Lines.** All required setbacks, shore yard setbacks, wetland shore yard setbacks, and building lines shall be graphically indicated and dimensioned on the Final Plat or Condominium Plat.
  - (6) **Utilities and Drainage.** Utility and/or drainage easements.
  - (7) **Future Public Acquisition and Reservations.** All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (8) **Special Restriction.** Special restrictions required by the Village Board relating to conservation easements, across control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of Landscape Bufferyard Easements.
  - (9) **Floodplain Limits.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interal flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record. The name of the person, agency, or firm identifying, delineating, and mapping of said floodplains shall be noted on the face of the Final Plat with the date of the field survey concerned.
  - (10) **Water Elevations of All Lakes, Ponds, Streams, Flowages, and Wetlands.** Water elevations of all lakes, ponds, streams, flowages, and wetlands at the date of the survey and approximate high and low water elevations, all referred to National Geodetic Datum of 1929 (mean sea level). The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of wetlands shall be noted on the face of the Preliminary Plat with the date of the field survey concerned.
  - (11) **Final Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association Documents.** Final declaration of deed restrictions, protective covenants, conservation easements, and homeowners' association documents shall be submitted with the Final Plat as required by Subsection (c).
  - (12) **Village Planner May Require Additional Information.** Where the Village Planner finds that in order to review the Final Plat additional information is required relative to a particular problem presented by a proposed development, the Village Planner shall have the authority to request in writing such information from the Subdivider or Condominium Developer (as applicable).
  - (13) **Additional Information May Be Required By Others.** Any additional information required by the Village Planner, Village Attorney, Village Engineer, or Village Board.

- (c) **Declaration of Deed Restrictions, Protective Covenants, Conservation Easements, and Homeowners' Association.** The following documents shall be submitted with the Final Plat as required:
- (1) **Declaration of Deed Restrictions and Protective Covenants.** Submission to the Village Board of the final draft of declaration of deed restrictions and protective covenants whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development.
  - (2) **Conservation Easements.** The submission to the Village Board of the final draft of conservation easements whereby the Subdivision or Condominium Developer (as applicable) intends to regulate the protection of natural resource features in the proposed Subdivision in conjunction with the Natural Resource Protection Plan (if applicable).
  - (3) **Wisconsin Non-Profit Membership Corporation (Homeowners' Association).** The submission to the Village Board of the final draft of the legal instruments and rules for any proposed Wisconsin non-profit membership corporation (homeowners' association), when the Subdivider or Condominium Developer (as applicable) proposes that 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 Section 236.292, Wis. Stats., whereby the Subdivider or Condominium Developer (as applicable) intends to regulate land use in the proposed Subdivision and otherwise protect the proposed development. (See also Section 14-1-23.)
  - (4) **Village Attorney Review.** The Village Attorney shall review all final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations and shall approve said final instruments as to form.
  - (5) **Village Board Approval.** All final declaration of deed restrictions and protective covenants, conservation easements, and homeowners' associations shall be approved by the Village Board, pursuant to the requirements of this Chapter, as a part of Final Plat approval.
- (d) **State Plane Coordinate System.** Where the plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated or monumented by the County or municipality, the Final Plat shall be tied directly to one of the section or quarter corners so relocated and monumented:
- (1) **Grid Bearing and Distance of Tie Determined by Field Measurements.** 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.
  - (2) **Closed Survey Required.** 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.

- (3) **Reference to the Wisconsin Coordinate System.** All distances and bearings shall be referenced directly to the Wisconsin Coordinate System and adjusted to the County's control survey.
- (e) **Certificates.** All Final Plats shall provide all certificates required by Section 236.21, Wis. Stats. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. In addition, the surveyor shall certify that he or she has fully complied with all the provisions of this Chapter.
- (f) **Recordation.** The Final Plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Village Board, of the Surveyor, and those certificates required by Section 236.21, Wis. Stats., are placed on the face of the Final Plat. The Final Plat shall be recorded as set forth in Section 14-1-33(g).
- (g) **Correction Instruments for Final Plats.**
- (1) **Types.** Correction instruments relating to recorded Final Plats may be recorded in the County Register of Deeds office and may include:
- Affidavits to correct distances, angles, directions, bearings, chords, block or lot numbers, street names, or other similar details shown on a recorded Final Plat, which shall be approved by the Village Board, prior to recording.
  - Ratification of a recorded Final Plat, signed and acknowledged in accordance with Section 706.07, Wis. Stats.
  - Certificates of owners and mortgages of record at the time of recording.
- (2) **Limitations on Use.** Correction instruments shall create neither new buildable lots nor nonconforming.
- (h) **Survey Accuracy.**
- (1) **Examination.** The Village Engineer shall examine all Final Plats within the Village of Wheeler and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, four (4) 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 one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made.

- Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- (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 Section 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
  - (5) **Village Engineer's Examination Results.** The Village Board shall receive the results of the Village Engineer's examination prior to reviewing the Final Plat.
  - (i) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

## Sec. 14-1-43 Technical Requirements for Certified Survey Map Land Divisions.

- (a) **Generally.**
  - (1) **General Requirement.** A Certified Survey Map prepared by a Wisconsin registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34, Wis. Stats. The Certified Survey Map shall comply with the design standards and improvement requirements set forth in Article F and G.
  - (2) **Limitations on the Use of a Certified Survey Map.** A Certified Survey Map may be used to change the boundaries of lots, blocks, and outlots within a recorded Final Plat or Certified Survey Map if the redivision does not result in a subdivision and does not violate any provisions of this Chapter or of Chapter 236, Wis. Stats. A Certified Survey Map shall not alter the exterior boundaries of a recorded plat, alter areas previously dedicated to the public by any plat or Certified Survey Map, or alter any restriction placed on platted or mapped land by covenant, by grant of easement, or by any other means.
- (b) **Additional Required Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
  - (1) **Date, Scale, and North Arrow.** Date of the Certified Survey Map, graphic scale, and north arrow.

- (2) **Owner; Subdivider; Land Surveyor.** Name and address of the owner, Subdivider, and land surveyor.
- (3) **Location Sketch.** General location sketch showing the location of the Certified Survey Map within the U.S. Public Land Survey section and showing abutting and nearby public streets and highways.
- (4) **Area Contiguous to Certified Survey Map.** All property contiguous to the proposed Certified Survey Map owned or controlled by the Subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.
- (5) **Physical Features.** Locations of all existing property boundary lines, structures, driveways, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant natural or man-made features within the tract being divided as determined by the Village Board.
- (6) **All Existing Structures.** All existing structures shall be shown on the Certified Survey Map, together with an identification of the type of structure, such as residence, garage, barn, or shed; the distances of such structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed Certified Survey Map and within one hundred (100) feet thereof. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the proposed Certified Survey Map, and within fifty (50) feet of the exterior boundaries of the Map, shall be shown. All existing treatment tanks, grease traps, and/or soil absorption systems shall be shown.
- (7) **Setbacks, Shore Yard Setbacks; Wetland Shore Yard Setbacks; Building Lines.** All required setbacks, shore yard setbacks, wetland shore yard setbacks, and building lines shall be graphically indicated and dimensioned on the Final Plat or Certified Survey Map.
- (8) **Utility and Drainage Easements.** Utility and/or drainage easements.
- (9) **Reserved Lands.** All lands reserved for future acquisition.
- (10) **Special Restrictions.** Special restrictions required by the Village Board relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, or natural resource mitigation areas.
- (11) **Existing and Proposed Contours.** Existing and proposed contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%), and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the parcel(s) created are fully developed.

- (12) **Floodplain Limits and Contours.** Floodplain limits and the contour lines lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
- (13) **Wetland and/or Floodplain Delineation.** Location and delineated extent of wetlands and/or floodplains. The name of the person, agency, or firm identifying, delineating, and mapping said boundaries of floodplains and/or wetlands shall be noted on the face of the Certified Survey Map with the date of the field survey concerned.
- (14) **Parcel and/or Lot Size.** The dimensions and size (in square feet or acres) of each parcel or lot created by the Certified Survey Map including outlots.
- (15) **Existing Zoning.** The Certified Survey Map shall indicate on its face the current zoning of all parcels, lots, or outlots proposed to be created by the Certified Survey Map.
- (16) **Soil Types.** Soil types and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (17) **Sites to be Reserved or Dedicated.** Location and approximate dimensions and size (in square feet or acres) of any sites to be reserved or dedicated for parks, playgrounds, trails, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring formation of lots.
- (18) **Historic, Cultural, and Archaeological Features.** Any on-site historic, cultural, and archaeological features - including historic buildings, structures, ruins and burial sites - which have been identified by the State Historical Society of Wisconsin shall be so noted on the Preliminary Plat with a brief description of each such feature.
- (19) **Deed Restrictions and/or Conservation Easements.** Deed restrictions and/or conservation easements as required by this Chapter shall be filed with the Certified Survey Map.
- (20) **Location of Proposed Deed Restrictions, Landscape Easements, and/or Conservation Easements.** The location of any proposed deed restrictions, landscape easements, and/or conservation easements shall be graphically indicated and clearly delineated and dimensioned on the face of the Certified Survey Map. The location and extent of conservation easements shall be directly related to the Natural Resource Protection Plan.
- (21) **Existing and Proposed Uses.** The existing and proposed uses on adjacent parcels if known shall be indicated on the face of the proposed Certified Survey Map.
- (22) **Vehicular and Pedestrian Connectivity with Adjacent Parcels.** A commitment to provide vehicular and pedestrian connectivity between the subject property and adjacent parcels when required by the Village.
- (23) **Additional Information.** Any additional information required by the Village Attorney, Village Planner, Village Engineer, or Village Board.

- (c) **State Plane Coordinate System.** Where the Certified Survey Map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented by the County or a municipality, the map shall be tied directly to one (1) 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 map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System and adjusted to the County's, or municipality's control survey, whichever is applicable.
- (d) **Certificates.**
- (1) **Surveyor's Certification of Compliance with Chapter.** The surveyor shall certify on the face of the Certified Survey Map that he or she has fully complied with all the provisions of this Chapter. The certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
  - (2) **Owner's Certificate of Dedication of Streets and Other Public Areas.** The dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.
- (e) **Recordation.** The Certified Survey Map shall only be recorded with the County Register of Deeds within thirty (30) days of its approval by the Village Board and any other approving agencies. The certificate of the surveyor shall be placed on the face of the Certified Survey Map pursuant to the requirements of Subsection (d) above.
- (f) **Correction Instruments for Certified Survey Maps.**
- (1) **Types.** Correction instruments relating to recorded Certified Survey Maps may be recorded in the County Register of Deeds office and may include:
    - a. Affidavits to correct distances, angles, directions, bearing, chords, block or lot numbers, street names, or other similar details shown on a recorded Certified Survey Map, which shall be approved by the Village Board, prior to recording.
    - b. Ratifications of a recorded Certified Survey Map, signed and acknowledged in accordance with Section 706.07, Wis. Stats.
    - c. Certificates of owners and mortgages of record at the time of recording.
  - (2) **Limitations on Use.** Correction instruments shall create neither new buildable lots nor nonconforming lots.

**Sec. 14-1-44 through Sec. 14-1-49      Reserved for Future Use.**

## Article F: Required Improvements

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### Sec. 14-1-50 Improvements Required.

(a) **Payment for Improvements.**

- (1) The improvements prescribed in this Chapter are required as a condition of approval of a Subdivision Plat, Certified Survey Map or Condominium proposal. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the subdivider. However, in the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Village Board, be financed through special assessments, tax incremental financing or some other type of economic development mechanism.
- (2) In accordance with the authority granted by Sec. 236.13, Wis. Stats., the Village of Wheeler hereby requires that, as a condition of Final Plat or certified survey map approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) agrees to make and install all public improvements required by this Chapter and that the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall provide the Village with security to ensure that the Subdivision, Condominium or Certified Survey Map Developer (as applicable) will make the required improvements as prescribed. As a further condition of approval, the Village Board hereby requires that the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.

(b) **General Standards.**

- (1) The following required improvements in this Chapter 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 good engineering practices, approved prior to the start of construction by the Village Engineer or Village Board. When new or revised standards and/or specifications have been adopted by the Village, work on public improvements not begun within three (3) years 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.
- (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, grading and improvement of the streets and other public ways,





sidewalks, street signing, street lighting and such other facilities required by the Village Board.

- (c) **Project Manager.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall designate a project manager who shall be readily available on the project site or by telecommunications during the construction of the required public improvements. The project manager shall be granted authority on behalf of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable).

**Sec. 14-1-51 Required Agreement Providing for Proper Installation of Improvements; Survey Monumentation.**

- (a) **Subdivider's Agreement Required.**
  - (1) Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall enter into a contract ("Subdivider's Agreement") with the Village of Wheeler agreeing to furnish, construct, and install the required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and shall file with said contract a performance bond, irrevocable letter of credit, or certified check in the amount equal to, or not exceeding, one hundred twenty percent (120%) of the Village Engineer's estimate. Such security amount determination shall be made by the Village Board after review and recommendation of the Village Engineer's estimated total cost to complete the required public improvements. It shall be the Developer's option whether to execute a performance bond or whether to provide a letter of credit or certified check to satisfy the Village's requirement that the Developer provide security to ensure that the required public improvements are made within a reasonable time per the Subdivider's Agreement. Security phasing, pursuant to Subsection (b) below, shall be utilized if the project is to be completed pursuant to an approved phasing plan.
  - (2) The purpose of the guarantee and surety is to ensure that such required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development

- are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Subdivider's Agreement.
- (3) The contract form shall be approved by the Village Attorney and provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits and sequence so as to provide for continuity of streets, sewers, and other necessary public improvements within and between the phases. The amount of security that can be required by the Village is limited to the phase of the project that is currently being constructed.
  - (4) The Village may allow for the reduction of the performance bond, irrevocable letter of credit, or certified check as work is completed on the project or phases of the project.
  - (5) In addition, the following requirements shall apply:
    - a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Village or its agent, and approval of the Village of Wheeler.
    - b. Governmental units to which these security and contract provisions apply may file, in lieu of said contract and security, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the Village Attorney.
  - (6) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall agree in the development contract to pay all street and sidewalk assessments, specifically all area charges for sanitary sewer mains, 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 bituminous pavement).
- (b) **Phasing.**
- (1) Pursuant to Sec. 236.13(2)(a), Wis. Stats., if the project is approved to be constructed in phases, which approval shall not be unreasonably withheld, the security required to be deposited shall be limited to the phase of the project currently being constructed. The agreement shall provide a reasonable time not exceeding fourteen (14) months by which such security shall be provided, which shall be no sooner than is reasonably necessary before the commencement of the installation of the improvements. In addition, the Village may require by agreement that the Developer provide non-secured improvements warranties. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) may elect, with the approval of the Village, to install the improvements in construction phases provided that:
    - a. The phases are specified in the contract for land division improvements;

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- b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) submits security in an amount equal to one hundred twenty percent (120%) of the estimated costs of improvements required for the installation and construction schedules for that phase. Improvements constructed during that phase shall not be accepted nor shall any building permit be issued for construction within the completed area of that phase of the land division unless required infrastructure for that phase has been properly installed pursuant to this Chapter;
    - c. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) is responsible for recording 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.
  - (2) The time period for completion of a phased improvement program shall take into account the needs of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and/or within the land division.
  - (3) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the Subdivision, Condominium or Certified Survey Map Developer (as applicable) from time to time, is authorized to recommend a reduction in the amount of security as hereinafter provided. When portions of construction (drainageways, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, upon submission of lien waivers by the Subdivision, Condominium or Certified Survey Map Developer's contractors (as applicable), to reduce the amount of security. The amount of security may be reduced at the time all required underground utilities are installed and tested. The amount of security remaining shall be equal to one hundred twenty percent (120%) of the estimate of the Village Engineer of costs of work remaining to be completed and accepted and to ensure performance of the fourteen (14) month guarantee as specified in Subsection (d) below against defects in workmanship and materials on work accepted.
  - (4) 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 noncom-

pletion, the Village Clerk-Treasurer is authorized, in his/her sole discretion, to accept a reduction in the amount of security to an amount in the estimate of the Village Engineer, sufficient to cover the work remaining to be completed, including performance of the fourteen (14) month 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.

- (5) The Village Board, in the Subdivider's Agreement, may require a non-secured warranty period beyond the secured fourteen (14) month period.
- (c) **Approval of Subdivider's Agreement.** The Subdivider's Agreement shall be drafted or approved as to form and content by the Village Attorney, and shall be approved by the Village Board prior to the final approval of the Certified Survey Map, Subdivision Final Plat, or Condominium Plat.
- (d) **Improvement Guarantee.**
- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall include in said contract an instrument of public improvement guarantee by irrevocable letter of credit, certified check, or performance bond whereby a bonding company [with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin] guarantees maintenance, repair, replacement by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) of said public improvements which deteriorate or fail to meet performance or operating standards during the bond/security term, or any penalties which may be incurred as a result thereof, equal to one hundred twenty percent (120%) of the Village Engineer's estimate of the cost of the public improvements.
  - (2) If within fourteen (14) months after the date the public improvements for which the security is provided are substantially completed are found by the Village to be deficient or substandard, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall remove it and replace it with nondefective work in accordance with written instructions given by the Village Engineer. If the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.
  - (3) The agreement may require a non-secured warranty period longer than the fourteen (14) month secured guarantee period.
  - (4) For purposes of this Section pursuant to Section 236.13(2)(a)2, Wis. Stats., public improvements reasonably necessary for a project or phase of a project are considered to be "substantially completed" at the time the binder course is installed on streets or

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roads to be dedicated or, if the required public improvements do not include a street or road to be dedicated, at the time that ninety percent (90%) of the public improvements by cost are completed. The Village Board may allow for the reduction of the security as work is completed on the project.

**(e) Survey Monuments.**

- (1) Before final approval of any plat within the corporate limits of the Village, the Subdivider or Condominium Developer (as applicable) shall cause survey monuments to be installed as required by and placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the Village Engineer.
- (2) The Village Engineer may waive the placing of monuments, as provided in Section 236.15(1)(6), Wis. Stats., for a reasonable time, not to exceed one (1) year, on condition that the Subdivider or Condominium Developer (as applicable) provide a letter of credit, certified check, or surety bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (a) above. Additional time may be granted by the Village Engineer upon show of cause.
- (3) 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 (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

**Sec. 14-1-52 Required Construction Plans; Village Review; Inspections.**

- (a) Engineering Reports, Construction Plans and Specifications.** As required by Section 14-1-31, general engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat. At the Final Plat stage, detailed construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the Subdivision, Condominium or Certified Survey Map Developer (as applicable)'s expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Board or Village Engineer for their approval and for their 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 with the Village Clerk-Treasurer, or as soon thereafter as practicable, copies of the construction plans and specifications, where applicable, 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.
  - (3) **Water** plans explaining how lots will be provided with water service from private wells.
  - (4) **Storm Water and Open Channel** plans and profiles showing the locations, grades, sizes, cross sections, 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 the Village's Erosion Control Ordinance (Title 15, Chapter 2).
  - (6) **Master Site Grading Plans** showing existing and proposed lot corner elevations, top of curb elevations, building location and proposed first floor building elevation, and shall show control and direction of drainage for each lot within the subdivision and for drainage adjacent to the plat.
  - (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/she shall notify the owner, who shall be required to 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 may 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 Board 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) Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Final Plat by the Village Board, unless good cause can be shown for the Village Board to grant an extension unless another time frame is set forth in the Subdivider's Agreement for phased developments as approved by the Village Board.
  - (3) During the course of construction, the Village Engineer or designee shall make such inspections as the Village Board deems necessary to insure 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 insure satisfactory work.

- (d) **Record Plans.** After completion of all public improvements and prior to final acceptance of said improvements, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall make or cause to be made one (1) Mylar and three (3) copies of record plans showing the actual location of all improvements (unless manholes, stubs, utility mains, etc.), 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.

### **Sec. 14-1-53 Street Improvements.**

The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall construct streets, roads and alleys as outlined on the approved plans based on the requirements of this Chapter:

- (a) **Street Construction Standards.** The design and construction of all roads, streets and alleys in the Village shall fully comply with the requirements and specifications of Sections 14-1-70 and 14-1-71.
- (b) **Conform to Official Map.** The arrangement, width, grade and location of all streets shall conform to the Official Map, if the Village has adopted an Official Map..
- (c) **Survey Monuments.** The Subdivider or Condominium Developer (as applicable) shall install survey monuments placed in accordance with the requirements of Chapter 236.15, Wis. Stats., and as may be required by the Village Engineer. [See Section 14-1-SI(e).]
- (d) **Grading.**
- (1) **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments by the Subdivider, Certified Survey Map, or Condominium Developer (as applicable) and establishment of street grades, the Subdivider, Certified Survey Map or Condominium Developer (as applicable) shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Engineer and in conformance with this Chapter. The Subdivider or Condominium Developer (as applicable) shall grade the roadbeds in the street rights-of-way to subgrade.
  - (2) **Grading of Cut and Filled Lands.** Cut and filled lands shall be graded to a maximum slope of one (1) to four (4) (1:4), or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.
  - (3) **Preservation of Existing Trees During Grading.** During grading operations, every effort shall be made by the Subdivision, Certified Survey Map or Condominium Developer (as applicable) to preserve and protect from damage those existing trees



identified in the "Natural Resource Protection Plan" to be preserved and retained as a part of the Subdivision, Certified Survey Map, or Condominium approval. (See Section 14-1-69 for minimum procedures). In addition, all requirements of the Village of Wheeler Tree Ordinance shall be followed (Title 6, Chapter 4).

(e) **Roadway Surfacing.**

- (1) **Roadway Surfacing.** After the installation of all required utility and stormwater drainage improvements, the Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall surface all roadways in streets proposed to be dedicated to the widths prescribed by these regulations.
- (2) **Required Surfacing Specifications.** Said surfacing shall be done in accordance with plans and standard specifications approved by the Village including Sections 14-1-70 and 14-1-71.

(f) **Completion of Street Construction; Time Extension.**

- (1) Prior to any building permits being issued on lands adjacent to streets, all street construction shall be completed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable), approved by the Village Engineer and accepted by the Village Board.
- (2) The Village Board may issue a waiver of these requirements in unusual or special circumstances such as excessively severe weather conditions, heavy construction temporarily in area or construction material shortages (i.e., cement, asphalt). The issuance of a waiver shall be at the discretion of the Village Board.
- (3) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) requesting a waiver shall do so in writing, presenting such information and documentation as required by the Village Board. The waiver shall be in written form and shall detail which improvement requirements are temporarily waived and for what period of time.

## **Sec. 14-1-54 Rural Street Sections.**

When permanent rural street sections have been approved by the Village Board, the Subdivision, Certified Survey Map or Condominium Developer (as applicable) 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.

## **Sec. 14-1-55 Sidewalks; Bicycle Paths and Trails.**

- (a) **General Sidewalk Requirements.** Sidewalks may be required by the Village Board in Subdivision, Certified Survey Map or Condominium projects to accommodate safe and

adequate pedestrian circulation. Where sidewalks are provided, they shall be located within a dedicated public right-of-way or pedestrian access easement, and shall be in accordance with plans and specifications approved by the Village Engineer and in compliance with the standards of Section 6-2-2 of this Code of Ordinances. If the sidewalk is to be located within a pedestrian access easement, said easement shall be a minimum of twenty (20) feet in width.

- (b) **Extra-Sized Sidewalks.** Wider-than-standard sidewalks may be required by the Village Board in the vicinity of 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 their opinion, for safe and adequate pedestrian circulation.
- (c) **Bicycle Paths and Trails.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall install Village required bicycle paths and trails in accordance with the Village's plans and specifications, or plans approved by the Village Engineer and in accordance with the American Association of State Highway and Transportation Officials (AASHTO) in its *Guide for the Development of Bicycle Facilities*, most recent edition. The Subdivider or Condominium Developer (as applicable) shall assume the entire cost of such bicycle paths and trails.
- (d) **Location.**
  - (1) The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall be required to provide sidewalks and bikeways where required by the Village's Sidewalk Master Plan (if adopted), at Village specifications as follows: Sidewalks and bikeways shall normally be located as far from the traffic lane as is possible, but not closer than six (6) inches to 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.
  - (2) Sidewalks and bikeways constructed at street intersections or within five (5) feet of a legal crosswalk shall include provisions for curb ramping in accordance with Village standards.
  - (3) In all cases where the grades or sidewalks or bikeways have not been specifically fixed by ordinance, the sidewalks and bikeways shall be laid to the established grade of the street. 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 a minimum of one-fourth (1/4) inch per foot up to a maximum of three-fourths (3/4) 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 one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street - unless public drainage is available behind the sidewalk or bikeway.

## Sec. 14-1-56 Stormwater Drainage Facilities.

- (a) **Generally.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall construct stormwater drainage facilities adequate to serve the Subdivision, Certified Survey Map, or Condominium in conformance with Section 14-1-74; all applicable local comprehensive plans or adopted plan components; or as required by the Village of Wheeler under both Title 15, Chapter 2 "Construction Site Erosion Control", based upon the recommendations of the Village Engineer. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention and detention structures, basins, and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition, the following provisions shall be complied with.
- (b) **Stormwater Management Plan Required.** A stormwater management plan shall be prepared by a Wisconsin registered professional engineer which shall include, but not be limited to, the following:
- (1) Existing and proposed topography at two (2) foot contour intervals of the proposed Subdivision, Certified Survey Map, or Condominium.
  - (2) Proposed elevations of all streets.
  - (3) Proposed drainage swales.
  - (4) Proposed storm sewers, manholes and inlets.
  - (5) Construction site erosion facilities.
  - (6) A report and map(s) showing the drainage basin for the entire area where the Subdivision, Certified Survey Map, or Condominium is located, including estimates of the total acreage in the drainage basin and percentage of the drainage basin within the proposed Subdivision, Certified Survey Map, or Condominium.
  - (7) Location of any planned stormwater detention and/or retention basins and applicable calculations for their sizing and design.
  - (8) Calculations relating to the amount of runoff from the site of the proposed Subdivision, Certified Survey Map, or Condominium prior to development and anticipated runoff following the development of the site.
- (c) **Unpaved Street Gutters (Ditches).**
- (1) Unpaved street gutters (ditches) may be permitted by the Village Board, upon the recommendation of the Village Engineer, and shall be shaped and seeded and/or sodded as grassed waterways.
  - (2) The Subdivision, Certified Survey Map or Condominium Developer (as applicable) is encouraged to use natural wetland plant materials where possible.
  - (3) Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the Subdivider or Condominium

Developer (as applicable) shall meander the waterway or install a paved invert or check dams, flumes, or other energy dissipating devices.

(d) **Drainage Facilities.**

- (1) These shall, if required by the Village Engineer, include stormwater detention and/or retention basins, structures, and settling basins necessary so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes.
- (2) The design criteria, the size, type, grades, and installation of all stormwater drains and sewers and other cross-section, invert, and erosion control paving check dams, flumes, or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village of Wheeler.

(e) **Storm Sewers.**

- (1) When required by the Village, the Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall assume the cost of installing all required storm sewers within the proposed Subdivision, Certified Survey Map, or Condominium except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed Subdivision, Certified Survey Map, or Condominium.
- (2) The cost of such larger storm sewers shall be prorated in proportion to the ratio which the total area of the proposed Subdivision, Certified Survey Map, or Condominium is to the total drainage area to be served by such larger sewer, and the excess cost shall either be borne by the Village of Wheeler or assessed against the total tributary drainage area. Storm sewers oversized to handle runoff from offsite properties will be installed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable); however, the cost of oversizing above a twenty-four (24) inch diameter storm sewer typically shall be paid by other users connecting to the system.

*Cross-Reference:* Section 14-1-74, Drainage and Stormwater Management System.

## **Sec. 14-1-57 Curb and Gutter; Street Drainage Facilities.**

- (a) **General Curb and Gutter Requirements.** In all Subdivisions, Certified Survey Maps, and Condominiums located in urban-style development areas, as defined in Section 14-1-10, the Village Board shall require the Subdivider or Condominium Developer (as applicable) to construct concrete curb and gutter in accordance with plans as approved by the Village Engineer.
- (b) **Curb and Gutter; Drainage Facilities.**
  - (1) After the installation of all utility and storm water drainage improvements, the subdivider shall be required to construct concrete curbs and gutters or, if approved by

the Village of Wheeler, 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 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.

- (2) Suitable concrete curb and gutter shall be constructed along the outside edge of all street pavements. Curb and gutter in residential areas shall have a six (6) inch barrier curb with a twenty-four (24) 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, 3500 PSI strength at seven (7) days, and contain three (3) continuous one-half (1/2) inch diameter deformed steel reinforcing rods ten (10) feet long, six (6) inches on center in the gutter flag at locations crossing underground utility excavations or where otherwise directed by the Village Engineer. Expansion joints three quarter (3/4) inch thick shall be placed in the curb at each starting and ending of a radius, three (3) feet at each side of inlets, and at intervals not exceeding two hundred fifty (250) feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements.
  - (3) Contraction joints shall be tooled, saw cut, or formed by insertion of a metal plate in the concrete at intervals not exceeding twelve (12) feet.
  - (4) As an alternative to curb and gutter, the Village Board may approve the use of roadway ditches per Section 14-1-56(c) and (d).
- (c) **Driveway Access Curb Cuts.** Wherever possible, provision shall be made at the time of curb and gutter construction for driveway access curb cuts.
- (ct) **Curb Ramps.** Curb ramps shall be installed in accordance with the "Americans with Disabilities Act" and Section 66.0909, Wis. Stats., and as approved by the Village Engineer.

## **Sec. 14-1-58 Public Sanitary Sewers.**

When a proposed Subdivision Plat, Certified Survey Map, or Condominium is proposed to be located where public sanitary sewer facilities are available, as determined by the Village Board upon the Village Engineer's recommendation, to the Subdivision Plat, Certified Survey Map area or Condominium, the Developer shall construct sanitary sewer facilities in such a manner as to make adequate sanitary sewer service available to each lot with the Subdivision or Certified Survey Map area or dwelling unit within a Condominium. The Subdivider or Condominium Developer (as applicable) shall comply with all applicable Village ordinances and policies. In addition:

- (a) **Extent of Required Installation of Sewer Service Lateral Lines.** The Village Board shall require the installation of sewer service laterals to the street lot line.

- (b) **Plans and Specifications Required.** The size, type, and installation of all sanitary sewers and sanitary sewer service laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer. There shall be provided a sanitary sewerage system to all lots, approved by the Village Engineer. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install adequate sanitary sewer facilities and connect them to Village sewer mains subject to specifications and inspection of the Village Engineer. All sanitary sewers shall be in accordance with 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 project in question as well as providing all sanitary sewer work within the project.
- (c) **Costs Associated with Sanitary Sewers Eight (8) Inches or Less in Diameter.** The Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all sanitary sewers that are eight (8) inches in diameter or less.
- (d) **Costs Associated with Sanitary Sewers Larger Than Eight (8) Inches in Diameter.** If larger than eight (8) inch diameter sanitary sewers are required to handle the contemplated sewage flows, the difference between the costs of such larger sewers and the eight (8) inch sewer shall be prorated in proportion to the ratio which the total sewage of the proposed Subdivision, Certified Survey Map, or Condominium is to the total sewage capacity to be served by such larger sewer and the excess cost shall be either borne by the Village or assessed against the total tributary sewer area.
- (e) **Sanitary Sewer Availability and Requirements for Installation.**
- (1) The Subdivider, Certified Survey Map or Condominium Developer (as applicable) shall install, at his/her cost, sanitary sewers in accordance with this Chapter and specifications of the Village, including the Village when it is determined that the proposed subdivision or minor land division lies within a public sanitary sewer service area and sanitary sewer facilities can or are programmed to be extended to the proposed Subdivision, Certified Survey Map, or Condominium within five (5) years.
  - (2) The Subdivider, Certified Survey Map or Condominium Developer (as applicable) shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the project. 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 project and to each buildable lot as approved by the Village Engineer. Sewerage service lines (laterals) 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.



Where sanitary sewers are located within the floodplain, sanitary manholes shall be floodproofed.

- (3) 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.
  - (4) Until such time as the public sewers within the Subdivision, Certified Survey Map, or Condominium can be connected to the public sanitary sewer system, they shall be temporarily capped.
  - (5) No private or public use shall be connected to the sanitary sewers within the Subdivision, Certified Survey Map, or Condominium until such sanitary sewers are connected to the public sewerage system.
  - (6) The Developer (as applicable) shall indicate on the face of a Subdivision Plat, Certified Survey Map, or Condominium Plat that the owner of private uses within the Subdivision, Certified Survey Map, or Condominium Plat shall connect such uses to the sanitary sewers in the Subdivision, Certified Survey Map, or Condominium at the time such sanitary sewers are connected to the public sewerage system, and the Village of Wheeler shall be held harmless for any damages or costs incurred to disconnect and abandon any private on-site wastewater treatment system then in place and any costs associated with connection to the public sewer mains.
- (f) **Septic System Alternative Option.** When unique site characteristics exist or where it would be, in the opinion of the Village Board, cost-prohibitive to extend the public sewer system to serve the parcel, the Village Board may authorize the use of a private septic system.

## **Sec. 14-1-59 Water Supply Facilities.**

### **(a) Adequate Water Supply Facilities To Be Made Available.**

- (1) Parcels in the Village of Wheeler are served by private water wells; there is presently no municipal water system available. If in the future public water supply and distribution facilities are available (as determined by the Village Board) to the Subdivision Plat, Certified Survey Map, or Condominium or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots or dwelling units, the Developer shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the Subdivision or Certified Survey Map area or to each Condominium dwelling unit. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay all costs of installing and connecting adequate Village water (if available), including the bringing of water from where it exists to the land division in question as well as providing all waterworks. If municipal water is available, property owners within said Subdivision Plat, Certified Survey Map, or Condominium shall be required to connect to such water service.



- (b) **Additional Water Supply Requirements.** The Subdivider or Condominium Developer (as applicable) shall make provision for adequate private water systems as required by the Village in accordance with the standards of the State of Wisconsin. In addition, if a public water supply system becomes available in the Village:
- (1) **Water Service Laterals to Street Lot Line.** The Village Board may require the installation of water service laterals to the street lot line.
  - (2) **Size, Type, and Installation of Public and Private Water Mains.** The size, type, and installation of all public and/or private water mains proposed to be constructed shall be in accordance with plans and standards specifications approved by the Village Engineer.
  - (3) **Costs of Installing Water Mains, Water Service Laterals, Water System Appurtenances or Wells.** The Developer shall assume the cost of installing (if available) all municipal water system water mains, water service laterals, water system appurtenances, or wells within the proposed Subdivision, Certified Survey Map, or Condominium except for the added cost of installing public water mains greater than eight (8) inches in diameter. The cost of such larger water mains or other water system-related facilities shall be prorated in proportion to the ratio which the total flow and amount required by the proposed Subdivision, Certified Survey Map, or Condominium is to the total water service area flow and amount requirements for the larger water main, and the excess cost shall either be borne by the Village or assessed against the total water service area as determined by the Village Board.
  - (4) **Installation of Water Mains.**
    - a. If in the future a municipal water system becomes available, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall have prepared plan and profile drawings and specifications for the installation of municipal water main facilities in accordance with 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 the Village utilities, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 same, including inspection. Supervision and engineering fees, shall be paid for by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
    - b. Until such time as the public water mains within the Subdivision, Certified Survey Map, or Condominium can be connected to the larger community water supply system, they shall be temporarily capped.
    - c. No private or public use shall be connected to the water mains within the Subdivision, Certified Survey Map, or Condominium until such water mains are connected to the larger public water supply system.

- d. If a public water supply system becomes available, the Developer shall indicate on the face of the Subdivision Plat, Certified Survey Map, or Condominium Plat that the owner of private uses within the Subdivision Plat, Certified Survey Map, or Condominium Plat shall connect such uses to the municipal water mains within the Subdivision Plat, Certified Survey Map, or Condominium, and that the Village shall be held harmless for any damages or costs incurred to disconnect and abandon any on-site water supply system then in place, and any costs associated with connection to the public water mains.
- (5) **Installation of Fire Hydrants.** If a public water supply system becomes available, the Subdivider or Condominium Developer (as applicable) shall install fire hydrants connected to water mains in accordance with this Chapter. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall provide for the location of public fire hydrants along new streets at not greater than a six hundred (600) foot spacing. 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. The centerline of the pumper nozzle of each hydrant shall be a minimum of twenty-one (21) inches above the pavement.

## Sec. 14-1-60 Other Utilities.

The Subdivider, Certified Survey Map or Condominium Developer (as applicable) shall cause appropriate utilities such as gas, electrical power, cable television (where available), internet, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the Subdivision or Certified Survey Map and to each dwelling unit in a Condominium. No such new electrical, cable television, or telephone service shall be located on overhead poles. In addition, plans indicating the proposed location of all gas, electrical power, cable television, natural gas, telephone, and distribution and transmission lines required to service the Subdivision, Certified Survey Map, or Condominium parcels shall be approved by the Village Board.

## Sec. 14-1-61 Traffic Control and Street Name Signs; Street Lights.

- (a) **Traffic Control Signs; Street Name Signs.** The Subdivider, Certified Survey Map or Condominium Developer (as applicable) shall install at his/her cost traffic control and street name signs along all streets proposed to be dedicated to the public. Traffic control and street name signs shall meet the following standards:
- (1) **Traffic Control Signs.**
    - a. The design and placement of traffic control signs shall follow state regulations.
    - b. Such signing shall include street name signs and such temporary barricades and "road closed" signs as may be required by the Village until the street improvements have been accepted by Village Board resolution.

- c. The Village shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the Village as may be deemed 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.
  - (2) **Street Name Signs.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install at least two (2) street name signs, of a design and color as approved by the Village, at each four-way street intersection proposed to be dedicated and one (1) at each "T" intersection. Street name signs shall be installed so as to be free of visual obstructions.
- (b) **Street Lights.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install street lights along all streets proposed to be dedicated to the public in urban areas. Said street lights shall meet the following standards:
- (1) **Pole and Luminaire Design.** The design of the street lights shall be compatible with the neighborhood and type of development proposed. Street light pole and luminaire design meet the requirements set forth in Village ordinances and as approved by the Village Engineer.
  - (2) **Distribution and Placement.** Street lights shall be placed at each street intersection and at each interior block location and other spacing as required by the Village Engineer.
  - (3) **Requirements of Village Lighting Standards.** All street lights shall be in full compliance with the Village's lighting standards recommended by the Village Engineer. In addition:
    - a. All outdoor lighting luminaires shall be shielded in such a manner so that light emitted (either directly from the lamp or indirectly from the luminaire) is projected a minimum of fifteen (15) degrees below the horizontal plane running through the lowest point on the luminaire where light is emitted.
    - b. Mercury vapor outdoor lighting luminaires shall not be allowed.

## **Sec. 14-1-62 Improvements Extended To Limit of Parcel; Extra-Sized and Off-Site Facilities.**

- (a) **Improvements To Be Extended To Farthest Limit of Parcel or Lot.** Any and all improvements or utility services required by this Chapter for the Subdivision, Certified Survey Map, or Condominium shall be extended to the farthest limit of the parcel or lot upon which a building permit is requested unless the owner is excused from meeting such requirement by the Village Board.
- (b) **Financial Sureties for Extension of Improvements Required.** In the event the improvements are required to the end of the parcel or lot, the Developer shall be required

to post financial sureties with the Village pursuant to Section 14-1-51 if improvements are not made.

- (c) **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, Certified Survey Map or Condominium Plat, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:
- (1) **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.
  - (2) **Extra-sized and Off-size Improvements.** Where improvements of adequate size needed to serve the development are not available at the boundary of the development, the subdivider shall proceed under one (1) of the alternatives as identified in Section 14-1-S0(a).
  - (3) **Lift Stations.** Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.

## Sec. 14-1-63 Landscaping; Street Trees.

- (a) **Landscaping Installation.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install landscaping in accordance with a plan approved by the Village Board. If plantings are not installed prior to approval of a Final Plat, Certified Survey Map, or Condominium Plat (as applicable), a landscaping fee and installation schedule may be specified in the Subdivider's Agreement ("Development Agreement") and appropriate sureties shall be provided.
- (b) **Landscape Maintenance.** Maintenance of all landscaping shall be the responsibility of the property owner, or, for landscaping installed in common areas, of a Subdivision Plat, Certified Survey Map or Condominium (as applicable), the homeowners' association or condominium owners' association. Provisions for the maintenance of such landscaping

maintenance shall be included in the homeowners' association or condominium owners' association documents required under Sections 14-1-l(g) and 14-1-42(c).

- (c) **Street Trees.** In all Subdivisions, Certified Survey Maps, and Condominiums requiring new street dedications, the Village shall require the Subdivider or Condominium Developer (as applicable) to plant a minimum of one (1) street tree of a Village-approved species and of a minimum DBH of three (3) inches for each forty (40) feet of lot frontage on each side of all streets to be dedicated to the public. The required street trees shall be planted within a distance in feet of the public street right-of-way to be specified by the Village after examination of the design standards (or existing lay) of the street at issue. All street trees shall be planted outside of the public street right-of-way. All required street trees shall be installed by the Developer in accordance with plans and specifications, including the Village of Wheeler Tree Ordinance (Title 6, Chapter 4) including any spacing requirements of the Village of Wheeler Tree Ordinance. Existing trees already in the prescribed locations and equal to or greater than the minimum DBH prescribed herein, shall be counted towards the required number of street trees on a one-to-one basis. Street trees shall be of the species specified by the Village. In addition:
- (1) **Minimum Distance to Utility Poles.** No street trees shall be planted less than fifteen (15) feet from a utility pole.
  - (2) **Minimum Distance to Driveways and Intersections.** No street trees shall be planted less than five (5) feet from a driveway. At street corners, trees shall be located at least twenty-five (25) feet from the intersection of right-of-way lines.
  - (3) **Minimum Distance to Sidewalks.** No street trees shall be planted less than three (3) feet from a sidewalk.
  - (4) **Street Tree Warranty and Continued Maintenance Required.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall be responsible and provide a two (2) year warranty for all landscape materials planted. Said warranty shall begin upon completion, acceptance, and dedication of improvements to the Village. In no case shall it conflict with the surety bond herein and elsewhere described in this Chapter. The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall provide, plant, and warrant equal inches of caliper to that which is removed. The removal of a tree shall not serve as a release from the requirement for street trees. Upon the expiration of the warranty period, it shall be the adjacent property owner's responsibility to water, weed, trim, maintain, and replant, if necessary, said trees. In addition, any tree that is damaged or destroyed shall be promptly replanted with a new, similar tree by the adjacent owner at the property owner's expense.

## Sec. 14-1-64 Easements.

- (a) **Utility Easements.** The Village Board, on the recommendation of appropriate utilities and agencies serving the Village of Wheeler, shall require utility easements for poles, sanitary

sewer, wire communications conduits, storm sewers, gas 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 installation and prevent the planting of trees in the easement area.

- (b) **Natural Resource Features Protection/Mitigation, Conservation, Landscape Bufferyard, and Utility Easements Required.** The Village Board shall require natural resource features protection/mitigation, conservation, landscape bufferyard, and utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for natural resource feature protection, landscape bufferyards, electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water, and other utility lines.
- (c) **Subdivision, Certified Survey Map, or Condominium Development Traversed by Watercourse, Drainageway Channel, or Stream.** Where a Subdivision, Certified Survey Map or Condominium development is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as required by the Village Board. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the ViJJage Board, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.
- (d) **Easement Locations.**
  - (1) Such easements shall be at least fifteen (15) feet wide, or wider where recommended by the Village Engineer, and may run across lots or alongside of rear or side lot lines. Evidence shall be furnished the Village Board 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 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 reference to the use or uses for which they are intended.
- (e) **Deed Restrictions for Easements.** Deed restrictions shall accompany each final plat or certified survey map, and shall be filed in the County 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, and shall state that the elevation of such easements as graded by the Developer may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

## **Sec. 14-1-65 Soil Erosion and Sediment Control.**

The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall plant those grasses, trees, and vines, the species and size, as approved by the Village Board, necessary to prevent soil erosion and sedimentation. The Developer shall also comply with Title 15, Chapter 2 "Construction Site Erosion Control" of the *Village of Wheeler Code of Ordinances* as amended. In addition:

- (a) **Installation of Protection and Rehabilitation Measures.** The Village Board shall require the Developer to provide or install certain protection and rehabilitation measures to prevent soil erosion and sedimentation, such as fencing, sloping, seeding, rip-rap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
- (b) **Tree Cutting and Shrubbery Clearing Limitations.** Tree cutting and shrubbery clearing shall not exceed the limitations set forth in Section 14-1-14 and Article I of this Chapter for natural resource features protection, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
- (c) **Maximum Width of Paths and Trails in Wooded and Wetland Areas.** Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.
- (d) **Earth Moving.** Earth moving: such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent soil erosion and sedimentation and to minimize the disturbance of the natural fauna, flora, water course, water regimen, and topography (see Sections 14-1-53(d) and 14-1-66).
- (e) **Topsoil Preservation.** Topsoil moved during the course of construction shall be redistributed on all pervious regraded surfaces so as to provide adequate topsoil to cover all previous disturbed areas of the Subdivision, Certified Survey Map, or Condominium and shall be stabilized to prevent soil erosion by seeding or planting as determined by the Village Board.



- (f) **Slope and Terrace Protection.** Areas of cuts, fills, and terraces shall be landscaped sufficiently to prevent soil erosion in accordance with plans and standard specifications approved by the Village Engineer.

## Sec. 14-1-66 Partition Fences.

When the land included in a subdivision plat or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall erect 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable), 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.

## Sec. 14-1-67 Construction Requirements.

- (a) **Commencement.** No destruction of trees or vegetation, ground or earth-moving, alteration of land, construction or installation of improvements shall commence in a proposed Preliminary Plat, Certified Survey Map, or Condominium development until said Preliminary Plat, Certified Survey Map, or Condominium has been approved and the Village Board has given written authorization to commence work. Inspection fees shall be required as specified in this Chapter.
- (b) **Building, Zoning, and Sanitary Permits.** No building, zoning, or sanitary permits shall be issued for the erection of a structure on any lot not of record until all the requirements of this Chapter have been met, including the construction of required streets and sidewalks and the removal of construction debris, waste and/or rubbish from the lot, and any unoccupied building or structures.
- (c) **Plans and Specifications.** The following plans and accompanying construction specifications, as approved by the Village Engineer, shall be required by the Village before authorization of construction or installation of improvements:
- (1) **Street Plans and Profiles.** Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
  - (2) **Grading Plans.** Grading plans showing existing and proposed contours, mass and finished grading plans, proposed top of building foundation and finished yard grade elevations, and such supplemental information as required by the Village Engineer. Elevations shall be marked on such contours and grades based on National Geodetic Vertical Datum of 1929 (mean sea level).

- (3) **Sanitary Sewer Plans and Profiles.** Sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities, when located within a Village of Wheeler adopted existing or proposed sanitary sewer service area.
- (4) **Storm Sewer Plans and Profiles.** Storm sewer and/or drainage plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities. Also, a stormwater management program plan shall be required as set forth in Section 14-1-56.
- (5) **Water Service Plans and Profiles.** Water service plans showing the locations, sizes, elevations, and materials of facilities necessary to utilize a municipal water system (if available), or provide details on how private well water service will be made available).
- (6) **Gas, Electrical Power, Telephone, and Cable Television Plans.** Plans showing the location and size, where applicable, of all natural gas, electrical power, telephone, and cable television service.
- (7) **Specifications for Protection Against Erosion, Siltation, Sedimentation, and Washing Required.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Engineer. In addition:
  - a. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
  - b. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  - c. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - d. Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.
  - e. All erosion control procedures must be carried out in conformance with Village regulations for construction site erosion control.
- (8) **Additional Plans.** Additional special plans or information as required by Village officials.
- (d) **Maintenance of Improvements During Construction.** The Subdivision, Certified Survey Map, or Condominium Developer (as applicable) shall make every effort to protect and maintain all improvements made to a Subdivision Plat, Certified Survey Map, or Condominium that are not dedicated to the Village during the construction of the Subdivision Plat, Certified Survey Map, or Condominium.

- (e) **Existing Trees and Flora.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall make every effort to protect and retain existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. Towards that end, the following minimum procedures shall be followed during construction:
- (1) **Methodology for Tree Preservation To Be Reviewed.** The Developer's proposed method for preserving trees shall be reviewed by the Village Board or Village staff during the Preliminary Plat, Certified Survey Map, or Condominium approval phase of application to the Village. If, in the opinion of the Village Board, the Developer has not taken the necessary precaution in preserving existing trees as required by this Chapter, no building permit shall be issued until such time as the Developer (as applicable) amends the plans for the preservation of such existing trees.
  - (2) **Limitation on Encroachment of Grading and Construction Equipment.** All grading and construction equipment shall be forbidden from encroaching within the tree's drip line.
  - (3) **Material Dumping Prohibited Within Tree Drip Line.** Materials detrimental to the tree shall not be dumped or placed within a tree's drip line or at any higher elevation than the base of the tree where drainage toward the tree could adversely affect the health of the tree. Said materials shall include, but not necessarily be limited to, excess soil, stone or rock, additional fill, equipment, liquids, or construction debris.
  - (4) **Snow Fence Required.** During grading and construction, a snow fence shall be installed at the periphery of the tree's drip line.
  - (5) **Attachments to Trees Prohibited.** No attachments or wires, other than those of a protective or nondamaging nature, shall be attached to any trees to be preserved during construction.
  - (6) **Tree Destruction and Replacement.** In the event that a tree designated on the approved Preliminary Plat, Certified Survey Map or Condominium for preservation is destroyed or razed during the construction process, the Developer shall replace such tree of a like species approved by the Village Board and having a diameter of not less than the tree so destroyed or razed. No one replacement, however, shall exceed six (6) inches in diameter as measured at twelve (12) inches above the ground level. However, several smaller diameter trees having a combined diameter equal to the tree razed or destroyed shall be planted for trees larger than six (6) inches as directed by the Village. Said replacement trees shall be placed in the approximate location of the tree, or trees, so destroyed. Said replacement trees shall be placed in the approximate location of the tree or trees, so destroyed. Said replacement trees shall not be counted toward any mitigation measures which may be required of the Subdivision, Certified

Survey Map or Condominium Developer (as applicable) as specified elsewhere in this Chapter.

- (f) **Review of Plans and Specifications By 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, the Village Engineer shall notify the Subdivision, Certified Survey Map or Condominium Developer (as applicable), who shall cause the modification of the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications.
- (g) **Authorization and Inspection.**
  - (1) **Authorization to Start Construction.** Prior to starting the work covered by the approved plans and specifications, written authorization to start said work shall be obtained from the Village Board based upon recommendation of the Village Engineer upon receipt of all necessary and required permits and in accordance with the construction methods prescribed by this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.
  - (2) **Inspection.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable), prior to commencing any work within the Subdivision, Certified Survey Map, or Condominium shall make arrangements with the Village to provide for adequate inspection. The Village Engineer or designee shall inspect or cause to inspect and approve all completed work prior to approval of the Final Plat or release of the required financial sureties. During the course of construction, the Village Engineer shall make such inspections as deemed necessary to ensure compliance with the approved plans and specifications. The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall pay the Village for the costs incurred by the Village for such inspections.
- (h) **Guarantee of Improvements.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall guarantee all improvements for a period of two (2) year from the date of the acceptance of improvements by the Village Board. To assure such improvement guarantee, the Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall provide an amount of financial surety (performance bond or letter of credit) for said guarantee not to exceed twenty-five percent (25%) of the construction value of said improvements.
- (i) **Phasing.** The Village Board may permit the construction and installation of public improvements in phases corresponding to the development phases of the Final Plat or the development phases of a Condominium Plat.
- (i) **Construction; Installation.** All public improvements shall be constructed, installed and provided in a workmanlike manner, in accordance with the provisions of this Chapter, the

Subdivider's Agreement entered into by and between the Developer and the Village, and the plans and specifications approved by the Village Engineer, at the cost of the Developer except as is otherwise expressly provided by this Chapter, and only after the Village Board has granted final approval of the Final Plat, Certified Survey Map, or Condominium, if the Developer is responsible for providing the improvements, and only after the Village has issued written authorization to proceed with specified improvements.

- (k) **Stop Work Orders.** The Village President, Village Engineer and Building Inspector shall have the authority to issue stop-work orders with respect to noncompliance with the installation of any required public improvements whenever the location, materials, workmanship, or manner of performance is not in accordance with the provisions of this Chapter, Village codes and ordinances, the Subdivider's Agreement (Development Agreement) entered into by and between the Developer and the Village of Wheeler, or the plans and specifications approved by the Village Engineer.

## **Sec. 14-1-68 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 of Wheeler 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. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Clerk-Treasurer and approved by the Village Attorney, evidencing that there are no claims, actions or demands for damages, based upon contract or tort arising out of or in any way related to the project and that no moneys

are owned 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, street lighting, 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 engineering, 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, taxes, special assessments and legal fees 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.

**Sec. 14-1-69      Reserved for Future Use.**

## Article G: Design Standards

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### Sec. 14-1-70 General Street Design Standards.

- (a) **Compliance with Statutes.** In laying out a certified survey or subdivision, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village of Wheeler regulations. In all cases where the requirements of this Chapter are different from the requirements of Ch. 236, Wis. Stats., the more restrictive provision shall apply. [See also Section 14-1-73(f)].
- (b) **Dedication.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. 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. The Subdivision, Certified Survey Map or Condominium development shall be so designed as to provide each lot with satisfactory access to a public street or road. (See also Section 14-1-73.)
- (c) **Compliance with Comprehensive Plan and Ordinances.**
  - (1) **Land Development Compliance With Plans.**
    - a. The arrangement, character, features, and layout of land developments in the Village of Wheeler shall be designed to comply with the standards of this Chapter, the Comprehensive Plan, Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions or land developments and which have been adopted by the Village Board.
    - b. Where no such planning documents have been adopted, Subdivision, Certified Survey Map and Condominium land developments shall be designed according to engineering and planning standards approved by the Village Engineer and applied so as to properly relate the proposed land 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) **Street Locations to Comply With Plans.** The arrangement, character, extent, width, grade, and location of all streets shall conform to the Village Comprehensive Plan, the Official Map, and to this Chapter, and other Village planning documents/ordinances and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public

convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- (3) **Continuation.** The arrangement of streets in new developments 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 Comprehensive Plan.** In areas not covered by an Official Map or the Village Comprehensive 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; Extension of 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 land division or for the advantageous development of the adjacent tracts.
- (f) **Streets Classifications.** Streets shall be required and classified by the Village Engineer in accordance with the Village Comprehensive Plan and where not identified in said Plan, in accordance with sound engineering standards, into the classifications indicated below with the designated minimum widths:
  - (1) **Arterial Streets.** Arterial streets, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (2) **Collector Streets.** Collector streets, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
  - (3) **Minor Streets.** Minor streets, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
  - (4) **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, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.



- (g) **Arterial Street and Highway Protection.** Whenever the proposed land division contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (h) **Reserve Strips.** Reserve strips, strips which prevent access to public street, shall not be provided on any Subdivision, Certified Survey Map or Condominium development 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.
- (i) **Alleys; Cul-de-Sac Streets.**
  - (1) **Commercial and Industrial Alleys.** Alleys may be provided in commercial and industrial zoned districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
  - (2) **Residential Alleys.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
  - (3) **Temporary Street Termination.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Temporary dead-end streets shall not be over one thousand (1,000) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or circular turnarounds as approved by the Village Engineer. Such temporary cul-de-sacs shall have a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of forty-five (45) feet. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth below, or by construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
  - (4) **Design of Cul-de-Sac Streets.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed five hundred (500) feet in length. All urban cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular or tear-drop turn-around having a minimum right-of-way radius of sixty (60) feet and a minimum inside curb radius of fifty (50) feet to the face of the curb. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited.
- U) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision 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

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be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the Village Board determines such extension is not necessary or desirable for the coordination of the layout of the Subdivision, Certified Survey Map or Condominium development with existing layout or the most advantageous future development of adjacent tracts.

- (k) **Access to Public Streets Required.** The Certified Survey Map, Condominium or Subdivision development shall be designed so as to provide each lot with satisfactory access to a public street.
- (l) **Frontage Roads.** Where a Subdivision, Certified Survey Map or Condominium development abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the developer 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) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector 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 centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
- (p) **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 fifteen (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 (1) intersection shall be reduced to a minimum, preferably not more than two (2). 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 one hundred fifty (150) feet from each other.
  - (3) **Number of Intersections - 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 one thousand two hundred (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 one hundred fifty (150) feet between right-of-way lines, nor closer than two hundred fifty (250) feet to the right-of-way of an arterial street.

- (5) **Rounding of Property Lines at Street Intersections Required.** Property lines at street intersections may be rounded with a minimum radius of fifteen (15) feet, or of a greater radius when required by the Village Board, upon the recommendation of the Village Engineer, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.
  - (6) **Continuation of Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the centerline 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 thirty (30) feet from the intersection point.
- (q) **Street Names.**
- (1) **Village Approval.** Street names shall be approved by the Village Board following the guidelines of this Subsection.
  - (2) **Continuation; Conformance with Street Numbering.** Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes. A street name shall be changed when required to conform to the proposed or existing house numbering base.
  - (3) **Future Through Streets.** A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
  - (4) **Name Guidelines.** The following designations are guidelines for the naming of streets:
    - a. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
    - b. "Lane." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
    - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
    - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
    - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
  - (5) **Cul-de-Sacs.** The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.

- (6) **Preliminary Name Approvals.** Approval of street names on a Preliminary Plat will not reserve the names nor shall the Village be required to accept such names at the time of final platting.
- (7) **Annexed Lands.** When a project area includes lands annexed to the Village and has a roadway with an existing name, the Village Board may rename the roadway to comply with Village street naming standards. The Village shall assign addresses to all existing parcels within the annexation area including properties with pre-existing addresses.
- (8) **Street Name Length.** Street names shall have no fewer than three (3) and no more than twelve (12) characters. A space between two (2) words is considered a character.
- (9) **Duplication.** To eliminate potential confusion and delay of emergency responses, duplication of street names shall not be permitted. Roadways with the same name but different suffix designations shall be considered duplicate roadway names (e.g. "Oak Drive" and "Oak Lane" are duplicates).
- (10) **Similar or Confusing Spelling.** To eliminate confusion, street names that are difficult to spell, have similar spelling, can be spelled several different ways or have phonetically confusing spelling shall not be approved (e.g. "Broome" vs. "Broom" - spelled two different ways).
- (11) **Unconventional Spelling.** To avoid confusion and allow for accurate communication in emergency situations, unconventional spelling of words in roadway names shall be prohibited (e.g. "Wynd Chime Lane").
- (12) **Offensive or Frivolous Names.** Roadway names that may be offensive (slang, double meanings, discriminatory, slanderous, etc.) will not be approved. Street names that could be considered frivolous or overly complicated will not be approved ("I Did It My Way").
- (13) **Vanity Names.** Roadway names that identify with a specific company, individual, family or private entity will not be approved unless it is demonstrated that such parties have made exceptional civic contributions to the community.
- (14) **Use of Roadway Type Suffix or Directional Prefix Words.** Street names that include a directional prefix or the roadway type suffix as the roadway name or in the roadway name will not be approved (e.g. "Madison Court Drive" or "West Avenue").
- (15) **Punctuation.** Punctuation is not permitted in roadway names (e.g. "New-World Court"). Names shall not include hyphens, apostrophes, or other non-letter characters.
- (r) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed Subdivision, Certified Survey Map, or Condominium development contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
  - (1) **Landscape Bufferyard Easement Requirement.** When lots within the proposed Subdivision, Certified Survey Map, or Condominium development back upon the right-of-way of an existing or proposed limited access highway or a railroad, a

combined earthen berm (if topographically possible) and planting strip (landscape bufferyard easement) a minimum of thirty-five (35) 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: "Landscape Bufferyard Easement: This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) **Streets Serving Commercial and Industrial Properties.** Commercial and industrial properties 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 one hundred fifty (150) feet.
- (3) **Streets Parallel to a Limited Access Highway Right-of-Way.** 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 two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) **Minor Streets Adjacent and Parallel to Railroads, Arterial Streets and Highways.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and the location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
- (s) **Street and Pedestrian Way Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Comprehensive Plan, comprehensive plan component, Official Map, neighborhood development study, jurisdictional highway system plan, or if no specifications are prescribed therein, the minimum widths shall be as shown as follows. Street sections are for standard arterial, collector and minor streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. The type of street cross section to be used shall be determined by the Village Board, upon the recommendation of the Village Engineer, pursuant to the following general standards:
  - (1) **Street Standards.**

Type of Street	R.O.W. Width to be Dedicated	Pavement Width
Arterial Streets	100 feet	52 feet
Collector Streets	66 feet	24 feet
Minor Streets	60 feet	24 feet
Pedestrian Ways	20 feet	8 feet

## Sec. 14-1-71 Specifications for Construction and Dedication of Streets and Roads.

(a) **General Requirements.**

(1) **Construction Standards.**

- a. 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, the Village of Wheeler Engineering Guidelines (if such Guidelines are adopted by the Village Board), and this Chapter, whichever is more restrictive.
- b. The design requirements of this Article and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Village of Wheeler, regardless of whether such streets or roads are part of a new subdivision or land division.
- c. 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.
- d. Combination concrete curb and gutter is required on all streets, unless the Village Board has made an express exception to permit a rural-type street cross-section with ditch drainage. [Refer to the Subsection (g)(1 6) below describing requirements for curbs and gutters.] A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Village Board.

- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the Subdivision, Condominium or Certified Survey Map Developer (as applicable). 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 Wheeler, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall notify the Village Engineer. An on-site meeting will then be arranged to be attended by the Village Engineer and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). 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.

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- (5) **Required Inspections.** Prior to the commencement of any street construction, the subdivider shall notify the Village Engineer, at least one (1) workday in advance, as to the nature of the work being done. The Village Engineer shall be contacted for required inspections before and after the following phases of construction:
- a. Subbase grading;
  - b. Crushed aggregate base course;
  - c. Concrete gutters, curbs and sidewalks;
  - d. Bituminous surface course; and
  - e. 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 of Wheeler 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 may be taken by the Village during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Roadway Elevations; Interval Floods.** Elevations of roadways passing through floodplain areas shall be designed in the following manner:
- (1) **Arterial Streets.** Freeways and arterial streets and highways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.
  - (2) **Collector Streets.** Collector streets shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
  - (3) **Local Streets.** Local streets shall be designed so they will not be overtopped by the 25-year recurrence interval flood.
- (c) **New and Replacement Bridges and Culverts.**
- (1) **Applicable Standards.** All new and replacement bridges shall be constructed in accordance with all applicable Wisconsin Statutes and state regulations, and shall be submitted to the Wisconsin Department of Natural Resources to ensure compliance therewith.
  - (2) **Waterway Bridges.** All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood:
    - a. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure.

- b. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.
- (d) **Street Grades.**
- (1) **Generally.** Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
  - (2) **Changes in Street Grade.** All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for arterial streets, and one-half this minimum for all other streets.
  - (3) **Maximum Centerline Grades.** Unless necessitated by exceptional topography subject to the approval of the Village Board, upon the recommendation of the Village Engineer, the maximum centerline grade of any street or public way shall not exceed the following:
    - a. Arterial and collector streets: Six percent (6%).
    - b. Minor streets, alleys and frontage streets: Eight percent (8%).
    - c. Bicycle paths: Five percent (5%) and meeting all applicable guidelines and standards promulgated by the American Association of State Highway and Transportation Officials (AASHTO) in its *Guide for the Development of Bicycle Facilities*, most recent addition.
    - d. Pedestrian ways: Eight percent (8%) and meeting all applicable Americans with Disabilities Act (ADA) "Accessibility Guidelines."
    - e. Equestrian trails: Eight percent (8%).
  - (4) **Maximum Grade.** The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%).
  - (5) **Minimum Grade.** The minimum grade of all streets shall be five-tenths of one percent (0.5%).
  - (6) **Grade Variations.** Street grades may be varied as provided for in Subsection (e)(2) above.
- (e) **Radii of Curvature.**
- (1) **Standards.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
    - a. Arterial streets and highways: Five hundred (500) feet.
    - b. Collector streets: Three hundred (300) feet.
    - c. Minor streets: One hundred (100) feet.
    - d. Rural and suburban streets: May be less than one hundred (100) feet in environmentally-sensitive areas as determined by the Village Board.
  - (2) **Reverse Curve Tangents.** A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.



- (f) **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a Subdivision Plat or Certified Survey Map, the other half of the street shall be dedicated by the Developer (as applicable). The platting of new half-streets shall not be permitted.
- (g) **Construction Standards.** All streets and highways constructed in the Village of Wheeler 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 Requirements; Building Permit Issuance.** 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/her designee.
  - (2) **Street Right-of-Ways.** Streets shall have a right-of-way width as established on the Official Map or as designated in Section 14-1-70(s), 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 Village Board, upon the recommendation of the Village Engineer.
  - (4) **Standard Street Improvements.**
    - a. Standard street improvements shall include street lights, concrete curb and gutter, base course, bituminous base course, bituminous surface course and, when required, walkways or surface drainage ditches.
    - 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 unless this requirement is waived, in writing, by the Village Engineer.
  - (5) **Phasing of Paving.** Where he/she deems appropriate, the Village Engineer may require that pavement construction take place over a two (2) 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.

(6) **Roadway Base Standards.**

- a. After the installation of temporary block corners monuments by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and approval of street grades by the Village Engineer, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
- b. Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser and covered with permanent vegetation.
- c. Residential streets shall have a minimum eight (8) inch thick, compacted in-place, crushed limestone aggregate base, gradation No. 2, conforming to requirements of Section 304 - Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, which conforms to following gradation specifications:

Sieve Size	Percentage Passing by Weight
3-inch	100
2-1/2-inch	90-100
2-inch	35-70
1-1/2-inch	0-15
3/4-inch	0-5

- d. On commercial, industrial, arterial or other heavy-use streets, as determined by the Village Engineer, a ten (10) inch minimum depth crushed limestone aggregate base course, gradation No. 2, shall be constructed upon an inspected and approved subgrade conforming to the specifications in Subsection (b)(6)c above.
- e. 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 for separate pavement design analysis.
- f. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
- g. 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 line, grades and shape shown on the approved plans, profiles and cross sections.

- h. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.
  1. All trees which cannot be saved, stumps, boulders and other similar items shall be removed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
- (7) **Roadway Subgrade Quality.** If deemed necessary by the Village Engineer, tests may be required according to the following standards:
- a. All subgrade material shall meet standards required by the Village Engineer. Inferior subgrade material shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions.
  - b. Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed to a minimum depth of fifteen (15) inches below the top of the subgrade 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 remove water from the sub-base. Unstable and organic material must be subcut, removed and replaced with a suitable granular material placed over a geotextile fabric laid on top of the subgrade. Granular material shall be approved by Village Engineer. Geotextile material shall be Type SAS material.
- (8) **Roadway Grading; Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four-to-one (4:1) backslope where ditches are allowed by the Village Board. 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 twenty-six (26) inches below the finished roadway centerline 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 three-to-one (3:1) ditch from the edge of the shoulder to the bottom of the ditch and two-to-one (2:1) on the back slope.
- (9) **Pavement Thickness.**
- a. Residential and rural-type roads shall have a minimum of three and one-half (3-1/2) inches thick compacted hot-mix asphalt concrete pavement, placed in two (2) layers - a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inch.
  - b. On commercial, arterial or other heavy-use roads, there shall be a minimum of four (4) inches of bituminous concrete pavement, placed in two (2) layers - a

binder course of two and one-half (2-1/2) inches thick and a surface course of one and one-half (1-1/2) inches thick.

- c. The binder course being placed initially upon completion of the utilities, and the surface course being placed within one (1) year after the date the binder course was placed. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
  - 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 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 eighteen (18) months from the Village's approval of the Final Plat or Certified Survey Map.
  - e. All subsequent shouldering where ditches are allowed shall be brought to even grade with bituminous mat.
- (10) **Shoulder Width - Rural Profile Streets.**
- a. A shoulder a minimum of four (4) feet wide on each side of the road is required where curb and gutter is not used, and wider when required by the Village Engineer or the "Town Road Standards" as noted in Sec. 86.26, Wis. Stats.
  - b. Where ditches are allowed by the Village Board, road shoulders shall have a minimum thickness of two and one-half (2-1/2) inches of compacted in-place crushed state-approved aggregate base course, over a minimum six (6) 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 (6) inches.
- (11) **Roadway Culverts and Bridges.**
- a. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the Wisconsin Department of Transportation's *Facilities Development Manual*. All roadway culverts shall be provided with concrete or metal apron endwalls.
  - b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile 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.
- (12) **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 Title 6, Chapter 3 of this Code of Ordinances.

- b. Driveway specifications shall be as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
  - c. Driveway culverts shall be sized by the Village. 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 endwalls. Driveway culverts shall be installed as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
- (13) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) 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.
- (14) **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.
- (15) **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 two hundred fifty (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 fifteen to one (15:1) unless the Village Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).
- (16) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets, except where the Village Board has made an express exception to permit a rural-type street cross-section with ditch drainage. Curb and gutter in residential areas shall be either barrier type or mountable type. Barrier type curb and gutter shall have a six (6) inch barrier curb with a twenty-four (24) inch flag; except at driveway aprons where a depressed curb shall be constructed. Mountable type curb and gutter shall have been thirty (30) inches wide with an eighteen (18) inch flag. The top of the back of the mountable curb shall be three (3) inches above the gutter flowline. Depress curb shall be constructed at all handicap ramps for sidewalks and bikeways. Said curb and gutter shall be constructed of concrete, 3500 PSI strength at twenty-eight (28) days. Expansion joints one-half (1/2) inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding three hundred (300) feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements. The standards of Section 14-1-54 shall also be complied with.

- (17) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Village Engineer to protect the new pavement.
- (h) **Final Inspection.** Upon completion of 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable). 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 (1) year after construction.

## Sec. 14-1-72 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 centerline to street centerline) shall not be less than six hundred (600) feet nor exceed seven hundred fifty (750) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Village Board through the center of a block, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Sidewalks.** Sidewalks shall be constructed according to the standards in Section 6-2-2 of this Code of Ordinances. 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 one-half (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 one-fourth (1/4) inch per foot and a maximum of three-fourths (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 eight (8) feet in width, in accordance with standard Village specifications.

## Sec. 14-1-73 Lot Design Standards.

The size, shape, and orientation of lots shall be appropriate for the location of the Subdivision or Certified Survey Map development and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (a) **Area and Dimensional Requirements of Lots.**
- (1) Area and dimensions of all lots shall conform to the requirements of the Village of Wheeler Zoning Code for the subdivisions within the Village and to the Extraterritorial Zoning Code (if created) for lands within the Village's extraterritorial jurisdictional limits.
  - (2) Lots shall contain sufficient area to permit compliance with all required zoning setbacks.
- (b) **Depth of Lots.** Excessive depth in relation to width shall be avoided and a proportion of three to two (3:2) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (c) **Width of Lots.** Width of lots shall conform to the requirements of the Village Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than one hundred (100) feet in width at the building setback line.
- (d) **Minimum Lot Frontage.** In addition to the standards in Subsection (c) above, all lots on curved streets or cul-de-sacs shall have a minimum of fifty (50) feet of platted frontage on a public street [(100) feet at the building setback line] to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Village Board. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (e) **Lands Lying Between Meander Line and the Water's Edge.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (f) **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 the Village Zoning Code.
- (g) **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 fifteen (15) feet

of lot and an extra fifteen (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.

- (h) **Corner Lots.** Corner lots for residential use shall be a minimum width of one hundred twenty (120) feet to permit full building setback from both streets, or as required by applicable zoning regulations.
- (i) **Building Setback Lines.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Village Board, and shall be shown on the Final Plat, Certified Survey Map, and Condominium development. This provision includes requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line; requiring greater setbacks to conform to setbacks of existing adjacent development; requiring greater setbacks to accommodate a unique design; requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles; setting special yard requirements to protect natural resources or requiring greater setbacks along arterial streets and highways to meet the requirements of TRANS 233, Wis. Adm. Code.
- (j) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (k) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (l) **Land Remnants.** All remnants of lots below minimum size left over after 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.
- (m) **Redivision of Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Village Zoning Code 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 the Village of Wheeler Zoning Code.
- (n) **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 fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). 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 Wisconsin Administrative Code. The required



building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.

- (o) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (p) **Drainage Way and Watercourses.** Lots abutting upon water course, drainage way, 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 post development one hundred (100) year storm.
- (q) **Flag Lots.** Creation of flag lots is prohibited.
- (r) **Restrictions Prohibiting Development.** Whenever a lot appearing on a Final Plat, Condominium Plat, or Certified Survey Map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Village, shall appear on the face of the plat or map.

## Sec. 14-1-74 Drainage and Stormwater Management System.

(a) **Purpose.**

- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall construct storm water drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property.
- (2) Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- (3) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall assume the cost of installing all storm sewers of thirty-six (36) inches or smaller within the proposed subdivision, except for the added cost of installing storm sewers greater than thirty-six (36) inches which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay to the Village, a storm sewer trunk line connection fee based on the added cost of installing

larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

- (4) 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 insure 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.** As required by Section 14-1-58, 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. Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. A Final Plat or Condominium Plan shall not be approved until the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Village Engineer.
- (c) **Drainage System Plans.**
- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 project. 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 storm water 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) for the area within the land development.
  - (3) The design criteria for storm drainage/detention systems shall be based upon information provided by the Village Engineer, and a plan for permanent maintenance.
  - (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 Plan Information.** In addition to the requirements of any other applicable storm water runoff ordinance, the final drainage plan shall contain the following information:
- (1) Scale, north point and date of preparation.
  - (2) The number of acres draining into the land development and the number of acres in the subdivision.
  - (3) Lot numbers corresponding to the plat.
  - (4) Direction of flow indicated by arrows on all lot lines, grades along lot lines, elevations of break points along lot lines, and the distance from the nearest lot corner in the break point.
  - (5) Easements which shall be on the final plat.
  - (6) Contour information shall be provided in the drainage plan at vertical intervals of not more than two (2) feet, where the slope is less than ten percent (10%), and not more than five (5) feet, where the slope is greater than ten percent (10%). All elevations shall be based on the verified datum plan of the USGS.
  - (7) Reference to an established USGS benchmark.
  - (8) Acres to be filled showing the depth of fill, existing elevation and proposed elevation.
  - (9) Typical proposed street and ditch cross sections.
  - (10) All culvert sizes, where applicable.
  - (11) Where a development is to be serviced by a storm sewer or sump pump shallow collector sewer, the size of pipe, proposed elevations, discharge points, inlets and lateral size shall be indicated.
  - (12) Area where water is to be discharged from the land development and the proposed amount of discharge. Where required by state, federal, county or local regulations, detention facilities shall be specified with a designation and description of impact on surface water discharge.
  - (13) The final grade elevations and grade of the drainage ways in percent slope shall be provided along the front, rear and side yard lot lines. Each lot shall have an established grade identified at each corner of the lot or parcel and at any change in grade or slope along the front, rear and side yard lot lines and for the ground grade at the foundation.
  - (14) The land development shall note on the Final Plat that the Village of Wheeler requires the maintenance of lot drainage plans on a permanent basis. Said recording shall have the effect of deed restrictions requiring that permanent lawns be established in conformance with the lot drainage plan elevations within one (1) year after initial occupancy of any house. Restrictions shall further provide that failure to maintain grades in accordance with storm water or drainage plans shall entitle the Village or its representatives thereof to direct compliance or upon failure of compliance to make said lands come into compliance. The costs and expenses shall be entered on the tax roll as a special charge against the property and collected with other taxes levied therein.

- (15) The deed restrictions noted on the final plat shall include notice that building permits and occupancy permits may be withheld for noncompliance with the plat or Village ordinance(s) as follows:
  - a. In the event that the surface drainage facilities required by the plat which are applicable to the lot for which a building permit has been applied for have not been complied with, the Building Inspector may withhold building permits required by the Village of Wheeler Building Code (Title 15).
  - b. In the event that after construction there is a failure to establish surface grades in accordance with the subdivision surface water plan, the Building Inspector may withhold the occupancy permit required by the Building Code.
- (16) Any other information which shall be required by the Village of Wheeler.
- (e) **Final Drainage Plan Transparency.** A reproducible transparency of the final drainage plan shall be supplied to the Village prior to the approval of the Final Plat.
- (f) **Storm Inlet Restrictive Covenants.**
  - (1) Where the final drainage plan requires a storm inlet to adequately drain the rear portion of lots within blocks of the land development, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall incorporate restrictive covenants in the deeds for the aforementioned lots that the respective lot owners shall be responsible for maintaining a clear grate on the aforementioned storm drainage inlets. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall also incorporate restrictive covenants in the deeds of any parcel abutting any drainage way/easement specific in the plat requiring the maintenance of grades and notice that the owner shall be subject to assessments necessary to remedy encroachments and obstructions by said lot owner.
  - (2) The restrictive covenants in the deeds and as noted on the face of the plat shall notify the owner of any parcel within the land development that the lot or parcel shall also be subject to special assessments for any and all work necessary to maintain the final drainage plan in accordance with the specifications of the plat.
- (g) **Grading.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
  - (1) The subdivider shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
  - (2) Block grading shall be completed by one (1) or more of the following methods:
    - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
    - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
    - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.

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- (h) **Drainage System Requirements.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 storm water drainage. Storm water 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system, per Subsection U).
- (i) **Protection of Drainage Systems.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 one percent (1%) shall be seeded; those with grades up to four percent (4%) shall be sodded, and those with grades over four percent (4%) shall be paved.]
- U) **Drainage Easements.** Where a Subdivision, Certified Survey Map or Condominium project is traversed by a watercourse, drainageway, channel or stream:
- (1) There shall be provided a storm water 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; or
  - (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 storm water 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 thirty (30) feet.
- (k) **Dedication of Drainageways.**
- (1) Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a Village Comprehensive Storm Water Management Plan, Comprehension 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways. Maintenance arrangements shall be as prescribed in Subsection (n) below.

- (2) Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Chapter 88.83, Wis. Stats.

(I) **Dedication/Preservation of Storm Water Management Facilities.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall dedicate sufficient land area for the storage of storm water 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 storm water management facility (e.g., detention or retention basin) shown on the Comprehensive Storm Water Management Plan, Comprehensive Plan and/or official map is located (if adopted), 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 or property owners association, as determined by the Village, to the requirements of the Comprehensive 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 (5) years from the date of Final Plat approval for future dedication to the Village or other appropriate agency.

(m) **Storm Drainage Facilities.**

- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable), at his/her 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.
- (2) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall submit to the Village Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. 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 land division. The report shall also include:

- a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
  - b. Quantities of flow at each inlet or culvert.
  - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
- (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.
  - (4) The design criteria for storm drainage systems shall be reviewed by the Village Engineer and approved or modified.
  - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by Village ordinance and/or the Village Engineer.
- (n) **Maintenance Agreement.**
- (1) A maintenance agreement shall be required between the Village and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the stormwater management system, including detention/retention facilities and drainageways, to a homeowners, property owners or condominium association per Sec. 14-1-22. Prior to Final Plat approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) subdivider shall submit to the Village for its approval an on-going maintenance and mowing plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Village of Wheeler.
  - (2) If the Village at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Village of Wheeler.
- (o) **Minor Drainage System.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55) or the "Rational Method". Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not allow the water to flow across the crown of the street from one side to the other. For arterial streets and streets located in commercial districts, ponding within normal traffic lanes [ten (10) feet on each side of the centerline of the street] is prohibited. 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 less than ten (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 one percent (1.00%).

- (p) **Major Drainage System.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). Runoff resulting from a one hundred (100) year, twenty-four (24) hour rainfall event shall be contained within the street right-of-way or designated storm drainage easement or detention facility.
- (q) **Drainage Piping Systems.**
- (1) Unless otherwise approved by the Village Engineer, all drainage non-driveway piping of twelve (12) inches diameter and greater in street rights-of-way shall be constructed of Class Three reinforced concrete or PVC 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.
- (r) **Open Channel Systems.**
- (1) Unless recommended otherwise by the Village Engineer, unpaved road ditches and street gutters shall be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the subdivider shall install check dams, flumes, or other energy dissipating devices.



- (2) 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 adequate access by the Village for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways where subject to high ground water, 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 (8) feet wide and side slopes to a point one (1) foot above the channel invert.
  - (3) 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 (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) 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.
- (s) **Standards for On-Site Detention Storage.** When the Subdivision, Condominium or Certified Survey Map Developer (as applicable) employs on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:
- (1) Temporary on-site detention for erosion and sedimentation control shall be designed in conformance with the "Wisconsin Construction Site Best Management Practices Handbook".
  - (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
  - (3) Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. Curve numbers of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C and D respectively shall be used when computing pre-development runoff rates.
  - (4) All 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 (100) year storm event of twenty-four (24) hour duration.
  - (5) All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) 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 ten (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 entitled "Urban Hydrology for Small Watersheds, TR-55 or TR-20," and as accepted and approved by the Village Engineer.
- (7) The storage of storm water 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 (2) feet above the normal pool elevation for protection from wave action, or other slope stabilization methods approved by the Village Engineer, for protection from wave action.
- (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (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 down times or permanent water features, or other features requiring additional security for safety reasons.

## **Sec. 14-1-75 Non-Residential Subdivisions.**

(a) **General.**

- (1) If a proposed Subdivision, Certified Survey Map or Condominium project 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 non-residential subdivision shall also be subject to all the requirements for site plan approval set forth in the Village Building or Zoning Codes. Non-residential 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 Comprehensive Plan or Official Map and the Village Zoning Code.

(b) **Standards.** In addition to the principles and standards in this Chapter, which are appropriate to the planning of all land developments, 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 storm water 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 non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

## **Sec. 14-1-76 Grading.**

The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) for all new Subdivision, Certified Survey Map and Condominium projects. This plan shall be prepared in accordance with the requirements and standards of the Village of Wheeler.
- (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 land development. The cost of the preparation of such a plan shall be paid for by the Subdivision, Condominium or Certified Survey Map Developer (as applicable). Grading plans shall include topographic contours at one (1) foot intervals. Grading plans shall show top of foundation elevations for proposed lots and at existing structures on surrounding properties.
- (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 land development lot area shall be graded in accordance with the master site-grade plan. The owners of the lots shall adhere to those plans.
- (4) The Village Engineer shall be contacted to inspect and approve the grading and related work at each of the following stages:

- a. Completion of the grading of all street right-of-way areas.
  - b. Completion of the grading of all lots.
  - c. Completion of the filling with topsoil and leveling of the public right-of-way behind the curbs.
- (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
- (b) **Master Site-Grading Plan Applicability.** The provisions of the master site-grading plan shall be applicable and binding on subsequent owners of the property or parcels thereof. Parties issued building permits on lots under an approved grading plan shall not alter the grade or slopes of the applicable lot without prior written authorization of the Village Board in consultation with the Village Engineer. The contractor shall install benchmarks sufficient for the Building Inspector to verify that construction of the proposed structure is consistent with and will not alter the approved grading plan for that lot.
- (c) **Right-of-Way Grading.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (d) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods:
  - (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities, provided any ditches or swales are in public drainage easements, provided that a deed restriction is adopted which prohibits alteration of the grades within five (5) feet of any property line from the grades shown on the master site grading plan.
  - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale.
- (e) **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. Buildable lots shall be graded so that the elevation of each building site is at least one (1) to two (2) feet above the centerline elevation of the adjacent public street.
  - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access. Cut on filled land shall be graded to a maximum slope of three to one (3:1).
  - (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 (1) 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.
  - (5) The Village shall require the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures. Seeding of the site shall occur within thirty (30) days of rough grading.
  - (6) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
  - (7) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
  - (8) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.
  - (9) Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Plan Commission as they deem appropriate.
- (t) **Drainage Flows.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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, 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 (100) 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.

## **Sec. 14-1-77 Erosion Control.**

The Village of Wheeler 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 storm water 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 the Village's Construction Site Erosion Control Ordinance (Title 15, Chapter 2).

*Cross-Reference:* Title 15, Chapter 2, "Construction Site Erosion Control".

## **Sec. 14-1-78 through Sec. 14-1-79 Reserved for Future Use.**

## **Article H: Park and Public Land Dedications; Impact Fees**

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### **Sec. 14-1-80 General Park and Public Land Dedication Requirements.**

- (a) **Dedication Requirement.** 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 may be equitably apportioned on the basis of additional need created by the land division development, each Developer 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 development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, or Certified Survey Map, and shall comply with the Village of Wheeler Comprehensive 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.

### **Sec. 14-1-81 Land Dedication.**

- (a) **Dedication of Sites.**
  - (1) The Developer shall dedicate adequate developable land for the park, recreation and open space needs created by and to be provided for the subdivision, land division, group housing, certified survey maps, planned community development project, subject to a determination of acceptability by the Village Board. These public lands shall be made a part of the plat and shall be dedicated to the public at the minimum rate of one (1) acre for each twenty-five (25) proposed dwelling units.
  - (2) The location of such land to be dedicated and its suitability for park/recreation purposes shall be determined solely by the Village Board. Where the dedication is not compatible with the Comprehensive Plan or Master Parks Plan, or for other reasons is not feasible as determined by the Village Board, the Developer shall, in lieu thereof, pay to the Village of Wheeler a fee as established by this Article, or a combination thereof.
- (b) **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 Comprehensive Plan or Master Park Plan, the minimum size under Subsection (d) cannot be met, or Village of Wheeler 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.

- (2) Where a fee in lieu of land system is used, the Developer shall pay to the Village a fee equivalent to the fair market value of one (1) acre for each twenty-five (25) proposed dwelling units. The fair market of such a residential lot shall be determined by the Village Assessor.
  - (3) If the amount of land required to be dedicated totals less than the ratio of one (1) acre for each twenty-five (25) proposed dwelling units, the Developer shall pay to the Village a fee equivalent to the fair market value of the amount of land representing the difference between the amount of land required to be dedicated and the land actually dedicated.
  - (4) Said fees required in lieu of dedication shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a Final Plat of said subdivision or Certified Survey Map.
  - (5) The Village of Wheeler shall place any fee collected pursuant to the provisions of this Section in a separate parks account to be used at the discretion of the Village Board in any community park, for developing adequate parks, playgrounds, recreation and open spaces.
- (c) **Suitability of Lands.** The Village Board shall have sole authority to determine the suitability and adequacy of park lands proposed for dedication. Drainageways, wetlands or areas reserved for streets shall not be considered as satisfying land dedication requirements.
- (d) **Deeded to the Village.** Land dedicated for public purposes shall be deeded to the Village of Wheeler at the time the Final Plat or Certified Survey Map is approved.

## **Sec. 14-1-82 Reservation of Additional Land.**

When public parks and sites for other public areas as shown on the Comprehensive Plan or Plan component lie within the proposed area for development and are greater in area than required by Section 14-1-81, the owner shall reserve for acquisition by the Village, through agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat approval unless extended by mutual agreement.

## **Sec. 14-1-83 Development of Park Area.**

- (a) When parklands are dedicated to the Village of Wheeler, the subdivider is required to:
  - (1) Properly grade and contour for proper drainage;
  - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and



- (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Village, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 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 (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) 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. The owner of said land shall be responsible for its maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.
- (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 (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.
- (d) The Village Board may require certification of compliance by Village officials. 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 and/or park lands.
- (g) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Village Board.

**Sec. 14-1-84 through Sec. 14-1-89      Reserved for Future Use.**



## Article I: Fees

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### Sec. 14-1-90 Administrative and Other Fees.

- (a) **General.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the Village of Wheeler in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map. Legal work shall include the drafting of contracts between the Village of Wheeler and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Village staff in connection with the application being considered.
- (b) **Payment of Village's Consultant Costs.**
- (1) The Village may retain the services of professional consultants (including planners, engineers, architects, attorneys, environmental specialists, recreation specialists, and other experts) to assist in the Village's review of a proposal coming before the Village Board.
  - (2) The submittal of a development proposal application or petition by a Subdivision, Condominium or Certified Survey Map Developer (as applicable), shall be construed as an agreement to pay for such professional review services applicable to the proposal. The Village generally charges the costs for these services to the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
  - (3) The Village may delay acceptance of the application or petition as complete, or may delay final approval of the proposal, until such fees are paid by the Subdivision, Condominium or Certified Survey Map Developer (as applicable). Review fees which are charged to a Subdivision, Condominium or Certified Survey Map Developer (as applicable), but which are not paid, may be levied by the Village as a special assessment against the subject property. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall be required to provide the Village with an executed copy of an Agreement as to Costs, as set forth in the Appendix, to pay for said consulting services as a prerequisite to the processing of the development application.
  - (4) At the time of submission of a Subdivision Plat, Certified Survey Map or other land development proposal, the Village Clerk-Treasurer shall require the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to make an escrow deposit with the Village Clerk-Treasurer to cover, in all or part, the expenses anticipated to be incurred by the Village in reviewing or considering such proposal, per Subsection (1)(2) below. Unused portions of such fund may be refunded to the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

- (c) **Engineering Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map, including inspections required by the Village pursuant to this Chapter. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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.
- (d) **Administrative, Legal and Planning Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee reimbursing 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, Certified Survey Map or Condominium.
- (e) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. Such reviews shall be conducted only as staff time permits. The Village, however, reserves the right to require the payment of fees under this Article if the potential project under concept plan review involves above-average Village professional staff involvement or if a party submits several concept plans involving the same parcel.
- (f) **Preliminary Plat.**
  - (1) A Subdivision, Condominium or Certified Survey Map Developer (as applicable) who submits a Preliminary Plat for the Village Board review shall file said Preliminary Plat with the Village Clerk-Treasurer and shall deposit in the Village treasury a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
  - (2) A reapplication fee as prescribed in Section 1-3-1 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.
- (g) **Final Plat Review Fee.**
  - (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee as prescribed in Section 1-3-1 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.
  - (2) A reapplication fee as prescribed in Section 1-3-1 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.

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- (h) **Certified Survey Map.**
- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay an application fee as prescribed in Section 1-3-1 for each Certified Survey Map.
  - (2) Should the Subdivision, Condominium or Certified Survey Map Developer (as applicable) submit an amended or revised Certified Survey Map, the resubmittal fee shall be as prescribed in Section 1-3-1 for each amended or revised certified survey map.
- (i) **Objecting Agency Review Fees.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 Transportation, Wisconsin Department of Administration and the Wisconsin Department of Natural Resources.
- (j) **Public Site Fee.** If the land development project does not contain lands to be dedicated as required in this Chapter, the Village Clerk-Treasurer shall require a fee pursuant to Section 14-1-81(f) for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision.
- (k) **Assessments.** All outstanding assessments due to the Village of Wheeler shall be due prior to the signing of the Final Plat or Certified Survey Map by the Village.
- (l) **Administrative Costs.**
- (1) **Cost Determination.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal, real estate and other fees incurred by the Village in connection with the preliminary plat, final plat, replat or certified survey. The Village's costs shall be determined as follows:
    - a. The cost of Village employees' time engaged in any way with the land development project 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.
    - b. The cost of Village equipment employed.
    - c. The cost of mileage reimbursed to Village employees which is attributed to the land development project.
    - d. The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
    - e. All consultant fees, including but not limited to legal, planning and engineering fees, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall draw against the escrow account

or bill the Subdivision, Condominium or Certified Survey Map Developer (as applicable) monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the applicant's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

(2) **Escrow for Fees.**

- a. At such time as the applicant submits a Preliminary Plat, Certified Survey Map or other land development project for review by the Village, it shall deposit with the Village Clerk-Treasurer, in escrow, the sum required by the following schedule to guarantee the timely payment of the Village's administrative costs:
  1. Minor Subdivision (Certified Survey Map): Five Hundred Dollars (\$500.00).
  2. Subdivisions: One Thousand Dollars (\$1,000.00) for each five (5) lots or units, up to a maximum of Five Thousand Dollars (\$5,000.00).
- b. In the event the amount deposited with the Village Clerk-Treasurer falls below twenty-five percent (25%) of the amount required to be deposited, the applicant agrees, as a condition of application, to replenish the escrow to the original amount required hereunder. The applicant agrees to deposit such additional sum within fifteen (15) days of written demand by the Village Clerk-Treasurer or the consideration and/or approval of the proposed land division may be delayed or rejected. The Village is not under any obligation at any time to provide notice to the applicant that the escrow funds under this provision are insufficient. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. In the event the applicant withdraws his/her plat or certified survey map, or the same is approved, and money remains in escrow over and above the Village's fees, the excess shall be refunded to the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The escrow account shall not draw interest for the benefit of the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The Village Clerk-Treasurer, with the approval of the Village Board, shall have the right to draw upon the escrow to reimburse the Village for the fees it has incurred in reviewing the Subdivision, Certified Survey Map or other land development project on a periodic basis.
- c. An accounting of all fees incurred by the Village and the status of the escrow shall also be provided to the Subdivision, Condominium or Certified Survey Map Developer (as applicable) periodically. The Village will provide the Subdivision, Condominium or Certified Survey Map Developer (as applicable) with amounts paid from any such escrow account and copies of invoices it receives for any professional review services for the Subdivision, Condominium or Certified

Survey Map Developer's (as applicable) proposed subdivision. In the event the Subdivision, Condominium or Certified Survey Map Developer (as applicable) defaults in establishing or replenishing the escrow, the Village shall not be required to act further upon the Subdivision, Condominium or Certified Survey Map Developer's (as applicable) request. Failure to replenish the escrow shall be sufficient cause to reject the Subdivision, Certified Survey Map or other land development project subject to this Chapter

- (m) **Payment of Impact Fees.** Unless otherwise expressly provided herein, all required impact fees shall be paid one hundred percent (100%) at the time of *issuance of the building perm.it* by the Village of Wheeler. The impact fee amount due shall be that amount in effect at the time payment of the impact fee is due. Impact fee payments shall be assumed to be the responsibility of the owner of record of the property *for which a building permit is sought*. All fees shall be paid at the Village of Wheeler Village Hall.

**Sec. 14-1-91 through Sec. 14-1-99      Reserved for Future Use.**





**APPENDIX**

**Sample Agreement as to Costs  
With the Village of Wheeler**

\_\_\_\_\_ The Applicant/petitioner

for \_\_\_\_\_ dated \_\_\_\_\_  
(nature of application/petition)

agrees, in addition to those normal costs payable by an applicant/petitioner (e.g. filing, or permit fees, publication expenses, recording fee, etc.), that in the event the action applied or petitioned for requires the Village of Wheeler, in the judgment of its staff, to obtain additional professional services(s) (e.g. engineering, surveying, planning, environmental, recreational, legal) than normally would be routinely available "in house" to enable the Village to properly address, take appropriate action on, or determine the same, applicant/petitioner shall reimburse the Village for the costs thereof.

Dated this \_\_\_\_\_ day of \_\_\_\_\_

\_\_\_\_\_  
(Signature of Applicant/Petitioner)



## **Article J: Variances; Penalties and Violations**

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### **Sec. 14-1-100 Variations and Exceptions.**

- (a) Where the Subdivision, Condominium or Certified Survey Map Developer (as applicable) alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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 insure that the request is consistent with the requirements and standards of this Chapter. 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 actions regarding variances or exceptions by the Village Board, if it approves, shall be done by majority vote and shall instruct the Village Clerk-Treasurer to notify the subdivider.

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- (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 the Village Board shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Zoning Ordinances, and any Village comprehensive plan.

## **Sec. 14-1-101 Enforcement, Penalties and Remedies.**

- (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 with 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 of Wheeler may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Unlawful Activity.** It shall be unlawful to, and no person shall:
  - (1) Record, with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat to which this Chapter is applicable, any Certified Survey Map, Subdivision Final Plat, or Condominium Plat instrument after the original effective date of this Chapter unless and until such time as there has been full compliance with all applicable requirements of this Chapter and all other applicable statutes, rules, regulations, ordinances, and documents enumerated in this Chapter.
  - (2) Convey any portion of a Certified Survey Map, Subdivision Final Plat, or Condominium Plat created in violation of this Chapter.
  - (3) Construct, install, assemble, or place any building, structure, or improvement upon any land subject to Certified Survey Map, Subdivision Final Plat, or Condominium Plat recorded in violation of this Chapter.
  - (4) Fail to comply with any applicable provision of this Chapter.
- (c) **Penalties.**
  - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
  - (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
  - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
  - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
  - (5) Assessor's plat made under Sec. 70.27 of the Wisconsin Statutes may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.

- (d) **Zoning, Building, or Occupancy Permit or Approval.** No zoning, building, or occupancy permit or approval shall be granted or issued with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat, or Condominium unit created in violation of this Chapter.
- (e) **Revocation of Permits and/or Approvals.**
- (1) The Village Engineer, Village President or Building Inspector 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 Subdivision, Condominium or Certified Survey Map Developer (as applicable) or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
    - b. Whenever the continuance of any construction becomes dangerous to life or property.
    - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
    - d. Whenever, in the opinion of the Village Engineer, Village President or Building Inspector, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) 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, Village President 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 of the permit, owner of the premises and his/her 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, Village President, 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 regulation of this Chapter. However, such work as the Village Engineer, Village President, or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.

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- (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) 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 (7) 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.
- (f) **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 Sections 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the Plat or Certified Survey Map. 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 Map be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

**Sec. 14-1-102 Disclaimers on Approvals.**

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Village of Wheeler. 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.
- (c) The Village of Wheeler does not guarantee, warrant, or represent that only those areas delineated as floodlands on plats and certified survey maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

**Sec. 14-1-103 Restrictions for Public Benefit.**

Pursuant to Sec. 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 of Wheeler 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.

