

## Chapter 245

### SUBDIVISION OF LAND

**[HISTORY: Adopted by the Village Board of the Village of Dickeyville 1-9-1980 (Ch. XXI of the 1975 Code). Amendments noted where applicable.]**

#### GENERAL REFERENCES

Plan Commission — See Ch. 8.  
Building construction — See Ch. 117.  
Sewers and water — See Ch. 227.  
Streets and sidewalks — See Ch. 241.  
Zoning — See Ch. 285.

#### **§ 245-1. Subdivision development agreement.** [Added 2-8-2006]

All creators and developers of subdivisions shall enter into and abide by the terms of the subdivision development agreement created by the Village. Copies of the agreement may be obtained from the Village Clerk-Treasurer.

#### **§ 245-2. Purpose.**

The purpose of this chapter is to promote the public health, safety, and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the further resubdivision of larger tracts into smaller parcels of land, all with reasonable consideration of the character of the Village with a view toward conserving the value of the buildings placed upon land, providing the best possible environment for human habitation, and encouraging the most appropriate use of land throughout the Village.

#### **§ 245-3. Scope and jurisdiction.**

- A. Any division of land within the Village which results in a subdivision or minor subdivision as defined herein shall be, and any other division may be, surveyed and a plat thereof approved and recorded as required by this chapter and Ch. 236, Wis. Stats.
- B. The jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Dickeyville. The provisions of this chapter as it applies to divisions of tracts of land into less than three parcels shall not apply to:
  - (1) Transfers of interest in land by will or pursuant to court order.
  - (2) Leases for a term not to exceed 10 years, mortgages, or easements.
  - (3) Sale or exchange of parcels of land between owners of adjoining property if

additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, Chapter 285, Zoning, of this Code or other applicable laws or ordinances.

- (4) The redivision or change of lot dimensions within a recorded subdivision without changing the boundaries of said subdivision or part thereof, provided that such division does not constitute a subdivision as defined herein and further provided that such division shall require the prior approval of the Plan Commission and a map or plat thereof shall be recorded with the Register of Deeds. [Amended 8-10-1988]

**§ 245-4. Word usage and definitions.**

For the purposes of this chapter, the following definitions shall be used. Words used in the present tense include the future; the singular number includes a plural number; and the plural number includes the singular number. The word "shall" is mandatory and not directory.

ALLEY — A special public way affording only secondary access to abutting properties.

BUILDING LINE — A line parallel to a lot line and at a distance from the lot line to comply with the yard and setback requirements. [Amended 8-10-1988]

COLLECTOR STREET — A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets, including the principal entrance streets to residential developments.

COMMUNITY — A town, municipality, or group of adjacent towns and/or municipalities having common social, economic or physical interests.

COMPREHENSIVE PLAN — The extensively developed plan, also called a "Master Plan," adopted by the Village Plan Commission and certified to the Village Board pursuant to § 62.23, Wis. Stats., including proposals for the future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division and building ordinances and capital improvement programs, shall also be considered a part of the Comprehensive Plan.

CUL-DE-SAC STREET — A minor street closed at one end with a turnaround provided for passenger vehicles and emergency vehicles. [Amended 8-10-1988]

EASEMENT — An acquired privilege or right of use in the land of another.

ENGINEER — A State of Wisconsin registered professional engineer.

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.

LOT — A parcel of land adequate for occupancy by a permitted use, having the required yards and area and fronting directly on a public street. [Amended 8-10-1988]

MAJOR STREET — A street used, or intended to be used, primarily for fast or heavy

traffic.

MINOR STREET — A street used, or intended to be used, primarily for access to abutting properties.

MINOR SUBDIVISION — The division of land by the owner or subdivider resulting in the creation of two parcels or building sites, any one of which is four acres in size or less, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four parcels or building sites.

MUNICIPALITY — An incorporated village or city.

OFFICIAL MAP — A map, officially adopted by the Village Board pursuant to § 62.23(6), Wis. Stats., for the precise designation of right-of-way lines and site boundaries of streets, highways, parkways, parks, playgrounds and greenways, both existing and proposed. The Official Map may be extended to include areas beyond the corporate limits but within the extraterritorial jurisdiction of the Village as provided by the Wisconsin Statutes.

OUTLOT — An outlying parcel of land, other than a lot or block, and so designated on the plat.

PEDESTRIANWAY — A right-of-way across or within a block for use by pedestrian traffic.

PLAT — A scale plan or map indicating the subdivision of land, intended to be filed for record. [Amended 8-10-1988]

PUBLIC WAY — Any public road, street, highway, walkway, drainageway, or part thereof.

REPLAT — The changing of the boundaries of a recorded subdivision plat or part thereof.

SUBDIVIDER — Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.

SUBDIVISION — A division of a lot, block, outlot, parcel or tract of land by the owner thereof or his agent for the purpose of sale or building development where:

- A. The act of division or the creation of any parcels or building sites results in the creation, alteration or relocation of any street or alley;
- B. In an unplatted area, the act of division creates three or more parcels or building sites of four acres each or less in area, or three or more parcels or building sites of four acres each or less in area are created by successive division within a period of five years; or
- C. In a platted and recorded subdivision, the act of division creates five or more parcels or building sites of four acres each or less in area, or five or more parcels of building sites of four acres each or less in area are created by successive division within a period of five years.

SURVEYOR — A State of Wisconsin registered land surveyor.

**§ 245-5. Procedure.**

- A. Preapplication. It is recommended that, prior to filing an application for approval of a preliminary plat, the subdivider consult the Plan Commission, the Director of Public Works, and the Village Engineer for advice and assistance. This step does not require formal application, fee, or filing of a plat but is intended to explain to the subdivider the purpose and objective of these regulations, the Comprehensive Plan, Official Map and Chapter 285, Zoning, and to informally reach mutual conclusions regarding the general program and objectives of the proposed development. [Amended 8-10-1988]
- B. Preliminary plat.
- (1) Before submitting a final plat for approval, the subdivider shall submit a preliminary plat, supplemental data and eight copies to the Village Clerk-Treasurer who shall forward the same to the Plan Commission at least 25 days prior to the meeting at which action is desired. The preliminary plat shall be submitted for review by objecting agencies as required by § 236.12, Wis. Stats., and shall not be deemed approved until any objections have been satisfied.<sup>1</sup>
  - (2) After review of the preliminary plat and negotiations with the subdivider on the changes deemed advisable and the kind and extent of public improvements required, the Plan Commission shall, within 40 days of its submission, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions of approval or the reason for rejection. Such action of the Plan Commission shall be submitted to the Board for its approval, and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor. The Village Board shall act on the preliminary plat within 90 days of its submission.<sup>2</sup>
  - (3) Approval of the preliminary plat shall entitle the subdivider to final approval of the general layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.
- C. Final plat.
- (1) The final plat and eight copies shall be submitted within 24 months of the approval of the preliminary plat. However, if approval of the preliminary plat must be obtained from another approving authority subsequent to approval by the Plan Commission, the final plat shall be submitted within 24 months of such approval. The Plan Commission may waive failure to comply with this

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

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

requirement.<sup>3</sup>

- (2) The final plat shall be submitted for review by objecting agencies as required by § 236.12, Wis. Stats., and shall not be deemed approved until any objections have been satisfied. The Village Clerk-Treasurer shall forward the plat to the Plan Commission, which shall refer the final plat with its recommendations to the Board within 40 days of its submission, unless the time is extended by the Board. The Board shall approve or reject the final plat within 60 days of its submission to the Board, unless the time is extended by agreement with the subdivider. Reasons for rejection shall be stated in writing in the minutes of the Board meeting and a copy thereof or other written statement of such reasons supplied to the subdivider.<sup>4</sup>
- (3) If the original of the final plat has been filed with some other approving authority, the subdivider may file a true copy of such plat in lieu of the original. However, before approval of the Board will be inscribed on the original of the final plat, the surveyor or subdivider shall certify the respects in which the original of the final plat differs from the true copy, and all modifications must first be approved.

D. Replat.

- (1) A replat shall be made and recorded for any land division which proposes to change the boundaries of a recorded subdivision or part thereof, as follows:
  - (a) By either securing the written consent of all parties of interest or by vacating or altering the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats.; and
  - (b) Filing a certified survey map or a final plat as specified in § 245-9 or § 245-5A through D of this chapter, depending on whether said replat constitutes a subdivision or minor subdivision as defined herein.
- (2) The Village Clerk-Treasurer shall schedule a public hearing before the Plan Commission when a proposed replat of lands within the Village is filed and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the exterior boundaries and within 200 feet of the exterior boundaries of the proposed replat. [Amended 8-10-1988]

E. Minor subdivision. When it is proposed to divide land into two parcels or building sites, any one of which is less than four acres in size, or when it is proposed to divide a block, lot or outlot in a recorded subdivision into not more than four parcels or building sites, the subdivider may subdivide by use of a certified survey map as provided in § 245-9 of this chapter and as follows:

- (1) The subdivider shall file eight copies of the map and the letter of application with the Village Clerk-Treasurer at least 20 days prior to the meeting of the

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

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

Plan Commission at which action is desired.

- (2) The Village Clerk-Treasurer shall, within seven days after filing, transmit copies of the map and letter of application to the Plan Commission and to all affected Village boards, commissions, committees, or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within 15 days from the date the map is filed. The time limits set forth may be extended provided that the applicant consents thereto.
  - (3) The map shall be reviewed by the Plan Commission for conformance with this chapter and all other ordinances, rules, regulations, comprehensive plans and plan components which affect it. The Plan Commission shall, within 90 days from the date of filing of the map, either approve, conditionally approve or reject said map. If the map is rejected, the reasons therefor shall be stated in the minutes of the meeting and a written statement thereof forwarded to the subdivider. If the map is approved, the Plan Commission shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the same to the subdivider.<sup>5</sup>
  - (4) The subdivider shall record the certified survey map with the County Register of Deeds within six months after the date of the last approval by the Plan Commission and shall file three true copies of said map with the Village Clerk-Treasurer.<sup>6</sup>
- F. Subdivisions created by successive divisions. Where it is not practical to require a final plat of a subdivision created by a successive division be filed in accordance with this chapter, the Board may in lieu thereof order an Assessor's plat to be made under § 70.27, Wis. Stats., and may assess the cost thereof as provided in such section, or to the subdivider.

#### **§ 245-6. General requirements.**

- A. All divisions of land within the corporate limits of the Village of Dickeyville which shall result in a subdivision as defined herein shall conform to:
- (1) The Comprehensive Plan, Chapter 285, Zoning, Official Map, this chapter and all other pertinent ordinances, regulations, resolutions or plans which have been or may be henceforth adopted by this Village or by other appropriate jurisdictions.
  - (2) The provisions of Ch. 236, Wis. Stats., except that this chapter shall prevail where it imposes higher standards.
  - (3) All provisions of the Wisconsin Administrative Code relating to lot size and lot elevation. [Amended 8-10-1988]

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

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

- (4) The rules of the Department of Transportation relating to safety of access and the preservation of the public interest and investment in the streets, if the subdivision or any lot contained therein abuts on a state trunk highway or connecting street.
  - (5) The recommendations or conditions imposed by the Plan Commission so as to control the premature development of lands which lack the essential public services and facilities and the platting of land which is subject to flooding or which if developed would in any way endanger the health, life or property of the Village residents.
- B. The topography, drainage and other natural features of the site shall be laid out so as to preserve, enhance and promote a safe, pleasant environment for family living.

**§ 245-7. Preliminary plats and data.**

- A. General. A preliminary plat shall be required for all subdivisions and shall be based on a boundary survey by a registered land surveyor. The plat shall be prepared on heavy-duty Mylar drafting film of good quality and shall show correctly on its face:
- (1) Title under which the proposed subdivision is to be recorded.
  - (2) Location of proposed subdivision by government lot, quarter section, township, range, county and state.
  - (3) Date, scale and North point.
  - (4) Names and addresses of the owner, subdivider and the engineer or surveyor preparing the plat.
  - (5) Certification by the surveyor preparing 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. [Amended 8-10-1988]
- B. Plat data. The preliminary plats shall be drawn at a scale of not more than 100 feet to the inch and shall show:
- (1) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established by United States Public Land Survey, bearing reference made to original side of section, and total acreage encompassed thereby. [Amended 8-10-1988]
  - (2) The 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 corporate limits and section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (3) Locations of all existing property boundary lines, structures, streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.

- (4) Location and names of any adjacent subdivisions, parks, and cemeteries and owners of record of abutting unplatted lands.
  - (5) Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to USGS datum.
  - (6) Location, size and USGS invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, and power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto.
  - (7) Location, width and names of all proposed streets and public rights-of-way, such as alleys and easements, and approximate dimensions of all lots together with proposed lot numbers, building setback lines and access restrictions.
  - (8) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
  - (9) Approximate radii of all curves and angle of intersection of connecting streets.
- C. Supplemental data. The preliminary plat shall also include on its face or on supplemental maps drawn to a scale of not more than 200 feet to the inch:
- (1) The entire area contiguous to the proposed plat and owned or controlled by the subdivider even though only a portion of said area is proposed for immediate development.
  - (2) Contours at vertical intervals of two feet. Elevations shall be marked on such contours based on USGS datum.
  - (3) If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and USGS invert elevations.
  - (4) Any proposed lake and stream improvement or relocation, and any proposed lake or stream access clearly indicating the location of the proposed subdivision in relation to the access.
  - (5) The streets and other public improvements planned by public authorities, in or within 200 feet of the tract, if such information is supplied by the planning board or other appropriate agency.
- D. Street plans and profiles. The Village Engineer may require that the subdivider provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon USGS datum, and plans and profiles shall meet the approval of the Village Engineer.

- E. Subsurface tests. The Village Engineer may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions. If the subdivision will not be served by public sanitary sewer service, the provisions of Ch. Comm 85, Wis. Adm. Code, shall be complied with and the appropriate data submitted with the preliminary plat.
- F. Covenants. The Village Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- G. Utilities. The Village Engineer may require that plans and calculations be supplied relative to the extension of water and sewer lines to, around, and through the proposed subdivision. Provisions shall be made to serve all lots with water and sewer when such utilities are installed. [Added 8-10-1988]

**§ 245-8. Final plats and data.**

- 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 Ch. 236, Wis. Stats.
- B. Additional information. The plat shall show correctly on its face, in addition to the information required by Ch. 236, 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) Railroad right-of-way within and abutting the plat.
  - (4) Setbacks or building lines required by the Village Plan Commission.
  - (5) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
  - (6) Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.
- C. Deed restrictions. The Village Plan Commission may require that deed restrictions be filed with the final plat.
- D. Survey accuracy. The Village Engineer shall examine all final plats within the Village for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
- E. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of Ch. 236, Wis. Stats.
- F. Certificates. All final plats shall provide all the certificates required by Ch. 236, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter. [Amended 8-10-1988]

**§ 245-9. Certified survey map.**

- A. A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Ch. 236, Wis. Stats., and the requirements of this chapter; provided, however, that the Village may exempt minor subdivisions from one or more of the improvement requirements set forth in § 245-12 of this chapter.
- B. Additional information. The map shall be prepared on tracing cloth or paper of good quality of a size and to the scale prescribed by the recording agency and in addition to the information required by Ch. 236, Wis. Stats., shall show correctly on its face:
  - (1) All existing buildings, watercourses, drainage ditches and other features pertinent to a proper division.
  - (2) Setbacks or building lines required by the Village.
  - (3) All lands reserved for future acquisition.
  - (4) Date and graphic scale of the map.
  - (5) Name and address of the owner, subdivider and surveyor.
- C. Certificates.
  - (1) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The Village Plan Commission, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
  - (2) Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2), Wis. Stats.
- D. Recordation. The certified survey map may be recorded with the County Register of Deeds after the certificates of the Village Plan Commission and the surveyor are duly placed on the face of the map.

**§ 245-10. Ties to government corners.**

- A. When a tract of land is located within a quarter section, the corners of which have been relocated, monumented and recorded by the Village, the plat thereof shall be tied directly to two of the section or quarter-section corners so located, monumented and recorded.
- B. The exact grid bearing and distance of each tie shall be determined by field measurements. The state plane coordinates shall be shown when referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village Central Survey.
- C. The exact monument type and state plane coordinate, when available, of the

monument marking the section or quarter-section corners to which the plat is tied shall be shown directly on the plat map. If it is necessary to establish a section or quarter-section corner in the process of surveying for the plat, said corners shall be monumented with a Village-supplied monument. All set monuments shall be tied to a minimum of four witness corners. [Amended 8-10-1988]

**§ 245-11. Dedications and reservations.** [Amended 8-10-1988; 2-8-2006<sup>7</sup>]

In order that adequate streets, open spaces and sites for other public uses may be properly located and reserved and that natural drainageways, scenic and historic sites and other natural resources may be suitably preserved, the following provisions are set forth:

- A. Areas to be dedicated. The right-of-way of all new streets, pedestrianways and other such traffic ways shown on the subdivision plat shall be dedicated to the public, except that in no case shall a dedication be required for width in excess of 80 feet. Minimum street right-of-way width shall be 60 feet. The subdivider may dedicate to the public other areas, such as parks, playgrounds or school sites, drainageways, scenic or historic sites and other areas appropriate for public use.
- B. Areas to be reserved.
  - (1) The right-of-way required for new streets in excess of the eighty-foot maximum width to be dedicated, when required by this chapter and shown on the subdivision plat, shall be reserved.
  - (2) Sites for parks, schools, playgrounds, open space or other public use, located within the subdivision area and shown in the Comprehensive Plan or any of its component parts, or sites within the subdivision which are determined by the Plan Commission to be needed for public purpose, shall be reserved by the subdivider until acquired or released from reservation by the Village; provided, however, that the period of each reservation shall not be extended more than 10 years after the date of approval of the final plat.
  - (3) The Dickeyville Village Board hereby amended by increasing the fee per residential lot created by the subdivision from \$75 to \$150. [Amended February 8, 2006]
- C. Determination by Plan Commission. The specific number, amount or location of required dedications and reservations shall be determined by the Plan Commission upon the recommendation of the Village Engineer. All dedications shall be approved by the Board, and the Board reserves the right to refuse any and all such dedications.

**§ 245-12. Improvements.**

- A. Optional procedures. Before final approval of any plat within the corporate limits of the Village, the subdivision shall be monumented as required by § 236.15, Wis. Stats., and the subdivider shall:

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

- (1) Have constructed the following improvements;
- (2) Given satisfactory proof that he has contracted to have such improvements completed within one year of final plat approval;
- (3) Filed a surety bond insuring that such improvements will be completed within two years of final plat approval or within such other period of time as may be approved by the Board; or
- (4) Entered into a land developer's agreement with the Village with regard to the improvements to be constructed in the subdivision and for the payment of the same. [Added 2-8-2006]

B. General.

- (1) No construction or installation of improvements shall commence in a proposed subdivision until the final plat has been approved, and no building permit 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.
- (2) Regardless of contracts, agreements or inspections performed, final responsibility for the safe and proper construction or installation of all required improvements rests with the subdivider.
- (3) Unless otherwise directed by the Village, all streets, curb and gutter, culverts and storm drains shall be constructed in accordance with the pertinent provisions of Standard Specifications for Road and Bridge Construction of the Department of Transportation or as specified by the Village Engineer. [Amended 8-10-1988]
- (4) All facilities for water supply and sewage disposal shall be constructed in a manner acceptable to the Department of Natural Resources, in accordance with the Standard Specifications for Sewer and Water Construction in Wisconsin, Fourth Edition, and the standards of the Village as set forth by ordinance or specified by the Village Engineer.<sup>8</sup> [Amended 8-10-1988]
- (5) The subdivider shall be expected to coordinate his construction work with other public or private construction in the area; to enclose or properly barricade and mark any hazard; and to clean or maintain public ways, sewers and drains free from construction debris and dirt as the Village may deem necessary to prevent creating a public nuisance.

C. Utilities. The subdivider shall install:

- (1) Water mains at least six inches in diameter of PVC pipe Class 150, sanitary sewer mains having a minimum size of eight inches of PVC pipe, copper water laterals at least one inch in diameter, and sewer lateral PVC SDR 35 pipe or its equivalent at least four inches in size shall be extended to the lot line. [Amended 5-14-1997]

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<sup>8</sup>. Editor's Note: See Ch. 227, Sewers and Water.

- (2) Adequate facilities for stormwater drainage, including such items as inlets, culverts, gutters, ditches, storm sewers, manholes and appurtenances, erosion control devices, drainage easements, stormwater detention areas and adequate facilities for preservation and protection of natural drainageways as required by the Board upon recommendations by the Village Engineer and the Plan Commission. [Amended 8-10-1988]
  - (3) Gas mains and laterals, electric power and telephone lines, cables or conduits, and other necessary utilities, provided that such installation is required of the subdivider by the Board and so stated as a condition of plat approval.
- D. Street improvements. The subdivider shall improve all streets to the standards set forth in this chapter or otherwise specified by the Village Engineer.
- (1) All new streets shall be:
    - (a) Subgraded to full width and to the required alignment, grade and cross section. All soft or unsuitable areas shall be underexcavated and filled with approved subbase material. All subgrades shall be inspected by the Village Engineer prior to placement of base.
    - (b) Prepared with a minimum street base of at least 12 inches of compacted gravel or crushed stone base course or its equivalent for the full width of the pavement structure, including all outside shoulders and driveways.
    - (c) Surfaced with a minimum of 2.5 inches of bituminous concrete asphalt. Said material shall be of a hot-mix type with a mix designed in accordance with POT, ASTM and standards approved by the Village Engineer. All asphalt paving shall be inspected by the Village Engineer prior to acceptance by the Village.
  - (2) Curb and gutter type, cross section and specifications shall be in accordance with those currently specified by the Village Engineer and set forth in Village ordinances. [Amended 8-10-1988]
- E. Screen plantings. The subdivider shall plant or otherwise provide planting strips, fences or other required buffers along lots backed up to or adjoining any existing or future major street, commercial district or industrial area.
- F. Improvement plans. The Village Engineer may require the following plans and accompanying construction specifications and that such plans be prepared by an engineer before and as a basis for authorizing the construction or installation of improvements:
- (1) A complete grading plan of the entire subdivision.
  - (2) Water main plans and profiles showing the location, sizes, elevations and materials for the required facilities.
  - (3) Sanitary sewer plans and profiles showing the location, sizes, grades, elevations and materials of required facilities.

- (4) Street plans and profiles showing existing and proposed grades, elevations, and cross sections of required improvements.
  - (5) Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - (6) Plans for drainage structures and flood-control devices.
  - (7) Planting plans showing the location, age and species of any required street trees.
  - (8) Additional special plans or information as required.
- G. Inspection. The subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Village Engineer to provide for adequate inspection of all improvements and installations. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties. The cost of any such inspection shall be paid for by the subdivider on completion of inspection. [Amended 8-10-1988]
- H. Streetlighting. The subdivider shall install streetlights in such numbers and at such locations as are determined to be necessary by the Village Engineer. [Added 5-4-1998]

**§ 245-13. Design standards.**

- A. General considerations for streets.
- (1) Streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and existing tree growth, to public safety and convenience, and in appropriate relation to the proposed uses of the land to be served by such streets.
  - (2) 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 Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of adjacent tracts.
  - (3) Whenever the proposed subdivision 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.
  - (4) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Plan Commission.
  - (5) Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Plan Commission but shall not be approved in residential areas. Dead-end alleys shall not be

approved and alleys shall not connect to a major thoroughfare.

- (6) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible.

B. Specific standards for streets.

- (1) The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan, Comprehensive Plan components, Official Map, or other officially adopted standards or, if no width is specified therein, the minimum widths shall be as follows:

<b>Minimum Street Widths</b>			
<b>Urban Section:</b>			
		<b>Minimum Pavement Width<sup>1</sup> (feet)</b>	
<b>Type of Street</b>	<b>Minimum ROW Width (feet)</b>	<b>Desirable</b>	<b>Absolute</b>
Major street	80	522	44
Collector street	70	442	40
Minor street	60	363	34
Cul-de-sac street	60	363	32
Frontage street	50	304	26
Alley	24	20	20
Pedestrianway	10	5	5

<b>Rural Section:5</b>		
<b>Type of Street</b>	<b>Minimum ROW Width (feet)</b>	<b>Minimum Pavement Width (feet)</b>
Arterial street	1206	Dual 24 with 10-foot outside and 4-foot inside shoulder and a 24-foot median
Collector street	80	22 with a 10-foot outside shoulder on both sides
Minor street	66	22 with an 8-foot shoulder on both sides

<b>Notes:</b>	
1	Pavement widths shall be measured from face of curb to face of curb.

2	The Plan Commission, upon recommendation by the Village Engineer, shall establish definite widths to best accommodate anticipated traffic.
3	The Village Engineer shall determine the exact width required and may reduce the stated minimum widths by as much as six feet where parking is restricted on one side of the street.
4	Shall be adequate width to provide two ten-foot travel lanes and a suitable parking lane on the side adjacent to the development.
5	The minimum requirements expressed in this table generally exceed the minimum town road design standards set forth in § 82.50, Wis. Stats.
6	Eighty feet to be dedicated and 40 feet to be reserved for acquisition by the Village.

- (2) Grades. The grade of major and collector streets shall not exceed 6%, unless necessitated by exceptional topography and approved by the Plan Commission. The grade of all other streets shall not exceed 8% unless so necessitated, and in no case shall the grade of any street exceed 10% or be less than 1 1/2%.
- (3) Vertical curves. All changes in street grades shall be connected by a parabolic vertical curve of a minimum length in feet equal to 15 times the algebraic difference in grade for major or collector streets or 1/2 of this value for all other streets.
- (4) Radii of curvature. When a continuous street center line deflects at any one point by more than 5°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
  - (a) Major streets: 300 feet.
  - (b) Collector streets: 200 feet.
  - (c) Minor streets: 100 feet.
- (5) Tangents. A tangent at least 100 feet long shall be introduced between reversed curves on major and collector streets. On all streets, at least 100 feet of tangent shall be provided between a curve and any intersection with a major or collector street and 1/2 this value at an intersection with any other street.
- (6) Cul-de-sac streets. Streets designed to have one end permanently closed shall not exceed 500 feet in length and shall terminate with a turnaround of not less than 110 feet in diameter of right-of-way or 90 feet in diameter of outside curb.
- (7) Half streets. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the

subdivider. The platting of half streets shall be avoided where possible.

C. Intersections.

- (1) Layout. Streets shall intersect as nearly as possible at right angles, and not more than two streets shall intersect at one point unless approved by the Board.
- (2) Spacing. The number of intersections on major streets shall be held to a minimum, and, if feasible, the distance between such intersections shall be 1,000 feet or more.
- (3) Alignment. Where streets intersect and cross major streets, jogs or off-center alignment shall be avoided. The center lines of streets approaching from opposite sides of a major street shall be adjusted so as to be continuous or separated by a distance of at least 150 feet when so required as a condition of plat approval.

D. Blocks.

- (1) General. The lengths, widths and shape of blocks shall be appropriate for the topography, the type of development contemplated, and the zoning requirements for the particular district.
- (2) Dimensions. Block lengths in residential areas shall not be more than 1,500 feet and, if feasible, not less than 400 feet between street lines. Blocks shall be of sufficient width to provide for two rows of lots.
- (3) Pedestrianways. A right-of-way of not less than 10 feet in width may be required through the center of blocks more than 900 feet in length if deemed essential to provide circulation or access to community facilities.
- (4) Easements. Easements across lots or centered on rear or side lot lines shall be provided for the installation of utilities where necessary and shall be at least 10 feet wide, and such easements shall be continuous from block to block. When an easement is centered on a rear or side lot line, the width of the easement in each lot can be added together to meet the width requirement.

E. Lots.

- (1) In general. The size, shape and facing of lots and the minimum building setback lines shall be appropriate for the topography of the subdivision and for the type of development and use contemplated.
- (2) Lot dimensions. Residential lots shall have a minimum area of 8,000 feet and a minimum width of 80 feet at the building line; provided, however, that the requirements of Chapter 285, Zoning, insofar as it may specify greater areas or distance, shall be complied with.
- (3) Access. Every lot shall front or abut on a public street for a distance of at least 40 feet.

- (4) Double frontage. Double frontage shall not be permitted except where desirable to provide separation from major streets or incompatible uses. Access restriction and screen plantings may be required across the rear 20 feet of double frontage lots.
- (5) Lot lines. Side lot lines shall be substantially at right angles or radial to street lines.
- (6) Large lots. A tract subdivided into parcels containing one or more acres shall be arranged to allow the resubdivision of any such parcels into normal lots in accordance with the provisions of these subdivision standards.
- (7) Municipal boundaries. Lots shall follow municipal boundary lines whenever practicable, rather than cross them.

**§ 245-14. Modifications.**

- A. Variances. When in the judgment of the Plan Commission and the Board it would be inappropriate to apply literally a provision of this chapter, or because extraordinary hardship would result, the terms of the provision may be waived in the interest of justice and to secure the public interest, provided that in no event shall the requirement of securing prior approval or of filing and recording the plat be waived.
- B. Large-scale developments. These regulations may be modified by the reviewing authority in the case of a plan for a complete neighborhood development that:
  - (1) Provides for the needs of the persons expected to reside or work in the developed area and is in harmony with the development in adjacent areas and with the character of the community.
  - (2) Ensures a desirable use of available land in keeping with the principles of good land use planning.
  - (3) Takes into account the natural features of the area and provides for and dedicates sufficient open space.
  - (4) Includes provisions for efficient circulation and adequate services and facilities.
  - (5) Will constitute a desirable and stable community development.
- C. Cluster-type subdivisions. To encourage the dedication of and achieve a better allocation of usable public open space, to make more economical the provision and maintenance of desirable residential developments in the more open portions of the jurisdictional area, and to give some freedom from the stereotyped low-density lot pattern, approval may be given a plat proposing lots smaller than those required by Chapter 285, Zoning, provided that the yard requirements shall not be reduced and that for such land so shown there shall not be a greater average density of population or coverage of the land with buildings than is permitted in the district wherein such land lies as shown on the Official Zoning Map.

- D. Shopping centers and industrial parks. Whenever possible, shopping center sites and land designated for industrial park development shall be designated according to unit development principles in contrast to conventional lotting practices.
- E. Legal guarantees. The plans for a modified development shall include such covenants, restrictions or other legal provisions as will guarantee the full achievement of the plan.
- F. Application for modification. Application for any such modification shall be made in writing by the subdivider at the time the preliminary plat is filed for consideration, stating fully and clearly all the facts relied upon by the petitioner, and shall be supplemented with maps, plans, and other additional data which may aid the reviewing authority in the analysis of the proposed project.

**§ 245-15. Violations and penalties; enforcement.**

- A. Penalties. Any person who fails to comply with any provision of this chapter shall, upon conviction thereof, forfeit the amount or amounts set forth in the Schedule of Penalties which is a part of this Code<sup>9</sup> and, in default of payment thereof, shall be imprisoned in the county jail until payment of such forfeiture and costs, not to exceed 30 days. In addition the remedies provided by §§ 236.30 and 236.31, Wis. Stats., shall be available to the Village.
- B. Enforcement.
  - (1) Whenever it shall come to the knowledge of the Village Engineer, the Building Inspector, any member of the reviewing authority or Village police force that this chapter or the state statutes governing plats have been violated, such violations shall be reported to the Village Attorney for appropriate action.
  - (2) No building permit shall be issued for any subdivision or part thereof until the provisions of this chapter have been complied with, and no occupancy permit shall be issued until all required improvements, except those specifically deferred, have been completed and approved by the Village Engineer.
  - (3) The Village Assessor is hereby instructed not to divide for assessment or taxing purposes any properties that are being subdivided contrary to these regulations until the reviewing authority and the Village Attorney have been notified and their recommendations submitted to the Village Board.

**§ 245-16. 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.

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<sup>9</sup>. Editor's Note: See Ch. 1, § 1-4.

**§ 245-17. 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 and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

**§ 245-18. Title.** [Amended 8-10-1988]

This chapter shall be known as, referred to, or cited as the "Subdivision Ordinance, Village of Dickeyville, Wisconsin."