

**APPENDIX A**

**Village of Elk Mound Environmental Assessment Checklist  
for Subdivisions and Land Divisions by Certified Survey Map**

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

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

**Water Resources**

Does the proposed project involve:

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

**Appendix A**

**Human and Scientific Interest**

Does the project site involve:

- A. An area or buildings of archeological or geological interest. \_\_\_\_\_
- B. An area of historical interest. \_\_\_\_\_
- C. An area of buildings or monuments with unique architecture. \_\_\_\_\_
- D. Unique, uncommon, rare, plants, animal habitats, old growth, trees significant for research or preservation. \_\_\_\_\_

**Energy, Transportation and Communications**

- A. Does the development encompass any future street appearing on the Village of Elk Mound Official Map? \_\_\_\_\_
- B. Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, storm sewer)? \_\_\_\_\_

**Village Planning**

- A. Is the development consistent with the Village Comprehensive Plan and other adopted planning documents? \_\_\_\_\_

## 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.

- (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 Requirements.** 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/ Developer shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a Subdivider/Developer owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Village Engineer recommendation, 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, or where adjacent development patterns have already been established.
  - (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/Developer owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Village Board may require that the Subdivider/Developer 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 or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (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) **Floodland and Shoreland 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, utility easements, bikeways and walking trails.
  - (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) **Parks Locations 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 Plan Commission and/or 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) **Landscape Plan.** As required by Section 14-1-44 of this Chapter by the Village Board, upon the recommendation of the Plan Commission.
- (31) **Lighting Plan.** For all proposed outdoor lighting, an Outdoor Lighting Plan shall be required pursuant to the requirements of the Village of Elk Mound Outdoor Lighting Ordinance (if enacted) or similar such regulations.
- (32) **Survey Monuments** locations.
- (33) **Consecutive Numbering System** of all blocks and lots.
- (34) **Potential Resubdivision** and use of exceptionally deep [over two hundred (200) feet] or oversized lots shall be indicated.
- (35) **Where the Village Board, Plan Commission, 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 Plan Commission, 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 and/or Plan Commission, 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 Elk Mound Code of Ordinances. (See also Sections 14-1-56 and 14-1-65.)

- (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 Plan Commission 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 and/or Plan Commission 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 and/or Plan Commission 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.

## **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 Restrictions.** Special restrictions required by the Village Board and/or Plan Commission 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) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
- (13) **Drainage Flows.** The Subdivider/Developer shall cause to be set upon the final plat 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 plat 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.

- (14) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

Subsoil information indicates the presence of ground water conditions that may require basement elevations on Lot(s) \_\_\_\_\_ to be at elevation \_\_\_\_\_ or higher, or that a modified structural plan of the structure's foundation shall be submitted to the Building Inspector for approval with the application for a Building Permit as required information.

The elevation of the basement as described in the paragraph to be placed on the plat shall be a minimum of two (2) feet higher than the elevation of the ground water table.

- (15) **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).
- (16) **Additional Information May Be Required By Others.** Any additional information required by the Village Clerk-Treasurer, Plan Commission, 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 and Plan Commission 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. 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.
- (2) **Conservation Easements.** The submission to the Village Board and Plan Commission 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 and Plan Commission 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.
- (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(i).
- (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:
    - a. 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, after review and recommendation of the Plan Commission.

- b. Ratification of a recorded Final Plat, 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.
- (h) **Survey Accuracy.**
  - (1) **Examination.** The Village Engineer shall examine all Final Plats within the Village of Elk Mound 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) **Plan Commission Receipt of Results of Village Engineer's Examination.** The Plan Commission shall receive the results of the Village Engineer's or Village Planner's examination prior to recommending approval of the Final Plat to the Village Board.
- (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., and this Chapter. 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/ Developer, 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/Developer shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Village Board, upon the recommendation of the Plan Commission, 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, upon the recommendation of the Plan Commission.
- (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, upon the recommendation of the Plan Commission, relating to conservation easements, access control along public ways, delineation of floodplain and wetland limits, natural resource mitigation areas, or to the provision of Landscape Bufferyard Easements.
- (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) **Landscape Plan.** As required by Section 14-1-44, if required by the Village Board, upon the recommendation of the Plan Commission.
  - (22) **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.
  - (23) **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.
  - (24) **Additional Information.** Any additional information required by the Plan Commission, Village Clerk-Treasurer, 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, after review and recommendation of the Plan Commission.
    - 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 Landscape Plan.

If the Landscape Bufferyard Easements, areas of natural resource protection, or areas of natural resource mitigation are delineated on the Certified Survey Map, Preliminary Plat, or Condominium or are otherwise required by the Village Board, upon the recommendation of the Plan Commission and requested by the Village Board, a landscape plan for those areas shall be prepared. Ten (10) full size copies of a Landscape Plan drawn to the same scale as the Certified Survey Map, Preliminary Plat or Condominium submission shall be submitted with the Preliminary Plat or Condominium when requested by Village officials. The Landscape Plan shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale as appropriate and shall show correctly the following information:

- (a) **Proposed Name.** The proposed name of the Certified Survey Map, Subdivision Plat, or Condominium.
- (b) **Location.** The location of the proposed Certified Survey Map, Subdivision Plat, or Condominium.

- (c) **Names, Addresses, and Telephone Numbers of the Owners, Subdividers, Lessee and/or Developer.** The names, addresses, and telephone numbers of the owners, subdividers, lessee(s) and/or developer(s) of the property and of the designer of the plan.
- (d) **Site Boundary.** The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
- (e) **Landscape Bufferyard Easements, Private Mini-Parks, and Natural Resource Mitigation Areas.**
  - (1) All proposed Landscape Bufferyard Easements, private mini-parks, and/or areas of natural resource mitigation shall be clearly delineated and dimensioned on the Landscape Plan and shall be graphically shown in relation to all proposed lot lines and lots upon which said Landscape Bufferyard Easements, private mini-parks, or mitigation areas are located.
  - (2) All proposed improvements to private mini-parks (including all landscape plant materials, ground cover treatments, and play equipment) shall be clearly and graphically indicated, labeled, and dimensioned on the Landscape Plan and shall be in full compliance with the provisions of Section 14-1-83 for required private mini-park improvements. In the case of play equipment to be installed at any private mini-park, copies of the manufacturer's specifications for said play equipment shall be submitted to the Village. All Landscape Plans submitted for private mini-parks shall also require the review and approval of the Village Board, upon the recommendation of the Plan Commission, prior to the approval of any final Subdivision Plat, Condominium Plat, or Condominium.
- (f) **Location, Extent, Type, and Sizes of Existing Trees and Natural Resource Features.** Location, extent, type (common and scientific name in the case of plant materials), and specific sizes of all existing trees and natural resource features in all areas of the Subdivision, Certified Survey Map, or Condominium including all areas of the Subdivision, Certified Survey Map, or Condominium designated as a Landscape Bufferyard Easement, areas of natural resource protection, and/or mitigation areas. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall be clearly delineated and so noted on the Landscape Plan. The Landscape Plan shall further indicate all proposed grading and filling, ravines, bluffs, wetlands, 100-year recurrence interval floodplains, proposed building footprints ("building envelopes"), and all impervious surfaces. The Landscape Plan shall also identify any and all trees or other vegetation proposed for demolition, removal or movement.
- (g) **Location, Extent, Type, and Sizes of Proposed Landscape Materials and Plantings.** Location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape plantings in all areas of the Subdivision, Certified Survey Map, or Condominium which are designated as a Landscape Bufferyard Easement, areas of natural resource mitigation, or for areas which are to serve as landscaped entrances or other special landscaped features of the Subdivision, Certified

- Survey Map, or Condominium shall be indicated on the Landscape Plan. All proposed ground covers shall be indicated on the Landscape Plan.
- (h) **Landscape Plant Material Specifications.** All new landscape plant material shall be grown in a nursery located in Plant Hardiness Zone 4 and shall conform to the applicable requirements as specified in the current edition of *American Standard for Nursery Stock* as approved by the American National Standards Institute, Inc. and sponsored by the American Association of Nurseryman, Inc. Botanical plant names shall be in accordance with the current edition of *Standardized Plant Names* prepared by the American Joint Committee on Horticultural Nomenclature. The landscape contractor shall be guided in professional and ethical matters by the "Arboculture Code" as adopted by the International Society of Arboculture.
  - (i) **Natural Resource Features Mitigation Plan Required.** If any natural resource feature is to be mitigated, either on-site or off-site, the plan for such mitigation in adequate detail, as required by the Village Board, upon the recommendation of the Plan Commission, shall be submitted with the Landscape Plan.
  - (j) **Maintenance.** Areas of a Subdivision, Certified Survey Map, or Condominium designated as landscape easement areas shall be maintained and kept free of all debris, rubbish, weeds and tall grass by the property owner or homeowners' association (whichever is applicable).

**Sec. 14-1-45 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 Plan. The required improvements described in this Chapter shall be installed, furnished and financed at the sole expense of the Subdivider/Developer. 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 Elk Mound 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.
- (3) As a further condition of approval, the Village Board hereby required 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) **Options; Recapture of Off-Site or Oversized Improvements.** The Village of Elk Mound may determine that one (1) of the following options be used when improvements are to be installed:

- (1) The required public improvements shall be installed by the Subdivider/Developer at his/her cost; or
- (2) The Village of Elk Mound may enter into a recapture agreement with the Subdivider/ Developer agreeing to require payment of recapture costs of public improvements from those properties outside the plat benefitting from the improvements. The Village shall limit development on those properties until payment has been made. The Subdivider/Developer may contract directly with adjacent property owners and/or developers of adjacent land for reimbursement of the oversize and/or off-site improvements constructed.
- (3) If the Village of Elk Mound finds that Village construction of such public improvements would not be warranted as a special assessment to the intervening properties, or as a governmental expense until some future time, the Subdivider/

Development shall be required, if he/she wishes to proceed with the development, to obtain necessary easements or right-of-way and construct and pay for such public improvement extensions as provided under Subsections (b)(1) or (2) above.

- (4) Any workable combination of the above determined by the Village Board as acceptable.
- (c) **General Standards.**
  - (1) The 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, water mains and services, grading and improvement of the streets and other public ways, sidewalks, street signing, street lighting and such other facilities required by the Village Board.
- (d) **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 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) **Developer's Subdivider's Agreement Required; Financial Security for Improvements.**
  - (1) **Condition of Approval.**
    - a. 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 Elk Mound 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.

- b. It shall be the Subdivider's/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 Subdivider/Developer provide security to ensure that the required public improvements are made within a reasonable time per the Developer's Agreement.
  - c. Security phasing, pursuant to Subsection (b) below, shall be utilized if the project is to be completed pursuant to an approved phasing plan.
- (2) **Payment of Assessments.** 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 and all water main assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and bituminous pavement).
  - (3) **Purpose of Guarantee.** 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.
  - (4) **Form of Agreement.** 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, water mains, 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.
  - (5) **Authorized Reductions of Security Amounts.** 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.

- (6) **Disputes Over the Amount of Financial Sureties.** In a dispute over the amount of a surety, the estimate prepared by the Village Engineer shall be given the greater weight.
- (7) **Partial Completion of Improvements; Escrow Account/Security Reductions.** On request of the Subdivision, Certified Survey Map or Condominium Developer (as applicable), the contract may provide for completion of part or all of the improvements covered thereby prior to acceptance of the plat, and in such event the amount of the escrow deposit and/or required security may be reduced in a sum equal to the estimated cost of the improvements so completed prior to acceptance of the plat only. The amount of any reduction in an escrow account (see Section 14-1-90 regarding escrow account) or required security shall be at the sole discretion of the Village Board, upon the recommendation from the Village Engineer and Village Attorney. Any balance remaining after such improvements have been made shall be returned to the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The Village Board, at its option, may extend the escrow deposit period for an additional period not to exceed two (2) years for non-secured warranty purposes.
- (8) **Village Authority to Draw on Escrow Accounts.** The Village Board shall have the authority to draw upon the required security or escrow account if at any time:
  - a. The developer is in default under this Chapter in any aspect of the Developer's Agreement with the Village of Elk Mound; or
  - b. The developer does not complete the installation of improvements within the time established in the Developer's Agreement, unless otherwise extended by agreement or action of the Village Board; or
  - c. The security on file with the Village is dated to expire in the next sixty (60) days and has not been extended, renewed or replaced, or the escrow deposit is seventy-five (75%) exhausted; or
  - d. The Subdivision, Certified Survey Map or Condominium Developer (as applicable) otherwise fails to maintain the required security in the amount approved by the Village Engineer and agreed to in the Developer's Agreement.
- (9) **Improvements Completion Schedule.** The time for completion of the infrastructure work and the several parts thereof required by this Chapter shall be determined by the Village Board, upon recommendation of the Village Engineer, after consultation with the Subdivision, Certified Survey Map or Condominium Developer (as applicable). The completion date shall be a component of the contract.
- (10) **Review and Inspection Costs.** The Subdivision, Certified Survey Map or Condominium Developer (as applicable) shall pay the Village for all costs incurred by the Village for review and inspection of the development. [See Section 14-1-100]. This would include review, and preparation at the Village Board's discretion, of plans and specifications by the Village Engineer, Planner, and Attorney, as well as other costs of a similar nature. The Village may draw on the escrow account for this purpose.
- (11) **Legal Signatories to Contract.** If the Subdivision, Certified Survey Map or Condominium Developer (as applicable) and the individual or entity holding title to the property on which the development is to occur are different entities or individuals,



then both shall sign the Developer's Agreement. If either or both the Subdivision, Certified Survey Map or Condominium Developer (as applicable) or titleholder to the development property are a corporate or legal entity, then all of the owners of that entity (or entities if both the subdivider and the title holder are legal entities) shall sign the Developer's Agreement on behalf of the corporate or legal entity and in their individual capacities. Developer's Agreements shall also be acknowledged and executed by all project mortgagees.

(12) **Miscellaneous Provisions.** 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. Unless otherwise authorized by the Village Engineer, said specifications shall follow those specified in this Chapter or as directed by the Village Engineer.
- b. The amount of the required security or certified check shall be determined by the Village Board following the Village Engineer's estimate.
- c. Governmental units to which these security and contract provisions apply may file, in lieu of said contract and bond/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.

(b) **Phasing.**

(1) **Infrastructure Phasing Option.** 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;
- 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) **Phasing Timeline Considerations.** 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) **Reduction of Security Upon Phase Completion.** 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 surety as hereinafter provided. When portions of construction (any required utilities infrastructure, street, sidewalk, greenway, stormwater management 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 (as applicable) contractors, to reduce the amount of surety. The amount of surety may be reduced at the time any required underground utilities are installed and tested. The amount of surety 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) **Village Acceptance of Surety Reduction.** When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for noncompletion, the Village Board is authorized to accept a reduction in the amount of surety 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.

- (c) **Issues To Be Addressed by Developer's Agreement.** The Developer's Agreement should, but is not limited to, address the following development issues:
- (1) The Developer's Agreement shall identify all individuals or business entities holding an ownership interest in the subject property or holding an interest under an executed purchase agreement at the time the Developer's Agreement is executed. The Developer's Agreement shall also be executed and acknowledged by current and known future mortgagees and shall be binding on the successors and assigns of the named developers, owners and mortgagees.
  - (2) The Developer's Agreement shall contain a full and accurate description of the area being subdivided.
  - (3) The Developer's Agreement shall address all exceptions to design standards being sought or being granted by the Village and affecting the area being subdivided.
  - (4) The Developer's Agreement shall require that acceptable security be posted with and in favor of the Village if all public improvements called for under this Chapter for the Subdivision, Certified Survey Map, or Condominium development are not fully installed and accepted by the Village by the time a plat receives Preliminary Plat approval or when a Certified Survey Map is finally approved. The Developer's Agreement shall address whether and when said security can be released and shall further require the developer to take all steps necessary to maintain the required security in the Village's possession and not to allow it to expire.
  - (5) The Developer's Agreement shall disclose and confirm relevant details regarding the developer's insurance, warranties, continuing maintenance requirements and responsibilities, and other contracts and agreements affecting the subject property.
  - (6) Where any platted area in a Subdivision or Certified Survey Map will serve as open or buffer space and be jointly maintained and controlled by the owners of the platted lots or where erosion control or stormwater management devices will be installed in the area being subdivided that will require ongoing maintenance, the Developer's Agreement shall require that a homeowners' association be created with membership on an equal basis of all platted lots not commonly owned and on an equal basis, that association bylaws be developed and that a restrictive covenant or other perpetual, binding legal device be employed that will create, administer and enforce the collective responsibilities of the individual members of said homeowners' association concerning commonly held areas and/or erosion control or stormwater management devices.
  - (7) A Developer's Agreement shall contain measures to protect the investments and expectations of existing and future lot owners against unilateral changes in the organizational or governing documents of a homeowners' association by a developer so long as the subject area is under the developer's control by requiring advance

Village approval of material changes to the homeowners' association bylaws or restrictive covenants from the time the Developer's Agreement is executed until a majority of the lots are conveyed to individual homeowners.

- (8) The Developer's Agreement shall contain the developer's representation concerning intended subdivision design standards and home price ranges and its agreement to maintain such standards through build out of the Subdivision, Certified Survey Map or Condominium development (as applicable).
  - (9) The Developer's Agreement shall address the timing of joint driveway paving, shall require shared maintenance agreements concerning shared driveways and shall address the control and removal of debris and rubbish during initial construction on lots being created.
  - (10) The Developer's Agreement shall refer to or include as exhibits the following information:
    - a. Preliminary Plat (or Certified Survey Map);
    - b. Final Plat, to be added once approved and recorded;
    - c. Road design and construction plans;
    - d. Stormwater calculations and plans;
    - e. Village permits for any incoming transfer of development rights that will operate to create greater dwelling unit densities in the development than would be allowed under this Chapter without a transfer of development rights; and
    - f. Other project-related information as required by the Village of Elk Mound.
  - (11) The Developer's Agreement shall require the developer to pay all of the Village's professional fees and expenses related to the Developer's Agreement.
  - (12) The Developer's Agreement may also address areas not included in this Chapter or otherwise expressly required by law but that are nonetheless mutually agreeable to the developer and the Village and which promote the public health, safety and welfare of the residents and taxpayers of the Village of Elk Mound.
- (d) **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.
- (e) **Improvement Guarantee.**
- (1) **Types of Required Security.** 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 required 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. Pursuant to Sec. 236.13(2)(a)1, Wis. Stats., it is the Developer's choice as to whether to provide as required security a performance bond, irrevocable letter of credit, or a certified check.

- (2) **Village Authority to Correct Deficient Improvements.** 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) **Warranty Period.** The agreement may require a non-secured warranty period longer than the fourteen (14) month secured guarantee period.
- (4) **Definition of Substantially Completed.** 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 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.

(f) **Survey Monuments.**

- (1) **Monument Installation.** 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) **Waiver.** 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 performance bond to ensure the placing of such monuments within the time required by Wisconsin Statute under and in compliance with the provisions of Subsection (f)(1) above. Additional time may be granted by the Village Engineer upon show of cause.
- (3) **Preservation of Established Monuments.** 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 Main** plans and profiles showing the locations, sizes, elevations and materials of required facilities.
  - (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 Construction Site Erosion Control Code and Post-Construction Stormwater Management Code (Title 15, Chapters 2 and 3).
  - (6) **Landscaping Plans** showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees meeting the requirements of Section 14-1-45.

- (7) **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.
  - (8) **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 modify the plans or specifications or both accordingly. When the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed and construction commenced.
- (c) **Construction and Inspection.**
- (1) **Construction Authorization; Building Permits; Lien Waivers.** 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 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, and the Subdivider/Developer has furnished lien waivers for all contractors..
  - (2) **Completion Schedule.** Construction of all improvements required by this Chapter shall be completed within two (2) years from the date of approval of the Preliminary 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 Developer's Agreement for phased developments as approved by the Village Board.
  - (3) **Inspections.** During the course of construction, the Village Engineer shall make such inspections as the Village Board deems necessary to ensure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to ensure satisfactory work.
- (d) **Subdivider to Reimburse the Village for Costs Sustained.** The Subdivider/Developer of land divisions within the Village shall reimburse the Village for its actual cost of design, inspection, testing, construction and associated legal and real estate fees for the required public improvements for the land division. The Village's costs shall be determined as follows:
- (1) The cost of Village employees' time engaged in any way with the required public improvements based on the hourly rate paid to the employee multiplied by a factor determined by the Village Clerk-Treasurer to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
  - (2) The cost of Village equipment employed.

- (3) The cost of mileage reimbursed to Village employees which is attributed to the land division.
  - (4) The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
  - (5) All consultant fees associated with the public improvements at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall bill the Subdivider 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 Subdivider's/Developer'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.
- (e) **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) blue line copies of record plans showing the actual location of all improvements (unless manholes, stubs, sewer and water 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.
- (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. Before final approval of any Plat or Certified Survey Map within the corporate limits of the Village, the Subdivider/Developer shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats. All survey monumentation located adjacent to street or public



rights-of-way, but not located within street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placing of monuments for a reasonable time during public improvement construction on condition that the Subdivider/Developer executes a survey to ensure the placing of such monuments within the time required. On behalf of the Village, the Village Clerk-Treasurer is authorized to accept such surety bonds and contracts for monumentation in an amount approved by the Village Engineer. Building permits shall not be issued until all survey monumentation for the block(s) of lots in which the lot(s) for which building permits are being applied for within the phase of the land division under development has been installed. When the land division includes an established one-half (1/2), one-quarter (1/4), one-quarter one-quarter (1/4-1/4), or such other section monument, the established monument shall be preserved and/or fully restored by the subdivider at his/her cost.

(d) **Grading.**

- (1) **Right-of-Way and Roadbed Grading.** After the installation of temporary block corner monuments by the Subdivider or Condominium Developer (as applicable) and establishment of street grades, the Subdivider 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 Subdivider 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 Elk Mound 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 Subdivider 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 per Sections 14-1-70 and 14-1-71.

(f) **Completion of Street Construction.**

- (1) **Building Permits Conditioned Upon Improvements Completion.** 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) **Exception.**
  - a. 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 Subdivider 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 are required in new Subdivision, Certified Survey Map, or Condominium developments to accommodate safe, adequate pedestrian circulation, unless waived by the Village Board. 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 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 schools, commercial areas and other places of public assemblage; and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Section if such walks are necessary, in their opinion, for safe and adequate pedestrian circulation.

(c) **Bicycle Paths and Trails.**

- (1) The Subdivider 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.
- (2) Bikeways are intended to serve both pedestrian and bicycle traffic. Bikeways shall not be installed in lieu of sidewalks.

(d) **Location of Sidewalks and Bikeways.**

- (1) The Subdivider or Condominium Developer (as applicable) shall be required to provide sidewalks and bikeways where required by the Village's Sidewalk Master Plan, consistent with 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 Subdivider 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 Elk Mound under both Title 15, Chapter 2 "Construction Site Erosion Control" and Chapter 3 "Post-Construction Stormwater Management Code", based upon the recommendations of the Village Engineer. These facilities may include curbs and gutters, catch basins and inlets, storm sewers, road ditches (preferred method), 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, in utilized instead of ditches.
  - (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 Subdivider 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 Elk Mound.
- (e) **Storm Sewers.**
- (1) When required by the Village, the Subdivider 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 Elk Mound 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; Ditches; Street Drainage Facilities.**

- (a) **General Curb and Gutter Requirements.** In all Subdivisions, Certified Survey Maps, and Condominiums located in urban areas, as defined in Section 14-1-10, the Village Board may 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 stormwater drainage improvements, the Subdivider/Developer may be required to construct concrete curbs and gutters or, if approved by the Village of Elk Mound, shall install a system of ditches and culverts. The Subdivider/Developer shall install concrete curb and gutter along both sides of all streets and boulevards shown on the plat, except where the Village Board has authorized the use of ditches. The cost of the curb, gutter and ditches required inspection, supervision and engineering fees shall be paid for by the Subdivider/Developer. 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 except where ditches are used. 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.
- (c) **Driveway Access Curb Cuts.** Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.
- (d) **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 Subdivider or Condominium Developer (as applicable) 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/Developer 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:
  - (1) Borne by the Village;
  - (2) Assessed against the total tributary sewer area; or
  - (3) Be paid for through a recapture agreement per Section 13-1-51(a).
- (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 land division. 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 Subdivider or Condominium 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 Elk Mound 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.

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

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

- (1) **Generally.** When 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 Subdivider or Condominium Developer (as applicable) 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 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.
- (2) **Public Service Commission Rules.** The rules of the Village's utilities on file with the Wisconsin Public Service Commission are hereby adopted by reference and made a part hereof as though fully set forth herein.

### **(b) Additional Water Supply Facilities 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 Wisconsin Department of Safety and Professional Services. In addition:

- (1) **Water Service Laterals to Street Lot Line.** The Village Board, upon the recommendation of the Plan Commission, 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 Subdivider or Condominium Developer (as applicable) shall assume the cost of installing all 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. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall have prepared plan and profile drawings and specifications for the installation of water main facilities in accordance with the Village master water main plan, including the water main, pipe fittings, valves, hydrants and lateral house-connections for each lot in the subdivision extended to the lot line. Upon approval of the plans by the Village Engineer and 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. The Subdivider or Condominium Developer (as applicable) 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 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.** 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 natural gas, electrical power, cable television (where available), 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 shall be approved by the Village Engineer.

### **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 Public Works Department until the street improvements have been accepted by Village Board resolution.
    - c. The Public Works Department shall have the authority to impose any restrictions to traffic on street improvements not yet accepted by the Village as he/she may deem necessary to protect the improvements from damage and to protect the safety of the public. Such restrictions shall include, but not be limited by enumeration to, weight restrictions, street closings, access restrictions, or the posting of temporary traffic control measures.
  - (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, or Condominium or Certified Survey Map Developer (as applicable) shall install street lights along all streets proposed to be dedicated to the public. 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 Ordinance.** All street lights shall be in full compliance with the Village of Elk Mound Outdoor Lighting Ordinance (if enacted). 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 Article 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 Subdivider or Condominium Developer (as applicable) 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 14-1-50(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/Developer 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 Landscape Plan (See Section 14-1-45) approved by the Village Board, upon the recommendation of the Plan Commission. 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 shall be specified in the Subdivider's Agreement ("Development Agreement") and appropriate sureties shall be provided.
- (b) **Landscape Maintenance.** Maintenance of all landscaping included in an approved Landscape Plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, of a Subdivision Plat 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 14-1-1(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. Said required street trees shall be planted within

five (5) feet, but outside of, the public street right-of-way. All required street trees shall be installed by the Subdivider or Condominium Developer (as applicable) in accordance with plans and specifications, including the Village of Elk Mound Tree Ordinance (Title 6, Chapter 4) including any spacing requirements of the Village of Elk Mound 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 Subdivider 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 Subdivider 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 departments, utilities and agencies serving the Village, shall require utility easements for poles, sanitary sewer, wire communications conduits, storm sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground 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, upon the recommendation of the Plan Commission, 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 Plat Traversed by Watercourse, Drainageway Channel, or Stream.** Where a Subdivision, Certified Survey Map, or Condominium Plat is traversed by a watercourse, drainageway channel, or stream, an adequate drainageway or easement shall be provided as required by the Village Board, upon the recommendation of the Plan Commission. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the approval of the Village Board, upon the recommendation of the Plan Commission, 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 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 Subdivider/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 Subdivider or Condominium Developer (as applicable) shall plant those grasses, trees, and vines, the species and size, as approved by the Village Board, upon the recommendation of the Plan Commission, necessary to prevent soil erosion and sedimentation. The Subdivider or Condominium Developer (as applicable) shall also comply with Title 15, Chapter 2 "Construction Site Erosion Control" of the *Village of Elk Mound Code of Ordinances* as amended, whichever is most restrictive. In addition:

- (a) **Installation of Protection and Rehabilitation Measures.** The Village Board, upon the recommendation of the Plan Commission, shall require the Subdivider or Condominium Developer (as applicable) 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 14-1-53(d) and Article I of this Chapter for natural resource features protection, the approved Landscape Plan for the property as described in Section 14-1-44, and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, 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, upon the recommendation of the Plan Commission, 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 Section 14-1-53(d)].
- (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 or designee.
- (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 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 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 Elk Mound 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 Main Plans and Profiles.** Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities, when located with a Village of Elk Mound adopted existing or proposed sanitary sewer service area.
  - (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 Subdivider 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) **Landscape and Planting Plans.** Landscape and planting plans (see Section 14-1-44) showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
  - (9) **Additional Plans.** Additional special plans or information as required by Village officials.
- (d) **Maintenance of Improvements During Construction.** The Subdividers 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) **Preservation of Existing Trees and Flora.** The Subdivider 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 in accordance with the Natural Resource Protection Plan. 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 Subdivider's or Condominium Developer's (as applicable) 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 Subdivider or Condominium Developer (as applicable) 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 Subdivider or Condominium 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, Condominium or Landscape Plan for preservation is destroyed or razed during the construction process, the Subdivider or Condominium Developer (as applicable) shall replace such tree of a like species approved by the Village Board or designee 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 Subdivider 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 Subdivider 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 Subdivider 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 and/or Public Works Department 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 Subdivider or Condominium Developer (as applicable) shall pay the Village for the costs incurred by the Village for such inspections.

(h) **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 Subdivider or Condominium Developer (as applicable) and the Village, and the plans and specifications approved by the Village Engineer, at the cost of the Subdivider or Condominium Developer (as applicable) 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 Subdivider or Condominium Developer (as applicable) is responsible for providing the improvements, and only after the Village has issued written authorization to proceed with specified improvements.

(j) **Stop Work Orders.** The Village Clerk-Treasurer, Village Engineer, Public Works Department, 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

Developer's Agreement (Development Agreement) entered into by and between the Subdivider or Condominium Developer (as applicable) and the Village, 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 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.**