

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.

Article G: Design Standards

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

- (a) **Compliance with Statutes.** In laying out a certified survey or subdivision, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable Village of Elk Mound regulations. In all cases where the requirements of this Chapter are different from the requirements of Chapter 236, Wis. Stats., the more restrictive provision shall apply. (See also Section 14-1-73).
- (b) **Dedication.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall dedicate land and improve streets as provided in this Chapter and Section 14-1-53. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to official maps adopted by the Village Board. The Subdivision, Certified Survey Map or Condominium Plat shall be so designed as to provide each lot with satisfactory access to a public street or road. (See also Section 14-1-73).
- (c) **Compliance with Comprehensive Plan and Ordinances.**
 - (1) **Land Development Compliance With Plans.**
 - a. The arrangement, character, features, and layout of land developments in the Village of Elk Mound shall be designed to comply with the standards of this Chapter, the Comprehensive Plan (Smart Growth Plan), Official Map, and/or any comprehensive utility plans or other planning documents which may pertain to the standards of design for land divisions or land developments and which have been adopted by the Village Board.
 - b. Where no such planning documents have been adopted, Subdivision, Certified Survey Map and Condominium land developments shall be designed according to engineering and planning standards approved by the Village Engineer and applied so as to properly relate the proposed land development with adjacent development, the topography, natural features, public safety and convenience, and the most advantageous development of undeveloped adjacent lands. In the absence of a street being shown on the Official Map, streets shall be provided in locations determined necessary by the Village Engineer and to the right-of-way widths required in this Article for the classification of street required.
 - (2) **Street Locations to Comply With Plans.** The arrangement, character, extent, width, grade, and location of all streets shall conform to the Village Comprehensive Plan, the Official Map, and to this Chapter, and other Village planning documents and shall be considered in their relation to: existing and planned streets, reasonable circulation of traffic, topographical conditions, run-off of storm water, public convenience and

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

- (3) **Continuation.** The arrangement of streets in new subdivisions shall make provision for the appropriate continuation at the same or greater width of the existing streets in adjoining areas.
- (d) **Areas Not Covered by Official Map or Plan.** In areas not covered by an Official Map or the Village Comprehensive Plan, the layout of streets shall conform to the plan for the most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes and existing tree growth, public convenience and safety and in their appropriate relation to the proposed use of the land to be served by such streets.
- (e) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
- (f) **Streets Classifications.** Streets shall be required and classified by the Village Engineer in accordance with the Village Comprehensive Plan and where not identified in said plan, in accordance with sound engineering standards, into the classifications indicated below with the designated minimum widths:
 - (1) **Arterial Streets.** Arterial streets, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
 - (2) **Collector Streets.** Collector streets, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
 - (3) **Minor Streets.** Minor streets, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (4) **Proposed Streets.** Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.

- (g) **Arterial Street and Highway Protection.** Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- (h) **Reserve Strips.** Reserve strips, strips which prevent access to public street, shall not be provided on any Subdivision, Certified Survey Map or Condominium Plan to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Board.
- (i) **Alleys; Cul-de-Sac Streets.**
- (1) **Commercial and Industrial.** Alleys may be provided in commercial and industrial districts. The width of the right-of-way for residential alleys shall be not less than twenty-four (24) feet and the width of the right-of-way for commercial and industrial alleys shall be not less than thirty-two (32) feet. Alleys shall be constructed according to base and surfacing requirements for streets.
 - (2) **Residential.** Alleys shall not be approved in residential areas unless necessary because of topography or other exceptional circumstances.
 - (3) **Temporary Street Termination.** Dead-end alleys are prohibited except under very unusual circumstances, and crooked and "T" alleys shall be discouraged. Temporary dead-end streets shall not be over one thousand (1,000) feet in total length, shall provide for an eventual intersection spacing meeting the requirements of this Chapter and shall provide for temporary cul-de-sacs or turnarounds as approved by the Village Engineer. Temporary termination of streets intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the standards set forth below, or by construction of a temporary "T" intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right-of-way lines of the access street on each side.
 - (4) **Design of Cul-de-Sac Streets.** Cul-de-sac streets designed to have one (1) end permanently closed shall not exceed seven hundred fifty (750) feet in length. All urban cul-de-sac streets designed to have one (1) end permanently closed shall terminate in a circular or tear-drop turn-around having a minimum right-of-way radius of sixty-six (66) feet and a minimum outside curb radius of fifty-one (51) feet to the face of the curb. The use of cul-de-sacs shall be held to a minimum and permanently dead ended streets shall be prohibited.
- (j) **Continuation.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the Village Board determines such extension is not necessary or desirable for the coordination of the layout of the Subdivision,

- Certified Survey Map or Condominium with existing layout or the most advantageous future development of adjacent tracts.
- (k) **Access to Public Streets Required.** The Certified Survey Map or Subdivision shall be designed so as to provide each lot with satisfactory access to a public street.
 - (l) **Frontage Roads.** Where a Subdivision, Certified Survey Map or Condominium development abuts or contains an existing or proposed arterial highway, or railroad right-of-way, the developer shall provide a frontage road, platted access restriction along the property contiguous to such highway, or such other treatment as may be determined necessary by the Village Engineer to ensure safe, efficient traffic flow and adequate protection of residential properties.
 - (m) **Private Streets.** Private streets shall not be approved nor shall public improvements be approved for any private street; all streets shall be dedicated for public use.
 - (n) **Tangents.** A tangent at least one hundred (100) feet long shall be required between reverse curves on arterial and collector streets.
 - (o) **Visibility.** Streets shall afford maximum visibility and safety for motorist bicycle, and pedestrian use and shall intersect at right angles, where practicable. A minimum sight distance with clear visibility, measured along the centerline, shall be provided of at least five hundred (500) feet on major thoroughfares, two hundred (200) feet on collector-distributor streets, and one hundred fifty (150) feet on all other streets.
 - (p) **Intersections.**
 - (1) **Angle of Intersect.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. The curved street shall intersect another street with not less than fifteen (15) feet of tangent right-of-way between the end of curvature and the right-of-way of the street being intersected.
 - (2) **Number of Streets Converging.** The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2). Cross-type intersections on local streets shall be avoided whenever possible in favor of T-type intersections. Intersections of local streets shall be at least one hundred fifty (150) feet from each other.
 - (3) **Number of Intersections — Arterial Streets.** The number of intersections along arterial streets shall be held to a minimum. Wherever practicable, the distance between such intersections shall be not less than one thousand two hundred (1,200) feet, unless otherwise determined by the Village Engineer to provide better safety.
 - (4) **Local Street Spacing.** Local streets and frontage roads intersecting with other local streets or collector streets shall, wherever practicable, be spaced no closer than three hundred (300) feet between right-of-way lines, nor closer than eight hundred (800) feet to the right-of-way of an arterial street.
 - (5) **Rounding of Property Lines at Street Intersections Required.** Property lines at street intersections may be rounded with a minimum radius of fifteen (15) feet, or of a greater radius when required by the Village Board, upon the recommendation of the

Village Engineer, or shall be cut off by a straight line through the points of tangency of an arc having a radius of fifteen (15) feet.

- (6) **Continuation of Local Streets.** Local streets shall not necessarily continue across arterial or collector streets, but if the centerlines of such local streets approach the major streets from opposite sides within two hundred fifty (250) feet of each other, measured along the centerline of the arterial or collector streets, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.
 - (7) **Additional Sight Easements.** At any intersection determined by the Village Engineer, restricted development easements or additional street right-of-way shall be platted to provide for adequate sight distances in every direction of travel. At a minimum, the subdivider shall grade, clear or otherwise provide for an unobstructed sight triangle at all intersections incorporating the area within a triangle formed by the intersection of the street right-of-way lines and a point on each right-of-way line being not less than thirty (30) feet from the intersection point.
- (q) **Street Names.**
- (1) **Village Approval.** Street names shall be approved by the Village Board following the guidelines of this Subsection.
 - (2) **Continuation; Conformance with Street Numbering.** Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes. A street name shall be changed when required to conform to the proposed or existing house numbering base.
 - (3) **Future Through Streets.** A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.
 - (4) **Name Guidelines.** The following designations are guidelines for the naming of streets:
 - a. "Boulevard." A street with a divided pavement, either existing or planned. If the divided pavement ends but the street continues, the same street name and suffix shall continue.
 - b. "Lane." To be limited to a street, one (1) block long, not ending in a cul-de-sac.
 - c. "Circle." To be limited to a cul-de-sac of nine (9) lots or more.
 - d. "Court." To be limited to a cul-de-sac of eight (8) lots or less.
 - e. "Parkway." To be limited to a street abutting a park or greenway or creek.
 - (5) **Cul-de-Sacs.** The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
 - (6) **Preliminary Name Approvals.** Approval of street names on a Preliminary Plat will not reserve the names nor shall the Village be required to accept such names at the time of final platting.

- (7) **Annexed Lands.** When a project area includes lands annexed to the Village and has a roadway with an existing name, the Village Board may rename the roadway to comply with Village street naming standards. The Village shall assign addresses to all existing parcels within the annexation area including properties with pre-existing addresses.
- (8) **Street Name Length.** Street names shall have no fewer than three (3) and no more than twelve (12) characters. A space between two (2) words is considered a character.
- (9) **Duplication.** To eliminate potential confusion and delay of emergency responses, duplication of street names shall not be permitted. Roadways with the same name but different suffix designations shall be considered duplicate roadway names (e.g. "Oak Drive" and "Oak Lane" are duplicates).
- (10) **Similar or Confusing Spelling.** To eliminate confusion, street names that are difficult to spell, have similar spelling, can be spelled several different ways or have phonetically confusing spelling shall not be approved (e.g. "Broome" vs. "Broom" - spelled two different ways).
- (11) **Unconventional Spelling.** To avoid confusion and allow for accurate communication in emergency situations, unconventional spelling of words in roadway names shall be prohibited (e.g. "Wynd Chime Lane").
- (12) **Offensive or Frivolous Names.** Roadway names that may be offensive (slang, double meanings, discriminatory, slanderous, etc.) will not be approved. Street names that could be considered frivolous or overly complicated will not be approved ("I Did It My Way").
- (13) **Vanity Names.** Roadway names that identify with a specific company, individual, family or private entity will not be approved unless it is demonstrated that such parties have made exceptional civic contributions to the community.
- (14) **Use of Roadway Type Suffix or Directional Prefix Words.** Street names that include a directional prefix or the roadway type suffix as the roadway name or in the roadway name will not be approved (e.g. "Madison Court Drive" or "West Avenue").
- (15) **Punctuation.** Punctuation is not permitted in roadway names (e.g. "New-World Court"). Names shall not include hyphens, apostrophes, or other non-letter characters.
- (r) **Limited Access Highway and Railroad Right-of-way Treatment.** Whenever the proposed Subdivision, Certified Survey Map, or Condominium contains or is adjacent to a limited access highway, arterial street or railroad right-of-way, the design shall provide the following treatment:
 - (1) **Landscape Bufferyard Easement Requirement.** When lots within the proposed Subdivision, Certified Survey Map, or Condominium back upon the right-of-way of an existing or proposed limited access highway or a railroad, a combined earthen berm (if topographically possible) and planting strip (landscape bufferyard easement) a minimum of thirty-five (35) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted

lots but shall have the following restriction lettered on the face of the plat:
 "Landscape Bufferyard Easement: This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

- (2) **Streets Serving Commercial and Industrial Properties.** Commercial and industrial properties shall have provided, on each side of the limited access highway, arterial street or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than one hundred fifty (150) feet.
- (3) **Streets Parallel to a Limited Access Highway Right-of-Way.** Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (250) feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (4) **Minor Streets Adjacent and Parallel to Railroads, Arterial Streets and Highways.** Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and the location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.
- (s) **Street and Pedestrian Way Design Standards.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the Comprehensive Plan, comprehensive plan component, Official Map, neighborhood development study, or jurisdictional highway system plan, or if no width is specified therein, the minimum widths shall be as shown as follows. Street sections are for standard arterial, collector and minor streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. The type of street cross section to be used shall be determined by the Village Board, upon the recommendation of the Village Engineer, pursuant to the following general standards:
 - (1) **Street Cross Sections – Urban Streets (Curb and Gutter).**

Type of Street or Public Way	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	*Dual 36-foot pavement (face of curb to face of curb) *24-foot median *7-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks

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Arterial Streets (two-lane)	80 feet	*48-foot pavement (face of curb to face of curb) *10.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Collector Streets	66 feet	*48-foot pavement (face of curb to face of curb) *10.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minor Streets	66 feet	*36-foot pavement (face of curb to face of curb) *9.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Minimum Cul-de-Sac	66 foot radius	*51-foot face of curb radius *9.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks
Cul-de-Sac Barrel	60 feet	*32-foot pavement (face to curb to face of curb) *8.5-foot tree banks (curb lawn) *4-foot sidewalks *1-foot outside sidewalks

(2) ***Street Cross Sections - Rural Streets.***

Type of Street or Public Way	Minimum Right-of-Way to be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	*Dual 24-foot pavement *18-foot median

		*10-foot outside shoulders
		*6-foot inside shoulder
		*16-foot roadside ditches
Arterial Streets (two-lane)	80 feet	*24-foot pavement *10-foot shoulders *28-foot roadside ditches
Collector Streets	80 feet	*24-foot pavement *10-foot shoulders *28-foot roadside ditches
Minor Streets	66 feet	*22-foot pavement *6-foot shoulders *16-foot roadside ditches
Minimum Cul-de-Sac	60 foot radius	*60-foot radius pavement *5-foot shoulders *16-foot roadside ditches
Cul-de-Sac Barrel	66 feet	*22-foot pavement *6-foot shoulders *16-foot roadside ditches

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

(a) General Requirements.

(1) Construction Standards.

- a. All roadway construction and materials used shall be performed in accordance with the construction methods as listed in the appropriate sections of the "State of Wisconsin Department of Transportation Standard Specifications for Road and Bridge Construction" and its supplements, the Village of Elk Mound Engineering Guidelines (if such Guidelines are adopted by the Village Board), and this Chapter, whichever is more restrictive.
- b. The design requirements of this Article and Section 14-1-70 shall be applicable to all streets and roads that are to be dedicated to the Village of Elk Mound, regardless of whether such streets or roads are part of a new subdivision or land division.

- c. Design requirements for the pavement shall be adequate for the zoning classification of the area served by the subject street. A street which divides areas with different zoning classifications shall be constructed in accordance with the requirements of the area requiring the higher quality pavement. Any variation of this must have prior approval of the Village Engineer.
 - d. Combination concrete curb and gutter is required on all streets, unless the Village Board has made an express exception to permit a rural-type street cross-section with ditch drainage. [Refer to the Subsection (g)(16) below describing requirements for curbs and gutters.] A copy of all design assumptions and computations on which the proposed design is based shall be submitted to the Village Board.
- (2) **Project Costs.** All roadway surveys, dedications, plans and specifications and construction will be at the expense of the Subdivision, Condominium or Certified Survey Map Developer (as applicable). This includes any expense incurred by the Village in the preparation of plans and review and inspection of plans and construction.
 - (3) **Preliminary Consultation.** Prior to the design, preparation and construction of any roadway to be dedicated to the Village of Elk Mound, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall notify the Village Engineer. An on-site meeting will then be arranged to be attended by the Village Engineer and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). Plans must be provided in order for the Village Engineer to check the design and the drainage.
 - (4) **Material Slips.** Copies of material slips for all materials furnished for the road construction projects shall be delivered to the Village before the Village approves the final construction.
 - (5) **Required Inspections.** Prior to the commencement of any street construction, the Subdivider shall notify the Village Engineer, at least one (1) workday in advance, as to the nature of the work being done. The Village Engineer shall be contacted for required inspections before and after the following phases of construction:
 - a. Subbase grading;
 - b. Crushed aggregate base course;
 - c. Concrete gutters, curbs and sidewalks;
 - d. Bituminous surface course; and
 - e. Shouldering.Any deficiencies found by the Village Engineer shall be corrected before proceeding to the next phase of construction.
 - (6) **Tests of Materials.** The Village of Elk Mound reserves the right to obtain a sample of the roadway base material prior to placement on the roadway for purposes of determining whether the material meets gradation and soundness requirements.

- (7) **Pavement Samples.** Samples of bituminous concrete may be taken by the Village during pavement construction operations for purposes of determining that the material meets specifications.
- (b) **Roadway Elevations; Interval Floods.** Elevations of roadways passing through floodplain areas shall be designed in the following manner:
 - (1) **Arterial Streets.** Freeways and arterial streets and highways shall be designed so they will not be overtopped by the 100-year recurrence interval flood.
 - (2) **Collector Streets.** Collector streets shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
 - (3) **Local Streets.** Local streets shall be designed so they will not be overtopped by the 25-year recurrence interval flood.
- (c) **New and Replacement Bridges and Culverts.**
 - (1) **Applicable Standards.** All new and replacement bridges shall be constructed in accordance with all applicable Wisconsin Statutes and state regulations, and shall be submitted to the Wisconsin Department of Natural Resources to ensure compliance therewith.
 - (2) **Waterway Bridges.** All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood:
 - a. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure.
 - b. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.
- (d) **Street Grades.**
 - (1) **Generally.** Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography.
 - (2) **Changes in Street Grade.** All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to fifteen (15) times the algebraic difference in the rates of grade for arterial streets, and one-half this minimum for all other streets.
 - (3) **Maximum Centerline Grades.** Unless necessitated by exceptional topography subject to the approval of the Village Board, upon the recommendation of the Village Engineer, the maximum centerline grade of any street or public way shall not exceed the following:

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- a. Arterial and collector streets: Six percent (6%).
 - b. Minor streets, alleys and frontage streets: Eight percent (8%).
 - c. Bicycle paths: Five percent (5%) and meeting all applicable guidelines and standards promulgated by the American Association of State Highway and Transportation Officials (AASHTO) in its *Guide for the Development of Bicycle Facilities*, most recent addition.
 - d. Pedestrian ways: Eight percent (8%) and meeting all applicable Americans with Disabilities Act (ADA) "Accessibility Guidelines."
 - e. Equestrian trails: Eight percent (8%).
- (4) **Maximum Grade.** The grade of any street shall in no case exceed twelve percent (12%) or be less than one-half of one percent (0.5%).
- (5) **Grade Variations.** Street grades may be varied as provided for in Subsection (e)(3) above.
- (e) **Radii of Curvature.**
- (1) **Standards.** When a continuous street centerline deflects at any one (1) point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
 - a. Arterial streets and highways: Five hundred (500) feet.
 - b. Collector streets: Three hundred (300) feet.
 - c. Minor streets: One hundred (100) feet.
 - d. Rural and suburban streets: May be less than one hundred (100) feet in environmentally-sensitive areas as determined by the Village Board, upon the optional recommendation of the Plan Commission.
 - (2) **Reverse Curve Tangents.** A tangent at least one hundred (100) feet in length shall be provided between reverse curves on arterial and collector streets.
- (f) **Half-Streets.** Where an existing dedicated or platted half-street is adjacent to the tract being subdivided by either a Subdivision Plat or Certified Survey Map, the other half of the street shall be dedicated by the Subdivider or Condominium Developer (as applicable). The platting of new half-streets shall not be permitted.
- (g) **Construction Standards.** All streets and highways constructed in the Village or to be dedicated to the Village shall fully comply with the following construction standards, and shall be adequate for the zoning classification or projected use of the area served by the street:
- (1) **General Requirements; Building Permit Issuance.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Unless phasing of construction of improvements is approved by the Village Board or its designee, building permits shall not be issued prior to the installation of the street improvements and the approval of an individual lot grading plan that conforms to the guidelines of the master site grading plan, as determined by the Village Engineer, or his/her designee.

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- (2) **Street Right-of-Ways.** Streets shall have a right-of-way width as established on the Official Map or as designated in Section 14-1-71(t), provided, however, that a greater or lesser roadway width may be required by the Village Engineer where necessary to assure uniformity along the entire length of any street.
 - (3) **Temporary Streets.** Construction of temporary streets shall require authorization of the Village Board, upon the recommendation of the Village Engineer.
 - (4) **Standard Street Improvements.**
 - a. Standard street improvements shall include street lights, concrete curb and gutter, base course, bituminous base course, bituminous surface course and, when required, walkways.
 - b. The construction of standard street improvements can begin only when either:
 1. The underground utilities were installed in the previous construction season; or
 2. The construction of underground utilities included mechanical compaction and compaction tests have been approved by the Village Engineer.
 - c. Upon obtaining the written approval of the Village Engineer the Subdivision, Condominium or Certified Survey Map Developer (as applicable) can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Village Engineer.
 - (5) **Phasing of Paving.** Where he/she deems appropriate, the Village Engineer may require that pavement construction take place over a two (2) year period, with the lower coat being placed in the same year as the underground utilities are constructed and with the upper coat being placed in the following year, after thorough cleaning and application of a tack coat to the first coat.
 - (6) **Roadway Base Standards.**
 - a. After the installation of temporary block corners monuments by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and approval of street grades by the Village Engineer, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
 - b. Cut and filled lands shall be graded to a maximum slope of one (1) on four (4) or the soils angle of repose, whichever is the lesser and covered with permanent vegetation.
 - c. Residential streets shall have a minimum eight (8) inch thick, compacted in-place, crushed limestone aggregate base, gradation No. 2, conforming to requirements

of Section 304 — Crushed Aggregate Base Course of "State of Wisconsin, Standard Specifications For Road and Bridge Construction," latest edition, which conforms to following gradation specifications:

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

- d. On commercial, arterial or other heavy-use streets, as determined by the Village Engineer, a ten (10) inch minimum depth crushed limestone aggregate base course, gradation No. 2, shall be constructed upon an inspected and approved subgrade conforming to the specifications in Subsection (b)(5)c above.
 - e. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for such roads after researching the site(s) and conducting a soil analysis for separate pavement design analysis.
 - f. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to.
 - g. In all cases, the base course shall be compacted to the extent necessary to produce a condition so that there will be no appreciable displacement of material laterally and longitudinally under traffic and shall conform to line, grades and shape shown on the approved plans, profiles and cross sections.
 - h. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall furnish drawings which indicate the proposed grades of streets shown on the plat and, after approval of those grades by the Village Engineer and adoption by the Village Board, the streets shall be graded to full width of the right-of-way of the proposed street to the subgrade elevations shown on the typical cross-section.
 - i. All stumps and trees which cannot be saved, boulders and other similar items shall be removed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).
- (7) **Roadway Subgrade Quality.** If deemed necessary by the Village Engineer, tests may be required according to the following standards:
- a. All subgrade material shall meet standards required by the Village Engineer. Inferior subgrade material shall be removed and replaced with a suitable fill material, or the pavement must be designed to compensate for the soil conditions.

- b. Stable and nonorganic sub-base material is required. All topsoil shall be first removed. In addition, all subsoils which have a high shrink-swell potential, low-bearing capacity when wet, or are highly elastic shall be removed to a minimum depth of fifteen (15) inches below the top of the subgrade and used outside of the right-of-way. Where both subsoil and substratum have a high shrink-swell potential and low-bearing capacity when wet, an underdrain system shall be installed to remove water from the sub-base. Unstable and organic material must be subcut, removed and replaced with a suitable granular material placed over a geotextile fabric laid on top of the subgrade. Granular material shall be approved by Village Engineer. Geotextile material shall be Type SAS material.
- (8) **Roadway Grading; Ditches.** Roads shall be graded to their full width in accordance with approved plans, plus an additional distance necessary to establish a four-to-one (4:1) backslope where ditches are allowed by the Village Board. The roadway shall be compacted and graded to a subgrade using, where necessary, approved fill material in accordance with Wisconsin Department of Transportation standards. Roadside ditches, where allowed by the Village, shall be a minimum of twenty-six (26) inches below the finished roadway centerline elevation, or as approved by the Village Engineer. Debris may not be buried in the designated road right-of-way. Roadway ditches shall have a normal slope ratio of three-to-one (3:1) ditch from the edge of the shoulder to the bottom of the ditch and two-to-one (2:1) on the back slope.
- (9) **Pavement Thickness.**
- a. Local residential and rural-type roads shall have a minimum of three and one-half (3-1/2) inches thick compacted hot-mix asphalt concrete pavement, placed in two (2) lifts — a binder course of two (2) inches thick and a surface course of one and one-half (1-1/2) inch.
 - b. On commercial, arterial or other heavy-use roads, there shall be a minimum of four (4) inches of bituminous concrete pavement, placed in two (2) layers — a binder course of two and one-half (2-1/2) inches thick and a surface course of one and one-half (1-1/2) inches thick.
 - c. The binder course being placed initially upon completion of the utilities, and the surface course being placed within one (1) year after the date the binder course was placed. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board, upon the recommendation of the Village Engineer.
 - d. In the case of commercial, arterial or other heavy-use roads, the Village Board may, in the alternative to the above standards, have the Village Engineer provide specifications for paving such roads with a greater thickness after researching the site(s) and conducting a soil analysis. In any case, the Village Board shall have the sole discretion in determining the use and construction classification to be adhered to. In no event shall paving occur later than eighteen (18) months from the Village's approval of the Final Plat or Certified Survey Map.

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- e. The final lift will be installed after all utility construction and grading are completed and heavy truck and construction equipment traffic on the new street is minimal.
 - f. All subsequent shouldering where ditches are allowed shall be brought to even grade with the bituminous mat.
- (10) **Shoulder Width — Rural Profile Streets.**
- a. A shoulder a minimum of four (4) feet wide on each side of the road is required where curb and gutter is not used, and wider when required by the Village Engineer or the "Town Road Standards" as noted in Sec. 86.26, Wis. Stats.
 - b. Where ditches are allowed by the Village Board, road shoulders shall have a minimum thickness of two and one-half (2-1/2) inches of compacted in-place crushed state-approved aggregate base course, over a minimum six (6) inches of compacted in-place crushed state-approved aggregate base course, except that shoulder thickness shall match the thickness of the pavement, provided that there is a minimum shoulder thickness of six (6) inches.
- (11) **Roadway Culverts and Bridges.**
- a. Roadway culverts and bridges shall be constructed as directed by the Village Engineer and sized utilizing the methods listed in Chapter 13, entitled "Drainage," of the Wisconsin Department of Transportation's *Facilities Development Manual*. All roadway culverts shall be provided with concrete or metal apron endwalls.
 - b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall provide adequate facilities to provide surface water drainage as well as free flow outlets for subsurface drain tile where they are required. Where drainage facilities will aid in road construction and the stabilization of the road's subgrade, drainage facilities shall be installed before road construction is started.
- (12) **Driveways.**
- a. Curbs shall not be interrupted by openings for driveways or other accessways to private property unless the number and location of such interruptions have been approved pursuant to Title 6, Chapter 3 of this Code of Ordinances.
 - b. Driveway specifications shall be as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
 - c. Driveway culverts shall be sized by the Public Works Department or Village Engineer (if appropriate). The culverts shall be placed in the ditch line at elevations that will assure proper drainage, and they shall be provided with concrete, metal or landscape timber endwalls. Driveway culverts shall be installed as prescribed in Title 6, Chapter 3 of this Code of Ordinances.
- (13) **Topsoil, Grass, Seed, Fertilizer and Mulch.** All disturbed areas (ditches, backslopes) within the road right-of-way not provided with pavement and shouldering material shall be restored utilizing four (4) inches of topsoil and good quality grass seed, fertilizer and mulch. Ditches along the roadway shall be protected by erosion control materials such as hay bales, sod, erosion control mats, etc.

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- (14) **Drainage Improvements.** In the case of all new roads and streets, the Village Engineer may require that storm water retention areas and storm sewers be constructed in order to provide for proper drainage.
- (15) **Continuity and Transitions.**
- a. All street pavement widths on streets continued from previously developed or platted streets shall, wherever practical, provide for the greater of either the existing or required pavement type, width, grade and cross slope.
 - b. Where it is necessary to provide for a transition of pavement width and/or type between new and existing streets, the transition shall occur in a safe manner at an intersection. In the event a transition in pavement width cannot safely occur at an intersection, it shall not occur closer than two hundred fifty (250) feet to the intersection of right-of-way lines. In width transitions, the ratio of the transition length to width shall not be less than fifteen to one (15:1) unless the Village Engineer determines that special circumstances prevent use of such ratio, in which case the minimum transition ratio shall be ten to one (10:1).
- (16) **Curb and Gutter.** Combination concrete curb and gutter is required on all streets, except where the Village Board has made an express exception to permit a rural-type street cross-section with ditch drainage. Curb and gutter in residential areas shall be either barrier type or mountable type. Barrier type curb and gutter shall have a six (6) inch barrier curb with a twenty-four (24) inch flag; except at driveway aprons where a depressed curb shall be constructed. Mountable type curb and gutter shall have been thirty (30) inches wide with an eighteen (18) inch flag. The top of the back of the mountable curb shall be three (3) inches above the gutter flowline. Depress curb shall be constructed at all handicap ramps for sidewalks and bikeways. Said curb and gutter shall be constructed of concrete, 3500 PSI strength at twenty-eight (28) days. Expansion joints one-half (1/2) inch thick shall be placed in the curb at each starting and ending of a radius and at intervals not exceeding three hundred (300) feet and where otherwise directed by the Village Engineer. Tie bars shall be provided where curb and gutter is adjacent to rigid pavements. The standards of Section 14-1-54 shall also be complied with, whichever is more restrictive.
- (17) **Post-Construction Traffic Limited.** No vehicular traffic shall be permitted on the pavement for a minimum period of between twenty-four (24) and seventy-two (72) hours following paving, as determined necessary by the Village Engineer to protect the new pavement.
- (h) **Final Inspection.** Upon completion of proposed streets, the Village Engineer will proceed to make a final inspection, accepting or rejecting the street as the case may be. After all of the provisions of this Chapter have been complied with, the street will be inspected by Village officials and, at that time, proof will be made by the presenting of waivers of liens or receipted bills that all work that has been done has been paid for, or arrangements have been made for the payment through written instrument by the Subdivision, Condominium

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or Certified Survey Map Developer (as applicable). If the street is rejected, corrections shall be made as required by the Village Board, upon the Village Engineer's recommendation, before final inspection can then be made again. If final acceptance is then made, the owner or owners shall dedicate to the Village all land necessary for streets. The Village may require an unsecured warranty regarding the fitness of street improvements after the expiration of the fourteen (14) month security.

Sec. 14-1-72 Block Design Standards.

- (a) **Length; Arrangement.** The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated, but block length (measured in the long dimension from street centerline to street centerline) shall not be less than five hundred (500) feet nor exceed one thousand two hundred (1,200) feet nor have less than sufficient width to provide for two (2) tiers of lots of appropriate depth between street lines. Blocks shall be so designated as to provide two (2) tiers of lots, unless it adjoins a railroad, major thoroughfare, river or park where it may have a single tier of lots. Cul-de-sacs may be used where the interblock spacing of adjacent streets exceeds the appropriate depth of two (2) tiers of lots.
- (b) **Pedestrian Pathways.** Pedestrian pathway easements not less than ten (10) feet wide, may be required by the Village Board through the center of a block more than nine hundred (900) feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.
- (c) **Sidewalks.** Sidewalks shall be constructed according to the standards in Section 6-2-2 of this Code of Ordinances. In areas where sidewalks and bikeways are to be laid to the established grade of the street, the street edge of the sidewalk or bikeway pavement shall be at an elevation above the top of the curb determined by a slope of one-half (1/2) inch per foot times the distance between the curb and the street sidewalk or bikeway edge. The sidewalk or bikeway pavement shall be sloped at a minimum of one-fourth (1/4) inch per foot and a maximum of three-fourths (3/4) inch per foot toward the street — unless public drainage is available behind the sidewalk or bikeway.
- (d) **Bikeways.** Bikeways shall be constructed of bituminous pavement in accordance with standard Village specifications.
- (e) **Street Tree Planting Strip Easements.** Tree planting strip easements shall be provided for on both sides of all streets when the street terrace is insufficient. The minimum easement width shall be ten (10) feet and shall be adjacent to the front property line.

Sec. 14-1-73 Lot Design Standards.

The size, shape, and orientation of lots shall be appropriate for the location of the Subdivision or Certified Survey Map development and for the type of development and use contemplated.

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

- (a) **Area and Dimensional Requirements of Lots.**
 - (1) Area and dimensions of all lots shall conform to the requirements of the Village of Elk Mound Zoning Code for the subdivisions within the Village and to the Extraterritorial Zoning Code (if created) for lands within the Village's extraterritorial jurisdictional limits.
 - (2) Lots shall contain sufficient area to permit compliance with all required zoning setbacks.
- (b) **Depth of Lots.** Excessive depth in relation to width shall be avoided and a proportion of three to two (3:2) shall be considered a desirable ratio under normal conditions. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.
- (c) **Width of Lots.** Width of lots shall conform to the requirements of the Village Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than eighty (80) (80) feet in width at the building setback line.
- (d) **Minimum Lot Frontage.** In addition to the standards in Subsection (c) above, all lots on curved streets or cul-de-sacs shall have a minimum of forty (40) feet of platted frontage on a public street [eighty (80) feet at the building setback line] to allow access by emergency and service motor vehicles unless part of a Planned Unit Development approved by the Village Board. Alley frontage (public or private) shall not constitute meeting this minimum frontage requirement.
- (e) **Lands Lying Between Meander Line and the Water's Edge.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- (f) **Commercial or Industrial Lots.** Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated, as required by the Village Zoning Code.
- (g) **Lots Where Abutting Arterial Highway.** Residential lots adjacent to major and minor arterial streets and highways and/or railroads shall be platted with an extra fifteen (15) feet of lot and an extra fifteen (15) feet of minimum yard setback and shall otherwise be designed to alleviate the adverse effects on residential adjacent lots platted to the major street, highway, railroad or other such features.
- (h) **Corner Lots.** Corner lots for residential use shall have extra width of fifteen (15) feet to permit full building setback from both streets, or as required by applicable zoning regulations.
- (i) **Building Setback Lines.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning

district in which the Subdivision, Certified Survey Map, or Condominium is located, may be required by the Village Board, upon the recommendation of the Plan Commission, and shall be shown on the Final Plat, Certified Survey Map, and Condominium Plat. This provision includes requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line; requiring greater setbacks to conform to setbacks of existing adjacent development; requiring greater setbacks to accommodate a unique design; requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles; setting special yard requirements to protect natural resources or requiring greater setbacks along arterial streets and highways to meet the requirements of TRANS 233, Wis. Adm. Code.

- (j) **Double and Reversed Frontage Lots.** Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- (k) **Natural Features.** In the dividing of any land, regard shall be shown for all natural features, such as tree growth, water courses, historic spots or similar conditions which, if preserved, will add attractiveness and stability to the proposed development.
- (l) **Land Remnants.** All remnants of lots below minimum size left over after dividing of a larger tract must be added to adjacent lots, or a plan shown as to future use rather than allowed to remain as unusable parcels.
- (m) **Redivision of Large Lots.** In case a tract is divided and results in parcels of more than twice the minimum lot size provided for by the Village of Elk Mound Zoning Code for the zoning district in which the land is located, such parcels shall be so arranged to permit re-dividing into parcels in accordance with this Chapter and with the Zoning Code.
- (n) **Trunk Highway Proximity.** All lots adjacent to state trunk and federal highways shall be platted with additional depth necessary to provide for a building setback line not less than fifty (50) feet from the nearer right-of-way line or one hundred ten (110) feet from the centerline, whichever is more restrictive (Ref. Wis. Adm. Code HY 33). The Subdivider/Developer may appeal this requirement to the Village Engineer. Upon written request of the Village Engineer; the Wisconsin Department of Transportation is hereby authorized to then determine building setback requirements equal to or less than those required above in all land divisions (including certified surveys) adjacent to state and federal highways in accordance with the authority granted in the Wisconsin Administrative Code. The required building setback line and additional lot depth shall be platted so as to accommodate such required building setbacks.
- (o) **Easement Allowance.** Lots containing pedestrian or drainage easements shall be platted to include additional width in allowance for the easement.
- (p) **Drainage Way and Watercourses.** Lots abutting upon water course, drainage way, channel or stream shall have such additional depth or width as required by the Village Engineer to obtain building sites that are not subject to flooding from a post development one hundred (100) year storm.

- (q) **Flag Lots.** Creation of flag lots is prohibited.
- (r) **Restrictions Prohibiting Development.** Whenever a lot appearing on a Final Plat, Condominium Plat, or Certified Survey Map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Village, shall appear on the face of the plat or map.

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

(a) Purpose.

- (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall construct stormwater drainage facilities, adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. Applicable standards to be complied with are as prescribed in this Chapter and in Title 15, Chapter 3 Post-Construction Stormwater Management, whichever is most restrictive.
- (2) Shoreland drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- (3) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall assume the cost of installing all storm sewers of thirty-six (36) inches or smaller within the proposed subdivision, except for the added cost of installing storm sewers greater than thirty-six (36) inches which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay to the Village, a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
- (4) The following provisions in this Section are established to preserve and provide properly located public sites and facilities for drainage and stormwater management as the community develops, and to insure that the costs of providing and developing

such public sites are equitably apportioned on the basis of serving the need for the management of increased stormwater quantities resulting from land development.

- (b) **Drainage System Required.** As required by Section 14-1-56, a drainage system shall be designed and constructed by the Subdivider/Developer to provide for the proper drainage of the surface water of the land division and the drainage area of which it is a part. Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. A Final Plat or Condominium Plan shall not be approved until the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall submit plans, profiles and specifications as specified in this Section, which have been prepared by a registered professional engineer and approved or modified by the Village Board, upon the recommendations of the Plan Commission and/or Village Engineer.
- (c) **Drainage System Plans.**
 - (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall submit to the Village at the time of filing a Final Plat a drainage plan or engineering report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the subdivision to handle the additional runoff which would be generated by the development of the land within the project. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed Subdivision. The report shall also include:
 - a. Estimates of the quantity of stormwater entering the subdivision naturally from areas outside the subdivision.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (2) A grading plan for the streets, blocks and lots shall be submitted by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) for the area within the land development.
 - (3) The design criteria for storm drainage/detention systems shall be based upon information provided by the Village Engineer, and a plan for permanent maintenance.
 - (4) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, sod, etc.) shall be in compliance with specifications provided by the Village Engineer.
- (d) **Drainage Plan Information.** In addition to the requirements of any other applicable stormwater runoff ordinance, the final drainage plan shall contain the following information:
 - (1) Scale, north point and date of preparation.
 - (2) The number of acres draining into the land development and the number of acres in the development.

- (3) Lot numbers corresponding to the plat.
- (4) Direction of flow indicated by arrows on all lot lines, grades along lot lines, elevations of break points along lot lines, and the distance from the nearest lot corner in the break point.
- (5) Easements which shall be on the final plat.
- (6) Contour information shall be provided in the drainage plan at vertical intervals of not more than two (2) feet, where the slope is less than ten percent (10%), and not more than five (5) feet, where the slope is greater than ten percent (10%). All elevations shall be based on the verified datum plan of the USGS.
- (7) Reference to an established USGS benchmark.
- (8) Acres to be filled showing the depth of fill, existing elevation and proposed elevation.
- (9) Typical proposed street and ditch cross sections.
- (10) All culvert sizes, where applicable.
- (11) Where a development is to be serviced by a storm sewer or sump pump shallow collector sewer, the size of pipe, proposed elevations, discharge points, inlets and lateral size shall be indicated.
- (12) Area where water is to be discharged from the land development and the proposed amount of discharge. Where required by state, federal, county or local regulations, detention facilities shall be specified with a designation and description of impact on surface water discharge.
- (13) The final grade elevations and grade of the drainage ways in percent slope shall be provided along the front, rear and side yard lot lines. Each lot shall have an established grade identified at each corner of the lot or parcel and at any change in grade or slope along the front, rear and side yard lot lines and for the ground grade at the foundation.
- (14) The land development shall note on the Final Plat that the Village of Elk Mound requires the maintenance of lot drainage plans on a permanent basis. Said recording shall have the effect of deed restrictions requiring that permanent lawns be established in conformance with the lot drainage plan elevations within one (1) year after initial occupancy of any house. Restrictions shall further provide that failure to maintain grades in accordance with storm water or drainage plans shall entitle the Village or its representatives thereof to direct compliance or upon failure of compliance to make said lands come into compliance. The costs and expenses shall be entered on the tax roll as a special charge against the property and collected with other taxes levied therein.
- (15) The deed restrictions noted on the final plat shall include notice that building permits and occupancy permits may be withheld for noncompliance with the plat or Village ordinance(s) as follows:
 - a. In the event that the surface drainage facilities required by the plat which are applicable to the lot for which a building permit has been applied for have not

been complied with, the Building Inspector may withhold building permits required by the Village of Elk Mound Building Code (Title 15).

- b. In the event that after construction there is a failure to establish surface grades in accordance with the subdivision surface water plan, the Building Inspector may withhold the occupancy permit required by the Building Code.
- (16) Any other information which shall be required by the Village of Elk Mound.
- (e) **Final Drainage Plan Transparency.** A reproducible transparency of the final drainage plan shall be supplied to the Village prior to the approval of the Final Plat.
 - (f) **Storm Inlet Restrictive Covenants.**
 - (1) Where the final drainage plan requires a storm inlet to adequately drain the rear portion of lots within blocks of the land development, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall incorporate restrictive covenants in the deeds for the aforementioned lots that the respective lot owners shall be responsible for maintaining a clear grate on the aforementioned storm drainage inlets. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall also incorporate restrictive covenants in the deeds of any parcel abutting any drainage way/easement specific in the plat requiring the maintenance of grades and notice that the owner shall be subject to assessments necessary to remedy encroachments and obstructions by said lot owner.
 - (2) The restrictive covenants in the deeds and as noted on the face of the plat shall notify the owner of any parcel within the land development that the lot or parcel shall also be subject to special assessments for any and all work necessary to maintain the final drainage plan in accordance with the specifications of the plat.
 - (g) **Grading.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade each subdivision in order to establish street, block and lot grades in proper relation to each other and to topography as follows:
 - (1) The Subdivider/Developer shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans.
 - (2) Block grading shall be completed by one (1) or more of the following methods:
 - a. A ridge may be constructed along the rear lot lines which provides for drainage onto the streets.
 - b. Parts of all lots may be graded to provide for drainage to the street or to a ditch along the rear lot line.
 - c. Draining across rear or side lot lines may be permitted provided that drainage onto adjoining properties is skillfully controlled.
 - (h) **Drainage System Requirements.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install all the storm drainage facilities indicated on the plans required in Subsection (a) of this Section necessary to serve, and resulting from, the phase of the land division under development:
 - (1) **Street Drainage.** All streets shall be provided with an adequate storm drainage system. The street storm system shall serve as the minor drainage system and shall

be designed to carry street, adjacent land and building stormwater drainage. Storm water shall not be permitted to be run into the sanitary sewer system within the proposed subdivision.

- (2) **Off-Street Drainage.** The design of the off-street major drainage system shall include the entire watershed affecting the land division and shall be extended to a watercourse or ditch adequate to receive the storm drainage. When the drainage system is outside of the street right-of-way, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall make provisions for dedicating an easement to the Village to provide for the future maintenance of said system, per Subsection (j).
- (i) **Protection of Drainage Systems.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) subdivider shall adequately protect all ditches to the satisfaction of the Village Engineer. Ditches and open channels shall be seeded, sodded or paved depending upon grades and soil types. [Generally ditches or channels with grades up to one percent (1%) shall be seeded; those with grades up to four percent (4%) shall be sodded, and those with grades over four percent (4%) shall be paved.]
- (j) **Drainage Easements.** Where a Subdivision, Certified Survey Map or Condominium project is traversed by a watercourse, drainageway, channel or stream:
 - (1) There shall be provided a stormwater easement or drainage right-of-way conforming substantially to the lines of such watercourse and such further width or construction, or both, as will be adequate for the purpose and as may be necessary to comply with this Section; or
 - (2) The watercourse, drainageway, channel or stream may be relocated in such a manner that the maintenance of adequate drainage will be assured and the same provided with a stormwater easement or drainage right-of-way conforming to the lines of the relocated watercourse, and such further width or construction, or both, as will be adequate for the purpose and may be necessary to comply with this Section; or
 - (3) Wherever possible, drainage shall be maintained in an easement by an open channel with landscaped banks and adequate width for maximum potential volume flow. In all cases, such easements shall be of a minimum width established at the high water mark or, in the absence of such specification, not less than thirty (30) feet.
- (k) **Dedication of Drainageways.**
 - (1) Whenever a parcel is to be subdivided or consolidated and embraces any part of a drainageway identified on a Village Comprehensive Storm Water Management Plan, Comprehension Plan and/or Official Map or any portion thereof, such part of said existing or proposed public drainageway shall be platted and dedicated by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) as an easement or right-of-way in the location and at the size indicated along with all other streets and public ways. Maintenance arrangements shall be as prescribed in Subsection (n) below.
 - (2) Whenever any parcel is to be subdivided or consolidated and is part of a drainage district established under the authority of Chapter 88, Wis. Stats., the Subdivision,

Condominium or Certified Survey Map Developer (as applicable) shall petition the Circuit Court to transfer the jurisdiction of that portion of the drainage district being subdivided or consolidated to the Village in accordance with Ch. 88.83, Wis. Stats.

- (l) **Dedication/Preservation of Stormwater Management Facilities.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall dedicate sufficient land area for the storage of stormwater to meet the needs to be created by the proposed land development and in accordance with the standards for on-site detention and as determined by the Village Engineer. Whenever a proposed stormwater management facility (e.g., detention or retention basin) shown on the Comprehensive Stormwater Management Plan, master plan and/or official map is located, in whole or in part, within the proposed land division, ground areas for providing the required storage capacity in such proposed public facility shall be dedicated to the public or property owners association, as determined by the Village, to the requirements of the master plan and/or official map. Storage areas necessary to serve areas outside the land division shall be held in reserve for a period of five (5) years from the date of final plat approval for future dedication to the Village or other appropriate agency.
- (m) **Storm Drainage Facilities.**
 - (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable), at his/her cost, shall install all drainage facilities identified in the Erosion Control Plan or determined by the Village Engineer as being necessary for the management of all lands and roadways within the development. In addition, drainage capacity through the development from other areas shall be provided in accordance with a Comprehensive Surface Water Management Study, if applicable. All required storm drainage facilities shall be constructed and operational prior to acceptance of any dedications and/or public improvements served by the storm drainage facilities.
 - (2) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall submit to the Village Engineer for his/her review and approval a report on the ability of existing watercourse channels, storm sewers, culverts and other improvements pertaining to drainage or flood control within the land division to handle the additional runoff which would be generated by the development of the land within the land division. Additional information shall be submitted to adequately indicate that provision has been made for disposal of surface water without any damage to the developed or undeveloped land downstream or below the proposed land division. The report shall also include:
 - a. Estimates of the quantity of storm water entering the land division naturally from areas outside the land division.
 - b. Quantities of flow at each inlet or culvert.
 - c. Location, sizes and grades of required culverts, storm drainage sewers and other required appurtenances.
 - (3) A grading plan for the streets, blocks and lots shall be submitted by the subdivider for the area within the land division.

- (4) The design criteria for storm drainage systems shall be reviewed by the Village Engineer and approved or modified.
 - (5) Material and construction specifications for all drainage projects (i.e., pipe, culverts, seed, code, etc.) shall be in compliance with standards and specifications provided by Village ordinance and/or the Village Engineer.
- (n) **Maintenance Agreement.**
- (1) A maintenance agreement shall be required between the Village and the Subdivision, Condominium or Certified Survey Map Developer (as applicable). The agreement shall be recorded as a property deed restriction by the subdivider with the County Register of Deeds in a form which shall be binding upon all subsequent owners of land covered by the agreement. Such agreement shall assign on-going responsibility for maintenance and repair of the stormwater management system, including detention/retention facilities and drainageways, to a homeowners, property owners or condominium association per Sec. 14-1-23. Prior to Final Plat approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) subdivider shall submit to the Village for its approval an on-going maintenance and mowing plan for such facilities, which shall be incorporated by reference into all approvals and development agreements. In the alternative, if unique circumstances or a special benefit to the public can be demonstrated, such ownership and maintenance responsibility may be assumed by the Village of Elk Mound.
 - (2) If the Village at any time finds that the stormwater management measures constructed in accordance with the system plan are not being properly maintained, or if altered in any way from the location, configuration and capacity of the measures specified in the approved plan, the Village shall have the right to undertake the needed maintenance or repair. This right shall include the right to enter onto private property as necessary to carry out the needed maintenance or repair. The cost of such maintenance or repair shall be levied as a special assessment or special charge against the properties concerned. The special charge or assessment shall be collectible in the same manner as all other special assessments/charges levied by the Village of Elk Mound.
- (o) **Minor Drainage System.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install all minor drainage system components necessary to reduce inconvenience and damages from frequent storms. Minor drainage components shall include all inlets, piping, gutters, channels, ditching, pumping and other facilities designed to accommodate the post-development runoff resulting from a ten (10) year, twenty-four (24) hour rainfall event as determined in the most current edition of the Soils Conservation Service Technical Release 55 (TR 55) or the "Rational Method". Temporary accumulations of storm runoff from ponding or flowing water, in or near minor system components, shall be permitted providing such accumulations do not allow the water to flow across the crown of the street from one side to the other. For arterial streets and streets located in commercial districts, ponding within normal traffic lanes [ten (10) feet on each side of the

centerline of the street] is prohibited. In drainageways and drainageway easements, accumulations of water shall not inundate beyond the limits of the drainageway or drainageway easement. Cross-street drainage channels (valley gutters) shall not be permitted except on cul-de-sac or permanent dead-end streets serving less than ten (10) dwelling units and where the minimum grade in the valley gutter and street gutter between the valley gutter and the next downstream drainage inlet is not less than one percent (1.00%).

- (p) **Major Drainage System.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall install all major drainage system components necessary to reduce inconvenience and damages from infrequent storms. Major system components shall include large channels and drainageways, streets, easements and other paths and shall be capable of accommodating post-development runoff in excess of that accommodated by minor system components resulting from twenty-four (24) hour rainfall events for storms with return frequencies greater than two (2) years up to and including the one hundred (100) year return event (as identified in TR 55). Runoff resulting from a one hundred (100) year, twenty-four (24) hour rainfall event shall be contained within the street right-of-way or designated storm drainage easement or detention facility.
- (q) **Drainage Piping Systems.**
 - (1) Unless otherwise approved by the Village Engineer, all drainage non-driveway piping of twelve (12) inches diameter and greater in street rights-of-way shall be constructed of Class Three reinforced concrete or PVC pipe. Piping materials outside of rights-of-way shall be subject to approval of the Village Engineer. All storm sewer outlets shall be equipped with steel bar or iron pipe debris gates.
 - (2) Agricultural drain tiles which are disturbed during construction shall be restored, reconnected or connected to public storm drainage facilities.
- (r) **Open Channel Systems.**
 - (1) Unless recommended otherwise by the Village Engineer, unpaved road ditches and street gutters shall be permitted only within the Village's extraterritorial plat approved jurisdictional area and shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four (4) feet per second on soils having a severe or very severe erosion hazard and in excess of six (6) feet per second on soils having moderate, slight, or very slight erosion hazard, the Subdivider/Developer shall install check dams, flumes, or other energy dissipating devices.
 - (2) Where open channels are utilized in either the minor or major drainage system, they shall be designed so as to minimize maintenance requirements and maximize safety. Drainage easements (in lieu of dedications) shall be utilized to accommodate open channels provided adequate access by the Village for maintenance of drainage capacity. Side slopes shall not exceed a four-to-one (4:1) slope. Drainageways where subject to high ground water, continuous flows, or other conditions as determined by the Village Engineer that would hamper maintenance operations due to consistently

- wet conditions, shall have a paved concrete invert of not less than eight (8) feet wide and side slopes to a point one (1) foot above the channel invert.
- (3) In areas where invert paving is not required, the drainageway bottom shall be grass. If the drainageway has a bare soil bottom or the natural grasses in the drainageway are disturbed due to development operations, the drainageway bottom shall be sodded and securely staked to one (1) foot above the elevation of inundation resulting from a predevelopment five (5) year, twenty-four (24) hour storm event. Other disturbed areas shall be seeded and prepared in accordance with the Village's Erosion Control requirements. Velocities for grass-lined channels shall not exceed those presented in the Village's Surface Water Management Study, if one is adopted.
- (s) **Standards for On-Site Detention Storage.** When the Subdivision, Condominium or Certified Survey Map Developer (as applicable) employs on-site detention to control erosion and sedimentation, reduce the post-development peak runoff rate or temporarily store storm water runoff due to inadequate downstream drainage facilities. The detention (storage) facilities shall be subject to regulation in accordance with the following standards:
- (1) Temporary on-site detention for erosion and sedimentation control shall be designed in conformance with the "Wisconsin Construction Site Best Management Practices Handbook".
 - (2) Where on-site detention is permanently employed to reduce the post-development peak runoff, the detention facility shall safely contain the post-development runoff from a twenty-five (25) year storm event of twenty-four (24) hour duration within the limits of the facility.
 - (3) Post-development peak runoff rates shall be limited to pre-development levels, up to and including twenty-five (25) year return period storms. Curve numbers of 30, 58, 71 and 78 for Hydrologic Soil Groups A, B, C and D respectively shall be used when computing pre-development runoff rates.
 - (4) All detention facilities shall safely contain or pass the runoff from any storm of any duration which exceeds the maximum storm required to be contained up to the one hundred (100) year storm event of twenty-four (24) hour duration.
 - (5) All permanent detention facilities shall safely contain the runoff from the one hundred (100) year storm event of twenty-four (24) hour duration on both public and, if necessary, private properties without inundating any building at the ground elevation, the travel lanes of any arterial street, the center ten (10) feet of any collector street or the top of the curb on any local street.
 - (6) Determination of on-site detention volumes shall be computed by procedures established by the United States Soil Conservation Service in the most current edition of its technical publication entitled "Urban Hydrology for Small Watersheds, TR-55 or TR-20," and as accepted and approved by the Village Engineer.
 - (7) The storage of storm water runoff shall not encroach on any public park (except parks designed with detention facilities) or any private lands outside the land division unless

an easement providing for such storage has been approved and recorded for said lands.

- (8) All detention facilities shall be designed with the safety of the general public and any considerations for ease of maintenance as top priorities.
- (9) Any wet detention facilities shall include riprap to not less than two (2) feet above the normal pool elevation for protection from wave action, or other slope stabilization methods approved by the Village Engineer, for protection from wave action.
- (10) The sides of all detention facilities shall have a maximum slope ratio of four to one (4:1) (horizontal to vertical), with flatter slopes being required where determined practical by the Village Engineer.
- (11) The Village Board, upon recommendation by the Village Engineer, may require the installation of fencing or other such security measures in detention facilities with excessively long down times or permanent water features, or other features requiring additional security for safety reasons.

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

(a) General.

- (1) If a proposed Subdivision, Certified Survey or Condominium project includes land that is zoned for commercial or industrial purposes, the layout of the subdivision with respect to such land shall make such provisions as the Village may require.
- (2) A non-residential subdivision shall also be subject to all the requirements for site plan approval set forth in the Village Building or Zoning Codes. Non-residential subdivision shall be subject to all the requirements of this Chapter, as well as such additional standards required by the Village and shall conform to the proposed land use standards established by any Village Comprehensive Plan or Official Map and the Village Zoning Code.

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

- (1) Proposed industrial parcels shall be suitable in area and dimensions to the types of industrial development anticipated.
- (2) Street rights-of-way and pavement shall be adequate to accommodate the type and volume of traffic anticipated to be generated thereupon.
- (3) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to street, curb, gutter and sidewalk design and construction.

- (4) Special requirements may be imposed by the Village Board, upon the recommendation of the Village Engineer, with respect to the installation of public utilities, including water, sewer and storm water drainage.
- (5) Every effort shall be made to protect adjacent residential areas from potential nuisance from a proposed commercial or industrial subdivision, including the provision of extra depth in parcels backing up on existing or potential residential development and provisions for permanently landscaped buffer strips when necessary.
- (6) Streets carrying non-residential traffic, especially truck traffic, shall not normally be extended to the boundaries of adjacent existing or potential residential areas.

Sec. 14-1-76 Grading.

The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade each land division in order to establish street, block and lot grades in proper relation to each other and to topography as follows:

(a) **Master Site-Grading Plan.**

- (1) A master site-grading plan shall be prepared by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) for all new Subdivision, Certified Survey Map and Condominium projects. This plan shall be prepared in accordance with the requirements and standards of the Village of Elk Mound.
- (2) The master site-grading plan shall show existing and proposed elevations of all lot corners, control points and building locations. The plan shall also indicate all overland storm drainage in and adjacent to the land development. The cost of the preparation of such a plan shall be paid for by the Subdivision, Condominium or Certified Survey Map Developer (as applicable). Grading plans shall include topographic contours at one (1) foot intervals. Grading plans shall show top of foundation elevations for proposed lots and at existing structures on surrounding properties.
- (3) After approval or modification of these plans by the Village Engineer, the full width of the right-of-way of the proposed streets within the subdivision and the entire land development lot area shall be graded in accordance with the master site-grade plan. The owners of the lots shall adhere to those plans.
- (4) The Village Engineer shall be contacted to inspect and approve the grading and related work at each of the following stages:
 - a. Completion of the grading of all street right-of-way areas.
 - b. Completion of the grading of all lots.
 - c. Completion of the filling with topsoil and leveling of the public right-of-way behind the curbs.
- (5) The cost of all required grading work, supervision, certification, inspection and engineering fees shall be paid for by the Subdivision, Condominium or Certified Survey Map Developer (as applicable).

- (b) **Right-of-Way Grading.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall grade the full width of the right-of-way of all proposed streets in accordance with the approved plans, including the grading of site triangles at each intersection.
- (c) **Block Grading.** Block grading shall be completed by one (1) or more of the following methods:
 - (1) Regrading along the side or rear lot lines which provides for drainage to the public drainage facilities, provided any ditches or swales are in public drainage easements, provided that a deed restriction is adopted which prohibits alteration of the grades within five (5) feet of any property line from the grades shown on the master site grading plan.
 - (2) Parts of all lots may be graded to provide for drainage to a ditch or to a swale.
- (d) **Miscellaneous Grading Requirements.**
 - (1) Lot grading shall be completed so that water drains away from each building site toward public drainage facilities at a grade approved by the Village Engineer and provisions shall be made to prevent drainage onto properties adjacent to the land division unless to a public drainage facility. Buildable lots shall be graded so that the elevation of each building site is at least one (1) to two (2) feet above the centerline elevation of the adjacent public street.
 - (2) Grading activities shall not result in slopes greater than three to one (3:1) on public lands or lands subject to public access. Cut on filled land shall be graded to a maximum slope of three to one (3:1).
 - (3) The topsoil stripped for grading shall not be removed from the site unless identified in the Erosion Control Plan approved by the Village Engineer as not being necessary for erosion control or site landscaping purposes. Topsoil shall be uniformly returned to the lots when rough grading is finished. Topsoil piles shall be leveled and seeded for erosion control prior to the Village releasing the one (1) year guarantee provision on public improvements in the streets adjacent to the lots on which the topsoil is stockpiled.
 - (4) Such grading shall not result in detriment to any existing developed lands, either within or outside of the corporate limits.
 - (5) The Village shall require the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures. Seeding of the site shall occur within thirty (30) days of rough grading.
 - (6) Tree cutting and shrubbery clearing shall not exceed fifty percent (50%) of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users.

- (7) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Board, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (8) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography.
 - (9) Review of the conduct of such cutting, clearing, and moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish and Game Managers, and the State District Forester by the Village Engineer or Plan Commission as they deem appropriate.
- (e) **Drainage Flows.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall cause to be set upon the master grading plan arrows indicating the directions of drainage flows for each property line not fronting on a street on all parcels and along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions of flows shall be appropriately weighted so as to differentiate between the minor and major [one hundred (100) year event] drainage components. The arrows shall be accompanied on the master grading plan with the following note:

Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner unless approved by the Village Engineer.

Sec. 14-1-77 Erosion Control.

The Village of Elk Mound finds that urbanizing land uses have accelerated the process of soil erosion, runoff and sediment deposition in the waters of the Village of Elk Mound. Therefore, it is declared to be the purpose of this Section to control and prevent soil erosion and minimize storm water runoff increases and thereby to preserve the natural resources, control floods and prevent impairment of dams and reservoirs, protect the quality of public waters, protect wildlife, protect the tax base, and protect and promote the health, safety and general welfare of the people of the Village. All land disturbing activities shall be subject to the provisions of the Village's Construction Site Erosion Control Ordinance (Title 15, Chapter 2).

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

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

Article H: Park and Public Land Dedications; Impact Fees

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

- (a) **Dedication Requirement.** In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas may be equitably apportioned on the basis of additional need created by the subdivision development, each Subdivider/Developer shall be required to dedicate land or fees in lieu of land for park or other public uses.
- (b) **General Design.** In the design of a subdivision, land division, planned unit development or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, drainage-ways and other public purposes. Such sites are to be shown on the Preliminary Plat and Final Plat, and shall comply with the Village of Elk Mound Comprehensive Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

Sec. 14-1-81 Land Dedication.

- (a) **Recreational Dedication Standards.** The Village of Elk Mound shall require that land be dedicated for parks and playgrounds, recreational areas, or open space locations where such would be appropriate. The Village Board shall determine the number of acres to be reserved based upon the following calculations. These requirements are only applicable to single-family residential subdivisions of more than ten (10) units or multifamily single lot subdivisions. Parkland required in residential subdivisions are:

Dwelling Units Per Gross Acre	Percent Acreage for Parkland/Open Space
1 - 7	7%
8 - 14	12%
15 and up	17%

- (b) **Suitability and Condition of Land to be Dedicated.**
- (1) Land for recreation or open space purposes shall be of a character and location suitable for use as a playground, playfield, or for other active or passive recreation purposes, and shall be level and dry, and shall be improved by the Subdivider/Developer to the standards required by the Village Board, which improvements shall

- be included in the performance security. All active recreation site shall be accessible from at least one (1) street.
- (2) Lands to be dedicated shall be suitable for the public use for which they are proposed, with at least sixty percent (60%) of the site no more than an average grade of 5.25% to provide areas suitable for playground and playfield improvements. Drainageways, detention basins, floodplains, or wetlands shall not be considered as satisfying parkland dedication requirements. The Village Board, upon the recommendation of the Plan Commission, shall have the sole authority to determine the suitability and adequacy of lands proposed for dedication.
 - (3) Land to be dedicated shall be adequately drained. Subsurface investigation may be required by the Village Board to determine whether or not the drainage capability of the soil is adequate. The Village Board may reject the land offered if it is determined to be unsuitable for recreational development. In this case, the Subdivider/Developer shall offer another parcel or a cash payment in lieu of dedication. The Village Clerk-Treasurer may recommend to the Village Board that the Subdivider/Developer submit a cash payment in lieu of dedication where it is deemed by the Village that the drainage capability or other conditions at a site are not adequate for recreation purposes. All land to be reserved for dedication to the Village for park purposes shall have prior approval of the Village and shall be shown marked on the approved subdivision plan as lands "to be dedicated for park, recreation or open space purposes."
- (c) **Active Recreation Facility Plan.** The Village Clerk-Treasurer may recommend active recreation facilities to be required, related parking areas, and proposed landscaping when deemed necessary. A report shall accompany this active recreation facilities plan outlining the proper procedure to be followed in bearing debris and waste, parking of construction vehicles, and otherwise maintaining the condition of the site before dedication to the Village.
 - (d) **Timing of Dedication.** The Village is empowered to require the land reserved for dedication to be deeded to the Village of Elk Mound under the terms of an approved subdivision plan based in part upon the recommendation of the Village Plan Commission as to when sufficient recreation needs exist in the subdivision. The Village Clerk-Treasurer shall notify the Subdivider/Developer in writing that a transfer of land is requested at least ninety (90) days prior to the desired date of transfer. At the time of transfer, the land must be adequately drained, graded, and sown in accordance with Village standards and specifications.
 - (e) **Future Development of Adjacent Lands.** In designing the location of future park and recreation sites, due consideration shall be given to locating parkland on the boundary of the development parcel in areas adjacent to unplatted lands proposed for future development in Village planning documents. This will allow for the potential for larger community parks with the future dedication of parkland adjoining the Subdivision or Condominium Development when the adjacent lands are platted and/or developed.

- (f) **Alternative Procedure; Money in Lieu of Land.** Where, with respect to a particular subdivision, the reservation of land required pursuant to this Section does not equal the percentage of total land required to be reserved in accordance with this Article or the land is determined to not be suitable for dedication by the Village Board, upon the recommendation of the Plan Commission and Village Clerk-Treasurer, the Village Board may require, prior to final approval of the construction improvements plan for the subdivision, that the applicant deposit with the Village a cash payment in lieu of land dedication. Such deposit shall be used by the Village for improvement of a neighborhood park, playground, or recreation area, including the acquisition of property. Such deposit shall be used for facilities which will actually be available to and benefit the persons in said subdivision and be located in a park near the subdivision. The Village Board shall determine the amount to be deposited, based upon the recommendation of the Village Clerk-Treasurer. This recommendation will reflect the fair market value of the amount of land that would have been dedicated. The fees collected shall be held in a nonlapsing fund to be used for the purchase or improvement of land or recreational facilities for parks, trails, open spaces, and other public recreation purposes.
- (g) **Other Recreation Dedications.** The provisions of this Section are minimum standards. None of the Subsections herein shall be construed to prohibit a developer from dedicating other lands for recreation or open space purposes in addition to the requirements of this Section.
- (h) **Utility Extensions.** The Subdivider/Developer shall install or provide for installation of water and sanitary sewer lines to the property line of all dedicated land, where such services are to be provided to the adjacent properties.
- (i) **Changes in Allowable Use of a Property.** Any changes in the allowable use of a property, which would have the effect of increasing the number of residential dwelling units on a parcel of land, shall be required to provide land dedication or fees in lieu of land to meet the increased recreational demands created by the change in use according to the requirements of this Article.
- (j) **Exceptions.**
- (1) The land dedication and fee in lieu of land requirements of this Article do not apply to land divisions where the proposed land division involves only one (1) existing lot of record in the Village of Elk Mound as of the date of adoption of this Code of Ordinances, and the act of division creates only one (1) new lot intended for two (2) or fewer dwelling units.
 - (2) The land dedication and fee in lieu of land requirement of this Article shall not apply to conversions of existing residential dwelling structures from a single-family residence to a two-family residence.

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

Whenever a public park or recreation site proposed in the Village Comprehensive Plan, Comprehensive Outdoor Recreation Plan or Parks Plan, or Official Map is embraced, in whole or in part, in a tract of land to be divided, the proposed public park or recreation site shall be

dedicated and credited toward the land dedication requirements of this Article. Where a public park or recreation site as shown on the Village Comprehensive Plan, Comprehensive Outdoor Recreation Plan or Parks Plan, or Official Map within the tract are greater in area than required under the dedication requirements of this Article, the Village Board may require that the Subdivider or Condominium Developer reserve for acquisition by the Village, through a development agreement, purchase, or condemnation, the remaining greater park area for a period of two (2) years of the Final Plan, Certified Survey Map, or Condominium plat approval unless extended by mutual agreement such reserved lands shall be kept in one (1) or more outlots to be held by the Subdivider or Condominium Developer. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices. If the Village does not acquire the outlots set aside during the two (2) year period, this requirement shall lapse and the Village shall remove this requirement from any recorded documents.

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

- (a) When parklands are dedicated to the Village of Elk Mound, the Subdivider/Developer is required to:
 - (1) Properly grade and contour for proper drainage;
 - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and
 - (3) Cover areas to be seeded with a minimum of six (6) inches of quality topsoil, seed as specified by the Public Works Department, fertilized with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629". The topsoil furnished for the park site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one (1) year following issuance of the first building permit within that land division unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform grass cover to a two (2) inch height has been established. It shall be the responsibility of the Subdivider/Developer to maintain the area until the Village accepts the dedication.
- (b) It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village. The owner of said land shall be responsible for its maintenance and liability thereon except that said owner shall not develop the surrounding area in a manner which would unduly depreciate the purpose, use or value of the dedicated property.
- (c) A neighborhood park area shall be provided by the Subdivider/Developer with a standard residential water service unless located directly adjacent to a fire hydrant. A community

park area shall be provided by the developer with a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the street property line.

- (d) The Village Board may require certification of compliance by Village officials. The cost of such report shall be paid by the Subdivider/Developer.
- (e) If the Subdivider/Developer fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the Subdivider/Developer, following a public hearing and written notice to the Subdivider/Developer of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
- (f) The Subdivider/Developer shall pay all costs of public improvements in the public streets adjacent to or within all public and/or park lands.
- (g) Development of park lands is to be completed as soon as twenty percent (20%) of the planned lots in the subdivision are sold or developed, as determined by the Village Board.

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

Article I: Fees

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

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

- (c) **Engineering Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Subdivision Plat, Condominium Plat or Certified Survey Map, including inspections required by the Village pursuant to this Chapter. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board, Village Clerk-Treasurer or and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (d) **Administrative, Legal and Planning Fee.** The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee reimbursing the Village of Elk Mound equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the Plat, Certified Survey Map or Condominium.
- (e) **Concept Plan.** There shall be no fee for the Village's review of a concept or sketch plan of a proposed land division. Such reviews shall be conducted only as staff time permits. The Village, however, reserves the right to require the payment of fees under this Article if the potential project under concept plan review involves above-average Village professional staff involvement or if a party submits several concept plans involving the same parcel.
- (f) **Preliminary Plat.**
 - (1) A Subdivision, Condominium or Certified Survey Map Developer (as applicable) who submits a Preliminary Plat for Plan Commission and the Village Board review shall deposit with the Village Clerk-Treasurer a fee to cover the costs of reviewing said application. The fee for a Preliminary Plat shall be as prescribed in Section 1-3-1 for up to and including six (6) lots plus an additional fee per each additional lot over six (6). If the plat is rejected, no part of the fee shall be returned to the petitioner.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval or amendment of any Preliminary Plat which has previously been reviewed.
- (g) **Final Plat Review Fee.**
 - (1) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall pay a fee as prescribed in Section 1-3-1 per lot within the Final Plat to the Village Clerk-Treasurer at the time of first application for Final Plat approval of said plat to assist in defraying the cost of review.
 - (2) A reapplication fee as prescribed in Section 1-3-1 shall be paid to the Village Clerk-Treasurer at the time of a reapplication for approval or amendment of any Final Plat which has previously been reviewed.

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

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

(2) **Escrow for Fees.**

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

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

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

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

APPENDIX

**SAMPLE AGREEMENT AS TO COSTS
WITH THE VILLAGE OF ELK MOUND**

_____ The applicant/petitioner

for _____ dated _____, _____.
(nature of application/petition)

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

Dated this _____ day of _____, _____.

(Signature of Applicant/Petitioner)

Article J: Variances; Penalties and Violations

Sec. 14-1-100 Variations and Exceptions.

- (a) **Requests for Variances.** Where the Subdivision, Condominium or Certified Survey Map Developer (as applicable) alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) to the Village Clerk-Treasurer at the time when the Preliminary Plat or Certified Survey Map is filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans, or other additional data which may aid Village officials in the analysis of the proposed project. The plans for such development shall include such covenants, restrictions or other legal provisions necessary to guarantee the full achievement of the plan. The Village Board may request that the Village Engineer, Village Attorney or other officials review each situation to ensure that the request is consistent with the requirements and standards of this Chapter. The Village Clerk-Treasurer shall refer the matter to the Plan Commission with any written recommendations from Village staff. The Plan Commission shall make a recommendation to the Village Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) **Variance Criteria.** The Plan Commission shall not recommend, nor shall the Village Board grant, variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
- (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
 - (2) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
 - (3) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
 - (4) There would be no costs (present or future) to the Village resulting from the granting of the variance or exception.

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- (c) **Plan Commission Recommendation; Village Board Action.** Any recommendations for variances or exceptions by the Plan Commission must be approved by a majority vote of the Plan Commission and shall be so endorsed by the Secretary and transmitted to the Village Board. The Village Board, if it approves, shall do so by resolution adopted by majority vote and shall instruct the Village Clerk-Treasurer to notify the Plan Commission and the subdivider.
- (d) **Planned Unit Development Platting Variances.** Variances from the strict application of the platting requirements of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, upon review and recommendations from the Plan Commission, shall find that the proposed development is fully consistent with the purpose and intent of this Chapter, Zoning Ordinances, and the Village Comprehensive Plan.

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

- (a) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person shall be issued a building permit by the Village of Elk Mound authorizing the building on, or improvement of, any Subdivision, Land Division, Certified Survey Map, Replat or Condominium development with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village of Elk Mound may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- (b) **Unlawful Activity.** It shall be unlawful to, and no person shall:
 - (1) Record, with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat to which this Chapter is applicable, any Certified Survey Map, Subdivision Final Plat, or Condominium Plat instrument after the original effective date of this Chapter unless and until such time as there has been full compliance with all applicable requirements of this Chapter and all other applicable statutes, rules, regulations, ordinances, and documents enumerated in this Chapter.
 - (2) Convey any portion of a Certified Survey Map, Subdivision Final Plat, or Condominium Plat created in violation of this Chapter.
 - (3) Construct, install, assemble, or place any building, structure, or improvement upon any land subject to Certified Survey Map, Subdivision Final Plat, or Condominium Plat recorded in violation of this Chapter.
 - (4) Fail to comply with any applicable provision of this Chapter.
- (c) **Penalties.**
 - (1) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than Fifty Dollars (\$50.00) nor

- more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
- (2) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.
 - (3) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
 - (4) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
 - (5) Assessor's plat made under Sec. 70.27, Wis. Stats., may be ordered by the Village at the expense of the Subdivider/Developer when a subdivision is created by successive divisions.
- (d) **Zoning, Building, or Occupancy Permit or Approval.** No zoning, building, or occupancy permit or approval shall be granted or issued with respect to any Certified Survey Map, Subdivision Final Plat, or Condominium Plat, or Condominium unit created in violation of this Chapter.
- (e) **Revocation of Permits and/or Approvals.**
- (1) The Village Engineer, Village Clerk-Treasurer or Building Inspector may revoke or suspend any permit or approval issued under the regulations of this Chapter and may stop construction or use of approved materials, equipment, methods of construction, devices or appliances for any of the following reasons:
 - a. Whenever the Village Engineer, Village Clerk-Treasurer or Building Inspector shall find at any time that applicable ordinances, laws, orders, plans and specifications are not being complied with and that the Subdivision, Condominium or Certified Survey Map Developer (as applicable) or his/her contractor has refused to conform after written warning or instruction has been issued to him/her.
 - b. Whenever the continuance of any construction becomes dangerous to life or property.
 - c. Whenever there is any violation of any condition or provisions of the application for permit, or of the permit or of any approval.
 - d. Whenever, in the opinion of the Village Engineer, Village Clerk-Treasurer, or Building Inspector, the Subdivision, Condominium or Certified Survey Map Developer (as applicable) has provided inadequate management of the project.
 - e. Whenever any false statement or misrepresentation has been made in the application for permit, plans, drawings, data specifications or certified lot or plot plan on which the issuance of the permit or approval was based.
 - f. Whenever there is a violation of any of the conditions of an approval or occupancy given by the Village Engineer, Village Clerk-Treasurer or Building Inspector for the use of all materials, equipment, methods of construction, devices or appliances.
 - (2) The notice revoking a permit or approval shall be in writing and may be served upon the applicant of the permit, owner of the premises and his/her agent, if any, and/or on the person having charge of construction.

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- (3) A revocation placard shall also be posted upon the premises in question by the Village Engineer, Village Clerk-Treasurer, or Building Inspector.
 - (4) After the notice is served upon the persons as aforesaid and posted, it shall be unlawful for any person to proceed thereafter with any construction operation whatsoever on the premises, and the permit which has been so revoked shall be null and void, and before any construction or operation is again resumed, a new permit, as required by this Chapter, shall be procured and fees paid therefor, and thereafter the resumption of any construction or operation shall be in compliance with the regulation of this Chapter. However, such work as the Village Engineer, Village Clerk-Treasurer, or Building Inspector may order as a condition precedent to the reissuance of the building permit may be performed, or such work as he/she may require for the preservation of life and safety.
 - (5) Any appeals of such revocations or suspensions must be made in writing and within seven (7) calendar days to the Village Clerk-Treasurer for consideration by the Village Board at its next regularly scheduled meeting, provided the appeal is filed not less than seven (7) days prior to the meeting date.
 - (6) The Building Inspector is hereby directed to withhold the issuance of building permits within the land division until compliance with the provisions of this Chapter is obtained.
 - (7) The Building Inspector is hereby directed to withhold the issuance of occupancy permits within the land division if violations of this Chapter may result in health or safety problems for the occupants.
- (f) **Appeals.** Any person aggrieved by an objection to a Plat or Certified Survey Map, or a failure to approve a Plat or Certified Survey Map, may appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the Plat or Certified Survey Map. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court may direct that the Plat or Certified Survey Map be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

Sec. 14-1-102 Disclaimers on Approvals.

- (a) The purpose of requiring approvals under this Chapter is to insure the health, safety, morale, comfort, prosperity and general welfare of the Village of Elk Mound. This Chapter shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, or the Village of Elk Mound as a municipal corporation for the granting of approval, or the denial of any approval. All approvals rendered as part of this Chapter shall be considered as being approved conditionally based on the information and circumstances apparent at that time.

- (b) Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee, for the design or construction of any improvements within the land division.
- (c) The Village of Elk Mound does not guarantee, warrant, or represent that only those areas delineated as floodlands on Plats and Certified Survey Maps will be subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by this Chapter are the only unsuited soils within the jurisdiction of this Chapter; and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.

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

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