

## CHAPTER 9

### Subdivisions and Platting

- 9.01 Purpose and General Provisions
- 9.02 Definitions
- 9.03 Plat Approval Procedures
- 9.04 Requirements for Plats, Certified Survey Maps, and Assessor's Maps
- 9.05 Design Standards
- 9.06 Required Improvements and Reservations
- 9.07 Replats, Vacating and Altering Plats Correction Instruments
- 9.08 Appeals
- 9.09 Modifications and Exceptions
- 9.10 Enforcement and Penalties

#### 9.01 PURPOSE AND GENERAL PROVISIONS.

(1) **Purpose.** The purpose of this Chapter prepared under the authority granted by §236.45, Wis. Stats., is to promote the public health, safety, and general welfare of the Village of Hales Corners, and the regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic, and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the further re-subdivision of larger tracts into smaller parcels of land. The regulations of this Chapter are made with reasonable consideration of the character of the Village of Hales Corners with a view of conserving the value of the buildings placed upon the land, providing the best possible environment for human habitation, and for encouraging the most appropriate division and use of land throughout the Village.

#### (2) **General Provisions.**

- (a) **Jurisdiction.** The provisions of this Chapter shall apply within the corporate limits of the Village of Hales Corners. Included in this jurisdiction shall be:
1. **Subdivisions.** Any division of land within the Village which results in a subdivision as defined herein shall be surveyed and a plat thereof made, approved and recorded as required by this Chapter and by Chapter 236, Wis. Stats.
  2. **Other Divisions.** Any division of land other than a subdivision resulting in the creation of two (2) parcels or building sites, any one of which is 1-1/2 acres or less in area, shall be surveyed and a certified survey map or assessor's map shall be approved by the Village and recorded by the Register of Deeds as required by this Chapter. Wherever a public sanitary sewer is available to the newly divided parcel or parcels, as a condition precedent to such approval, prior to execution of the certified survey by the Village Clerk, after preliminary approval by the Village Board, the applicant shall be required to pay into the general funds of the Village in a lump sum the sewer connection charge required under Section 13.02, Village code, for each additional parcel. No such division of land shall be approved unless the applicant shall file with the Village a certificate from the real estate office of the Treasurer of Milwaukee

County attesting that all real estate taxes have been paid and that the description has been checked by said office. Any special assessments shall have been paid. To the extent reasonably practicable the division shall comply with the provisions of this Chapter relating to general requirements and design standards and required improvements. In addition to the fee prescribed in Section 9.03(1)(e), the applicant shall pay the cost of recording such land division, and upon final approval, the Village Clerk shall be responsible for causing such certified survey to be recorded in the office of the Register of Deeds for Milwaukee County. This shall not pertain to those transfers or divisions of land specifically excluded by Chapter 236, Wis. Stats., namely:

- a. Transfers of interest in land by will or pursuant to court order.
  - b. Leases for a term not to exceed 10 years, mortgages, or easements.
  - c. The sale or exchange of parcels of land between owners of adjoining lots are not thereby created and the lots resulting are not reduced below the minimum size required by the Zoning Code for the Village and by other applicable laws or ordinances.
  - d. Cemetery plats made under §157.07, Wis. Stats., and assessor's plats, unless specifically required by the Village, made under §70.27, Wis. Stats., but such assessor's plats shall comply with §236.15(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.
  - e. The sale or exchange of parcels of public utility or railroad right-of-way to adjoining property owners if the Village Board and County Planning Agency approve such sale or exchange on the basis of applicable ordinances and the provisions of Chapter 236, Wis. Stats.
- (b) Basis of Approval. The Village shall condition the approval of the preliminary or final plat, the certified survey map, or the assessor's map upon compliance with:
1. Chapter 236, Wis. Stats.
  2. Any Village or County ordinance.
  3. Official Map of the Village.
  4. The rules of the State Board of Health relating to lot size, lot elevation, percolation test, test borings, etc.
  5. The rules of the State Highway Commission relating to traffic safety and preservation of public interest and investment in State Trunk Highways or connecting streets.
  6. Compliance with the most restrictive requirements when requirements of approving authorities conflict.
- (c) Land Unsuitable for Subdividing. No land shall be subdivided for residential use which the Village Board determines to be unsuitable for such use by reason of flooding, bad drainage, adverse earth or rock conditions, topography, or any other feature likely to create a subdivision contrary to the purpose of this Chapter.

## 9.02 DEFINITIONS

- (1) **General Interpretation.** All words used in the present tense include the future tense; the singular includes the plural and the plural the singular; the word "person" includes associations, co-partnerships, or corporations; and the term "shall" is mandatory while the word "may" is permissive. All terms used which are defined in Chapter 236, Wis.

Stats., shall have the same meaning as ascribed thereto in the Chapter, unless otherwise defined in this Chapter or unless the context and subject matter clearly indicate otherwise.

(2) **Specific Words and Phrases.**

- (a) Alley. A public way affording only secondary access to abutting properties.
- (b) County. Milwaukee County, Wisconsin.
- (c) County Planning Agency. Architectural and Engineering Division, Department of Public Works, Milwaukee County.
- (d) Lot. A portion of a subdivision or other parcel of land intended as a unit for the purpose, whether immediate or future, of ownership or for building development.
  - 1. Butt Lot. A lot with the rear lot line abutting the side lot line of another lot platted in the same block and not separated by an alley or other open space.
  - 2. Double Frontage Lot. A lot, other than a corner lot, abutting on two streets.
- (e) Official Map. The map indicating the location and size of existing and proposed streets, highways, parkways, parks, and playgrounds as adopted and amended by the Village Board pursuant to §62.23, Wis. Stats.
- (f) Outlot. A portion of a subdivision or other land division not of standard “lot” size and shape but provided as a remnant of the subdivision, the intention of which is to either redivide it in the future into “lots” or combine it with one or more other adjacent parcels of land to create buildable “lots”.
- (g) Plat. A map of a subdivision.
  - 1. Final Plat. A map of a subdivision which has been accurately surveyed, clearly and definitely showing the streets, alleys, blocks, lots, and other divisions thereof, in such a manner that the same can be clearly and distinctly identified.
  - 2. Preliminary Plat. A map showing the salient features of a proposed subdivision submitted to an approving authority for purpose of preliminary consideration prior to preparation of the final plat.
- (h) Recording a Plat. The filing of the original of the final plat with the Register of Deeds for recordation.
- (i) Register of Deeds. The Register of Deeds for Milwaukee County.
- (j) Street. An area which serves as a vehicular and pedestrian access to neighborhoods.
  - 1. Collector Street. A street intended to serve and provide access to neighborhoods.
  - 2. Frontage Street. A street auxiliary to and located on the side of an arterial highway for service to abutting property and for control of access to the arterial or major street.
  - 3. Major Street. Principal arterials of through traffic such as highways, parkways, and thoroughfares.
  - 4. Minor Streets. A street intended to serve and to provide access primarily to the properties abutting thereon. A cul-de-sac is a minor street having one opened end and being terminated at the other by a turn-around.
- (k) Subdivider or Owner. Includes any firm, association, partnership, private corporation, public or quasi-public corporation, or a combination of any of them, or other legal entity having sufficient proprietary interest in the land sought to be subdivided to commence and maintain proceedings to subdivide the same.
- (l) Subdivision. The division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or building development, where:

1. The act of division creates five (5) or more parcels or building sites of 1½ acres each or less in area; or
  2. Five (5) or more parcels or building sites of 1½ acres each or less in area created by successive divisions within a period of five (5) years.
- (m) Village. The Village of Hales Corners, Milwaukee County.

### 9.03 PLAT APPROVAL PROCEDURE.

#### (1) **General Procedure.**

- (a) Filing. The subdivider shall file 17 legible copies of the preliminary or final plat with the Clerk of the Village who shall note the date of filing on each print.
- (b) Forwarding of Plats. Within two (2) days after preliminary or final plat has been submitted for approval, the Clerk shall forward the specified number of copies to the following agencies authorized to object to the plat along with a list of all agencies authorized to object or approve the plat:
  1. State Agencies. Two (2) copies for the Director, Planning Division, Department of Resource Development, and, in addition, two (2) copies for each of the other State agencies which have authority to object to the plat:
    - a. State Highway Commission. Two (2) copies for the State Highway Commission if the subdivision abuts or adjoins a State Trunk Highway or connecting street.
    - b. State Board of Health. Two (2) copies for the State Board of Health if the subdivision is not served by a public sewer and provision for such service has not been made.
  2. County Department of Public Works, Architectural and Engineering Division. Six (6) copies to that Department division.
  3. Village Engineer. Two (2) copies to the Village Engineer for his report on the technical aspects of the plat, and for his estimates of the costs involved to install the improvements required by this ordinance.
  4. Village Planning Consultant. Two (2) copies to the Village Planning Consultant for his comments on the general design of the plat.
- (c) Objections to the Plat. Within 20 days of the date of receiving the copies of the plat, any agency having the authority to object shall notify the subdivider and all approving or objecting authorities of any objection, or, if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The Village Engineer and Village Planning Consultant shall make their report to the Village within the same 20-day period.
  1. Objections Must be Satisfied. The plat shall not be approved or deemed approved until all objections have been satisfied.
  2. Failure to Act. If the agency having the authority to object fails to act within the 20-day limit, it shall be deemed to have no objections to the plat.
- (d) Approvals to Plat.
  1. Preliminary Plat. The subdivider shall submit a preliminary plat in sufficient detail to determine whether the final plat will meet layout requirements. The subdivider shall also submit data required by the Wisconsin Department of Natural Resources regarding percolation tests and soil borings. Where the plat will be sewered, the developer shall submit satisfactory proof that the proposed development conforms with

the area-wide plan of the Southeastern Wisconsin Regional Plan Commission.

- a. Approval or Rejection. Within 90 days of the date of submittal, the Village Board shall take action to approve, approve conditionally, or reject such plat and shall state in writing any conditions of approval or reasons for rejection. If the Village Board approves conditionally, the Village Attorney shall prepare for execution by the subdivider all documents necessary to meet the conditions of approval determined by the Village Board.
  - b. Failure to Act. Failure of the approving authority to act within such 90 days shall constitute an approval of the preliminary plat unless the time is extended by agreement with the subdivider.
  - c. Approval Required Prior to Construction. No subdivider shall proceed with any construction work, including grading, until the preliminary plat has been approved.
  - d. Principles of Design. The design principles of this Chapter shall apply to subdivisions within the Village.
  - e. Filing Fee. To defray the administrative costs resulting from the act of subdividing land within the Village, the subdivider shall pay the following fee to the Clerk at the time of plat submittal: \$400.00.
2. Final Plat. If the final plat conforms substantially to the layout shown in the preliminary plat as approved, including any conditions of that approval, it shall be entitled to approval with respect to such layout.
- a. Submission Date. If the final plat is submitted within six (6) months of the last required approval of the preliminary plat, the Village shall take action to approve or reject the plat. If the final plat is not submitted within said six (6) months, the Village may refuse to approve the final plat and may require re-submittal of the preliminary plat.
  - b. Plat Portion of Preliminary Plat. The final plat, may, if permitted by the Village, constitute only that portion of the approved preliminary plat the subdivider proposes to record at that time.
  - c. Approval or Rejection. The Village Board shall take action to approve or reject the final plat within 60 days of its submission, unless the time is extended by agreement with the subdivider. If a plat is rejected, the reasons therefore shall be stated in the minutes of the meeting and a copy thereof or a written statement of the reasons supplied to the subdivider and all objecting authorities.
  - d. Failure to Act. If the Village fails to act within 60 days of submittal and the time has not been extended by agreement and if no unsatisfied objections have been field within that period, the final plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk.
  - e. Penalty. Any subdivider or his agent who offers or contracts to convey or conveys, any subdivision, or lot, or parcel of land which lies in a subdivision, knowing that the final plat thereof has not been recorded with the Register of Deeds, may be penalized not more than \$500.00 or, in default of payment of

such forfeiture, may be imprisoned in the County jail until payment thereof, but not exceeding six (6) months; except where the preliminary or final plat of the subdivision has been filed for approval with the Village, an offer or contract to convey may be made if that offer or contract states on its face that it is contingent upon approval of the final plat and shall be void if such plat is not approved.

- f. Fee. To defray the administrative costs resulting from the act of subdividing land within the Village, the subdivider shall pay the following fee to the Clerk at time of final plat submittal: \$200.00. Additionally, all costs for Village engineering and planning consulting services, and inspections of the final plat and the improvements installed therein shall be paid by the subdivider. The Village may require that part or all of this fee be paid prior to granting approval to the final plat.
- g. Surety. Whenever the improvements required by this Chapter have not been installed and accepted by the Village prior to approval of the final plat, the final plat shall not be approved until the subdivider has legally guaranteed their installation by filing an adequate surety bond, performance bond, cash, or certified check approved by the Village Attorney with the Village Clerk.

(2) **Procedure for Land Divisions Other than Subdivisions.**

- (a) Filing. The subdivider shall file 6 legible copies of the certified survey or assessor's map with the Village Clerk who shall forward two (2) copies to the Village Engineer and Planning Consultant.
- (b) Approval or Rejection. The Village Board shall take action to approve, approve conditionally, or reject the certified survey map within 40 days of submittal. The subdivider shall be notified in writing of any conditions of approval or the reasons for rejection. The certificate of approval of the Village Board shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map and signed by the Village Clerk. If the Village Board approves conditionally, the Village Attorney shall prepare for examination by the subdivider all documents necessary to meet the conditions of approval determined by the Village Board.
- (c) Filing Fee. To defray the administrative costs resulting from the act of dividing land within the Village, the subdivider shall pay the following fee to the Clerk at the time of certified survey map or assessor's map submittal: \$125.00.

(3) **Alternate Procedure.** In lieu of the previously described procedure, the subdivider or his agent may submit the original plat directly to each of the agencies authorized to object. Each such agency shall have 20 days from the date of the submission of the original plat in which to object to the plat. Failure to act within said 20 days from the date of submission shall mean that the agency has no objection to the plat and, upon demand, it shall so certify on the face of the plat.

(4) **Approvals Required Prior to Recording.** The Village Board shall approve the final plat prior to recording. The subdivider shall file a 22"x30" reproducible linen tracing or acceptable substitute of the final plat with the Village Clerk before recording the final

plat with the Register of Deeds. The Village Clerk shall certify to approval of the final plat only after this requirement has been met.

- (5) **Recording of Final Plat.** The subdivider shall file the muslin original of the final plat with the Register of Deeds within 30 days of the date of the Village approval. Any subdivider causing his final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the same for record within 30 days of the date of the Village approval, shall forfeit not less than \$100.00 nor more than \$1,000.00 to the Village (§236.30, Wis. Stats.)
- (6) **Recording of Certified Survey Map.** The subdivider shall file a reproducible tracing with the Village before recording the certified survey map with the Register of Deeds. The subdivider, after filing the above reproducible tracing with the Village, shall file the certified survey map or a true scale photostatic copy of a map prepared on tracing cloth or paper with the Register of Deeds within 30 days of the date of Village approval. The forfeiture for improper recording shall be the same as for the final plat.
- (7) **Recording of Assessor's Map.** Where it is not practicable to require that a final plat of the subdivision created by successive divisions be filed in accordance with this Chapter, the Board may order an assessor's map to be made under §70.20, Wis. Stats., and may assess the cost thereof as provided in such section or to the subdivider. The subdivider shall file a reproducible tracing with the Village after approval has been given.

#### **9.04 REQUIREMENTS FOR PLATS, CERTIFIED SURVEY MAPS, AND ASSESSOR'S MAPS.**

- (1) **Preliminary Plat.** The preliminary plat shall clearly show the following features and information:
  - (a) Surveyor. The name of the registered land surveyor preparing the preliminary plat.
  - (b) Owner and Subdivider. The name and address of the owner and the subdivider.
  - (c) Title. The title under which the proposed subdivision is to be recorded.
  - (d) Scale. Not more than 100 feet to one (1) inch.
  - (e) Location. The location of the subdivision by government lot, recorded private claim, quarter section, section, township, range, and county noted immediately under the title.
  - (f) Vicinity Sketch. A small drawing oriented on the sheet in the same direction as the main drawing of the section or governmental subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon.
  - (g) Boundary Lines. The approximate bearings and distances of the boundary lines of the tract to be subdivided.
  - (h) Streets & Other Features. The location, widths, and names of all existing or platted streets or other public ways within or adjacent to the tract, and other important features such as existing permanent buildings, wooded areas, watercourses, railroad lines, corporation lines, township lines, etc.
  - (i) Topography. Topographic data shall be referred to Village datum and shall be plotted at two (2) foot intervals except where the ground slope exceeds 10% making five (5) foot interval contours acceptable.
  - (j) Streets, Drainage, Lots, Etc. The layout, names, and widths of proposed streets, alleys, and drainage and utility easements; the location and approximate sizes of culverts, catch basins, and other drainage structures; the layout and approximate

dimensions of proposed lots. The street names shall not duplicate or closely approximate any existing street names within the Village unless they constitute an extension or definite relationship to said existing street.

- (k) Public Uses. All parcels of land intended to be dedicated or temporarily reserved for public use, or to be reserved in the deeds for the common use of property owners in the subdivision, with the purpose, conditions, or limitations of such reservation indicated.
  - (l) North Arrow. A north arrow shall be shown.
  - (m) Deed Restrictions. The Village may require that any public and specific restrictions pertaining to the land included in the plat be submitted with the preliminary plat.
  - (n) Street Profiles. The Village may require that proposed street profiles for centerline and building line grades extending 300 feet beyond the boundaries of the subdivision be approved by the Village prior to approval of the preliminary plat.
  - (o) Zoning. The zoning on and adjacent to the proposed subdivision.
  - (p) Adjoining Properties. The location and names of adjacent subdivisions and the owners of the adjoining parcels of unsubdivided land.
  - (q) Water Elevations. The water elevations of adjoining lakes, streams, and ponds at the date of the survey and the approximate high and low water elevations of such lakes, streams, and ponds. If the subdivision borders any such body of water, the meander line shall be established not less than 20 feet back from the ordinary high water mark of said body of water.
  - (r) State Board of Health Information. Percolation test date, test boring information, and any other information requested by the State Board of Health for those subdivisions not being served by sanitary sewers shall be attached to and submitted with the preliminary plat for use by the State and Village.
  - (s) Additional Information. Any additional information requested by the Village to verify ownership, clarify questions raised during the approval procedure, and any other information the Village deems necessary to reach a decision of the preliminary plat.
- (2) **Final Plat.** The final plat shall be drawn with waterproof, non-fading black ink on muslin-backed white paper, 22" wide by 30" long with a 1½" binding margin on the left side of the 30" length and a one (1) inch margin on all other sides. The following information shall be shown:
- (a) Boundary Lines. Boundary lines with lengths of courses to hundredths of a foot and bearings to seconds as determined by an accurate field survey performed by a registered land surveyor and balanced and closed with an error of closure not to exceed 1 to 3,000.
  - (b) Recorded Streets. The exact location and the width along the property line of all existing recorded streets intersecting or abutting the boundaries of the tract.
  - (c) Tie to Government Survey. True bearings and distances to the nearest established survey lines, or other official monuments, which monuments shall be located or accurately described on the plat. Any patent or established survey or corporation lines shall be accurately monumented and located on the plat.
  - (d) Monuments. The accurate location and material of all permanent reference monuments as specified in §236.15, Wis. Stats.
  - (e) Design. The exact design including:

1. Streets and Alley Lines. Names, bearings, angles of intersections, width including widths along the line of any obliquely intersecting street, length of centerlines, etc.
  2. Curve Data. Length of arcs, bearings, and lengths of main chords, radii, central angles, and tangent bearings at either the point of curve or point of tangency shall be shown either in their proper place or in a separate table for all streets and alleys. Lot lines may be shown in the same manner or by bearings and distances.
  3. Easements and Rights-of-way. Easements and rights-of-way shall be shown by center line and width when lines are parallel to a boundary, otherwise boundary bearings and distances shall be shown.
  4. Blocks. Blocks, if designated, shall be consecutively numbered, or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions. The exact length and bearing of the boundary lines of all blocks shall be shown.
  5. Lots. All lots in each block shall be consecutively numbered. Outlots shall be lettered in alphabetical order within each block.
  6. Meander Lines. Distances and bearings for meander lines shall be shown with the distance between the point of intersection of such meander lines with lot lines and the high water mark also shown.
  7. Additional Requirements. As required by §236.20, Wis. Stats.
- (f) Name of Subdivision. The name of the subdivision shall be shown and shall not duplicate the name of any other subdivision in Milwaukee County.
- (g) North Arrow, Scale, Date. The north arrow, graphic scale, scale as drawn, and dates involved.
- (h) Deed Restrictions and Setback Lines. When it is in the best interests of the Village, the Village Board may require that private deed restrictions and setback lines be either shown on the plat or filed with the Register of Deeds.
- (i) Affidavits and Certificates. The surveyor's certificate, the owner's certificate, the certificate of taxes paid, and other affidavits and certificates required by Chapter 236, Wis. Stats., shall be lettered or printed legibly with waterproof, non-fading black ink or typed legibly with black ribbon on the final plat.
- (j) Additional Information. Any additional information required by Chapter 236, Wis. Stats., or requested by the Village.
- (3) **Certified Survey Map.** A certified survey map for not more than four (4) parcels of land may be recorded in the office of the Register of Deeds if such certified survey meets the following requirements:
- (a) Registered Land Surveyor. The survey has been performed and the map prepared by a registered land surveyor.
  - (b) Monuments. All corners have been monumented in accordance with §236.15(1)(c) and (d), Wis. Stats.
  - (c) Map. The map shall be prepared in accordance with §236.20(2)(a), (b), (c), (d), (e), (f), (g), (i), (j), and (k) on durable white paper 8½ inches wide by 14 inches long. All lines shall be made with non-fading black ink on a scale of not more than 100 feet to an inch.
  - (d) Certificates and Description. The certified survey map shall include the certificate of the registered land surveyor who surveyed and mapped the parcel including a clear and concise description of the land surveyed by bearings and

distances, commencing with some corner marked and established in the government survey, and acceptable to the Village Engineer.

- (e) Additional Information. The map shall also show all existing buildings, watercourses, drainage ditches, setbacks or building lines if required by the Village Board, and other information deemed pertinent by the Village.
- (4) **Assessor's Map**. An assessor's map shall meet the following requirements:
- (a) Registered Land Surveyor. The survey has been performed and the map prepared by a registered land surveyor.
  - (b) Monuments. All corners have been monumented in accordance with §236.15, Wis. Stats., insofar as they are applicable.
  - (c) Map. The map shall be prepared in accordance with §236.20, Wis. Stats., insofar as it is applicable with all lines made with non-fading black ink on a scale of not more than 100 feet to the inch.
  - (d) Certificates and Description. The assessor's map shall include the surveyor's certificate including the name of the governing body by whose order the plat was made and the date of the order; a clear and concise description of the land surveyed and mapped, commencing with some corner marked and established in the government survey, and acceptable to the Village Engineer; a statement that the plat is a correct representation of all the exterior boundaries of the land surveyed and each parcel thereof; and a statement that he has fully complied with the provisions of §70.27, Wis. Stats, in filing the same.
  - (e) Additional Information. The map shall also show any other information deemed pertinent by the Village relating to existing buildings, watercourses, drainage ditches, easements, setbacks, and building lines, etc.

## 9.05 DESIGN STANDARDS.

### (1) Streets.

- (a) Design Criteria. The streets shall be designed and located in relation to existing and planned streets, to topographical conditions and natural terrain features such as streams and tree growth, the public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.
- (b) Construction Standards. Streets shall be constructed to conform to section 9.06 of this Chapter and to all applicable policies of the Commission of Public Works.
- (c) Widths and Locations. The widths and locations of all streets shall conform to the Official Map of the Village and to applicable State and County ordinances.
- (d) Arrangement.
  1. Major Streets. Major streets shall be properly integrated as principal arterials of through traffic.
  2. Collector Streets. Collector streets shall be properly related to mass transit route, to special traffic generating from facilities such as schools, churches, shopping centers, to population densities, and to the major streets into which they feed traffic.
  3. Minor Streets. Minor streets shall be designed to conform to topography, to discourage use of through traffic, to permit efficient drainage, and to require the minimum length of street necessary to provide convenient, safe access to property.
  4. Frontage Streets. Frontage streets shall be designed in relation to the major street which it services and to the existing topography to provide for safe traffic flow and property value preservation.

5. Names. Street names shall not duplicate the names of existing streets in the Village unless they can be considered as continuations or definitely related to the existing streets to warrant the same name.
6. Half-Streets. Where a half-street exists adjacent to the subdivision, the other half-street shall be dedicated by the subdivider. Platting of new half-streets shall be permitted only with specific approval of the Village Board.
7. Access Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where the access control has been placed under Village Board control and such control has been accepted by the Village Board.

(2) **Intersections.**

- (a) Right Angle. Streets shall intersect as nearly as possible at right angles and not more than two (2) streets shall intersect at one point unless approved by the Village Board.
- (b) Corners. Property lines at street intersections shall be rounded with a radius of 15 feet or of a greater radius where the Village Board considers it necessary. This may be accomplished either by dedication or by easement.
- (c) Jogs. Street jogs with center line offsets of less than 125 feet shall be avoided. Where streets intersect major streets, their alignment shall be continuous.

(3) **Alleys.**

- (a) Residential Districts. Alleys shall not be provided in residential districts unless necessitated by topographic or other exceptional circumstances accepted by the Village Board.
- (b) Commercial and Industrial Districts. The Village Board may require alleys in commercial and industrial districts when necessary to assure service access for off-street loading and parking.
- (c) Dead End Alleys. Dead end alleys and “T” or “L” shaped alleys shall be prohibited.

(4) **Easements.** Easements shall be centered on rear or side lot lines whenever possible.

- (a) Utility. Easements shall be provided for utilities where required by the Village Board and shall be at least 10 feet wide.
- (b) Drainage. Where a subdivision is traversed by a watercourse, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such watercourse, and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, it is desirable that the drainage be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.

(5) **Blocks.**

- (a) Shape and Size. The lengths, widths, and shapes of blocks shall be such as are appropriate for the type of development contemplated but block lengths in residential areas shall not exceed 1,500 feet nor be less than 400 feet.
- (b) Pedestrian Crosswalks. Pedestrian crosswalks not less than 15 feet wide may be required by the Village Board within blocks more than 900 feet long to provide convenient pedestrian circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.

(6) **Lots.**

- (a) General. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Dimensions.
  - 1. Depth and Width. Lots shall be designed so that the depth to width ratio does not exceed 2½ to 1.
  - 2. Area. Lot area shall meet the minimum requirements of the Zoning Code. Residential lots to be served by private sewerage disposal facilities shall comply with the rules of the State Board of Health as to minimum area where it exceeds the minimum required by the Zoning Code.
  - 3. Commercial and Industrial. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street services and parking facilities required by the type of use and development contemplated.
  - 4. Fronting or Backing into Major Streets. Residential lots, fronting or backing into major streets, should be platted with extra depth to permit generous distances between the buildings and such traffic ways even if the 2½ to 1 ratio has to be exceeded.
- (c) Corner Lots. Corner lots for residential use shall have extra width to permit full building setback from both streets.
- (d) Access to Public Streets. Every lot shall front or abut on a public street for at least 40 feet. Lots with access only to private drives or streets shall be permitted only with Village Board approval and subject to the conditions of said approval.
- (e) Right Angles. Lots at right angles, butt lots, shall be avoided.
- (f) Lot Lines. Lot lines shall be substantially at right angles or radial to street lines.
- (g) Oversized Lots. Where lots are created of a size larger than normal for the area, the Village Board may require that the plat be so designated as to allow for the possible future re-subdivision of such lots into normal sizes compatible with the immediate area.
- (h) Village Boundaries. Lots shall follow Village boundary lines wherever practicable.
- (i) Double Frontage and Reversed Frontage. 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.

(7) **Minimum Street Widths.** The minimum right-of-way dedication for streets shall be as follows:

- (a) Major Streets. As shown on the Official Map but not less than 80 feet.
- (b) Collector Streets. 80 feet.
- (c) Minor Streets. 60 feet.
- (d) Frontage Streets. 40 feet.
- (e) Alleys. 20 feet.

(8) **Minimum Pavement Widths.**

- (a) Major Streets. Depends on the pavement cross-section selected, but not less than 44 feet.
- (b) Collector Streets. 44 feet or 24 feet with 10 feet outside shoulders.

- (c) Minor Streets. 24 feet.
  - (d) Frontage Streets. 24 feet.
  - (e) Alleys. 20 feet.
- (9) **Minimum and Maximum Street Grades.**
- (a) Minimum Grades. The minimum grade for all streets and alleys shall be 0.50%, and such minimum shall not be permitted for long sustained distances.
  - (b) Maximum Grades. Unless conditions warrant otherwise, the maximum grades for all streets and alleys shall be:
    - 1. Major Streets. Six (6) percent.
    - 2. Collector Streets. Six (6) percent.
    - 3. Minor and Frontage Streets. 10 percent.
    - 4. Alleys. 10 percent.
- (10) **Horizontal and Vertical Curves.**
- (a) Horizontal Curves. Horizontal curves shall be designed so that a minimum sight distance with clear visibility along the centerline is provided as follows:
    - 1. Major Streets. 300 feet.
    - 2. Collector Streets. 250 feet.
    - 3. Minor and Frontage Streets. 100 feet.
    - 4. Alleys. 100 feet.
  - (b) Vertical Curves. Vertical curves shall be designed so that all changes in grade in excess of one (1) percent shall be connected by vertical curves of a minimum length equal to 15 times the algebraic difference in the rate of grade.
  - (c) Tangents. A tangent of at least 100 feet in length shall be provided between reverse curves on major and collector streets.
- (11) **Intersection Grades.** The change in grade across an intersection and within 50 feet of the property line limits of said intersection shall not exceed three (3) percent.

## 9.06 REQUIRED IMPROVEMENTS AND RESERVATIONS.

- (1) **General.** Before a final plat of a subdivision located in the Village will be approved, the subdivider shall provide and dedicate the following facilities and improvements, all of which must be installed or constructed within the time stipulated by the Village Board, but not to exceed two (2) years after approval of the final plat unless the time is extended by the Village Board:
- (a) Streets. Streets graded and surfaced according to Board of Public Works specifications.
  - (b) Other Facilities. Drainage channels, culverts, and such other facilities necessary to provide adequately for surface drainage according to the established standards of the Village. Where steep grades or soil conditions warrant, the Village Board may require the subdivider to oil the ditches with liquid asphalt or to rip-rap and sod the ditches depending on the circumstances in each instance. When culverts are required, corrugated metal or reinforced concrete culverts shall be installed prior to the acceptance of streets. Culverts in excess of 18 inches in diameter shall be arch culverts. Intersection culverts shall be a minimum length of 44 feet.
  - (c) Alternate Procedure – Financial Guarantee. In the event the aforesaid facilities and improvements have not been fully installed at the time the plat is submitted for final approval, the subdivider shall file with the Village Clerk a surety bond or other satisfactory financial guarantee approved by the Village Attorney to

amply cover the costs of completing said facilities and improvements in such amount as the Village Board shall determine to be adequate based on the Village Engineer's estimates. If the improvements are not installed within two (2) years from the date of approval of the final plat by the Village Board and no extension of this time period has been given, the Village Board may cause all uncompleted, required work to be constructed, and the parties executing the bond or other form of surety shall be firmly bound for the payment of all necessary costs therefore. As the required improvements are installed and accepted, the Village Board may authorize reduction of the surety in the amount deemed appropriate.

- (d) Approvals. The adequacy of such facilities and improvements and their proper installation shall be subject to approval of the Village Board and the Village Engineer with the acceptance of said facilities following approval. Formal acceptance of these improvements by the Village Board will be made only between May and November 1 of any year.
  - (e) Stage Development. The Village Board may authorize the subdivider to proceed with the installation of improvements required on a portion of said subdivision with the requirements of this Chapter applying only to that portion.
- (2) **Reservations of Public Streets.** Whenever a plat is filed of a subdivision in which is located the site of a proposed park, parkway, playground, school, or other public use as shown on the Official Map of the Village, the subdivider shall reserve said site on the final plat for acquisition by the Village or School District. These proposed public lands shall be reserved for a period not to exceed three (3) years from the date of approval of the final plat by the Village unless extended by mutual agreement.
- (3) **Construction Standards.**
- (a) Streets.
    1. Cross-Section. Copies of the standard cross-sections are available from the Clerk and the Village Engineer. These sections include Plate 1-A, rural cross-section, and Plate 2-A, urban cross-section. The Village shall specify the type of cross-section at the time of platting. Alternate cross-sections will be discussed at the time of platting for major and collector streets.
    2. Profiles. The Village Board shall require that profiles of streets to be constructed be prepared by a Registered Professional Engineer or Registered Land Surveyor and be submitted to the Village Board for approval of all grades and drainage easements prior to proceeding with any grading.
    3. Culverts. The length and size of all culverts shall be determined by the Village Engineer.
    4. Surfacing. All streets shall be surfaced according to Board of Public Works specifications. Maintenance of the streets shall be the responsibility of the subdivider until final acceptance of the streets by the Village.
    5. Unstable Material. Top soil, mucky soil, peat, and other unstable material shall be removed below the subgrade of streets and replaced with suitable, sound fill materials approved, placed, and compacted as directed by the Village Engineer.
    6. Street Signs, Culvert Posts, Guard Rails. Street signs, culvert posts, guard rails, etc., as required by the Village Board, shall be obtained and placed by the Village with the expenses incurred paid by the subdivider.

7. Side Slopes. Side slopes shall be covered with top soil, prepared, seeded or sodded, fertilized, and maintained for a sufficient period to provide adequate grass cover prior to acceptance by the Village Board.
  8. Culvert Abutments. An abutment of mortared stone or reinforced concrete or other approved material shall be constructed at each end of all street and driveway culverts by the subdivider.
  9. Storm Sewer. If the urban cross-section is specified, an adequate storm sewer system shall be installed as directed by the Village Engineer.
- (b) Drainage Easements. All drainage easements shall be graded so as to confine water flow to the easement area as shown on the plat and all such grading shall be approved by the Village Engineer.
  - (c) Final Inspection and Acceptance. Prior to the request for final street inspection, the subdivider shall provide the Village Engineer with a written certification from the subdivider's engineer or surveyor to the effect that the streets conform to the grades as indicated on the profile maps previously approved. Final inspection will be made a minimum of seven (7) days after the surface course has been applied. Final acceptance of the streets, drainage ditches, culverts, etc., will be made only between May 1 and November 1 of any year.
  - (d) Village Engineer's Expenses. The expenses of the Village Engineer due to the subject subdivision, to the extent they exceed the fee paid at the time the final plat was submitted, shall be paid by the subdivider or owner as required by the Village Board.

**9.07 REPLATS, VACATING AND ALTERING PLATS, CORRECTION INSTRUMENTS.**

- (1) **Replat.** A replat of all or any part of a recorded subdivision may not be made or recorded except after proper court action has been taken to vacate the original plat or the specific part thereof; provided that such replat may be made and recorded without taking court action to vacate the original plat or the specific part thereof when all the parties in interest in writing agree thereto. The subdivider shall follow the same procedure for processing a replat as he does for any other preliminary and final plat. The Village will then apply the applicable provisions of this ordinance to the replat.
- (2) **Vacating and Altering Plats.** The owner of the subdivision, the owner of any lot in the subdivision by tax deed, or the County Board, if the County has acquired an interest in the subdivision or in any lot in the subdivision by tax deed, may apply to the Circuit Court for Milwaukee County for the vacation or alteration of all or part of the recorded plat of that subdivision. The provisions of §236.40, 236.41, 236.42, 236.43, 236.44, and 236.445, Wis. Stats., shall be followed.
- (3) **Correction Instruments.** Correction instruments approved by the Village Board shall be recorded with the Register of Deeds as provided by §236.293, Wis. Stats.

**9.08 APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal therefrom as provided in §62.23(7)(e)10 to 15, Wis. Stats., within 30 days of notification of the rejection of the plat. For the purpose of such appeal, the term "Board of Appeals" means an "approving authority". Where the failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving authority or objecting agency is arbitrary, unreasonable, or discriminatory.

**9.09 MODIFICATIONS AND EXCEPTIONS.** In any particular case where the subdivider can show that, by reason of exceptional topographic or other physical condition, strict compliance with any requirement of this ordinance would cause practical difficulty or hardship, the Village Board may relax such requirement to the extent deemed proper, so as to relieve such difficulty or hardship, provided such relief may be granted without detriment to the public good and without impairing the intent and purpose of this Chapter or the desirable general development of the neighborhood and the Village. A three-fourths vote of the entire Village Board shall be required to grant modifications or exceptions to this Chapter, and any modifications or exceptions so granted shall be entered in the minutes of the Village Board setting forth the reasons justifying the action.

**9.10 ENFORCEMENT AND PENALTIES.**

- (1) **Enforcement.** The Village may institute injunction or other appropriate action or proceeding to enjoin a violation of this Chapter or any provision of Chapter 236, Wis. Stats., adopted by reference.
- (2) **Penalties.** Except as otherwise expressly provided, any subdivider who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00 and the costs of prosecution for each violation, and in default of payment of such forfeiture and costs shall be imprisoned in the County jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. In addition the remedies provided by §236.30 and 236.31, Wis. Stats., shall apply.