

Chapter 295

SUBDIVISION OF LAND

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[HISTORY: Adopted by the Village Board of the Village of Genoa City 5-9-1996. Amendments noted where applicable.]

GENERAL REFERENCES

Plan Commission -- See Ch. 15.
Building construction -- See Ch. 114.
Numbering of buildings -- See Ch. 118.
Streets and sidewalks -- See Ch. 234.
Water and sewers -- See Ch. 270.

Floodplain zoning -- See Ch. 280.
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ARTICLE I
Introduction

§ 295-1. Authority.

This chapter is adopted under the authority granted by § 236.45, Wis. Stats.

§ 295-2. Purpose.

The purpose of this chapter is to regulate and control the division of land within the corporate limits of the Village of Genoa City, Wisconsin, and its extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Village and its environs.

§ 295-3. Intent.

It is the general intent of this chapter to regulate the division of land so as to:

- A.** Obtain the wise use, conservation, protection, and proper development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base.
- B.** Lessen congestion in the streets and highways.
- C.** Further the orderly layout and appropriate use of land.
- D.** Secure safety from fire, panic, and other dangers.
- E.** Provide adequate light and air.
- F.** Facilitate adequate provision for housing, transportation, water supply, storm-water, wastewater, schools, parks, playgrounds, and other public facilities and services.
- G.** Secure safety from flooding, water pollution, disease, and other hazards.
- H.** Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood-control projects.
- I.** Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- J.** Preserve natural vegetation and cover and promote the natural beauty of the Village.
- K.** Restrict building sites in areas covered by poor soils or in other areas poorly suited for development.

- L.** Facilitate the further division of larger tracts into smaller parcels of land.
- M.** Ensure adequate legal description and proper survey monumentation of subdivided land.
- N.** Provide for the administration and enforcement of this chapter.
- O.** Implement those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village and in general facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, and Chapter 310, Zoning, and Chapter 114, Building Construction, of this Code.

§ 295-4. Abrogation and greater restrictions.

It is not intended by this chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this chapter imposes greater restrictions, the provisions of this chapter shall govern.

§ 295-5. Interpretation.

In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

§ 295-6. Disclaimer of liability.

The Village 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 of Trustees, 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.

§ 295-7. Title.

This chapter shall be known as, referred to, or cited as the "Land Division Ordinance, Village of Genoa City, Walworth County, Wisconsin."

ARTICLE II General Provisions

§ 295-8. Jurisdiction.

Jurisdiction of this chapter shall include all lands within the corporate limits of the Village of Genoa City, Wisconsin, and those lands within the extraterritorial jurisdiction of the Village as established in §§ 61.35, 62.23(2), 66.0105, and 236.10, Wis. Stats. The provisions of this chapter as it applies to divisions of tracts of land into fewer than five parcels shall not apply to:

- A. Transfers of interests in land by will or pursuant to court order.
- B. Leases for a term not to exceed 10 years, mortgages, or easements.
- C. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, of this Code or other applicable laws or ordinances.
- D. Cemetery plats made under § 157.07, Wis. Stats.
- E. Assessors' plats made under § 70.27, Wis. Stats., but such assessors' plats shall comply with §§ 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e), Wis. Stats.

§ 295-9. Compliance required.

No person, firm, or corporation shall divide any land located within the jurisdictional limits of this chapter so that such division results in a subdivision, minor land division, replat, or condominium plat as defined herein, no such subdivision, minor land division, replat, or condominium plat shall be entitled to recording, and no street shall be laid out or improvements made to land without compliance with all requirements of this chapter and the following documents:

- A. Chapter 236, Wis. Stats.
- B. Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the sub-divider abuts on a state trunk highway or connecting street.
- D. Rules of the Wisconsin Department of Natural Resources setting water quality standards, preventing and abating pollution, and regulating development within flood-land, wetland, and shore-land areas.

- E. Duly approved Comprehensive Plan or Comprehensive Plan component of the Village of Genoa City, Wisconsin.
- F. Chapter 310, Zoning, of this Code and all other applicable local and county ordinances.

§ 295-10. Dedication and reservation of lands.

- A. **Streets, highways and drainage-ways.** Whenever a tract of land to be divided within the jurisdiction of this chapter encompasses all or any part of an arterial or collector street, drainageway, or other public way which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in §§ 295-48 through 295-56 of this chapter.
- B. **Parks and playgrounds.** Whenever a tract of land to be divided within the Village of Genoa City encompasses all or any part of a park or playground which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said park or playground shall be made a part of that plat or certified survey map and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in § 295-56 of this chapter.

§ 295-11. Improvements.

Before final approval of any plat or certified survey map located within the jurisdictional limits of this chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements, said estimate to be made by the Village Board after review and recommendation by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one year from the date of recording of the plat and as a further guarantee that all obligations to the subcontractor for work on the development are satisfied. In addition:

- A. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to review by the Plan Commission upon approval of the Village Engineer and the Village Attorney.
- B. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.

- C. Plats outside the corporate limits. Before final approval by the Village of any plat or certified survey map located outside the corporate limits of the Village but within the plat approval jurisdiction of the Village, the subdivider shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located.
- D. Survey monuments. Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

§ 295-12. Variances.

Where, in the judgment of the Village Board of Appeals, it would be inappropriate to apply literally the provisions of §§ 295-48 through 295-56 and §§ 295-57 through 295-70 of this chapter because of the proposed subdivision being located outside of the corporate limits, or because exceptional or undue hardship would result, the Village Board of Appeals may grant a variance from any requirement to the extent deemed just and proper.

- A. No variance to the provisions of this chapter shall be granted unless the Village Board of Appeals finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings¹:

- (1) **Exceptional circumstances.** There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that this chapter should be changed.)
- (2) **Preservation of property rights.** Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
- (3) **Absence of detriment.** The variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this chapter or the public interest.

- B. A minimum of four affirmative Village Board of Appeals member votes shall be required to grant any variance of this chapter.
- C. The Village Board may waive the placing of monuments required under § 236.15 (1) (b) (c) and (d), Wis. Stats., for a reasonable time, not to exceed one year, on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by statute. Additional time may be granted upon show of cause.

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

§ 295-13. Land suitability.

No land shall be subdivided for residential use which is determined to be unsuitable for such use by the Village Plan Commission, upon the recommendation of the Village Engineer or any other agency as determined by the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision or of the Village.

A. In addition:

- (1) Floodlands.** No lot served by public sanitary sewerage facilities shall have less than 50% of its required lot area below an elevation at least two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the maximum flood of record. No lot one acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include flood-lands. All lots more than one acre in area served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation, at least two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the maximum flood of record.
- (2)** Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (3)** Lands made, altered, or filled with earth within the preceding seven years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- (4) Lands having a slope of 12% or more shall be maintained in permanent open space use. No lot shall have more than 50% of its minimum required area in slopes of 10% or greater.
- (5) Lands having bedrock within six feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (6) Lands having groundwater within six feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewage disposal systems.
- (7) Lands covered by soils having a percolation rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- (8) Land drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.

B. The Village Plan Commission, in applying the provisions of this section, shall, in writing, recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

§ 295-14. Enforcement.

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this chapter or the Wisconsin Statutes, and no person, firm or corporation shall be issued a building permit by the Village of Genoa City authorizing the building on, or improvement of, any subdivision, minor land division, replat, or condominium plat within 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 may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

§ 295-15. Violations and penalties².

Any person, firm or corporation who or which violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit an amount as provided in Chapter 1, General Provisions, § 1-5 of this Code, plus the costs of prosecution for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

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

A. Violations and concomitant penalties shall include the following:

- (1) Recordation improperly made carries penalties as provided for in § 236.30, Wis. Stats.
- (2) Conveyance of lots in unrecorded plats carries penalties as provided for in § 236.31, Wis. Stats.
- (3) Monuments disturbed or not placed carries penalties as provided for in § 236.32, Wis. Stats.

B. An assessor's plat made under § 70.27, Wis. Stats., may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

§ 295-16. Appeals.

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in § 236.13(5), Wis. Stats., within 30 days of notification of the rejection of the plat. 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 shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

§ 295-17. Lot line adjustments between adjoining parcels.

Notwithstanding the exemption stated in § 295-8C, the Village Engineer or the Village Building Inspector may require the owners of the adjoining property who have sold or exchanged parcels of land between themselves so as to effect a lot line adjustment to furnish evidence that the resulting lots have not been reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, or other applicable laws or ordinances. The evidence shall be in the form of either a plat of survey or a point of the area marked to show the new lot line stakes and the dimensions of the resulting lots, stamped by a registered land surveyor, and that the new lot has been staked on the ground by the registered land surveyor. Such evidence shall be submitted no later than 30 days following the written request thereof made by the Village Engineer or Village Building Inspector to the owners. No person, firm or corporation shall sell or exchange parcels of land between adjoining property if additional lots are created without complying with this chapter or if the lots resulting are reduced below the minimum sizes required by this chapter, Chapter 310, Zoning, or other applicable laws and ordinances.

ARTICLE III
Land Division Procedures

§ 295-18. Preliminary consultation.

It is recommended that, prior to the filing of an application for the approval of a preliminary plat, the subdivider consult with the Village Plan Commission and/or its staff in order to obtain their advice and assistance. This consultation is neither formal nor mandatory but is intended to inform the subdivider of the purpose and objectives of this chapter, the Comprehensive Plan, Comprehensive Plan components, Neighborhood Plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

§ 295-19. Preliminary plat review³.

Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file an adequate number of copies of the plat and the application with the Village Clerk by the 15th of the previous month before a meeting of the Village Plan Commission at which consideration is desired. In addition:

- A.** The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit four copies to the Walworth County Planning, Zoning and Sanitation Department, two copies to the Wisconsin Department of Administration, and additional copies to the Wisconsin Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street, the Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources, if shoreland or floodlands are contained within the proposed subdivision. The Wisconsin Department of Administration, the Wisconsin Department of Transportation, the Wisconsin Department of Commerce and the Walworth County Planning, Zoning and Sanitation Department shall hereafter be referred to as "objecting agencies."
- B.** In lieu of the procedure set forth in Subsection A above, the subdivider may, pursuant to § 236.12(6), Wis. Stats., submit the original drawing of the preliminary plat directly to the Director of the Planning Function of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the sub-divider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit the additional copies required herein by Subsections C and D of this section.

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

- C. The Village Clerk-Treasurer shall also transmit 10 copies of the preliminary plat to the Village Plan Commission and additional copies to the Superintendent of Public Works and all affected Village committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission within 20 days from the date the plan is filed. The preliminary plat shall then be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- D. The Village Clerk-Treasurer shall also transmit one copy each of the preliminary plat to the Walworth County Land Conservation Committee, Southeastern Wisconsin Regional Planning Commission, Wisconsin Southern Gas Company, Wisconsin Power and Light Company and Wisconsin Bell Telephone Company for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 20 days from the date the plat is filed.

§ 295-20. Preliminary plat approval⁴.

The objecting agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Clerk-Treasurer. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

- A. The Village Plan Commission shall, within 90 days of the date of filing of a preliminary plat with the Village Clerk-Treasurer, approve, approve conditionally, or reject such plat. One copy of the plat shall thereupon be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the plat. One copy each of the plat and letter shall be placed in the Village Plan Commission's permanent file.
- B. Failure of the Village Plan Commission to act within 90 days shall constitute an approval of the plat as filed unless the review period is extended by mutual consent.
- C. Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 24 months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in § 236.11(1)(b), Wis. Stats., the final plat shall be entitled to approval with respect to such layout. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Village Plan Commission at the time of its submission.

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

§ 295-21. Final plat review.

The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file an adequate number of copies of the plat and the application with the Village Clerk-Treasurer at least 30 days prior to the meeting of the Village Plan Commission at which action is desired. In addition:

- A. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit four copies to the Walworth County Planning, Zoning and Sanitation Department, two copies to the Director of the Planning Function in the Wisconsin Department of Administration, and additional copies to the Director of the Planning Function for retransmission of two copies each to the Wisconsin Department of Transportation, if the subdivision abuts or adjoins a state trunk highway or a connecting street, and the Wisconsin Department of Commerce, if the subdivision is not served by a public sewer and provision for such service has not been made, and the Wisconsin Department of Natural Resources, if shore-land or flood-lands are contained within the proposed subdivision, and the original final plat and an adequate number of copies to the Village Plan Commission⁵.
- B. In lieu of the procedure set forth in Subsection A above, the subdivider may, pursuant to § 236.12(6), Wis. Stats., submit the original drawing of the final plat directly to the Director of the Planning Function of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies. When the subdivider elects to use this alternative procedure, it shall be the responsibility of the subdivider to submit sufficient additional copies of the final plat to the Village Clerk-Treasurer for review by the Village Plan Commission⁶.
- C. The Village Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval or rejection of the plat to the Village Board.
- D. Partial platting. If permitted by the Village Board, the approved preliminary plat may be final platted in phases, with each phase encompassing only that portion of the approved preliminary plat which the subdivider proposed to record at one time; however, it is required that each such phase be final platted and be designated as a phase of the approved preliminary plat.

§ 295-22. Final plat approval.

The objecting agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that

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

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

copy to the Village Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat. In addition:

- A. Submission. If the final plat is not submitted within 24 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat⁷.
- B. The Village Plan Commission shall, within 45 days of the date of filing of the final plat with the Village Clerk-Treasurer, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board.
- C. Notification. The Village Plan Commission shall, at the time it recommends approval or rejection of a plat to the Village Board, give at least 10 days' prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat.
- D. Failure of the Village Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, and all fees payable by the sub-divider having been paid, the plat shall be deemed approved.
- E. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation are filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed, and the Village Clerk-Treasurer shall record the plat with the Walworth County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within six months from the date of the last approval⁸.
- F. Copies. The sub-divider shall file five copies of the recorded final plat with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

§ 295-23. Certified survey maps.

When it is proposed to divide land into at least two but not more than four parcels or building sites, or when it is proposed to create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, or when it is proposed to divide any number of parcels greater than 1 1/2 acres in size (thus not constituting a "subdivision" as defined in § 295-85 of this chapter), the subdivider may subdivide by use of a certified survey map. The certified survey map shall include all parcels of land five acres or less in area and may, at the owner's discretion, include any other parcels containing more than five acres. The subdivider shall prepare the certified survey map in accordance with this chapter and shall file sufficient copies of the map and the letter of application with the Village Clerk-Treasurer at least 30 days prior to the meeting of the Village Plan Commission at which action is desired.

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

⁸ Editor's Note: Amended at time of adoption of Code (see Ch.1, General Provisions, Art. II).

- A. A preapplication conference similar to the consultation suggested in § 295-18 of this chapter is recommended. A preliminary certified survey map may be required when the division provides for land to be dedicated to the public.
- B. The Village Clerk-Treasurer shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Village Plan Commission.
- C. The Village Clerk-Treasurer shall transmit a copy of the map to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Copies shall also be transmitted to the Walworth County Land Conservation Committee and to the Southeastern Wisconsin Regional Planning Commission for review and comment. Their recommendations shall be transmitted to the Village Plan Commission within 30 days from the date the map is filed. The map shall be reviewed by the Village Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- D. The Village Plan Commission shall, within 60 days of the date of filing of the map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board⁹.
- E. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the subdivider¹⁰.
- F. Recordation. After the certified survey map has been approved by the Village Board, the Village Clerk-Treasurer shall cause the certificate to be inscribed upon the map attesting to such approval, and the Village Clerk-Treasurer shall record the map with the Walworth County Register of Deeds. The Register of Deeds shall not record the map unless it is offered within six months from the date of the last approval¹¹.
- G. Copies. The subdivider shall file five copies of the certified survey map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

§ 295-24. Extraterritorial plats and certified survey maps.

When it is proposed to divide lands located in the unincorporated areas within 1 1/2 miles of the corporate limits of the Village of Genoa City, the subdivider shall proceed as specified in §§ 295-18 through 295-23 of this chapter, with the following exceptions or additions:

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

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

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

A. Transmittal responsibility. The town clerk or Walworth County Planning, Zoning and Sanitation Department, to whomever the plat or certified survey map is first submitted, shall be responsible for transmitting copies of the plat or map to designated objecting agencies unless the subdivider has specifically requested that the Village assume the responsibility of transmitting all review copies. The subdivider shall specify in his letter of application to whom the original application was submitted.

B. Improvement and design requirements. If the extraterritorial plat or certified survey map contains lands located within the adopted sanitary sewer service area of the Village of Genoa City, the subdivider shall comply with all of the improvement requirements of §§ 295-57 through 295-70 of this chapter and with all of the design requirements of §§ 295-48 through 295-56 of this chapter. If the extraterritorial plat or certified survey map does not contain lands located within the Village's sanitary sewer service area, the subdivider shall comply with all of the design requirements of §§ 295-48 through 295-56 of this chapter. In either event, the subdivider shall not be required to dedicate park and open space land to the Village or be required to pay a public site fee to the Village.

C. Application Required. No person, firm or corporation shall divide any land located within the one and one half (1-1/2) mile extraterritorial plat approval jurisdiction of the Village of Genoa City without first filing an application and a certified survey map and/or preliminary plat with the Village for approval.

D. Pre-application Procedure.

- (1) Before filing an application for approval of a certified survey map, the subdivider shall consult with Plan Commission and Hall:
 - (a) Prepare a preliminary sketch for review and approval;
 - (b) Complete an Environmental Assessment Checklist.
- (2) This procedure will assist the applicant in appraising the objectives of these regulations, the Comprehensive Land Use Plan, the Official Map and other pertinent Village ordinances.
- (3) The pre-application information shall be submitted to the Plan Commission for review and approval, by the fifteenth day of the month preceding the date of the meeting at which the Plan Commission will consider the information.

E. Extraterritorial Land Division Policies. The following shall govern the Village in approving division of land within the one and one half (1 1/2) mile extraterritorial area in order to protect the rural character and farming viability:

- (1). Before final approval by the Village of any plat located outside the corporate limits of the Village, but within its extraterritorial plat approval jurisdiction, the subdivider shall

give evidence that he/she has complied with all street and utility improvement requirements for the town in which the land being platted is located.

- (2). For land divisions by certified survey as defined in Section 295-23, the procedure for approval by the Village shall be as specified in Section 295-23. The Village may require approval of the certified survey map by the pertinent Town Board before acting as specified under this section.
- (3). All land divisions within the one and one half (1 ½) mile extraterritorial area will be subject to the land preservation or dedication requirements of this Chapter. This specifically means the following:
 - a. Any public right-of-way area identified on the Village Comprehensive Land Use Plan or Official Map shall be dedicated in conformance with requirements of this chapter.
 - b. Any waterway or storm water management area identified on the Village Comprehensive Land Use Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
 - c. Any lands falling within the limits of an environmental corridor, as mapped by the Village of Genoa City or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village Zoning Code.
- (4). Lands falling within the one and one half (1 ½) mile extraterritorial area shall be required to meet all of the design standards contained in section 295-48 through 295-70 of this Chapter. The subdivider shall not be required to dedicate park and open space land to the Village or be required to pay a public site fee to the Village.
- (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this Chapter.
- (6) The Village Board may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan Commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.
- (7) The plat or certified survey map shall include those portions of the entire original parcel of land on which any new lots or parcels are created. Where only a portion of the entire original parcel is being divided into new lots and depicted on the face of the plat or certified survey map, a supplemental drawing shall be provided that depicts said entire original parcel and demonstrates full compliance with the provisions of subsection (1), above. This supplemental drawing shall be signed and sealed by a registered surveyor. In addition, in such instances where a supplemental drawing is used, a note shall be placed on the face of the plat or certified survey map cross

referencing such drawing indicating areas necessary for compliance with density standard established herein.

- (8) In all cases, the time period within which action is required shall not begin until the Town Board, pertinent county reviewing officials, and the Village of Genoa City have received all maps, drawings and data required for plat approval, applications have been completed and fees have been paid.

G. VARIATIONS AND EXCEPTIONS

- (1). A variance may be granted by the Village Board, upon receiving a positive recommendation of the Plan Commission, to permit a parcel to be created by a proposed land division in the extraterritorial review area when it is shown that the application satisfies the following standards:
- (a). A finding of fact must be made that the purpose of the proposed parcel is to be a lot for dwelling unit which is to be occupied by a person who, or a family at least one member of which earns a substantial part of his or her livelihood from farm operation on the parcel and/or contributes work which is substantially needed in the farm operation, and is the parent or child of the farm operator or the spouse of the farm operator; and
 - (b). A finding of public interest must be made that the proposed parcel and development design is reasonable upon consideration of these factors:
 - [1.] The potential for conflict with agricultural use;
 - [2]. The need of the proposed development for a location in an agricultural area;
 - [3]. The availability of alternative locations;
 - [4]. Compatibility with existing or permitted development or adjacent lands;
 - [5]. The productivity of the lands involved;
 - [6]. The location of the proposed development so as to reduce to a minimum the amount of productive agricultural land converted;
 - [7]. The need for public services created by the proposed development.
 - [8]. The availability of adequate public services and the ability of affected local units of government to provide them without a reasonable burden;
 - [9]. The effect of the proposed development on water or air pollution, soil erosion and rare or irreplaceable natural resources.

- (2). Any recommendation 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 Clerk 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 to notify the Plan Commission and the sub-divider.
- (3) Variances from the strict application of this Chapter may also be granted in accordance with this Chapter in the case of Planned Unit Developments provided the Village Board, 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, Village Zoning Ordinances, and any Village comprehensive plan.

§ 295-25. Replat.

- A. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the sub-divider or person wishing to replat shall vacate or alter the recorded plat as provided in §§ 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as specified in §§ 295-18 through 295-22.
- B. The Village Clerk-Treasurer shall schedule a public hearing before the Village Plan Commission when a preliminary plat of a replat of lands within the Village or its extraterritorial jurisdictional limits is filed and shall cause notice of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

§ 295-26. Condominium plats.

A condominium plat prepared pursuant to § 703.11, Wis. Stats., shall be reviewed in the same manner as a subdivision plat as set forth in §§ 295-18 through 295-22 of this chapter, excepting that it need not be submitted to any approving or objecting agencies that do not exercise jurisdiction over condominium plats.

ARTICLE IV Preliminary Plat

§ 295-27. General requirements.

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor, and the plat shall be prepared on tracing cloth, reproducible drafting film, or paper of good quality at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

- A. Title or name under which the proposed subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat.
- B. Property location of the proposed subdivision by government lot, quarter-section, township, range, county and state.
- C. General location sketch showing the location of the subdivision within the United States Public Land Survey section.
- D. Date, graphic scale and North arrow.
- E. Names and addresses of the owner, subdivider and land surveyor preparing the plat.
- F. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this chapter and severe hardship would result from strict application thereof.

§ 295-28. Plat data.

All preliminary plats shall show the following:

- A. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in United States Public Land Survey and the total acreage encompassed thereby.
- B. Existing and proposed contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level).
- C. Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1929) datum.
- D. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.
- E. Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- F.** Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established center-line elevations, all to mean sea level (1929) datum.
- G.** Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands.
- H.** Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, and power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations.
- I.** Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto.
- J.** Location, width and names of all proposed streets and public rights-of-way, such as alleys and easements.
- K.** Approximate dimensions of all lots, together with proposed lot and block numbers.
- L.** Location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring plotting.
- M.** Approximate radii of all curves.
- N.** Existing zoning on and adjacent to the proposed subdivision.
- O.** Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- P.** Any proposed lake and stream improvement or relocation.
- Q.** Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
- R.** Location of soil boring tests, where required by § COMM 85.06, Wis. Adm. Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per

three acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.

- S. Location of soil percolation tests where required by § COMM 85.06, Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

§ 295-29. Street plans and profiles.

The Village Plan Commission, upon the recommendation of the Village Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD), and plans and profiles shall meet the approval of the Village Engineer.

§ 295-30. Testing.

The Village Plan Commission, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The Village does not guarantee, warrant, or represent that those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board of Trustees, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon and conformance with this chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. COMM 85, Wis. Adm. Code, shall be complied with and the appropriate data submitted with the preliminary plat.

§ 295-31. Soil and water conservation.

The Village Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, shall require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the United States Conservation Service Technical Guide, adopted by the Walworth County Land Conservation Committee, and shall be in accordance with standards set forth in § 295-70 of this chapter.

§ 295-32. Covenants.

The Village Plan Commission shall require submission of a draft of protective covenants, where a covenant is proposed, whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development. The covenants shall be subject to the review and the approval of the Village Attorney as to form.

§ 295-33. Certification by surveyor.

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this chapter.

ARTICLE V Final Plat

§ 295-34. General requirements.

A final plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats.

§ 295-35. Additional information.

The plat shall show correctly on its face, in addition to the information required by § 236.20, Wis. Stats., the following:

- A.** Exact length and bearing of the center line of all streets.
- B.** Exact street width along the line of any obliquely intersecting street.
- C.** Railroad rights-of-way within and abutting the plat.
- D.** Utility and/or drainage easements.
- E.** Street addresses on each lot as determined by the Village Clerk-Treasurer.
- F.** All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- G.** Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.

§ 295-36. Deed restrictions.

The Village Plan Commission may require that deed restrictions be filed with the final plat and shall be recorded with the approved plat.

§ 295-37. Survey accuracy.

The Village Engineer shall examine all final plats within the Village and may make or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer field checks for the accuracy and closure of survey, the proper kind and location of monuments and the legibility and completeness of the drawing. In addition:

- A.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000 nor in azimuth of four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- B.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one part in 5,000 or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- C.** Where the plat is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the tie required by § 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- D.** The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.

§ 295-38. Surveying and monumenting.

All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.

§ 295-39. State plane coordinate system.

Where the plat is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the plat shall

be tied directly to one of the section or quarter corners so related, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

§ 295-40. Certificates.

All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 295-41. Recordation¹².

The final plat shall only be recorded with the Walworth County Register of Deeds after the certificates of the Wisconsin Department of Administration, of the Village Board, and of the surveyor and those certificates required by § 236.21, Wis. Stats., are placed on the face of the plat.

ARTICLE VI Certified Survey Map

§ 295-42. General provisions.

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of § 236.34, Wis. Stats. The minor subdivision shall comply with the design standards and improvement requirements set forth in §§ 295-48 through 295-70 of this chapter.

§ 295-43. Required information.

The map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

- A.** All existing structures, watercourses, drainage ditches and other features pertinent to proper land division.
- B.** Setbacks or building lines.
- C.** Utility and/or drainage easements.
- D.** Street addresses on each lot as determined by the Village Clerk-Treasurer.
- E.** All lands reserved for future acquisition.

¹². Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- F. Date of the map.
- G. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the one-hundred-year recurrence interval flood or, where such data is not available, five feet above the elevation of the maximum flood of record.
- H. Graphic scale and North arrow.
- I. Name and address of the owner, sub-divider and surveyor.

§ 295-44. Additional information.

The Plan Commission may require that the following additional information be provided when necessary for the proper review and consideration of the map:

- A. Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 10% and of not more than five feet where the slope of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created is fully developed.
- B. Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the United States Soil Conservation Service.
- C. Location of soil boring tests, where required by § COMM 85.06, Wis. Adm. Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
- D. Location of soil percolation tests where required by § COMM 85.06, Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the certified survey map.
- E. The Plan Commission may require that the entire area contiguous to the land outlined in the proposed certified survey owned or controlled by the subdivider be included on the certified survey map even though only a portion of said area is proposed for immediate development.

§ 295-45. State plane coordinate system.

Where the map is located within a United States Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Village of Genoa City, Walworth County or the Southeastern Wisconsin Regional Planning Commission, the map shall

be tied directly to one of the section or quarter corners so related, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

§ 295-46. Certificates.

- A.** The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
- B.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.

§ 295-47. Recordation¹³.

The certified survey map shall only be recorded with the Walworth County Register of Deeds after the certificates of the Village Board and the surveyor are placed on the face of the map.

ARTICLE VII, Design Standards

§ 295-48. Street arrangement.

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map, County Jurisdictional Highway System Plan, Comprehensive Plan or plan component, or Precise Neighborhood Unit Development Plan of the Village of Genoa City, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- A.** Arterial streets, as hereafter defined, 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.

¹³. Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. II).

- B. Collector streets, as hereafter defined, 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.
- C. Minor streets, as hereafter defined, 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.
- D. 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 Plan Commission, 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.
- E. Arterial street and highway protection. Whenever the proposed subdivision contains or is adjacent to an arterial 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.
- F. Stream or lake shores shall have a minimum of 60 feet of public access platted to the low-water mark at intervals of not more than 1/2 mile as required by § 236.16(3), Wis. Stats.
- G. Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed with the Village under conditions approved by the Village Plan Commission.
- H. Alleys shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Village Plan Commission but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street.
- I. Street names shall not duplicate or be similar to existing street names elsewhere in the Village, and existing street names shall be projected wherever possible.

§ 295-49. Limited access highway and railroad right-of-way treatment.

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- A. When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 20 feet in depth

shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."

- B. Commercial and industrial properties shall have provided, on each side of the limited access highway 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 150 feet.
- C. 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 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.
- D. Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

§ 295-50. Streets and pedestrianways.

- A. 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 on Table 1¹⁴.
- B. Street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:
 - (1) Cul-de-sac streets designed to have one end permanently closed shall not exceed 750 feet in length. All urban cul-de-sac streets designed to have one end permanently closed without a center planting island shall terminate in a teardrop turnaround having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet, and all urban cul-de-sac streets designed to have one end permanently closed with a center planting island shall terminate in a teardrop turnaround having a minimum right-of-way radius of 60 feet and a minimum outside curb radius of 48 feet.
 - (2) 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 above or by construction of a temporary "T" intersection 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side.

¹⁴. Editor's Note: Table 1 is included at the end of this chapter.

(3) Street grades.

- (a) Unless necessitated by exceptional topography, subject to the approval of the Village Plan Commission, the maximum center-line grade of any street or public way shall not exceed the following:

[1] Arterial streets: 6%.

[2] Collector streets: 8%

[3] Minor streets, alleys and frontage streets: 12%.

[4] Pedestrianways: 12% unless steps or stairs of acceptable design are provided.

- (b) The grade of any street shall in no case exceed 12% or be less than 1/2 of 1%. 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. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 15 times the algebraic difference in the rates of grade for arterial streets and 1/2 this minimum for all other streets.

(4) Radii of curvature.

- (a) When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:

[1] Arterial streets and highways: 500 feet.

[2] Collector streets: 300 feet.

[3] Minor streets: 150 feet.

- (b) A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

- (5) Half streets.** Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the sub-divider. The platting of new half streets shall not be permitted.

§ 295-51. Street intersections.

Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:

- A.** The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
- B.** The number of intersections along major streets and highways shall not be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1,200 feet.
- C.** Property lines at street intersections shall be rounded with a minimum radius of 15 feet, or of a greater radius when required by the Village Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- D.** Minor streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides within 250 feet of each other, measured along the center line of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous and a jog is avoided.

§ 295-52. Blocks.

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography. In addition:

- A.** The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet unless otherwise dictated by exceptional topography or other limiting factors of good design.
- B.** Pedestrianways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- C.** Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

§ 295-53. Lots. (Amended 10-13-16)

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

- A. Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
- B. Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- C. Access. Every lot shall front or abut for a distance of at least 40 feet on a public street. The Village Board may approve the creation of a permanent ingress and egress easement on a case-by-case basis for non-conforming lots. Minimum width shall be 15-feet for a one-way easement, and 30-feet for a two-way easement.
- D. Area and dimensions of all lots shall conform to the requirements of Chapter 310, Zoning, of this Code for the subdivisions within the Village and to the Walworth County Zoning Ordinance within the Village's extraterritorial jurisdictional limits. Those building sites in the extraterritorial plat approval jurisdiction not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. COMM 83, Wis. Adm. Code. The width and area of lots located on soils suitable for the use of an on-site soil absorption sewage disposal system shall not be less than 150 feet in width and 40,000 square feet in area.
- E. Depth of lots shall be a minimum of 120 feet. Excessive depth in relation to width shall be avoided, and a proportion of 2:1 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.
- F. Width of lots shall conform to the requirements of Chapter 310, Zoning, or other applicable ordinance, and in no case shall a lot be less than 80 feet in width at the building setback line.
- G. Corner lots shall have an extra width of 20 feet to permit adequate building setbacks from side streets.
- H. 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.

§ 295-54. 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 plat is located may be required by the Village Plan Commission and shall be shown on the final plat or certified survey

map. Examples of the application of this provision would include 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 or setting special yard requirements to protect natural resource elements.

§ 295-55. Easements.

The Village Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. Where a subdivision is traversed by a watercourse, drainageway channel or stream, an adequate drainageway or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainage or easement shall be subject to the approval of the Village Engineer, and parallel streets or parkways may be required in connection therewith. Where necessary, stormwater drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

§ 295-56. Public sites and open spaces.

In the design of the plat, due consideration shall be given to the reservation of suitable sites of adequate area for future schools, parks, playgrounds, drainageways and other public purposes. If designated on the Comprehensive Plan, Comprehensive Plan component, or Official Map, such areas shall be made a part of the plat as stipulated in § 295-10 of this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds and ravines. Accordingly, each subdivider of land in the Village of Genoa City shall, at the discretion and direction of the Village Plan Commission, either dedicate open space lands designated on the Village Comprehensive Plan or plan component, or reserve such open space lands and pay a public site fee, or, where no open space lands are directly involved, pay a public site fee. The Village Plan Commission shall, at the time of reviewing the preliminary plat or certified survey map, select one of the following options and record such selection in the minutes of the meeting at which the preliminary plat is presented for approval:

- A. Dedication of site option.** Whenever a proposed playground, park, or other public open space land designed on the Village's Comprehensive Plan, Neighborhood Unit Development Plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of one acre for each 50 proposed or potential dwelling units, and any such proposed public lands in excess of the rate established herein shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the public agency having jurisdiction at undeveloped land prices. If the lands in excess of the established rate are not acquired within the three-year period as set forth herein, the land will be released from reservation to the owner.

B. Reservation of site option. Whenever a proposed playground, park, or other public open space land designated on the Village's Comprehensive Plan, Neighborhood Unit Development Plan, or other Comprehensive Plan component is encompassed, all or in part, within a tract of land to be subdivided, the proposed public open space lands shall be made a part of the plat and be reserved at the time of final plat approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition at undeveloped land prices by the public agency having jurisdiction, and the subdivider shall pay a public site fee at the time of application for final plat approval at the rate and according to the procedures set forth in Subsection C of this section. If the land is not acquired within the three-year time period as set forth herein, the land will be released to the owner from reservation.

C. Public site fee option. If the proposed subdivision does not encompass a proposed public park, parkway, or other open space lands, or if the Village Plan Commission required the reservation of land as set forth in Subsection B of this section, a fee for the acquisition of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision or part thereof in the amount as set by the Village Board for each proposed dwelling unit within the plat. Public site fees collected by the Village Clerk-Treasurer under the provisions of this chapter shall be placed in a nonlapsing special fund for Village parks and shall be separate from the general funds of the Village, and said special fund shall be used exclusively for the acquisition and development of park, recreation, and other open space areas within the Village.

ARTICLE VIII Required Improvements

§ 295-57. Survey monuments.

The subdivider shall install survey monuments placed in accordance with the requirements of § 236.15, Wis. Stats., and as may be required by the Village Engineer.

§ 295-58. Grading.

- A.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, the subdivider 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 Plan Commission, upon the recommendation of the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to sub-grade.
- B.** Cut and filled lands shall be graded to a maximum slope of one on four or the soil's angle of repose, whichever is the lesser, and covered with permanent vegetation.

§ 295-59. Surfacing.

After the installation of all utility and stormwater drainage improvements, the subdivider shall surface all roadways in streets proposed to be dedicated to the widths prescribed by this chapter and the Comprehensive Plan or the Comprehensive Plan components of the Village.

- A.** All roadways shall be surfaced with a three-and-one-half-inch hot-mix bituminous concrete pavement, made up of a two-inch binder course and a one-and-one-half-inch surface course, placed on an eight-inch-thick gravel base. The bituminous pavement shall be constructed in stages.
- B.** The binder course shall be placed initially upon completion of the utilities, and the surface course shall be placed at such time that 75% of the lots within the subdivision have been developed, but not sooner than one year after the date the binder course was placed. All failures in the binder course shall be repaired and no bituminous surface shall be laid later than October 1 of any given year. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.

§ 295-60. Curb and gutter.

In all subdivisions, the Village Board may require the subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer. The cost of installation of all inside curbs and gutters for dual roadway pavements on the established arterial street and highway system for the Village shall be borne by the Village.

§ 295-61. Rural street sections.

When permanent rural street sections have been approved by the Village Board, the subdivider shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with plans and standard specifications approved by the Village Plan Commission, as recommended by the Village Engineer and as set forth in § 295-70 of this chapter.

§ 295-62. Sidewalks.

- A.** In all subdivisions, the Village Board may require the subdivider to construct a concrete sidewalk on both sides of all streets within the subdivision. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.
- B.** In addition, wider than standard sidewalks may be required by the Village Board in the vicinity of schools, commercial areas, and other places of public assemblage, and the Village

Board may require the construction of sidewalks in locations other than required under the preceding provisions of this chapter if such walks are necessary in its opinion for safe and adequate pedestrian circulation.

§ 295-63. Public sanitary sewerage.

When the proposed subdivision or certified survey map is located within the adopted sanitary sewer service area of the Village of Genoa City, the subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- A. The Village Board shall require the installation of sewer laterals to the street lot line for residential lots.
- B. The size, type and installation of all sanitary sewers and sanitary laterals proposed to be constructed shall be in accordance with plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. The latest revision of the Standard Specifications for Sewer and Water Construction in Wisconsin shall govern all work. All sanitary sewer and sanitary sewer lateral trenches within proposed streets shall be backfilled with granular material meeting the requirements of the Standard Specifications. However, upon written approval of the Village Engineer, the trenches may be backfilled with excavated material meeting the requirements of the Standard Specifications. If excavated material is allowed for backfill, it shall be compacted by mechanical methods meeting the approval of the Village Plan Commission, upon the recommendation of the Village Engineer.
- C. The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village a sanitary 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.

§ 295-64. Storm-water drainage facilities.

The subdivider 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. In addition:

- A. Unpaved road ditches and street gutters shall be shaped and seeded and/or sodded as grassed waterways. Where the velocity of flow is in excess of four feet per second on soils having a

severe or very severe erosion hazard and in excess of six feet per second on soils having moderate, slight or very slight erosion hazard, the subdivider shall install a paved invert or check dams, flumes, or other energy-dissipating devices.

- B. 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, size, type, grades and installation of all stormwater drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy-dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer.
- C. The subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, except for the added cost of installing storm sewers greater than those which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider 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.

§ 295-65. Water supply facilities.

When the proposed subdivision or certified survey map is located within the adopted water service area of the Village of Genoa City, or when it is proposed to establish a private water supply and distribution system to serve two or more lots, the subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Natural Resources. In addition:

- A. The Village Board shall require the installation of water laterals to the street lot line.
- B. The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Plan Commission, upon the recommendation of the Village Engineer.
- C. The subdivider shall assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed subdivision, except for the added cost of installing water mains greater than six inches in diameter.

§ 295-66. Other utilities.

The subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such utilities shall be located on overhead poles. In addition, plans indicating the proposed location of all gas lines required to service the plat shall be approved by the Village Engineer.

§ 295-67. Streetlamps.

The subdivider shall pay to the Village the cost to install streetlamps of a design approved by the Village Engineer at the intersections of all streets to be dedicated and at such mid-block intervals as may be required by the Village Board.

§ 295-68. Street signs.

The subdivider shall pay to the Village the cost to install street signs of a design approved by the Village Engineer at the intersections of all streets to be dedicated.

§ 295-69. Street trees.

In all subdivisions with lots smaller than one acre, the Village Board shall, and in other subdivisions may, require the developer to plant at least one tree of an approved species and of at least 1 1/2 inches in diameter at breast height (dbh) for each lot fronting on all streets to be dedicated. The trees shall be planted within the curb lawn. In addition:

- A. In lieu of planting street trees, the subdivider may, at the time of final plat approval or certified survey map approval, pay a tree fee to the Village Clerk-Treasurer as set by the Village Board for each tree to be planted. Moneys collected for tree planting shall be kept in a special tree planting fund for that purpose.
- B. Tree plantings shall be completed by the subdivider or by the Village, as determined by the Village Board, in accordance with plans and specifications approved by and at such time as directed by the Board of Park Commissioners.

§ 295-70. Sediment control.

The subdivider shall plant those grasses, trees and vines, of a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:

- A. The Village Board may require the subdivider 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.
- B. Tree cutting and shrubbery clearing shall not exceed 50% of the lot or tract and shall be so conducted as to prevent erosion and sedimentation, preserve and improve scenic qualities, and, during foliation, substantially screen any development from stream or lake users. (See § 295-75 of this chapter.)
- C. Paths and trails in wooded and wetland areas shall not exceed 10 feet in width unless otherwise approved by the Village Plan Commission and shall be so designed and

constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty.

- D.** Earthmoving, 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. (See §§ 295-74 and 295-75 of this chapter.)
- E.** Review of the conduct of such cutting, clearing and moving may be requested by the Walworth County Land Conservation Committee, the State District Fish and Game Managers and the State District Forester, the Village Engineer and Village Plan Commission as they deem appropriate.

ARTICLE IX Construction

§ 295-71. Commencement.

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat or certified survey map has been approved by the Village Board and the Village Engineer has given written authorization. Inspection fees shall be required as specified in §§ 295-77 through 295-84 of this chapter.

§ 295-72. Issuance of permits.

No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this chapter have been met.

§ 295-73. Plans and specifications.

The following plans and accompanying construction specifications shall be required by the Village Plan Commission and reviewed by the Village Engineer before authorization of construction or installation of improvements:

- A.** Street plans and profiles showing existing and proposed grades, elevations and cross sections of required improvements.
- B.** Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
- C.** Storm sewer plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.

- D. Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities.
- E. Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. The time span that soil will be exposed and plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in the publication United States Soil Conservation Service Technical Guide adopted by the Walworth County Land Conservation Committee, as amended.
- F. Planting plans showing the locations, age, diameter at breast height (dwb) and species of any required grasses, vines, shrubs, and trees
- G. Additional special plans or information as required.

§ 295-74. Erosion control.

The subdivider shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the plans and specifications approved by the Village Plan Commission, upon recommendation of the Village Engineer. In addition:

- A. All erosion control plans shall incorporate best management practices to reduce soil loss during construction to 10% of the gross soil loss as estimated by the universal soil loss equation.
- B. Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- C. Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- D. Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- E. Sediment basins shall be installed and maintained at all drainageways to trap, remove and prevent sediment and debris from being washed outside the area being developed.

§ 295-75. Existing flora.

The subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices,

including the preservation of trees by well islands or retaining walls whenever abutting grades are altered.

§ 295-76. Inspections.

The subdivider, prior to commencing any work within the subdivision, shall notify the Village Clerk-Treasurer to make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or release of the sureties.

**ARTICLE X
Fees**

§ 295-77. Payment.

The subdivider shall pay the Village all fees to the Village Clerk-Treasurer as hereinafter required and at the times specified before being entitled to recording of a plat or certified survey map.

§ 295-78. Preliminary plat or certified survey map review fee.

The subdivider shall pay a fee as set by the Village Board to the Village Clerk-Treasurer at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the cost of review. The subdivider shall pay a fee as set by the Village Board per dwelling unit within a condominium plat. A reapplication fee as set by the Village Board shall be paid to the Village Clerk-Treasurer at the time of reapplication for approval of any preliminary plat which has previously been reviewed.

§ 295-79. Improvement review fee.

The subdivider shall pay a fee or present a bond, certified check, or irrevocable letter of credit equal to 1% of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. The fee may be recomputed, upon demand of the subdivider or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements, and the difference, if any, shall be paid by or remitted to the subdivider. Evidence of cost shall be in such detail and form as required by the Village Engineer.

§ 295-80. Inspection fee.

The subdivider shall pay a fee to the Village Clerk-Treasurer equal to the actual cost to the Village for such inspection as the 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.

§ 295-81. Final plat review fee.

The subdivider shall pay a fee as set by the Village Board 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. The subdivider shall pay fee as set by the Village Board per dwelling unit within a condominium plat. A reapplication fee as set by the Village Board shall be paid to the Villager Clerk-Treasurer at the time of a reapplication for approval of any final plat which has previously been reviewed.

§ 295-82. Public site fee.

If the subdivision does not contain lands to be dedicated as required in §§ 295-10 and 295-56, the Village Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed subdivision. Said fee shall be paid to the Village Clerk-Treasurer at the time of first application for approval of a final plat of said subdivision in the amount as set by the Village Board for each dwelling unit/lot within the plat, certified survey map or condominium plat. Public site fees shall be placed in a separate nonlapsing special fund by the Village Clerk-Treasurer to be used only for the acquisition and development of park sites which will serve the proposed subdivision. Said fund shall be established on the basis of the service area of existing or proposed park facilities.

§ 295-83. Engineering fee.

The sub-divider shall pay to the Village Clerk-Treasurer a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the plat or CSM. In addition:

- A. Engineering work shall include the preparation of construction plans and standard specifications. The subdivider may furnish all some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.
- B. The Village Engineer may provide services to the sub-divider or design the public improvements, if agreed to by the sub-divider and Village Engineer, and approved by the Village Board.
- C. Inspection, checking, and reviewing work has fees provided for in 295-79 and 295-80 of this chapter.

§ 295-84. Administrative fee.

The subdivider shall pay a fee equal to the cost of any legal, administrative or fiscal work which may be undertaken by the Village in connection with the plat or certified survey map. Legal work shall include the drafting of contracts between the Village and the subdivider. These fees

may also include the cost of obtaining professional opinions, including but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered.

ARTICLE XI

Definitions

§ 295-85. Word usage and definitions.

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

ALLEY -- A public right-of-way which affords a secondary means of access to abutting property.

ARTERIAL STREET -- A public street used or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways as well as arterial streets, highways and parkways.

BLOCK -- A tract of land bounded by streets and a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters, and municipal boundaries.

BUILDING LINE -- A line parallel to a lot line and at a distance from the lot line to comply with the terms of this chapter.

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

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

COMPREHENSIVE PLAN -- The extensively developed plan, also called a "Master Plan," adopted by the Village Plan Commission and certified to the Village Board pursuant to §§ 61.35 and 62.23, Wis. Stats., including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs, shall also be considered a part of the Comprehensive Plan.

CUL-DE-SAC -- A local street with only one outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

EXTRATERRITORIAL PLAT APPROVAL JURISDICTION -- The unincorporated area within 1 1/2 miles of a fourth-class city or a village and within three miles of all other cities.

Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial powers over any area.

FINAL PLAT -- A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this chapter for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

FLOODLANDS -- Those lands, including the floodplains, floodways, and channels, subject to inundation by the one-hundred-year recurrence interval flood or, where such data is not available, the maximum flood of record.

FRONTAGE STREET -- A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

HIGH-GROUNDWATER ELEVATION -- The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year or by soil mottling during drier periods. "Mottling" is a mixture or variation of soil colors. In soils with restricted internal drainage, gray, yellow, red and brown colors are intermingled, giving a multicolored effect.

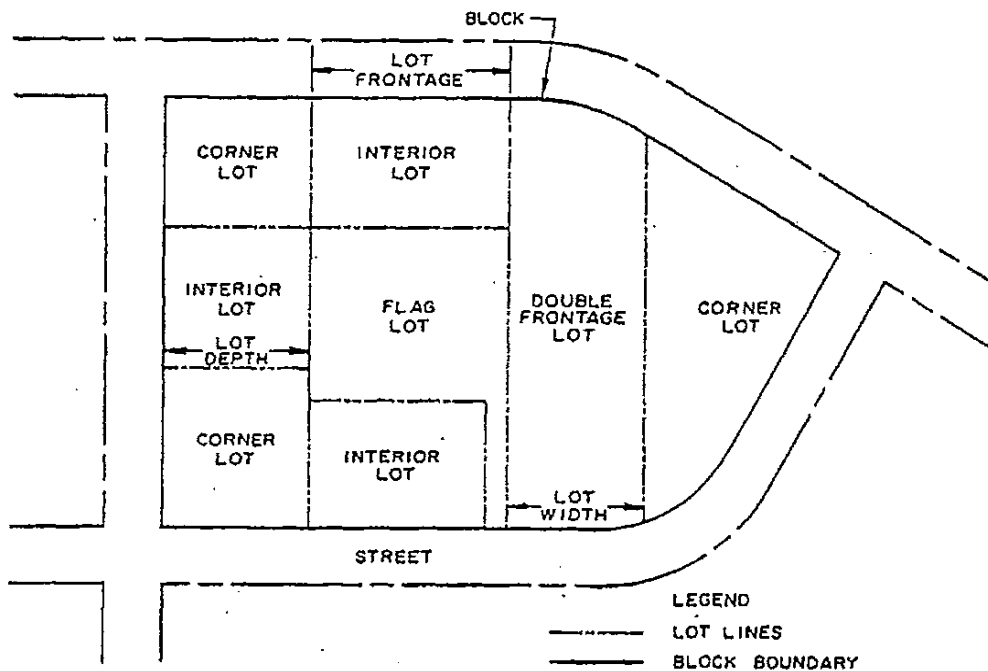
HIGH-WATER ELEVATION (SURFACE WATER) -- The average annual high-water level of a pond, stream, lake, flowage or wetland referring to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in or destruction of vegetation or other easily recognized topographic, geologic or vegetative characteristics.

IRREVOCABLE LETTER OF CREDIT -- An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the Village, and which is approved as to form by the Village Attorney.

LOT -- A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in Chapter 310, Zoning, of this Code. (See illustration.)

LOT, CORNER -- A lot abutting on two or more streets at their intersection provided that the corner of such intersection shall have an angle of 135° or less, measured on the lot side. (See illustration.)

ILLUSTRATION OF TYPICAL CORNER, DOUBLE FRONTAGE, FLAG, AND INTERIOR LOTS



LOT, DOUBLE FRONTAGE -- A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have two front yards and two side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure. (See illustration.)

MINOR LAND DIVISION -- Any division of land not defined as a subdivision. Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two but not more than four parcels or building sites, any one of which is less than five acres in size, or the division of a block, lot or outlet within a recorded subdivision plat into not more than four parcels or building sites without changing the exterior boundaries of said block, lot or outlet. Such minor land divisions shall be made by a certified survey map.

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

MUNICIPALITY -- An incorporated village or city.

NATIONAL MAP ACCURACY STANDARDS -- Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such

accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

NAVIGABLE WATER -- Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. [Muench v. Public Service Commission, 261 Wis.2d 492 (1952) and DeGaynor and Co., Inc. v. Department of Natural Resources, 70 Wis.2d 936 (1975)].

OUTLOT -- A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor subdivisions in the future for the purpose of creating buildable lots.

PRELIMINARY PLAT -- A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of lots and other improvements.

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

REPLAT -- The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.

SHORELANDS -- Those lands in the unincorporated areas of Walworth County lying within the following distances: 1,000 feet from the high-water elevation of navigable lakes, ponds and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

SOIL MAPPING UNIT -- Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the United States Soil Conservation Service.

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

SUBDIVIDER'S AGREEMENT -- An agreement by which the Village and the subdivider agree in reasonable detail as to all of those matters which the provisions of this chapter permit to be covered by the subdivider's agreement and which shall not come into effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Village.

SUBDIVISION -- The division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area or where the act of division creates five or more parcels or building sites of 1 1/2 acres each or less in area by successive division within a period of five years.

SURETY BOND -- A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.

WETLAND -- An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

WISCONSIN ADMINISTRATIVE CODE -- The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by § 35.93 and Ch. 227, Wis. Stats., including subsequent amendments to those rules.

SUBDIVISION OF LAND

Table 1

Required Street Cross Sections in the Village of Genoa City and in the Village's Extraterritorial Plat Review Jurisdiction

URBAN STREET SECTIONS

RURAL STREET SECTIONS

	Urban Street Sections		Rural Street Selections	
Type of Street or Public Way	Minimum Right-of-Way To Be Dedicated	Minimum Dimension	Minimum Right-of-Way To Be Dedicated	Minimum Dimensions
Arterial Streets (four-lane)	120 feet	+ Dual 36-foot pavement (face to curb to face of curb) + 24-foot median + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	130 feet	+ Dual 24-foot pavements + 18 foot median + 10-foot outside shoulders + 6-foot inside shoulders + 16-foot roadside ditches
Arterial Streets (two-lane)	80 feet	+ 40-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	100 feet	+ 24-foot pavements + 10-foot shoulders + 28-foot roadside ditches
Collector Streets	80 feet	+ 48-foot pavement (face of curb to face of curb) + 11-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	None	None
Minor Streets	60 feet	+ 36-foot pavement (face to curb to face of curb) + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavements + 6-foot shoulders + 16-foot roadside ditch
Minimum Cul-de-Sac (w/center island; teardrop design)	60-foot radius	+ 48-foot radius pavement + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66-foot Radius	+ 45-foot radius pavement + 6-foot shoulders + 16-foot roadside ditch
Minimum Cul-de-Sac (w/center island; Teardrop design)	60-foot radius	+ 24-foot radius median + 24-foot circumferential pavement + 7-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	-	-
Cul-de-Sac Barrel	60 feet	+ 32-foot pavement (face of curb to face of curb) + 9-foot tree banks (curb lawn) + 4-foot sidewalks + 1-foot outside sidewalks	66 feet	+ 22-foot pavements + 6-foot shoulders + 16-foot roadside ditches