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CHAPTER 45

LAND DIVISION AND SUBDIVISION REGULATIONS

45.01 TITLE. This Chapter shall be known as the Subdivision Ordinance, Village of Ellsworth, Wisconsin, and any reference herein to “Ordinance” shall refer to this chapter.

45.02 INTENT AND PURPOSE. This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Ellsworth in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of buildings placed upon the land by: furthering the orderly layout and use of land; insuring proper legal description and proper monumenting of land; preventing overcrowding of land and avoiding undue concentration of population; lessening congestion in the streets and highways; securing safety from fire, flooding, water pollution and other hazards; providing adequate light and air; facilitating adequate playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements; facilitating further resubdivision of larger parcels into smaller parcels of land; insuring enforcement of the development concepts, policies and standards delineated in the related components, the Zoning Ordinance, and the Building Code of the Village of Ellsworth.

45.03 GENERAL REQUIREMENTS.

- (1) Conformance with Policies. It is the intent of the Village of Ellsworth that land be developed in harmony with the following:
 - (a) To plan the location and/or timing of new development to make it efficient, to reduce public costs and to encourage separation and distinction between municipalities.
 - (b) To direct and stage new growth only to those areas planned and programmed for development and capable of providing a full range of urban services, including transportation and schools.
 - (c) To discourage scattered development and urban sprawl.
 - (d) To insure that land uses complement rather than conflict with natural features such as rolling topography, trees, creeks, ponds and rock formations.
 - (e) To develop a system of interior open spaces in conjunction with existing environmental corridors to delineate neighborhoods, control storm water drainage and provide circulation for pedestrian and bicycle traffic.
 - (f) To locate multi-family development and local commercial development convenient to each other and near arterials.
 - (g) To encourage preservation of open space and aesthetic quality in development.
 - (h) To favor land use intensities and patterns that are supportive of alternative modes of transportation.
 - (i) To promote and maintain balanced commercial activity that is viable and responsive to the needs of the community and the surrounding market area.
 - (j) To preserve the quality of the water and the air and to prevent extreme noise and visual blight.

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- (k) To preserve prime agricultural land for agricultural use.
 - (l) To encourage development in the Village with balanced residential, commercial, industrial and open space uses and public services.
- (2) Land Suitability. No land shall be divided or subdivided for a use which is held unsuitable by the Plan Commission for reason of flooding or potential flooding, soil limitations, inadequate drainage, steep topography, incompatible surrounding land use, or any other condition likely to be harmful to the health, safety or welfare of the future residents or users of the area, or harmful to the community.
- (a) Except as provided herein, the Plan Commission shall determine land suitability prior to the time the preliminary plat or certified survey is considered for approval, following review and recommendations by the appropriate Village Commissions and Committees. The Plan Commission may impose special conditions on the plat or certified survey map deemed necessary to protect the health, safety or welfare of future residents of the area. The areas which are found to be environmentally sensitive shall be considered for preservation as open space. The determination of land suitability will be evaluated through the Environmental Assessment Procedures set forth in sec. 45.05(1) of this Ordinance. The subdivider shall furnish such maps, data and information as may be necessary to make a determination of land suitability.
 - (b) Should the Plan Commission determine that the land is unsuitable for the intended use or development, it shall state its reasons in writing to the subdivider within 30 days of initial Plan Commission action. The subdivider may present additional evidence to support the proposed subdivision. Upon review of the additional evidence, the Plan Commission shall affirm, modify, or withdraw its determination of unsuitability.
 - (c) The subdivider may appeal the determination of land suitability as provided in sec. 45.09 (Appeals).
- (3) Determination of Adequacy of Public Facilities and Services.
- (a) A certified survey, preliminary plat or final plat shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services are available to meet the needs of the proposed subdivision.
 - (b) The applicant shall furnish any data requested by the Village Engineer who shall transmit this information to appropriate Village commissions, committees and boards for review and shall act as coordinator for their reports to the Plan Commission and the Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, and transportation facilities.
 - (c) Public facilities and public services for a proposed subdivision may be found to be adequate when the following conditions exist:
 - 1. The proposed subdivision is located in an area where mainline interceptor sewer service is presently under construction, or designated by the Village Board for extension of sewer service. The Plan Commission and the Village Board shall also consider the recommendations of the Village Engineer and the Water and Sewer/Street and Sidewalk Committees on the capacity of trunk lines, wells, and of sewerage treatment facilities and any other information presented.

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2. The proposed subdivision is located within an area serviced by an arterial transmission water main with adequate capacity for the proposed development, or if the water distribution system that is needed is under construction or scheduled for construction. The Plan Commission and the Village Board shall consider the recommendations of the Village Engineer and the recommendations of the Water and Sewer/Street and Sidewalk Committees on line capacities, water sources and storage facilities as well as any other information presented.
 3. The Village Engineer recommends to the Plan Commission and the Village Board that adequate facilities are available to insure the proper storm water management.
 4. Plans of the proposed subdivision can be assured park, recreation and open space areas, facilities, and services which meet the needs of the community.
 5. The appropriate Police Department and Fire Department verify that timely and adequate service can be provided to the residents.
 6. The proposed subdivision is accessible by existing publicly maintained, all weather roads adequate to accommodate both existing traffic and that traffic to be generated by the proposed subdivision, or necessary additional roads and road improvements are budgeted for construction with public or private financing.
 7. The proposed subdivision can be adequately served by existing sewerage plant and water well and water storage plant facilities. Where the Plan Commission and the Village Board determine that one or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (4) Lot Sizes. In the case of all subdivisions, including minor subdivisions, lot sizes shall conform to the area and width requirements of the Zoning Ordinance.
- (5) Dedication and Reservation of Land.
- (a) Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of a street, highway, bikeway, pedestrian way, greenway, environmental corridor, waterway, or a drainage or utility easement designated in any plan, map, or another ordinance, the subdivider shall plat said public way in the locations and dimensions indicated on the above. The Plan Commission shall determine whether said public way should be dedicated to the public or reserved by the subdivider.
 - (b) Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or part of a park site, open space or other recreation area or school site designated in any plan, map, or ordinance, said public sites shall be platted and dedicated or reserved by the subdivider at the discretion of the Plan Commission in the locations and dimensions indicated on said plans or map in accordance with the requirements of sec. 45.06(3)(k) hereof.
 - (c) Once a preliminary plat or certified survey is approved, any lands proposed for public use above shall not be altered without the written approval of the Plan Commission and the Parks, Recreation, Development Committee.

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(6) Penalties.

- (a) Failure to comply with the requirements of this Ordinance shall invalidate purported transfers of titles at the option of the purchaser in accordance with the provisions of §236.31(3), Wis. Stats..
- (b) A building permit shall be refused for any site created in violation of this Ordinance.

(7) Exceptions. The provisions of this Ordinance 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 ten (10) years, mortgages or easements;
- (c) The 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 the Zoning Ordinance or other applicable laws or ordinances unless the parcels have been part of a prior land division or subdivision.
- (d) The sale or exchange of parcels involving only a change of lot lines where the land division may be approved by the zoning administrator after his/her review to determine conformance with the Village of Ellsworth Municipal Code.

45.04 PROCEDURE FOR DIVIDING LAND. In planning and developing a subdivision or minor subdivision, the subdivider or agent shall, in every case, pursue the following course:

- (1) **Pre-Application Procedure.** Before filing an application for approval of a preliminary plat or certified survey, the subdivider shall consult with the Department of Public Works and shall prepare the following:
 - (a) A preliminary sketch for review and concept approval of the Plan Commission.
 - (b) An Environmental Assessment Checklist, or when required, an expanded Environmental Assessment Report, as required by sec. 45.05(1).
 - (c) Written requests to the Water and Sewer/Street and Sidewalk Committees and to the Plan Commission for any water main extensions necessary to serve the proposed plat.
 - (d) A signed statement listing development projects for which the applicant has received Village approval in the last 5 years and indicating any outstanding performance or financial obligations on such projects which derive from application of Village land use regulations. If this statement is found to contain information which is contrary to fact or to omit the listing of such projects or obligations or to describe obligations on which performance or payment is delinquent, the application may be dismissed without prejudice until the application is corrected and/or the delinquency is cured. On completion of the above documents (a,b,c,d), a pre-application consultation shall be held with the Public Works Director or his/her designee to assist the subdivider in appraising the objectives of these regulations, and any pertinent ordinances and to reach conclusions regarding the objectives and general program for the development.
- (2) **Preliminary Plat.** Prior to submitting a final plat for approval, the subdivider shall prepare a preliminary plat and file a written request for its approval with the Secretary of the Plan Commission. A preliminary plat shall not be submitted prior to approval of the Environmental Assessment Checklist, or when

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required, the Environmental Assessment Report, as required in sec. 45.05(1). The request for approval shall be submitted at least five (5) days prior to the date of the meeting of the Plan Commission at which the request is to be considered, and shall include all data required by this Ordinance and shall be accompanied by eight (8) copies of the preliminary plat. The Plan Commission may forward a copy of the plat to Pierce County for review and comment.

- (a) The preliminary plat shall include the entire area owned or controlled by the subdivider. The Plan Commission may waive this requirement to allow the subdivider to submit a Comprehensive Development Plan (CDP) meeting the requirements of sec. 45.04(4) and 45.05(4) for that portion of the land which is not to be included in the final plat when the subdivider owns or controls eighty (80) acres or more. The subdivider shall in all cases submit a preliminary plat for the lands to be included in the final plat.
- (b) The Plan Commission shall within ninety (90) days from the date submitted, approve, approve conditionally or reject the preliminary plat, and when included, the development plan, based on its determination of conformance with the intent and provisions of this Ordinance, as well as all related plans and ordinances, and recommendations of appropriate Village committees and commissions. In all cases, the time period within which action is required shall not commence until the Village has received all maps, plans, drawings and related data necessary for plat review as outlined herein. Such time may be extended by a written agreement with the subdivider. Failure of the Plan Commission to act within such ninety (90) days or extension thereof, shall constitute an approval of the preliminary plat and development plan. The reasons for conditional approval or rejections shall be stated in the minutes of the meeting and a letter stating such reasons shall be sent to the applicant. Approval of a preliminary plat shall be valid for six (6) months from the date of approval.
- (c) The action of the Plan Commission shall be noted on three (3) copies of the preliminary plat, one copy of which shall be returned to the subdivider with the date and action endorsed thereon.
- (d) Replats are to be processed in accordance with the provisions of §236.36, Wis. Stats., entitled "Replats".
- (e) If the preliminary plat or certified survey map contains private road(s), the following note shall be added to the plat or CSM when it is presented for approval as a final plat:

NOTICE OF POSSIBLE LIMITATION OF PUBLIC SERVICES.

This plat or certified survey map contains private road(s), and, as a result, certain Village services may be limited. The extent of these limitations is spelled out in a document called a Village/developer agreement or, if this is a condominium plat, in a document called a general development plan (GDP), which directly relates to this plat or CSM and is filed as a public document in the offices of both the Village Clerk and the Director of Public Works for the Village of Ellsworth.

(3) Final Plat Procedure.

- (a) The subdivider shall submit the final plat and/or true copies thereof and written request for approval to the Secretary of the Plan Commission and the State of Wisconsin, in accordance with §236.12, Wis. Stats. The subdivider shall provide five (5) copies of the plat for review by the Village at least twelve (12) days prior to the scheduled Plan Commission review.

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- (b) The final plat shall constitute only that portion of the approved preliminary plat which the subdivider proposes to record at that time.
 - (c) The Plan Commission shall examine the final plat as to its conformance with the preliminary plat and the requirements set forth in sec. 45.03(2) of this Ordinance, and shall recommend approval, conditional approval or rejection of the plat. The Plan Commission shall transmit the plat, together with its recommendations, to the President and Village Board within thirty (30) days of its submission to the Plan Commission.
 - (d) The Village Board shall approve or reject the final plat within sixty (60) days of its submission to the Plan Commission, unless the time is extended by written agreement with the subdivider. The Village Board shall review the final plat for conformity with all conditions of approval, if any, and sec. 45.03(2) of this Ordinance and shall base approval or disapproval on these requirements. If the final plat meets the requirements of this Ordinance, and has been submitted within six (6) months from the approval date of the preliminary plat and the conditions have been met in the case of a preliminary plat given conditional approval, the Village Board shall approve the final plat.
 - (e) Following approval of the final plat by the Village Board, the developer shall enter into a contract for improvements as required by sec. 45.06(4). Prior to the signing of said contract by the President and the Village Clerk, the developer shall pay to the Village all required fees, area charges and deposits, and provide any required performance bonds.
 - (f) Upon recording of the final plat by the subdivider, two (2) copies of the recorded document shall be furnished to the Village Clerk.
 - (g) If the Village Board fails to act within sixty (60) days and the time has not been extended by agreement, and if no unsatisfied objections have been filed within that period, the plat shall be deemed approved, and upon demand, a certificate to that effect shall be made on the face of the plat by the Village Clerk.
- (4) Comprehensive Development Plan Procedure.
- (a) When the subdivider has eighty (80) acres or more of land under his/her or its control, they may, where authorized by the Plan Commission, elect to file a Comprehensive Development Plan (CDP) in lieu of a preliminary plat for that land not to be included in the final plat.
 - (b) The applicant shall file eight (8) blueline prints and eight (8) copies of all required exhibits with the Secretary of the Plan Commission.
 - (c) The CDP and its exhibits shall be reviewed by the Village Engineer and the Water and Sewer/ Street and Sidewalk Committees; for conformity with the provisions of this and other pertinent ordinances. Their comments shall be forwarded to the Plan Commission for review.
 - (d) The Plan Commission shall approve, conditionally approve or reject the CDP within sixty (60) days of the filing of the CDP and exhibits. One copy shall be returned to the applicant notifying the applicant in writing of any conditions of approval or reasons for rejection.
 - (e) Any subsequent change to the CDP and exhibits shall require filing with the Secretary of the Plan Commission. Within thirty (30) days of filing, the Plan Commission shall approve, conditionally approve or reject the revised CDP.

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(5) Minor Subdivision (Certified Survey) Procedure.

(a) No person, firm or corporation shall divide any land located within the corporate limits of the Village of Ellsworth or within the one and one-half (1 1/2) mile extraterritorial plat approval jurisdiction thereof which shall result in a minor subdivision as defined by this Ordinance without first filing an application and a certified survey map for approval by the Plan Commission (and the Village Board when dedication of land is involved), and subsequently recording said map with the Pierce County Register of Deeds. The certified survey map shall comply fully with §236.34, Wis. Stats., and with all applicable requirements of this Ordinance.

(b) Pre-Application Procedure. Before filing an application for approval of a certified survey, the subdivider shall consult with the Department of Public Works and shall prepare the following:

1. Prepare preliminary sketch for review and approval.
2. Complete an Environmental Assessment Checklist, or when required, an expanded Environmental Assessment Report, required by sec. 45.05(1), for review and approval.

This procedure is intended to assist the developer in appraising the objectives of these regulations and other pertinent Village ordinances. The pre-application information shall be submitted to the Plan Commission for review and approval.

(c) Plan Commission Action. The Plan Commission shall within forty-five (45) days approve, approve conditionally or reject the certified survey map. The reasons for conditional approval or for rejection shall be recorded in the minutes, and a letter detailing the action taken shall be sent to the applicant. After the conditions of approval have been satisfied, the resolution of approval and of acceptance for any land dedications shall be presented to the appropriate governmental body for action, and if approved, shall be placed on the face of the map with nonfading ink.

(d) Compliance.

1. The applicant shall comply with the provisions of sec. 45.03 (General Requirements), 45.04(2)(f), 45.06 (Required Improvements), and 45.07 (Design Standards) of this Ordinance.
2. Where streets or other areas are dedicated to the public, the certified survey map shall contain an owner's and a mortgagee's certificate which are in substantially the same form as required by §236.21(2)(a), Wis. Stats.
3. Before an approved certified survey map is recorded the applicant must pay to the Village or other appropriate unit of government any accrued real estate taxes and special assessments owing on any land dedicated by the survey and to the Pierce County Treasurer any delinquent taxes on the dedicated land.
4. Upon recordation by the developer, two (2) copies of the recorded document shall be furnished to the Village Clerk.

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- (6) Procedures and Criteria for the Division of Land Within the 1-1/2 Mile Extraterritorial Plat Approval Jurisdiction of the Village. In all cases, the time period within which action is required shall not begin until the Town Board, the Pierce County Land Management Office, and the Village of Ellsworth have received all maps, drawings, and data required for plat approval.
- (a) No person, firm or corporation shall divide any land located within the 1-1/2 mile extraterritorial plat approval jurisdiction of the Village of Ellsworth without first filing an application and a certified survey map for approval by the Plan Commission.
- (b) Pre-application Procedure. Before filing an application for approval of a certified survey, the subdivider shall consult with the Department of Public Works and shall prepare the following:
1. Prepare a preliminary sketch for review and approval.
 2. Complete an Environmental Assessment Checklist, or when required, an expanded Environmental Assessment Report required by sec. 45.05(1), for review and approval.
- This procedure is intended to assist the developer in appraising the objectives of these regulations and other pertinent Village ordinances. The pre-application information shall be submitted to the Plan Commission for review and approval.
- (c) Minor Subdivision Procedure (Certified Survey). The procedure shall be as specified in sec. 45.04(5) (Minor Subdivision Procedures) and 45.05(5) (Plat and Data Submission Requirements). The Plan Commission may require approval of the certified survey map by the town board before acting.
- (d) Extraterritorial Land Division Policies. The following policies shall govern the Village Plan Commission in approving division of land within the 1-1/2 mile extraterritorial area in order to protect the rural character and farming viability:
1. No subdivisions as defined in this Ordinance will be permitted within the 1-1/2 mile extraterritorial limits of the Village of Ellsworth.
 2. Minor subdivisions not exceeding an overall density of one (1) unit for 35 acres will be permitted for farm related dwellings and for rural residential dwelling. Lots for commercial use will be reviewed on a case-by-case basis. The standards used to review these land divisions will be the same as the standards contained in the Pierce County Exclusive Agricultural Zoning District Ordinance. The only exception to this provision is that lots resulting in the infill of existing subdivisions may be permitted.
 3. The minimum lot size in the 1-1/2 mile extraterritorial area shall be one (1) acre. A smaller lot size may be allowed if also approved by the Town Board.
 4. The Village of Ellsworth will attempt to seek consistency with locally adopted Town Plans. To the extent that the policies of the Village are more restrictive, they shall prevail. All minor subdivisions within the extraterritorial area will be subject to the land reservation and dedication requirements of this Ordinance.
 5. Lands falling within the first one and one-half mile of the extraterritorial area shall be required to meet all of the design standards contained in sec. 45.07 of this Ordinance.

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6. Minor subdivisions within the extraterritorial area will be required to follow erosion control plans in compliance with this Ordinance.
 7. All land divisions within the extraterritorial area shall pay the required review fees contained in sec. 45.04(7) of this Ordinance.
 8. The Plan Commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan Commission to ensure compliance with and to protect the purpose and intent of the Village's plans and ordinances. Any such restrictions shall be placed on the face of the certified survey map or on surrounding lands from which the lot or lots were created to verify the density standard established herein.
 9. If a variance is granted from the above provision the resulting division of land shall conform to all of the pertinent regulations of this Ordinance.
- (7) Fee and Dedication Schedule. The following schedule is established to insure that each land division, subdivision, planned development and development project pays its share of costs for public facilities and services.
- (a) Park and Open Space Fee or Dedication. A dedication of land and/or the payment of a fee in accordance with the provisions of sec. 45.06(3)(k) of this Ordinance is required for each dwelling unit planned for development.
 - (b) Fees to Defray Administrative Expenses. The subdivider shall pay to the Village of Ellsworth the following fees:
 1. One hundred dollars (\$100.00) plus fifty dollars (\$50.00) per acre for land included in a preliminary plat, payable upon submission of the plat, to defray the administrative costs of plat review.
 2. One hundred dollars (\$100.00) plus fifty dollars (\$50.00) per lot for each lot shown on a final plat, payable prior to approval of the final plat, to defray the cost of checking improvement plans.
 3. One hundred dollars (\$100.00) plus twenty-five dollars (\$25.00) per lot for each lot shown on a certified survey.
 4. These fees may be changed from time to time by resolution of the Village Board.
 - (c) Payment for Engineering or Legal Services. The subdivider shall pay to the Village of Ellsworth the actual cost of any engineering or legal work undertaken by the Village at the request of the developer or the Plan Commission.
 - (d) Condominium Project Procedures. Each condominium project shall be reviewed on the basis of a condominium plat prepared pursuant to §703.11, Wis. Stats., and other applicable statutes, as well as these land division and subdivision regulations, as a plat or certified survey map for the land development or subdivision elements of the project. Minor subdivision procedures in sec. 45.04(5), (6), and (7) of this Ordinance shall apply to Village review of condominium plats.

45.05 PLAT AND DATA SUBMISSION REQUIREMENTS.

- (1) Environmental Assessment. A checklist may be prepared by the subdivider for review at the pre-application conference.
 - (a) Purpose. The purpose of this environmental assessment checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of §236.45(1), Wis. Stats. The Plan Commission will use these procedures in determining land suitability under sec. 45.03(2) of this Ordinance. The goals of the community in requiring this checklist are to minimize pollution and confine siltation to an acceptable standard, assure ample living space per capita, preserve open space and parks for recreation, provide adequate storm water control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - (b) Coverage. The Environmental Assessment Checklist shall apply to all subdivisions, including minor subdivisions. The Plan Commission may waive the requirement for the filing of an environmental assessment checklist for minor subdivisions of less than five (5) acres total area.
 - (c) Preliminary Checklist for Environmental Assessment of Plats and Land Divisions and Community Development Plans:

PRELIMINARY CHECKLIST FOR ENVIRONMENTAL ASSESSMENT OF PLATS AND LAND DIVISIONS AND COMMUNITY DEVELOPMENT PLANS			
(all yes answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development).			
		Yes	No
A.	Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals)		
B.	A floodplain (If yes attach two (2) copies of a typical stream valley cross section showing the channel of the stream, the 100 year floodplains limits and the floodway limits [if officially adopted], of each side of the channel and a cross section of area to be developed)		
C.	An area of soil instability - greater than 18% slope and/or organic soils, peaks, or mucks at or near the surface		
D.	A drainageway for 5 or more acres of land		
E.	Lot coverage of more than 50% impermeable surfaces		

PRELIMINARY CHECKLIST FOR ENVIRONMENTAL ASSESSMENT OF PLATS AND LAND DIVISIONS AND COMMUNITY DEVELOPMENT PLANS			
(all yes answers must be explained in detail by attaching maps and supporting documentation describing the impacts of the proposed development).			
		Yes	No
II. WATER RESOURCES. Does the proposed project involve:			
A.	Location within an area traversed by a navigable stream or dry run		
B.	Greater than 10% change in the capacity of a storm water storage facility or flow of a waterway within 1 mile		
C.	The use of septic tank-soil absorption fields for on-site waste disposal		
D.	Lowering of water table by pumping or drainage		
E.	Raising of water table by altered drainage patterns		
III. BIOLOGICAL RESOURCES. Does the project involve:			
A.	Removal of over 25% of the present trees		
IV. ENERGY, TRANSPORTATION AND COMMUNICATIONS			
A.	Does the development increase the traffic flow in any collector system by more than 10%		
B.	Is the development traversed by an existing or planned utility corridor (gas, electrical, water, sewer interceptor, communications, storm sewer)		
V. POPULATION.			
A.	Might the development increase by more than 10% the school population of any school serving the development		
VI. COMMENTS ON ANY OF THE ABOVE WHICH MAY HAVE A SIGNIFICANT ENVIRONMENTAL IMPACT			
VII. APPENDICES AND SUPPORTING MATERIAL			

- (d) Determination of Need for Expanded Environmental Assessment. The Environmental Assessment Checklist shall be reviewed by the Plan Commission at its next regular meeting following submittal. The Plan Commission may, at that time, for reasons stated in a written resolution setting forth specific questions on which it requires research, data and input from the developer and other affected persons, determine the preliminary environmental assessment raises unusually significant issues concerning the effects of the proposed development on the environment and/or that an unusually high level of citizen interest has resulted from questions raised in a preliminary assessment, and that review by other Village committees and commissions is required. The issues to be reviewed may include items which this Ordinance specifically empowers the Commission to review and may include additional matters relevant to the issues specified in the resolution. The resolution may also request data on any specific impact questions raised by other governmental agencies, the developer or applicant. The resolution shall set a reasonable date for the return of the requested data and information, and it may specify the format in which the data shall be presented.

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- (e) **Hearing on Environmental Assessment Report.** Following the return to the Plan Commission of the data required in the resolution adopted under the section above, the Commission shall make such report available for scrutiny by the applicant or petitioner, by Village departments, commissions and committees and by other interested persons or agencies. The Plan Commission shall conduct a public hearing on the report. The hearing shall be preceded by a Class I notice under Chapter 985, Wis. Stats. Persons attending such hearing shall be afforded an opportunity to comment on the report.
 - (f) **Review.** The Plan Commission shall review the Environmental Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. Within 45 days after submission to the Plan Commission of the final Expanded Environment Assessment Report the Plan Commission shall decide whether said land is suitable for development and proceed as required by sec. 45.03(3)(c).
- (2) **Preliminary Plat.** The preliminary plat shall be submitted in eight (8) copies using a scale of not more than one hundred (100) feet to one (1) inch, and shall provide accurately on its face the following:
- (a) **Description.**
 - 1. Name of the proposed subdivision.
 - 2. Name, address and telephone number of the owner, subdivider, engineer, land surveyor and land planner.
 - 3. Date, graphic scale and north point.
 - 4. Location of the proposed subdivision by government lot, quarter section, township, range and county, and a location map showing the relationship between the plan and its surrounding area.
 - (b) **Existing Conditions.**
 - 1. Contours at vertical intervals of not more than two (2) feet for a slope less than five percent (5%) and five (5) feet for a slope of five percent (5%) or more.
 - 2. A scaled drawing of the exterior boundaries of the proposed subdivision referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
 - 3. Location of existing property lines, buildings, drives, streams and water courses, dry runs, lakes, marshes, rock outcrops, wooded areas, environmental corridors, and other similar significant features within the parcel being subdivided.
 - 4. Location, right of way width and names of any adjacent existing streets, alleys or other public ways, easements, and railroad and utility rights of way within or adjacent to the proposed subdivision.
 - 5. Type, width and elevation of any adjacent existing street pavements, together with any legally established centerline elevations, for streets located outside the Village limits.

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6. Water elevations of adjoining lakes or streams at the date of the survey, and known or determined high and low water elevations and boundaries of the 100-year floodplain and floodway.
 7. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table.
 8. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use in the development. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance and the size of those nearest, and the invert elevations of sewers shall be indicated.
 9. Location and names of adjacent subdivisions, parks, and cemeteries.
 10. Existing land use and zoning included within or adjacent to the proposed subdivision.
- (c) Proposed Conditions.
1. Location, width, and name of all proposed streets and walkways.
 2. Layout and scale dimensions of all lots and proposed lot and block numbers.
 3. Draft of proposed covenants (if any) to be imposed.
 4. Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, greenways or other public uses or sites which are to be used for group housing, shopping centers, church sites or other nonpublic uses.
 5. Plans and profiles for streets, walkways, greenways and public easements, showing existing ground surface and proposed grades, including extensions for reasonable distance beyond the limits of the proposed subdivision, when requested, shall be submitted with the preliminary plat when unusual topographic or other unusual conditions exist. Otherwise the plans and profiles shall be submitted with the final plat.
 6. When requested by the Village Engineer, because of concern about drainage, groundwater and tree cover, a lot grading plan showing proposed contours at vertical intervals of not more than two (2) feet.
- (3) Final Plat. The final plat of the proposed subdivision shall comply with the requirements of Chapter 236, Wis. Stats., and sec. 45.04(3) of this Ordinance. The plat shall be accompanied by plans and profiles required by sec. 45.05(2)(c)6 if these were not submitted with the preliminary plat.
- (4) Comprehensive Development Plan. A CDP, as required by sec. 45.04(4), shall be submitted in ten (10) copies using a scale of not more than two hundred (200) feet to one (1) inch and shall show all lands under the control of the applicant which are contiguous or separated only by existing public roads, or railroad rights of way. The plan shall show:
- (a) The items under required preliminary plat data in sec. 45.05(2)(a), 45.05(2)(b), and 45.05(2)(c)4.
 - (b) All proposed collector and arterial streets.

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- (c) All proposed storm water drainage facilities.
 - (d) Projected population broken down by single and multi-family units.
 - (e) A further breakdown of multi-family units by the number of bedrooms on a percentage basis.
 - (f) The development schedule indicating the approximate timing of the proposed development.
 - (g) A preliminary plat meeting the requirements of this Ordinance may be submitted after a minimum of 20 days after submittal of the comprehensive development plan for that portion of land to be developed in the first stage.
- (5) Minor Subdivision (Certified Survey).
- (a) The certified survey map shall be prepared by a registered land surveyor and shall comply with the provisions of §236.34, Wis. Stats., and of this Ordinance.
 - (b) The certificate of approval shall be placed on the face of the map.
 - (c) When a dedication of land is required, the Village Board resolution accepting the dedication and approving the map shall be placed on the face of the map.

45.06 REQUIRED IMPROVEMENTS.

- (1) Statement of Intent. It is the intent of the Village to insure quality land development and to insure that each development pays its share of the cost of public facilities and services, including costs associated with accelerated depreciation of public services such as wells, watertowers, and sewerage plant. The Village will encourage the use of planned developments employing innovative techniques for the design of functional and aesthetic neighborhoods and which maximize open space and preserve the natural environment. Subdivisions shall be serviced by public water and sanitary sewers and by public streets.
- (2) Monuments. The subdivision shall be monumented in accordance with the requirements of §236.15, Wis. Stats. If topography is such that extensive grading is required, the subdivider may, with the permission of the Village Engineer, place monuments after grading is complete provided the subdivider executes a surety bond, in an amount required by the Village Engineer, to insure the monuments will be placed within the required time.
- (3) Improvements. Prior to final approval and acceptance of improvements, and prior to the issuance of any building permits in a subdivision located within the corporate limits and extraterritorial plat approval jurisdiction of the Village, the subdivider shall install street and utility improvements as hereinafter provided. A building permit may be issued if access to the lot may be obtained by means other than the streets under construction.
 - (a) Water. The subdivider shall install water facilities necessary to serve the subdivision as designated and approved by the Water and Sewer/Street and Sidewalk Committees. These improvements are subject to Water Utility specification and inspection. The developer shall guarantee the functional operation of all system parts for one (1) year from date of acceptance. Acceptance by the Village shall be contingent upon the developer meeting all conditions, including approved design, installation, regulatory approvals, payment of all costs for the total project, and any special provisions indicated for a particular project.

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All water system improvements, upon inspection and acceptance, become the property of the Village.

- (b) Sanitary Sewer. The subdivider shall install sanitary sewer facilities necessary to serve the subdivision as designated and approved by the Water and Sewer/Street and Sidewalk Committees. These improvements are subject to Sewer Utility specifications and inspection. The developer shall guarantee the functional operation of all system parts for one (1) year from the date of acceptance. Acceptance by the Village shall be contingent upon the developer meeting all conditions, including approved design, installation, regulatory approvals, payment of all costs for the total project, and any special provisions indicated for a particular project.

All sewer system improvements, upon inspection and acceptance, become the property of the Village.

- (c) Storm Water Drainage Facilities.

- 1. The subdivider shall install storm sewers and all other facilities necessary for the management of all storm water deriving from the lands being developed.

- (d) Streets and Sidewalks. The developer shall construct streets and sidewalks as outlined on the approved plans based on the criteria in sec. 45.07(7) of this Ordinance.

- 1. Street Grading. With the submittal of the final plat, the subdivider shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat. After completion of design engineering work on the streets and approval of street grades by the Village Board and the approval of erosion control measures by the Village Engineer, the subdivider shall grade as required within the right of way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots as required in sec. 46.05 of the Zoning Ordinance. In cases where an existing street right of way is made a part of the plat or abuts the plat, the subdivider shall grade that portion of the right of way between the existing pavement and the property line. The bed for the roadways in the street rights of way shall be graded to subgrade elevation. The Village Engineer shall approve all grading within rights of way and said grading shall extend for a sufficient distance beyond the right of way to insure that the established grade will be preserved. The grading of rights of way for principal and primary arterials shall only be required where necessary to provide access to the streets or lots in the plat. Lots, where they abut principal and primary arterials, shall be graded to proposed street grade or to a grade approved by the Village Engineer prior to sale.
 - 2. Street and Sidewalk Construction. After sanitary sewer and water utilities have been installed, and after storm sewer trunklines, manholes and catch basins have been installed, the subdivider shall construct and dedicate as part of the subdivision, streets and sidewalks including those adjacent to platted lots in existing street rights of way abutting the plat, curbs and gutters, local storm sewer inlets, leads, manholes, catch basins and lines as deemed necessary by the Public Works Director and required by the Village Board. The subdivider shall surface roadways to the widths prescribed by the Plan Commission on recommendation of the Public Works Director and the Village Engineer. Construction shall be to Village standard specifications for street improvements.

The Plan Commission may opt to not require the construction of sidewalks within the street rights of way where it determines sidewalks are not necessary because of low density land use and low pedestrian volumes or for access to schools and bus routes or for continuity of

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existing sidewalk or bicycle route systems because of a cul de sac or loop street pattern. Consideration shall also be given to the pattern of development of adjoining lands and to the possibility of damage to trees.

Dedicated sidewalks, pedestrian ways and bikeways shall be improved by the subdivider to a grade, width, and surfacing approved by the Village Plan Commission and Street and Sidewalk Committee based on the location and the amount and character of use. The subdivider shall be only responsible for the cost of such improvements that are internal to the development. The subdivider shall submit standard drawings indicating the existing and the proposed grades of all such improvements.

Street and sidewalk construction must comply with Village standard specifications and be inspected by the Village Engineer. The maintenance responsibility for pedestrian ways and bikeways that are not located in the public street right of way shall lie with abutting property owners in the same manner as those in the public right of way.

- (e) Street lighting. The developer shall deposit with the Village sufficient funds in escrow to allow for the construction of street lights.
- (f) Mailboxes. The developer shall deposit with the Village sufficient funds in escrow to allow for the construction of cluster mailboxes.
- (g) Street Signs. The developer shall install all street name signs, temporary street dead end barricades and signs, all no parking signs, and traffic control signs as required by the Village Board or submit a fee deposit in lieu thereof, prior to acceptance of the subdivision.
- (h) Street Trees. Prior to recording of the final plat, the developer shall submit a tree and shrub planting plan for street terraces, parkways, boulevards, cul de sacs, dedicated off road pedestrianways and bikeways.

Trees shall be planted at the time and in the manner determined by the Village with the cost of the street terrace plantings to be borne by the subdivider or developer. The fees for such planting shall be deposited with the Village in an escrow account prior to approval of the final plat or made part of the subdivision agreements provided for herein.

- (i) Buffer Strips. Where a plat, certified survey or planned development project contains a buffer strip required by sec. 45.07(9) of this Ordinance, the developer shall, prior to recording of a final plat or certified survey or prior to the issuance of a certificate of occupancy for a development project, install plantings or shall file with the Village Clerk a contract, guaranteed by bond in an amount determined by the Village Engineer, in which the developer agrees to provide such plantings. The plantings are to be trees and shrubs and shall be of sufficient density to accomplish visual screening.
- (j) Erosion Control. The subdivider shall install all temporary and permanent erosion control and sediment control structural aid works as outlined in approved plans required by sec. 45.07(12) (Erosion Control).
- (k) Dedication of Parks and Public Sites. The requirements of this subsection are established to insure that adequate parks, open spaces and sites for other public uses are properly located and preserved as the Village grows and that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land development may be

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equitably apportioned on the basis of the additional needs created by the development. These requirements shall apply to all lands proposed for all residential developments:

1. In the design of a subdivision, including minor subdivisions or planned developments, provisions shall be made for suitable sites of adequate area for parks, playgrounds, open spaces, schools and other public purposes. Such sites as shown on the Official Map, Master Plan or Parks and Open Space Plan shall be made a part of the design. Where same are not shown on said plans or map, consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, ponds, streams, woodland, prairie, wetland, and plant and animal communities.
2. The subdivider shall dedicate suitable land for the park, recreation and open space needs required by the Plan Commission. All required land dedication under this subsection is in addition to the dedications or reservations required in sec. 45.06(3)(j).
3. The subdivider shall dedicate sufficient land area and/or fees to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the subdivision, minor subdivision, or planned development project. At least 1,450 square feet of land shall be dedicated for each proposed residential dwelling unit within the subdivision, minor subdivision or planned development project. Where a definite commitment is made by the subdivider with respect to the number of dwelling units to be constructed on any parcel of land, the dedication shall be based on that number. Where no such commitment exists, the dedication shall be based on the maximum number of dwelling units permitted in the zoning district.

If the number of lots in the plat or survey is increased, or the zoning classification is changed to increase the number of dwelling units allowed, or the committed number of dwelling units is increased by the subdivider, developer or landowner, the Plan Commission shall require additional dedications commensurate with the increase in dwelling units.

4. All subdivisions, minor subdivisions and planned development projects shall provide convenient pedestrian and bicycle linkages to park and recreation sites. Where in the opinion of the Plan Commission such linkages are required outside the public right of way, they shall be reserved by easement and developed by the subdivider or developer. The development of linkages shall not be counted toward the minimum park land dedication requirements in paragraph 3 above.
5. Whenever a park site, recreation site or other public site is of a larger area than the required dedication established herein, the required dedication shall occur at the same time as final plat approval. The remaining lands may be reserved by the Village Board for a period not to exceed three (3) years, unless extended by mutual agreement. During such time period, the Village may, in its discretion, agree to purchase the reserved lands at the "fair market value" established at the time of the final plat approval, plus any real estate taxes accrued from the date of reservation.
6. Any land to be dedicated as a requirement of this section shall be reasonably adaptable for the intended park and recreational uses and shall be at a location convenient to the people to be served. Factors used in evaluating the adequacy of a proposed park and recreation area shall include, but not be limited to, size, shape, topography, geography, tree cover, access, and location. The determination of land suitability will be at the sole discretion of the Plan Commission. All lands dedicated under this section shall have at least one hundred feet of

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frontage on a public street. The Plan Commission may adjust this frontage requirement if it determines there are better alternatives for access. The prorated costs of public streets, sidewalks, and utilities (normally assessable) shall be paid by the subdivider or the developer for the abutting frontage, up to a maximum of 100 feet of same.

7. The Plan Commission may require or permit the subdivider to satisfy the dedication requirements of this section by a combination of land dedication and fee payments in lieu thereof.
8. The amount of any fee imposed in lieu of land dedication shall be established by the Village Board by resolution.
9. Payments in lieu of dedication shall be paid in a lump sum prior to the recording of a final plat or certified survey map or prior to the issuance of any building permit for a development where no plat or certified survey map is involved.
10. The Village Board shall place any fee collected pursuant to the provisions of this section in a separate non-lapsing segregated fund to be used for land acquisition and development of open space. Monies spent may be expended in other neighborhoods or community facilities in reasonable proximity to the subdivision.
11. Outside the corporate limits but within the 1-1/2 mile extraterritorial plat approval jurisdiction of the Village, where it is determined by the Plan Commission that a portion of a minor subdivision is required for public sites or open spaces, the subdivider may be required to dedicate such areas to the appropriate municipality or otherwise provide for said public land as agreed to by the Village and the Town. Where dedication is not completed at the time of platting, the subdivider shall reserve such area for a period not to exceed three (3) years and cooperate with all efforts to complete dedication.
12. Credit for Private Park and Recreation Areas. Where private park and recreation areas are provided in a proposed planned development district, and such space is to be privately owned and maintained by the future residents of the development, such areas may be credited toward the requirement of dedication for park and recreation purposes, as set forth in paragraph 3 above, but such credit shall not exceed 25% at such requirement, provided the Village Plan Commission determines it is in the public interest to do so, and that the following standards are met:
 - a. That yards, court areas, setbacks, and other open areas required to be dedicated or maintained by this Ordinance and the Zoning Regulations shall not be included in the computation of such private open spaces; and
 - b. That the private ownership and maintenance of the open space is adequately provided for by written agreement; and
 - c. That the use of the private open space is restricted for park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the tract and which cannot be defeated or eliminated without the consent of the Village Board; and

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- d. That the proposed open space is reasonably adaptable for use for park and recreation purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land; and
 - e. In making the evaluation of the credit for private recreation facilities, the Plan Commission may retain independent professional services to determine the amount of credit, if any, that should be allowed. The fees for such independent evaluations shall be paid by the developer.
- (4) **Contract Requirements for Installation of Improvements.** Before final approval of any plat located within the corporate limits of the Village of Ellsworth, the subdivider shall be required to enter into a contract with the Village agreeing to install all required improvements. The subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, certificate of deposit, irrevocable letter of credit, certified check or other security in an amount equal to the estimate of the cost prepared by the Village Engineer as a guarantee that such improvements will be completed by the subdivider or his or her contractors not later than eighteen (18) months from the date of recording of the plat. As a further guarantee that all obligations for work on the improvements are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on dedicated street rights of way, shall be listed as qualified for such work by the Street and Sidewalk/Water and Sewer Committees. Governmental units to which these bond and guarantee provisions apply may file in lieu of said contract or instrument of guarantee, a letter from officers authorized to act on its behalf, agreeing to comply with the provisions of this section. The subdivider shall provide for connecting with water and sanitary sewer mains, stormwater drainage facilities, curb and gutter, sidewalk and street improvements, walkways and bikeways on all abutting streets, and on any street in the plat not included in the contract.

In those cases where the Village Board determines it is in the interest of the Village to install improvements by Village contract and at such time as the Village may designate, the subdivider shall petition the Village for water, sanitary sewer main, sanitary sewer laterals, curb and gutter, sidewalk and street improvements. The cost of such improvements shall be paid by assessments to the benefited properties. When improvements are partially installed by Village contract in lieu of the preceding contract, the subdivider shall provide a contract and bond for all other required improvements.

- (5) **Documentation.** The subdivider shall furnish the Village with a reproducible "as built" set of plans showing all improvements for the plat. The subdivider shall also furnish an itemized cost for the improvements in the contract prior to Village approval and/or acceptance of the development.

45.07 DESIGN STANDARDS.

- (1) All proposed development shall conform to all Village plans and ordinances.
- (2) **Relationship to Existing and Future Development.**
 - (a) The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas.
 - (b) Where adjoining areas are not subdivided or developed, and the Plan Commission believes future development is likely, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.

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- (3) Access. Every lot or parcel created shall have a minimum frontage on a public right of way as set forth in the Village Zoning Ordinance.
- (4) Streets. All streets must meet the design standards in Table 1 as well as the following:

MINIMUM ROADWAY DESIGN STANDARDS REVISED TABLE 1

Insert Table Here

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- (a) **Additional Right of Way on Existing Streets.** Developments, which adjoin existing streets having rights of way less than the minimum roadway standard as classified in this ordinance, shall dedicate additional right of way to meet those minimum standards.
- (b) **Temporary Roadway Termination.** Where a street is terminated temporarily at the edge of a development and the street is longer than two hundred forty (240) feet or two (2) lot widths, a temporary turn-around shall be provided by one of the following methods:
 - 1. If the adjacent land is owned by the subdivider, a temporary turn-around can be provided through a restriction (temporary easement) on said land. Such a turn-around shall be constructed to Village standards.
 - 2. The subdivider may provide the required turn-around on one of the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Village. Such a turn-around shall be constructed to Village standards.
- (c) **Reserve Strips.** There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Village under conditions approved by the Plan Commission.
- (d) **Half Streets.** Where an existing dedicated or platted half street is adjacent to a tract being subdivided, the other half of the street shall be dedicated by the subdivider. In new plats, the creation of half streets is prohibited.
- (e) **Street Jogs.** Street jogs with centerline offsets of less than 150 feet shall not be allowed. On collectors and arterials, offsets of less than 600 feet shall not be allowed.
- (f) **Intersections.**
 - 1. No more than two streets shall intersect at one point.
 - 2. Such intersection shall be laid out so that the angel of intersection is as nearly as possible a right angle.
 - 3. No street shall intersect another street at less than a 75 degree angle.
 - 4. Intersections along arterial streets shall be minimized. The minimum distance between intersections shall be twelve hundred (1200) feet.
- (g) **Restriction of Access (Protection of Arterial Streets and Highways).** Whenever a proposed subdivision contains or is adjacent to an arterial street or highway, adequate protection of residential property, limitation of access, and the separation of through and local traffic shall be provided by:
 - 1. Reversed frontage with screen planting contained in a non-access reservation along the rear property line; or
 - 2. Marginal access street (Frontage Road).
- (h) **Street Names.** A proposed street which is in alignment with or adjoins an existing and named street shall bear the name of the existing street. In no other case shall the proposed name of the street duplicate the name of an existing street within the Village. The use of the suffix "street", "avenue",

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"boulevard", "drive", "place", or "court" or similar descriptions shall not be distinction sufficient to constitute compliance with this subsection.

- (i) Alleys. Alleys shall not be allowed in Residential Districts. In Retail, Commercial and Industrial Districts, alleys or other definite and assured provisions shall be made for off-street parking, loading and service access consistent with and adequate for the uses proposed, but not inconsistent with the operation and use of the abutting street. No dead end alleys shall be allowed, nor shall any alley have its point of connection on an arterial street.
 - (j) Cul de Sac Streets. All cul de sac streets shall terminate in a circular turn-around meeting the dimension standards in Table 1, sec. 45.07(4).
 - (k) Grades. The maximum street grades shall be those in Table 1, sec. 45.07(4). Pedestrianways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Village Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees, and leveling of the topography.
 - (l) Pedestrianways and Bikeways. In the design of the plat, the developer shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Plan Commission. Where it is deemed necessary by the Plan Commission, and in conformance with the provisions of (5)(c) below, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
- (5) Blocks.
- (a) The lengths, widths and shapes of blocks shall be compatible with 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. Block lengths in residential areas shall not be less than six hundred (600) feet between street lines unless dictated by exceptional topography or other limiting factors of good design.
 - (b) Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.
 - (c) Pedestrianways or crosswalks, not less than ten (10) feet in width, shall be provided near the center and entirely across any block nine hundred (900) feet or more in length or elsewhere where deemed essential, in the opinion of the Plan Commission, to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.
- (6) Lots.
- (a) The size, shape, and orientation of the lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
 - (b) Lot dimensions and setback lines shall conform to the requirements of the Zoning Ordinance.
 - (c) Excessive depth in relation to width shall be avoided and a proportion of two to one (2:1) shall normally be considered a desirable maximum for lots.
 - (d) Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.

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- (e) Corner lots shall have sufficient width to permit adequate building setbacks from side streets so as to conform with the Zoning Ordinance.
 - (f) Every lot shall front or abut on a public street.
 - (g) Lot lines shall follow municipal boundary lines.
 - (h) 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.
 - (i) Residential lots fronting or backing on arterial streets shall be platted with extra depth as required in sec. 45.07(9).
- (7) Building Setback Lines.
- (a) Where not controlled by the Zoning Ordinance, the Plan Commission shall establish building setback lines appropriate to the location and type of development.
 - (b) Where lots abut navigable waters, building setback lines for all buildings and structures except piers, marinas, boathouses and similar uses shall be shown on the plat and shall not be less than seventy five (75) feet from the ordinary high water line as measured on a horizontal plane.
- (8) Lighting. In areas where underground electric facilities are installed, poles for lighting shall be ornamental in appearance. The subdivider shall provide street, pedestrianway and bikeway lighting systems within the area being developed. Upon consultation with the appropriate electric utility and as approved by the Village Engineer, ornamental lighting will be installed by the serving electric utility of the Village of Ellsworth.
- (9) Treatment of Railroad Rights of Way and Limited Access Highways. Whenever the proposed subdivision contains or is adjacent to a railroad right of way or limited access highway, the subdivider shall proceed as follows:
- (a) In residential districts a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right of way of a limited access highway. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat:

"This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
 - (b) The Plan Commission may require a street approximately parallel to and on each side of such right of way at a distance suitable for the appropriate use of the intervening land.
 - (c) Location of local streets immediately adjacent and parallel to railroad rights of way shall be avoided.

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(10) Utility Easements.

(a) Underground Requirements.

1. All new electric distribution lines, all new telephone lines from which individual lots are served, all new telegraph lines, community antenna television cables and services, and gas utility services shall be underground unless the Plan Commission shall find upon study that:
 - a. The placing of such facilities underground would not be compatible with the development, or
 - b. Location, topography, soil, swamp, solid rock, boulders, stands of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable.
2. Associated equipment and facilities such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes, may be located above ground, provided they are located in an inconspicuous manner, screened from public view, and fit into the development plans for the subdivision.
3. The subdivider shall furnish proof to the Plan Commission that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of the State of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, development plan or certified survey map.
4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

(b) Easement Conditions.

1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots, or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, communication lines, and heat mains. Such easements shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat, the specific implementation plan for the Planned Development District (PDD), the comprehensive development plan, or certified survey map, concurrence of the appropriate electric and communications companies as to the location and width of the utility easements shall be noted on the final plat, specific implementation plan for the PDD, comprehensive development plan, or certified survey map. All easements for storm and sanitary sewers, water and heat mains, pedestrian walks and other public purposes shall be noted thereon as "Public Easements for" followed by reference to the use for which they are intended.
2. Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or

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underground shall not disturb monumentation in the plat. In cases where monumentation is disturbed, the utility shall bear the cost of replacement. Failure to comply will be subject to penalty as provided by §236.32, Wis. Stats.

3. Where the electric and communication facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, her or his agent, or by subsequent owners of the lots, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to:
 - a. Notify initial and future lot owners of the underground facilities at the time of purchase;
 - b. Establish responsibility in the event of damage to such facilities; and
 - c. Establish the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.
- (11) Drainage and Greenway/Environmental Corridor Easements. Where a subdivision is traversed by a waterway, drainageway, channel or stream, an adequate drainageway or easement shall be provided as required by the Plan Commission conforming substantially with the line of such watercourse. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission. Parallel streets or parkways may be required. Storm water drainage shall be maintained by landscaped open channels of adequate size and grade to accommodate the flow resulting from the 100 year rainfall event of any duration; such sizes and design details to be subject to review and approval by the Village Engineer.
- (12) Erosion Control. The subdivider shall employ erosion control measures to prevent erosion, siltation, sedimentation, and washing and blowing of dirt and debris from excavation, grading, open cuts, side slopes and related activities of the subdivider or contractors. Such measures shall include, but not be limited to, seeding, sodding, mulching, watering, ponding, and the construction of berms. Plans for erosion control may be submitted to the Pierce County Soil and Water Conservation District for review and comments. These comments shall be available to the Village Engineer for review two (2) weeks prior to submittal of the final plat and before any land surfaces are disturbed. Guidelines, standards and specifications contained in the Soil Conservation Service publication "Minimizing Erosion in Urbanizing Areas", shall be the minimum criteria for the development, review and implementation of the erosion control plan.
- (13) Intra-Block Drainage and Foundation Design.
- (a) Two (2) weeks prior to submittal of final plat for review and approval, the subdivider shall submit to the Village Engineer a Surface Water Drainage Plan for the plat. This plan may be part of the Best Management Practices. The plan shall indicate but not be limited to the following: elevation of streets, existing topography of the block, proposed drainage swales, and indication of the direction of drainage.
 - (b) Upon approval of the plan, the developer shall place on the final plat arrows to indicate the direction of drainage swales required for intra-block drainage and the following note:

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"Arrows indicate direction of drainage swale construction during grading and said swales shall be maintained by the lot owner unless modified with approval of the Village Engineer."

- (c) A minimum of a 10-foot wide drainage easement (5 feet on each side of the property line) shall be retained along all joint property lines on the plat. Such easement shall be designated as a stormwater drainage easement, and shall conform to the drainage plan.
- (d) Where a subdivider's subsoil investigation indicates potential for groundwater less than ten (10) feet from the proposed street center line elevation, the subdivider shall so note on the face of the plat and indicate the lots affected.

(14) Storm Water Management.

(a) Goals and Objectives.

- 1. To prevent significant loss of life and property due to runoff from any foreseeable rainfall event.
- 2. To encourage the design of systems which minimize potential erosion and sedimentation problems.
- 3. To maintain the water quality of lakes, streams and ponds.
- 4. To encourage the design of systems which respond to the need to maintain or enhance ground water resources, including ground water quality, except where land stability might be impaired.
- 5. To encourage the design of systems which will reduce capital and environmental costs to the community.

- (b) At the time a preliminary plat, a certified survey, or a planned development is submitted to the Plan Commission for approval, the developer or subdivider shall prepare a study of the drainage basin of the area in which the proposed development is located. The study shall include the design, routing and estimated construction cost of a storm water management system to serve the site and/or drainage basin of the area in which the proposed development is located.
- (c) The proposed development shall not increase stormwater runoff (peak) from that which would have resulted from the same storm occurring over the site with the land in its natural undeveloped state, for storms of a 24 hour duration and all reoccurrence intervals of less than or equal to 100 years. In the case of closed drainage basins, which have no outlets during normal rainfall, the volume of runoff resulting from a ten (10) year storm of 24 hour duration shall not be greater after development than when the land was in its natural undeveloped state, defined as number (CN) 70, and used in the runoff methodology promulgated by the United States Soil Conservation Service National Engineering Handbook.
- (d) Determination of storm volumes shall be computed by established procedures equivalent to and calibrated against that procedure promulgated by the United States Soil Conservation Service in its National Engineering Handbook or the technical publication entitled "Urban Hydrology for Small Watersheds, TR-55".

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- (e) Design of stormwater management facilities shall be in accordance with this Ordinance and subject to the approval of the Water and Sewer/ Street and Sidewalk Committees. Stormwater peaks and volumes shall be addressed either through on-site detention, retention, infiltration, or a combination thereof. It is the intent of these provisions to encourage on-site detention and infiltration to the greatest extent possible.
- (f) Where on-site detention is found to be unfeasible by the Water and Sewer/Street and Sidewalk Committees or where adequate storm water facilities have been provided by the Village downstream of the proposed development (with the approval of the Water and Sewer/Street and Sidewalk Committees), the subdivider or developer shall be required to make a cash contribution to a regional stormwater management facility based on a proration of costs allocable to the proposed development as approved by the Water and Sewer/Street and Sidewalk Committees.

45.08 VARIANCES.

- (1) In cases where a subdivision or minor subdivision is part of a Planned Development District (see sec. 10.82, Zoning Ordinance), or other planned development district, for which a Specific Implementation Plan containing revised design standards is approved by the Plan Commission and the Village Board and recorded with the Pierce County Register of Deeds, the waiver of, or variance in, the design standards required by this Ordinance shall be considered to have been granted.
- (2) Variances not related to a planned development district may be granted by the Plan Commission so that substantial justice may be done provided the public interest is secured and where, in its judgment, it would be inappropriate to apply a provision of this Ordinance or when such application would cause extraordinary hardship.
- (3) A variance may be granted by the Plan Commission to permit a parcel to be created by certified survey map 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 a 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 operations on the parcel, and/or contributes work which is substantially needed in the farm operation, and/or is the parent or child of the farm operator or the spouse of the farm operator; and
 - (b) A finding that the public interest has been secured may be made where the proposed parcel and use is reasonable after consideration of these factors:
 - 1. The potential for conflict with agricultural use.
 - 2. The need of the proposed use for a location in an agricultural area.
 - 3. The availability of alternative locations.
 - 4. Compatibility with existing or permitted use on adjacent lands.
 - 5. The productivity of the lands involved.
 - 6. The location of the proposed use so as to reduce to a minimum the amount of productive agricultural land converted.

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7. The need for public services created by the proposed use.
8. The availability of adequate public services and the ability of affected local units of government to provide them without an unreasonable burden.
9. The effect of the proposed use on water on air pollution, soil erosion and rare or irreplaceable natural resources.

When the site is zoned A-1 under the Pierce County Zoning Ordinance, the Commission shall defer to the County and require a conditional use permit from the County, addressing the forgoing standards (6).

- (c) The minimum parcel size allowable under (3) by variance is one acre, exclusive of any area dedicated to the public.
 - (d) If a variance is granted under this subsection the division of land shall be subject to all other pertinent provisions of this and related ordinances.
- (4) Reasons and conditions for any waiver or variance granted shall be entered in the minutes of the Plan Commission.

45.09 APPEALS.

The following decisions of the Plan Commission may be appealed to the Village Board

- (a) Rejection of a preliminary plat, a final plat or a certified survey map;
- (b) A determination that land is unsuitable for subdivision;
- (c) The requirement of a preliminary plat for a land division.

45.10 SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by reason of a decision of any court of competent jurisdiction, such decision shall not affect the validity of any other section, subsection, sentence, clause or phrase thereof.

45.11 DEFINITIONS. The following terms, whenever they occur in this Ordinance, are defined as follows:

- (1) Act of Division: The division of a lot or parcel of land into two or more parcels.
- (2) Bikeway: a general term describing any or all of the following defined types of facilities used for bikes. A network of bikeways constitutes a bike route system.
- (3) Certified Survey Map: A map or plan, or record of a minor subdivision meeting all the requirements of §236.34, Wis. Stats., and of this Ordinance.
- (4) Closed Drainage Basin: a drainage basin which, during periods of normal rainfall, has no surface outlet.
- (5) Village Board: The Village of Ellsworth Village Board.
- (6) Comprehensive Development Plan: a total site plan for an area of land eighty (80) acres or more in size under the control of a developer(s) at the time of submission for review. Said plan specifies and

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illustrates the location, relationship and nature of all uses, easements, streets, pedestrian paths, bikeways and common open space.

- (7) Condominium Development: A real estate development, redevelopment or ownership regime conversion project involving establishment or alteration of the condominium form of ownership for all or part of the development.
- (8) Division of Land: The division of a lot or parcel of land into two or more parcels.
- (9) Driveway: a vehicle access from private property to a public street.
- (10) Environmental Corridors: continuous open space systems based on natural resources and environmentally important lands. The corridors are based primarily on streams, lakes, shorelands, floodplains, waterways and wetlands.
- (11) Extra-Territorial Plat Approval Jurisdiction: as defined in §236.02(2), Wis. Stats. (one and one-half miles from corporate limits).
- (12) Final Plat: the map or plan of record of a subdivision and any accompanying material as required in sec. 45.05(3) and sec. 45.06(3) of this Ordinance.
- (13) Governing Body: the Village of Ellsworth Village Board.
- (14) Greenway: an open area of land included under the definition of "Parkway", the primary purpose of which is to carry storm water on the surface of the ground in lieu of an enclosed storm sewer. Greenways may serve the following multiple public purposes in addition to their principal use, including but not limited to vehicular and/or pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, waterways, conservancy areas, environmental corridors, and park development.
- (15) Land Division: the division of a parcel of land into two or more parcels. Also referred to as Division of Land.
- (16) Land in its Natural Undeveloped State: Land which has runoff characteristics equivalent to runoff curve number (CN) 70, as used in the runoff methodology promulgated by the United States Soil Conservation Service National Engineering Handbook.
- (17) Minor Subdivision: the division of a lot or parcel of land for the purpose of transfer of ownership or building development where the act of division creates four (4) or fewer parcels, lots or building sites, any one of which is thirty five (35) acres or less in area. A minor subdivision of a lot or parcel shall occur not more than once in five years.
- (18) Other: all other pertinent terms shall be as defined in the Zoning Ordinance of the Village of Ellsworth and in Chapter 236, Wis. Stats.
- (19) Parcel: contiguous lands under the control of subdivider(s), not separated by streets, highways or railroad rights of way.
- (20) Parkway: any right of way for vehicular traffic including bicycles or pedestrian traffic, or both, with full or partial control of access and usually within a part of a ribbon of park like development. Said parkway may include greenways required for storm water drainage purposes where the drainage improvement is

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to include park like treatment and where pedestrian or vehicular travel, including bicycles, may be permitted.

- (21) Plan Commission: the Village of Ellsworth Plan Commission.
- (22) Planned Development District: any zoning district that allows diversification and variation in land development to achieve an improved living environment and to preserve open space.
- (23) Plat: a map of a subdivision.
- (24) Preliminary Plat: a map delineating the features of a proposed subdivision as described herein, submitted to the Plan Commission for preliminary consideration prior to the final plat.
- (25) Prime Agricultural Land: lands containing Class I, II, III soils and other lands having a history of agricultural production.
- (26) Replat and Resubdivision: the process of changing, or the map that changes, the boundaries of a recorded plat or a part thereof. The legal division of a larger block, lot or outlot within a recorded plat, without changing the exterior boundaries of said block, lot or outlot is not a replat. See §236.36, Wis. Stats.
- (27) Street: a public way for vehicular and pedestrian traffic whether designated as a street, highway, thoroughfare, parkway, thruway, road, avenue, boulevard, lane, place, or however otherwise designated.
 - (a) Arterial Streets and Highways. Those streets which provide for rapid movement or concentrated volumes of traffic over relatively long distances.
 - 1. Principal Arterials. Streets serving the major interstate and interregional traffic corridors and providing the highest mobility level and a high degree of access control.
 - 2. Primary Arterial. Streets serving major regions or connecting important cities and major intracommunity corridors in the metropolitan area. These routes provide high mobility and a high degree of access control.
 - 3. Standard Arterials. Those streets which more commonly provide for intermediate length trips, thus serving thru traffic movement in trade areas or feeding traffic to the principal and primary arterial streets from lower activity areas not served by such routes.
 - (b) Collector Streets. Streets that provide moderate speed movement of persons and goods between major arterials and/or activity centers. They are basically local streets which, because of directness of routing and higher capacity, receive higher volumes of traffic to be distributed or collected toward nearby arterial streets.
 - (c) Local Streets. Streets designed for low speeds and low volumes that provide access from low traffic generating areas to collector and arterial systems.
 - 1. Industrial Street. A local street serving an Industrial or Commercial area as defined in the Zoning Ordinance.
 - 2. Residential Streets.
 - a. Residential. A standard residential street.

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- b. Residential Lane. A very low density cul de sac street having a maximum length of 500' or serving a maximum of ten (10) single family dwellings (whichever is less), each dwelling of which would provide all necessary off street parking.
- (d) Marginal Access Streets (frontage roads). Streets parallel and adjacent to arterial streets and highways that provide access to abutting properties and separation from thru traffic.
- (e) Alley. A public right of way that affords a secondary means of access to abutting property.
- (f) Cul de Sac Streets. Streets closed at one end with turnarounds.
- (g) Dead End Streets. Streets closed at one end without turnarounds.
- (28) Structure: anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, except public utility facilities and appurtenances attached thereto.
- (29) Subdivider: any person, firm, partnership, corporation, association, estate, trust or other legal entity requesting review or action on a minor subdivision or condominium, except the Village of Ellsworth. [Ord. 577 07/07]
- (30) Subdivision: the division of a lot or parcel of land for the purpose of transfer of ownership or of building development, where:
 - (a) The act of division creates five (5) or more parcels or building sites of thirty five (35) acres each or less in area, or;
 - (b) The act of division creates five (5) or more parcels or building sites of thirty-five (35) acres each or less in area by successive divisions within a period of five years.
- (31) Waterways: rivers, streams, creeks, ditches, drainage channels, watercourses, lakes, bays, ponds, impoundment reservoirs, retention and detention basins, marshes and other surface water areas, regardless of whether the areas are natural or artificial.
- (32) Zoning Ordinance: Chapter 46, Municipal Code of the Village of Ellsworth.