

VILLAGE OF EDEN SUBDIVISION CONTROL ORDINANCE

SECTION 1: PURPOSE AND JURISDICTION

The purpose of this ordinance shall be to regulate and control subdivision and division of land within the corporate limits and within the area of extra-territorial plat approval jurisdiction of the Village of Eden in order: to regulate the subdivision of land to promote public health, safety, and general welfare; to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide ingress and egress; and to promote proper monumenting of land subdivision and conveyancing by accurate legal description. The approvals to be obtained by the subdivider as required in this ordinance are based on requirements designed to accomplish the aforesaid purposes.

SECTION 2: GENERAL PROVISIONS

(1) The provisions contained in Chapter 236 of the Wisconsin Statutes governing the subdivision and platting of land, and such other state laws as may apply and any revisions or amendments thereof enacted by the State Legislature; the rules of the Department of Natural Resources relating to lot size and lot evaluation if the subdivision is not served by a public sewer and provisions for such service have not been made and relating to safety of access and preservation of the public interest and investment in the streets if the subdivision abuts on a state trunk highway or connecting street; are all made a part hereof with the same force and effect as if here set out in full verbatim except that where the provisions of this ordinance are more restrictive the provisions of this ordinance shall apply.

(2) Any division of land within the Village or its extra-territorial plat approval jurisdiction which results in a subdivision as defined herein shall be and any other division may be, surveyed and a plat thereof made, approved and recorded as required by this ordinance and by Chapter 236 of the Wisconsin Statutes.

(3) Any division of land other than a subdivision within the Village or its extra-territorial plat approval jurisdiction, of which a plat has not been approved and recorded, shall be surveyed and a certified survey map of such division approved and shall be recorded with the Register of Deeds as required in Section 4, D of this ordinance and Chapter 236 of the Wisconsin Statutes.

The provisions of this ordinance insofar as they may apply to divisions of less than 5 parcels shall not apply to:

- a. Transfers of interests in land by will or pursuant to court order.

- b. Leases for a term not to exceed 10 years, mortgages, or easements.
- c. 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 this ordinance or other applicable laws or ordinances.

SECTION 3: DEFINITIONS

(1) **General.** In this ordinance, all terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed thereto in the chapter, and as the chapter may hereafter be amended, unless otherwise defined in this ordinance or unless the context and/or subject matter clearly indicates otherwise. All words used in the present tense include the future tense; the singular includes the plural and the plural the singular; the word "person" includes associations, co-partnerships, or corporations; and the term "shall" is mandatory while the word "may" is permissive.

(2) Definitions of Words and Phrases

- (a) **ALLEY:** A permanent public service way or right-of-way dedicated to public use, other than a street, place, road, or easement, designed to provide a secondary means of access for the accommodation of abutting property.
- (b) **BLOCK:** A unit of property entirely surrounded by public highways, streets, railroad right-of-ways, waterways, or other barriers, or a combination thereof.
- (c) **BUILDING INSPECTOR:** The building inspector of the Village of Eden or his or her duly authorized representative.
- (d) **BUILDING SETBACK LINE:** A line within a lot or other parcel of land so designated on a preliminary plat which denotes the area between such line and the adjacent street right-of-way line where an enclosed building and other obstructions are prohibited, except those obstructions that are permitted by zoning ordinance regulations.
- (e) **DIRECTOR:** The Chairman of the Public Works

Committee of the Village of Eden.

- (f) DRAINAGE RIGHT-OF-WAY: The land required for the installation of storm water sewers or drainage ditches. They are required along a natural stream or water course for preserving the channel and providing for the flow of water therein to safeguard the public against flood damage.
- (g) EASEMENT: A quantity of land set aside over or under which a liberty, privilege, or advantage in land without profit, is dedicated and is distinct from ownership of the land, is granted either to the public, a particular person, or a combination of both.
- (h) FINAL PLAT: The final map of all or a portion of the subdivision which is presented to the Plan Commission and Village Board for final approval in accordance with these regulations, and which, if approved by the Village Board, shall be entitled to be filed with the proper county recording officer.
- (i) GROSS LAND AREA: The total amount of land to be subdivided including lots, streets, alleys, easements, any other land dedicated to the public, and any existing abutting right-of-way measured to the centerline of such right-of-way.
- (j) JURISDICTION: The corporate area of the Village of Eden and the unincorporated area contiguous thereto that is within 1½ miles of the corporate limits.
- (k) LAND IMPROVEMENT: Any sanitary sewerage system, storm sewer system, water supply and distribution system, roadway, terrace, sidewalk, pedestrian pathway, no-access strip, off-street parking area or other improvement which the Village of Eden requires under this ordinance.
- (l) LOT: A portion of a subdivision or other parcel of land intended for transfer of ownership or for building development.
- (m) LOT TYPES
 - 1. CORNER LOT: A lot located at the intersection of two or more streets. A lot abutting a curved street or streets shall be

considered a corner lot if tangent lines to the curve along the right-of-way line, drawn from the intersection of the right-of-way line and each side lot line form an angle of less than 135 degrees.

2. BUTT LOT: A lot located at the end of a block between two corner lots.
 3. INTERIOR LOT: Defined as a lot other than a corner lot with only one frontage on a street.
 4. DOUBLE FRONTAGE LOT: A lot other than a corner lot with frontage on more than one street.
- (n) LOT FRONTAGE: The narrowest portion of the lot having access to a public street.
 - (o) MASTER PLAN: The composite elements of the master plan of the Village of Eden and its environs, or any segment thereof, in the form of plans, maps, charts, and textural material, as adopted by the Plan Commission.
 - (p) MINI STORM SEWERS: A small diameter storm sewer installed by the developer to insure proper yard drainage and for the direct connection of sump pump lines directly into the storm sewer system.
 - (q) NET LAND AREA: The amount of land to be subdivided, exclusive of streets, alleys, any other land dedicated to the public.
 - (r) "NO-ACCESS" STRIP: A strip of land of at least 12 feet wide along the rear lot line of a double-frontage lot and abutting a thoroughfare.
 - (s) OCCUPIED LOT: Any lot which contains a residential structure fit for human habitation.
 - (t) OFFICIAL MAP: An official policy guide adopted by the Village Board on the location of streets, recreation areas, schools, parks, and other municipal facilities.
 - (u) OWNER: Any person, firm, corporation, partnership, association, organization, or any other group acting as a unit having sufficient proprietary interest in the land sought to be

subdivided or divided to commence and maintain proceeding under the provisions of this ordinance.

- (v) PEDESTRIAN PATHWAY: A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (w) PLAN COMMISSION: The Village of Eden Plan Commission. Reference Sec. 2.20.1.
- (x) PRELIMINARY PLAT: A tentative map or plan of a proposed subdivision prepared in accordance with the requirements of Section IV 4 of this ordinance.
- (y) PRELIMINARY PLAN: A generalized sketch or map of a tract of land used for preliminary study and discussion.
- (z) PROTECTIVE COVENANTS: Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a minor land division or subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (aa) RIGHT-OF-WAY: A strip of land used or intended to be used for pedestrian, vehicular and utility line circulation and access for the general public. Said strip of land is that total area between the boundary lines of a street, alley or easement and not reserved for the exclusive right of any individual property owner and subject to the rights of the public usage.
- (bb) ROADWAY: That portion of the street designated for vehicular use.
- (cc) SHORELANDS: Those lands within the following distances: one thousand (1,000) feet from the high-water elevation of navigable lakes, ponds and flowages or three hundred (300) feet from the high-water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.

(dd) SIDEWALK: That portion of a street designated for pedestrian use.

(ee) STREET: A right-of-way which affords primary means of access by pedestrians and vehicles to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, or however otherwise designated.

(ff) STREET TYPES:

1. EXPRESSWAY: A vehicular right-of-way with the roadway designed, planned and intended entirely for the task of high volume traffic movement. Access to such expressway shall be fully controlled. All federal highways shall be designated as expressways.
2. MAJOR THOROUGHFARE: A street with a high degree of continuity which also serves as an arterial trafficway between the various districts of the Village of Eden and its environs.
3. MINOR THOROUGHFARE: A street within a subdivision which has a wider roadway width than that of a minor street, and which is a prime entrance or circulation street. Its primary function is to collect and distribute traffic from minor streets.
4. MINOR STREET: A street of limited continuity. Its primary purpose is to serve abutting properties.
5. FRONTAGE ROAD: A minor street which is parallel to and either adjacent to or within the right-of-way of an expressway or a major thoroughfare.
6. CUL-DE-SAC: A street having one end open to traffic and being permanently terminated by an adequate vehicular turn-around.
7. HALF STREET: A street of less than the total required width along one or more property lines of a subdivision.

(gg) STREET WIDTH: The shortest distance between the

right-of-way lines of a given street.

- (hh) SUBDIVIDER: Any owner who proposes to or is engaged in developing or improving a tract of land which complies with the definition of subdivision as defined in this ordinance.
 - (ii) SUBDIVISION: A division of a lot, parcel, or tract of land by the owner thereof or his agent for the purpose of sale or of building developments, where:
 - 1. the act of division creates five or more parcels or building sites any one of which is 4 acres each or less in area; or
 - 2. five or more parcels or building sites any one of which is 4 acres each or less in area are created by successive divisions within a period of 5 years;
- The public acquisition either by purchase or predication of additive strips of land for the widening and/or opening of street or other right-of-ways shall be exempt from the definition of subdivision.
- (jj) SUBDIVISION STANDARDS: The basic land-planning principles established as guides for the preparation of preliminary plats.
 - (kk) SURVEYOR: A person certified by the Wisconsin Examining Board of Architects and Professional Engineers as a Registered Land Surveyor.
 - (ll) TERRACE: An unpaved strip of land situated within the street.
 - (mm) VACANT LOT: Any lot not containing a residential structure fit for human habitation. A lot containing only a garage, barn, shed or other types of utility structures is considered vacant.
 - (nn) VILLAGE: The Village of Eden.
 - (oo) VILLAGE BOARD: The Village Board of the Village of Eden.
 - (pp) VILLAGE CLERK: The Village Clerk of the Village of Eden.

- (qq) **WETLANDS:** An area where water is at, near or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.
(Sec. 23.32(1), Wis. Stats.)

SECTION 4: PROCEDURE

(1) **Preliminary Consultation.** Prior to the filing of an application for approval of a preliminary plat, the subdivider may consult with the Plan Commission or staff and present a preliminary plan or sketch plan of the proposed plat together with information pertaining thereto, such as the existing physical conditions on the property, the type of development proposed, outstanding legal encumbrances, and proposed improvements. This pre-application procedure does not require formal application or the payment of fees and shall be considered to be advisory only.

(2) **Preliminary Plat.**

- (a) **GENERAL:** Any person or firm contemplating the subdivision of land within the Village, or within its extraterritorial plat approval jurisdiction, before submitting a final plat for approval, shall file with the Village Clerk at least ten days prior to a regular meeting of the Plan Commission, black or blue line prints of a preliminary plat prepared by a surveyor and conforming to the master plan, and applicable regulations contained in this ordinance governing preliminary plats. The subdivider shall provide eight such prints, at his expense.
- (b) **OFFICIAL FILING.** The submission of the prints of the preliminary plat shall constitute official filing and the Village Clerk shall note on each print the date filed and shall forthwith forward copies to the following:
1. One copy for the official file.
 2. Five copies to the Plan Commission.
 3. Two copies to the Director, with a request for a report which shall be forwarded to the Plan Commission not less than one week prior to its meeting when such preliminary plat is to be acted upon; and

4. State Director of Regional Planning - if so directed by the Director in which event six additional copies shall be provided by the subdivider.

(c) OFFICIAL APPROVAL: The Plan Commission shall, within forty (40) days of the submission of the preliminary plat to said body, review said plat and negotiate with the subdivider on changes deemed advisable, and approve or reject such plat for good and sufficient reason. The subdivider shall be notified in writing of any conditions of approval or the reason for rejection.

Upon such approval by the Plan Commission, four copies of the approved preliminary plat shall be signed by the chairman of the Plan Commission. One copy shall be retained for the Plan Commission file, and three copies transmitted to the Village Clerk for distribution as follows:

1. One copy for the official file.
2. One copy to the subdivider.
3. One copy to the Director.
4. One copy to the surveyor.

NOTICE OF APPROVAL OF PRELIMINARY PLAT

"Notice is hereby given that the preliminary plat of the subdivision shown hereon has received approval by the Plan Commission of the Village of Eden and upon compliance by the subdivider with revisions and stipulations required as stated hereon, if any, the Village Board will receive the final plat for consideration when submitted by the subdivider in such form and within such time as required by this ordinance."

The Plan Commission of the Village of Eden, Wisconsin.

Dated: _____, 20____.

By: _____ CHAIRMAN

Approval of the preliminary plat shall entitle the subdivider to final approval of the layout shown by such plat if the final plat conforms substantially to such layout and conditions of approval have been met.

(d) PRELIMINARY PLAT DATA

1. Proposed name of subdivision, not duplicating name of any plat heretofore recorded in Fond du Lac County, Wisconsin.
2. Graphic (engineering) scale not smaller than one inch to 100 feet.
3. North-point.
4. Date of preparation.
5. Names of owner, subdivider and surveyor preparing the plat.
6. Location of proposed subdivision by: government lot, quarter section, township, range, county and state.
7. Boundary line of proposed subdivision clearly indicated.
8. Total acreage in gross land area.
9. Existing zoning districts on and adjacent to tract.
10. Location, widths, and names of all existing or previously platted streets or other right-of-ways, railroad and utility right-of-ways, parks and other public open spaces, easements, section lines, and corporation lines within the tract and to a distance of at least 100 feet beyond the boundaries of the subdivision.
11. Location of permanent buildings and other structures, within the subdivision and to a distance of 50 feet beyond its boundaries.
12. Location map, drawn at a scale of not less than one inch equals 1,000 feet, indicating boundary lines of adjoining unsubdivided or subdivided land within an area bounded by nearest arterial streets or other natural boundaries, type of use of adjoining land, and alignments of existing streets.
13. Location of water courses, marshes, wooded areas and other significant features, shall be shown.

14. Contours at vertical intervals of not more than one foot and a defined contour line showing the 100 year flood plain and elevation.
 15. The preliminary plat shall be in substantial accord with the master plan.
 16. Layout of streets showing street widths and names (not duplicating the name of any street heretofore used in the Village or its environs, unless the street is an extension of or in line with an already named street, in which event that name shall be used). Proposed collector streets shall be designated and through streets shall be extended to boundaries of the subdivision.
 17. Location and width of alleys, pedestrian pathways, utility easements, "no access" strips and conservancy strips.
 18. Layout, numbers, and typical dimensions of blocks and lots scaled to the nearest foot.
 19. Minimum front and side street building setback lines indicating dimensions.
 20. Areas (other than those listed in 16, 17 and 18 above), if any, intended to be dedicated or reserved for non-residential purposes - indicating in each the approximate acreage. Such areas shall be designated by letter or number.
 21. Proposed zoning districts on tract.
 22. Proposed protective covenants.
- (e) QUALIFICATIONS COVERING CONDITIONAL APPROVAL OF PRELIMINARY PLAT.
1. The Plan Commission may require such changes or revisions as are deemed necessary in the interest and needs of the community, in keeping with the provisions of this ordinance.
 2. Subsequent to the conditional approval of the preliminary plat, and prior to the submittal

by the subdivider of a final plat, the Plan Commission shall require proposed plans and specifications pertaining to storm-water runoff and proposed detailed grading plans of blocks and lots. All elevations to be shown in United States Geological Survey (U.S.G.S.) Datum.

3. No land will be approved for subdivision which is subject to periodic flooding or which contains inadequate drainage facilities, unless the resultant divisions become unified parts of contiguous lots or parcels. However, if the subdivider agrees to make improvements which will, in the opinion of the Director, make such land completely safe for residential occupancy and provide adequate drainage, the preliminary plat for subdivision may be approved. Such approval will be based upon specific engineering data shown on the preliminary plat.

(3) **Final Plat.**

- (a) **OFFICIAL FILING.** Within six months after receiving the approval of the Plan Commission of the preliminary plat, or a period of time beyond six months that may be granted by the Plan Commission, there shall be submitted to the Village Clerk by the subdivider at his expense the original inked drawings and the required number of prints of the final plat prepared by a surveyor containing all or a part of the land area included in the preliminary plat, and it shall retain the design characteristics of the approved preliminary plat.

Where less than the entire land area shown in the preliminary plat is contained in the final plat to be filed for record, the recordations of such final plat shall automatically extend the approval of the unrecorded balance of the preliminary plat for successive 6 month periods.

Within 2 days following receipt of any such final plat, the Village Clerk, shall forward copies to the following agencies:

1. One copy to the official file.

2. The original drawing and two copies to the Plan Commission.
3. One copy to the Director.
4. *Two copies to the State Director of regional planning.
5. *If the subdivision abuts or adjoins a state trunk highway, or connecting street, as defined in Section 3, two copies to the department of transportation; and
6. *If the subdivision is not served by a public sanitary sewer and public domestic water supply, and provision for such services has not been made, two copies to the Department of Natural Resources.

*Unless the original drawing of the final plat has been submitted to the required state agencies by the subdivider or his agent.

- (b) OFFICIAL APPROVAL: The Plan Commission shall make its report in writing, indicating approval or disapproval of the final plat within 40 days after receipt of such plat from the Village Clerk; and in the event its advice is negative, the report shall set forth the basis for disapproval. However, should the Plan Commission require amendment of the final plat, the time for ruling by the Plan Commission on the amended final plat may be extended 40 days after receipt of such amended plat. The amended final plat shall be refiled, in keeping with the provisions of this Section, with the Village Clerk for referral to the Plan Commission.

When the Plan Commission has approved the final plat, it shall be signed by the chairman and attested by the recording secretary on the form approved.

After approval by the Plan Commission, the original drawing and one copy of the final plat shall be forwarded to the Village Board, together with a letter of transmittal calling attention to variations (if any) recommended by the Plan

Commission and its reasons for the recommending them, and conveying to the Village Board such other information as the Plan Commission may deem necessary. The Plan Commission shall also submit to the Village Board the supporting documents submitted with the final plat.

The Village Board shall approve or reject the final plat within 60 days of its submission by the subdivider, unless the time is extended by agreement with the subdivider and the time of such extension is entered upon the minutes of the Village Board. In the event the plat is rejected, the reasons shall be stated in the minutes of the Village Board meeting and a copy thereof or a written statement of such reasons shall be supplied to the subdivider and his surveyor.

The Village Clerk shall certify on the face of the original drawing that the copies referred to above were forwarded to said state agencies as required and the date thereof, and that no objections to the plat have been filed within a 20 day limit set by Sec. 236.12(4), Wis. Stats.

Upon approval by the Village Board, the Village Clerk shall secure from the subdivider at his expense one linen or mylar tracing of the final plat, and three copies of supporting documents, if any. The final plat in exact form as approved by the Village Board shall be filed for record with the register of deeds by the Village Clerk. The Village Clerk shall also have the recording data placed upon the above linen tracing. The subdivider shall pay recording fees.

The Village Clerk shall deliver to the Director for retention in his files the linen or mylar tracing of the final plat as recorded.

The Village Clerk shall receive from the Director two copies of the final plat, as recorded, one for the official file and the other for the Plan Commission.

(c) FINAL PLAT DATA

1. GENERAL. All information required by the Wisconsin Platting Law is to be shown accurately and drawn in conformity with the requirements of Secs. 236.20 and 236.21, Wis.

Stats.

(4) **Land Divisions - Other than Subdivisions**

(a) **PROCEDURE.** The division of a lot, parcel, or tract of land not a part of a subdivision as described herein shall be governed by the following:

1. The owner shall file with the Village Clerk three copies of a certified survey map.
2. Within two days after receiving such certified survey map, the Village Clerk shall forward the original drawing and one copy to the Plan Commission and one copy to the Director; and
3. Within 30 days following the next regular meeting of the Plan Commission, the Plan Commission shall make its report in writing to the divider, approving, approving conditionally, or disapproving the certified survey map. In the event its action is conditional approval or negative, the report shall set forth the basis of its decision. For the purpose of this ordinance, however, the division of a lot or lots of record, as herein defined, shall not be deemed to be a division, provided that such division does not create more than two parcels of land which meet all the requirements of the zoning ordinance, and that no new street is sought thereby to be dedicated or is contemplated or projected through said lands. All of such division of a lot or lots of record shall be shown on a map which shall be filed with the Director in triplicate. The division of a parcel of land into two or more lots or parcels, all of which resultant parcels exceed 5 acres, and if a new street is not involved, shall also not be deemed to be a division.

(b) **REQUIREMENTS.**

1. To the extent practicable the certified survey map shall comply with the provisions of this ordinance relating to general requirements and design standards.

2. The certified survey shall be performed and the map prepared by a registered surveyor.
3. All corners shall be monumented in accordance with Sec. 236.15(1)(c) and (d), Wis. Stats.
4. The certified survey map shall be prepared in accordance with Sec. 236.20(2)(a), (b), (c), (e), (f), (g), (i), (j), and (k), Wis. Stats., on tracing cloth, or opaque, or on durable white paper 8½" wide x 14" long. All lines shall be made with non-fading black ink to a scale of not more than 100 feet to 1 inch.

(c) CERTIFICATES.

1. The certified survey map shall include the certificate of the surveyor who surveyed and mapped the parcel, typed, lettered, or reproduced legibly with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. public land survey, or some corner providing reference to a corner marked and established in the U.S. public land survey. Such certificate shall include the statement of the surveyor to the effect that he has duly complied with the requirements of this Section.
2. The certificate of approval of the Plan Commission shall be typed, lettered, or reproduced legibly with non-fading black ink on the face of the map.

- (d) RECORDING. Upon approval by the Plan Commission, the Village Clerk shall secure from the subdivider at his expense one linen tracing of the certified survey map for retention by the Director. The certified survey map in its exact form as approved by the Plan Commission shall be filed for record with the Register of Deeds by the Village Clerk. The Village Clerk shall also have the recording data placed upon the above linen tracing, and then transmit same to the Director. The divider shall pay recording fees.

SECTION 5: DESIGN STANDARDS

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof.

(1) **General.** The subdivision plan shall conform to design standards that will encourage good development patterns and particularly to the principles and standards of the master plan. The streets, drainage, rights-of-way, school sites, public parks, playgrounds, and other public facilities shown on the officially adopted master plan or official map shall be considered in the approval of subdivision plats. The dedication or reservation of the above may be required of the subdivider by the Village.

(2) **Streets.** All right-of-way widths shall conform to the following minimum dimensions:

<u>Street type</u>	<u>Right-of-way</u> Governed by State or Federal Highway Agency
Expressway	
Major Thoroughfare	80-100 feet
Minor Thoroughfare	66-80 feet
Minor Street	60-66 feet
Frontage Road	Governed by State or Federal Highway Agency or 60-100 feet as required by Plan Commission
Cul-De-Sac	60 feet
Half Street	Not permitted

(a) The street layout shall provide access to all lots and parcels of land within the subdivision.

(b) Street jogs with centerline offsets of less than

one hundred and twenty-five feet shall be avoided.

- (c) Cul-de-sacs shall not exceed 500 feet in length, unless necessitated by extreme topography.
- (d) Neighborhood streets shall be designed so as to discourage through traffic.
- (e) Proposed streets shall be adjusted to the contour of the land so as to produce usable lots and streets of reasonable gradient.
- (f) Certain proposed streets, where appropriate, shall be extended to the boundary of the tract to be subdivided so as to provide for normal circulation of traffic within the vicinity.
- (g) Wherever there exists a dedicated or platted portion of a street or alley adjacent to the proposed subdivision, the remainder of the street or alley shall be platted to the prescribed width within the proposed subdivision.
- (h) Reserve strips controlling the continuation of streets shall be prohibited except where their control is definitely placed in the Village Board under conditions approved by the Commission.
- (i) Widths of all streets shall conform to the widths specified on the master plan or official map.
- (j) Cul-de-sac streets shall terminate in a circular right-of-way with a minimum diameter of 100 feet.
- (k) Subdivision that adjoin or include existing streets that do not conform to the required widths shall dedicate additional width along either or both sides of said street. If the subdivision is along one side only, one-half of the required extra width shall be dedicated.
- (l) Streets shall be laid out so as to intersect at right angles.
- (m) Intersection of more than two streets at one point shall be prohibited.
- (n) Where parkways or special types of streets are involved, the commission may apply special standards to be followed in the design of such parkways or streets.

- (o) Whenever the subdivision contains or is adjacent to a railroad right-of-way or a highway designated as a "Limited Access Highway" by the appropriate highway authorities, provision shall be made for a marginal access street or a parallel street at a distance acceptable for the appropriate use of the land between the highway or railroad and such streets.
 - (p) No street shall have a name which will duplicate or so nearly duplicate as to be confused with the name of an existing street, unless the proposed street is an extension of an existing street, in which case the duplication shall be mandatory.
 - (q) Alleys shall be prohibited in residential areas but should be included in commercial and industrial areas where needed for loading and unloading or access purposes, and where platted, shall be at least 24 feet in width.
 - (r) Dead-end alleys shall be prohibited.
- (3) **Blocks.**
- (a) Block lengths shall not exceed 1200 feet and not be less than 600 feet. Exceptions to the minimum and maximum lengths may be permitted if these limitations prove impractical due to terrain.
 - (b) Super blocks of greater length or width than normal may be permitted if used in conjunction with an open space plan or planned unit development.
 - (c) Pedestrian access-way of not less than 30 feet in width shall be required where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation, and other community facilities.
- (4) **Lots.**

- (a) The lot size, width, depth, shape and orientation, and the minimum building setback lines shall be appropriate for the location of the subdivision and for the type of development and use contemplated.
- (b) Individual lots with a depth of more than 4 times their frontage shall be discouraged except under unusual circumstances.
- (c) Lot dimensions shall conform to the requirements of the zoning ordinance.
- (d) Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- (e) Corner lots for residential use shall have sufficient width to permit appropriate building setback from and orientation to both streets.
- (f) The subdividing of the land shall be such as to provide, by means of a public street, each lot with satisfactory access to an existing public street.
- (g) Double frontage lots will not be permitted except where essential to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation. A planting screen easement of at least 10 feet, and across which there shall be no right-of-access or fence of uniform design, and approved by the Planning Commission, shall be installed by the subdivider along the line of lots abutting such a traffic artery or other disadvantageous use of topography and orientation.
- (h) Side lot lines shall be substantially at right angles or radial to street lines. While some

variation from this rule is permissible; very irregular lot shapes shall be avoided.

- (i) Wherever possible, unit shopping centers based on sound development standards should be designed in contrast to the platting of lots for individual commercial use.
- (j) Where there is a question as to the suitability of a lot for its intended use due to factors such as rock formations, flood conditions, or similar circumstances, the Commission may withhold approval of such lots.

(5) **Easements.**

- (a) Easements across lots or centered on rear side lot lines shall be provided for utilities where necessary and shall be at least 12 feet wide.
- (b) Where a subdivision is traversed by a water course, drainage way, channel, or stream within a subdivision, such water courses shall be enclosed if the flow is capable of being carried in one 42 inch pipe. If such flow exceeds the capacity of a single 42 inch pipe, an adequate width shall be dedicated by the subdivider for cleaning and maintenance of such water course. In no case shall such dedication be less than 40 feet in width.

(6) **Public Use Areas.**

(a) Dedication and Reservation of Lands.

- 1. The purpose of this Section is to assist the community to provide the proper public lands for use by residents of the tract.
- 2. Whenever a proposed playground, park, school site or other public land, other than streets or drainage-ways, designated in the master plan or on the official map, is located all or in part within the subdivision, the proposed public lands shall be made a part of the plat and shall be dedicated to the public by the subdivider at the rate of 1,250 square feet for each proposed dwelling unit. Said proposed public lands, other than streets or drainage-ways, in excess of the rate

established herein shall be reserved for a period not to exceed 3 years unless extended by mutual agreement for purchase by the public agency having jurisdiction.

3. In lieu of number 2, the Village will, if land within the tract is not designated for a proposed playground, park, school site or other public land, other than streets or drainage-ways, in the master plan or on the official map, levy a public site fee against the subdivider at the time of application for final plat approval at the rate and according to the procedures established in Section 16.
4. If no playground, park, school site, pedestrian pathway or other public land has been proposed as of the date of the application of the subdivider, but the Village determines at the time of preliminary plat submission that a public facility should be provided in the area of the proposed plat to carry out the spirit and intent of this ordinance, the Village may require dedication as set forth above.
5. In the subdividing of any land within the jurisdiction, due regard shall be shown for all natural features, such as trees, water courses, historical sites, or other similar conditions which, if preserved, will add attractiveness to the proposed development.

(7) Sidewalks.

- (a) Sidewalks 8 feet in width shall be required along all business streets.
- (b) Sidewalks 4.5 feet in width shall be required on both sides of all residential streets.
- (c) Sidewalks of a width acceptable to the Plan Commission may also be required through the center of long blocks to connect cul-de-sac streets and to provide access to school, park and playground areas, and to river or lake frontages.

(8) Drainage Plan.

The subdivider shall include a drainage plan identifying relevant elevations and storm sewer

systems. Swales and catch basins may be incorporated as necessary and practicable. All new buildings shall be set at an elevation established by the Village Engineer. The elevation for the top of the basement foundation wall for new residences shall be not less than 18 inches nor more than 24 inches above the top of the curb line, or proposed curb line if not yet installed, located adjacent to the center of the garage, unless a variance or other alteration is approved by the Village Engineer because of unusual elevations/topography of the lot or split level floor plans. A property owner aggrieved by the Village Engineer's decision may apply for a variance or other alteration to the Village Board.

SECTION 6: REQUIRED IMPROVEMENTS

Before a final plat of a subdivision located within the corporate limits will be approved, the subdivider shall file with the plat a surety bond or irrevocable letter of credit insuring that facilities such as street lighting and mini storm sewer will be installed within the time required by the Village Board. Plans for all required improvements shall be submitted to the Director for approval of at least 20 days previous to the commencement of the construction of such improvements.

(1) **Feasibility Studies.** The Village will be responsible for any feasibility studies required to determine the nature and cost of public improvements required to accommodate the development of adjacent land areas. Any developer wishing to have an area studies should notify the Village of that intention by August 1 of the year prior to wishing to begin development. Requests to conduct feasibility studies will be evaluated based upon available funding, sound planning principles, required public improvements, and other considerations. The Village reserves the right to deny a developer's request for a feasibility study; such denial will be construed the same as denial of a preliminary plat submittal. Under no circumstances shall the requirement for prior study be waived if, in the opinion of the Director, the proposed development may have a negative impact on existing or future development.

Exception: In situations where a developer may want to proceed with a project, but the Village is unwilling to finance the needed studies, the developer may offer to reimburse the Village for the cost of the studies. The Village will then request an estimated study cost from the engineer and the developer shall pay the Village that estimated cost prior to start the study. The acceptance of the study financing from the

developer in no way obligates the Village to approve any present or future development requests that may be submitted by the developer or to refund any of the cost, even if the study recommended actions are unfavorable to the developer.

(2) **Streets.** The developer shall be responsible for all engineering required for street and utilities construction and shall have all plan and specifications approved by the Director of Public Works prior to start of construction. The developer shall construct the street base in conformance with Village specifications, at his expense and shall be responsible for the application of dust control if determined by the Director to be necessary. The developer shall be responsible for all street base maintenance until acceptance by the Village at which time the Village shall assume maintenance responsibilities. At the time of preliminary plat approval the Village shall set the date for completion of street construction. Paving shall take place 1-3 years after the acceptance of the preliminary plat. The paving cost will be assessed to the owner of the abutting property at the time the improvements are made. Assessments will be levied in accordance with the guidelines of the existing street assessment policy.

Appropriate street name signs shall be installed by the Village.

(3) **Alleys.** When alleys are constructed they shall meet the standards of street construction as established by the Director.

(4) **Sidewalks.** Sidewalks shall be installed on all improved lots at the time of street construction. Sidewalks will be installed on all unimproved lots if either of the following criteria are met: 1) at least 75% of the lots within the subdivision have been improved or 2) it has been five (5) or more years since the acceptance of the subdivision plat by the Village Board. The sidewalk costs will be assessed to the owner of the abutting property in conjunction with the levying of assessments for street improvement.

(5) **Driveway Aprons.** Any improved lot will, as part of the street construction, have a concrete apron installed for each driveway. Vacant lots will have the apron installed at the time of the home construction. No residential apron shall exceed 24' in width at the curb. The apron cost will be specially assessed to the owner of the abutting property in conjunction with the levying of assessments for street improvements. No driveway shall be located closer than 5 feet to any lot lines.

(6) **Storm Water Drainage and Storm Sewers.**

- (a) Adequate surface and subsurface drainage-ways for the removal of storm water shall be provided by the developer. The extent to which area storm drainage facilities shall be required will be based upon an analysis of need prepared for the developer by the Village, and shall be so designed that it may be incorporated into a comprehensive drainage system. The analysis shall be based upon the rational method of computing storm water runoff using the Madison design curve. Times of concentration, soil infiltration, soil infiltration rates, and other variable factors to be used in the analysis shall be discussed with and approved by the Director prior to construction.
- (b) The storm water sewer system shall be separate and independent of the sanitary sewer system. Surface inlets shall be provided by the developer where evidence indicates such a system is necessary.
- (c) Storm sewers shall be constructed at the developer's expense for ordinary size and depth (12" diameter/6' depth) installations. Any additional cost due to pipe over-sizing, greater depth or lift stations shall be at the Village's expense. In situations where a development requires an improvement of great cost the Village will attempt to program the improvement into its 5-year capital improvements program; eventual approval of the development may therefore depend upon the availability of funding.
- (d) Mini-storm sewers or swales may be installed at the developer's expense and shall be constructed to accommodate storm water from yard drainage and sump pumps within the subdivision. Mini-storm sewers may be laterals run from the storm sewer in the street or may be tile lines or swales run down the rear lot lines with occasional catch basins. A drainage plan must be approved by the Director prior to construction.

(7) **Sanitary Sewer.** The developer shall provide the subdivision with a means of sanitary sewage disposal. This may be done in one of the following ways:

- (a) PUBLIC COLLECTION SYSTEM. The developer shall, at his expense, construct a sanitary sewer system which shall connect to the sewerage system of the Village and provide a connection to each lot.
- (b) SUBDIVISION COLLECTION SYSTEM. The developer shall install sewer mains of sufficient size to serve his development. If, in the opinion of the Director, additional size is required to serve potential or existing developments beyond that proposed, the Village shall pay for such additional costs. All plans and specifications for the sanitary sewer system shall be prepared for the developer by a registered engineer, and shall be approved by the State of Wisconsin Department of Natural Resources and the Director.

(8) **Public Utilities.**

- (a) All public utilities shall be installed at developer's expense.
- (b) A system of utility easements shall be provided for the entire subdivision. Gas mains shall be located within easements or public right-of-ways so as not to conflict with other utilities.
- (c) Telephone and/or electric service lines shall be placed underground throughout the subdivision. The conduit or cables shall be located within easements or public right-of-ways in a manner which will not conflict with other underground services. All transformers and terminal boxes shall be located so as not to be unsightly or hazardous to the public.
- (d) When presenting a final plat for approval of the Plan Commission and the Village Board, the developer shall present a plan showing where all public street lighting will be installed. All street lighting poles, fixtures location and installation shall be approved by the Director. All final plats shall designate the street lighting by correct engineering symbols on the final plat plan. The installation of public street lighting shall be done at the developer's expense.

(9) **Landscape Development**

- (a) All unpaved or otherwise unimproved areas within the public right-of-ways or public use areas shall be graded and seeded in an approved manner.
- (b) Within the areas designated for screen planting, the subdivider shall provide a continuous planting of evergreen or deciduous shrubs and, for each 100 feet of such planting screen, he shall provide one deciduous tree and two flowering trees arranged in accordance with an approved landscape development plan.
- (c) All trees shall be from a commercial nursery and guaranteed healthy for a period of 1 year after planting and shall be approved by the Director.
- (d) All dirt piles, whether generated from street/sidewalk excavations or from the excavation of basements, shall be removed from the subdivision by November 15 of each year. The penalty for violation of this requirement shall be as provided in Section 17. A time extension may be granted if, in the opinion of the Director weather conditions do not allow the contractor to remove dirt piles or to grade topsoil, a time extension may be granted.

(10) **Inspection of Improvements.** The Village shall provide for inspection of required improvements during construction and insure their satisfactory completion. The applicant shall pay to the local government an inspection fee of \$75.00 per lot, and the subdivision plat shall not be signed by the Plan Commission unless such fee has been paid at the time of application. These fees shall be due and payable upon demand of the local government and no building permits or certificates of occupancy shall be issued until all fees are paid. If the local government engineer finds upon inspection that any of the required improvements have not been constructed in accordance with the local government's construction standards and specifications, the subdivider shall be responsible for the necessary corrections. Wherever the cost of improvements is covered by a performance bond, the subdivider and the bonding company shall be severally and jointly liable for completing the improvements according to specifications. See 13 (2).

(11) **Maintenance of Improvements**

- (a) The developer shall be responsible for a period of one year after construction for the maintenance of all utilities installed to accommodate the new

subdivision. Maintenance shall include, but not be limited to, settling trenches, dirt or gravel deposits in catch basins and manholes and any other maintenance deemed necessary by the Director.

- (b) If the developer fails to complete the necessary maintenance within a specified period of time the Director shall have the work done and charge the developer for all costs incurred.
- (c) The developer will be responsible for clearly marking all manholes, catch basins and water boxes with stakes, fence posts or barricades to protect them against damage from construction equipment.

(12) **Acceptance of Improvements.** The Village will not accept the required improvements nor release nor reduce a performance bond until the Director has submitted a certificate stating that all required improvements have been satisfactorily completed and until the applicant's engineer or surveyor has certified to the Director, through submission of detailed as-constructed drawings indicating location, dimensions, materials, and other information required by the Director, that the layout of the line and grade of all public improvements is in accordance with the construction plans approved for the subdivision.

(13) **As-Constructed Drawings.** Upon completion of the sanitary sewer mains and laterals and storm sewer mains and laterals, the subdivider shall provide the Village as-constructed drawings of said improvements. Such drawings shall show the actual field location of all the above improvements, including lateral locations, and the actual manhole and catch basin rim and invert elevations for the sanitary and storm sewers. Such drawings shall be prepared on reproducible vellum and may be duplicate tracings of the construction drawings with the as-constructed information added.

SECTION 7: VARIANCES AND EXCEPTIONS

(1) Where, in the judgment of the Village Board, on the recommendation of the Plan Commission, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper. Application for any such variance shall be made in writing by the subdivider at the time when the Preliminary Plat is

filed for consideration, stating fully all facts relied upon by the petitioner, and shall be supplemented with maps, plans or other additional data which may aid the Plan Commission and Village Board in the analysis of the proposed project.

(2) The Plan Commission shall not recommend nor shall the Village Board grant variances or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:

- (a) The granting of the variation will not be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;
- (b) The conditions upon which the request for a variation is based are unique to the property for which the variation is sought and are not applicable generally to other property;
- (c) Because of the particular physical surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the strict letter of the regulations were carried out.
- (d) Such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other similar properties in the vicinity.

(3) Any recommendations by the Plan Commission shall be transmitted to the Village Board. The Village Board, if it approves of the variance, shall do so by a three-quarters (¾) vote of its membership and instruct the Village President to notify the Plan Commission and the subdivider.

(4) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this Chapter or the desirable general development of the Village in accordance with any Village Comprehensive Plan or component thereof, this Chapter, or the Village Zoning Code. A three-quarters (¾) majority vote of the entire membership of the Village

Board shall be required to grant any modification of this Chapter, and the reasons shall be entered in the minutes of the Village Board.

(5) The Village Board may waive the placing of monuments, required under Sec. 236.15(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required by the Village.

SECTION 8: BUILDING PERMIT

No building permit shall be issued by the governing official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein which has been approved for platting or re-platting until all requirements of this ordinance and other pertinent ordinances have been fully complied with.

SECTION 9: OCCUPANCY PERMIT

(1) **Requirements.** No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision or land division approved for platting or re-platting until required utility improvements have been installed and made ready to service the property and until roadways providing access to the subject lot or lots have been constructed or are in the course of construction and are suitable for vehicular traffic. Required public improvements shall include: sanitary sewer mains and laterals; storm sewers; and street excavation and street base construction. Required building and lot improvements include but are not limited to: gutters and downspouts; water meter; lot grades $\pm 1"$ of drainage plan; house numbers; mail box (where applicable); paved driveway; and a thorough clean-up of construction materials.

(2) **Conditional Permits.** A conditional occupancy permit may be issued if, in the opinion of the building inspector, an unavoidable situation exists that would cause undue hardship to a homeowner. At the time a conditional permit is issued, a compliance date will be set for completion of each remaining requirement.

(3) **Waiver of Special Assessments.** As a condition of approval and issuance of a conditional permit, the Village may require the applicant to execute a waiver of special assessments to guarantee a good faith completion of the permit conditions. This waiver would allow the Village to levy special assessments without notice and hearing if the Village is required to complete the required improvements and the homeowner refuses to pay the

costs incurred.

The cost of work performed by Village staff or other authorized agents plus interest and administrative charges at a rate approved by the Village Board shall be billed to the homeowner. In the event a homeowner fails to pay the amount due, the Village Clerk shall enter the amount due on the tax rolls and collect as a special assessment against the property pursuant to Sec. 66.60(18), Wis. Stats.

SECTION 10: VIOLATIONS

(1) **Violations.** It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this Chapter or the Wisconsin Statutes and no person, firm or corporation shall be issued a building permit by the Village authorizing the building on, or improvement of, any subdivision, land division or re-plat with the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.

SECTION 11: RECORD OF PLATS

All plats of subdivisions, after the same have been submitted and approved as provided in this ordinance, shall be filed and kept in a master book of plats to be maintained by the Village of Eden among its permanent records.

SECTION 12: VALIDITY

If any title, article, section clause, paragraph, provision or portion of this ordinance shall be held to be invalid or unconstitutional by any court of competent jurisdiction, such decision shall not affect any other title, article, clause, paragraph, provision or portion of this ordinance.

SECTION 13: PERMITS FOR UTILITY SERVICES

(1) **Private.** A master permit shall be obtained from the Building Inspector for the installation of communication, cable television, electric power, gas and any other private utilities in public or private right-of-ways or easements as shown on the final plat, and a \$25.00 permit fee shall be paid before installation is started. The master permit shall be issued to the developer and shall cover the installation of private utilities throughout the

subdivision.

(2) **Public.** A permit shall be obtained from the Building Inspector for the extension of public utilities such as water, sanitary sewer, laterals and storm sewer. Per Section 6 (11), the cost of the permit shall be \$75.00 per lot and shall include the cost of plan review and inspection of utilities prior to acceptance by the Village.

SECTION 14: FEE FOR FILING PRELIMINARY PLAT

A fee of \$1.00 per lot, with a minimum fee of \$25.00 and a maximum fee of \$100.00, shall be paid by the subdivider to the Village at the time of filing the preliminary plat with the office of the Village Clerk.

SECTION 15: APPROVAL AND INSPECTION FEES

Any extraordinary costs incurred by the Village for the approval of improvement plans and/or inspection during the course of construction shall be paid by the subdivider.

SECTION 16: PUBLIC SITE FEE

If the subdivider has elected not to dedicate public lands within his plat as provided in Section 5(6)(a)2, a fee for the acquisition or capital improvement of public sites to serve the future inhabitants of the proposed subdivision shall be paid to the Village in the amount of \$125.00 for each dwelling unit within the plat. The value of dedicated lands is to equal the number of dwelling units x \$125.00.

SECTION 17: VIOLATION PENALTY

(1) Penalties.

- (a) Any person, firm or corporation who fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit no less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) and the costs of prosecution for each violation. Each day a violation exists or continues shall constitute a separate offense.
- (b) Recordation improperly made has penalties provided in Sec. 236.30, Wis. Stats.

- (c) Conveyance of lots in unrecorded plats has penalties provided for in Sec. 236.31, Wis. Stats.
- (d) Monuments disturbed or not placed have penalties as provided for in Sec. 236.32, Wis. Stats.
- (e) Assessor's plat made under Sec. 70.27, Wis. Stats, may be ordered by the Village as a remedy at the expense of the subdivider when a subdivision is created by successive divisions.

(2) **Appeals.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in Secs. 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

SECTION 18: EFFECT OF CONFLICT

All ordinances or parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

Adopted this 8th day of April 1996.

The above ordinance has been amended by specific resolution(s) duly adopted and published. The undersigned, Clerk/Treasurer of the Village of Eden, Wisconsin, does hereby certify that this ordinance now contains the original ordinance together with those amendments previously adopted and duly published.

Dated this 17th day of April 2008.

Village of Eden


Village President


Village Clerk/Treasurer