VILLAGE OF WESTON, MARATHON COUNTY, WISCONSIN

ORDINANCE NO. 16-029

AN ORDINANCE TO REPEAL CHAPTER 74 OF THE VILLAGE OF WESTON MUNICIPAL CODE OF ORDINANCES ENTITLED "SUBDIVISION REGULATIONS" AND AMENDING AND RECREATING THE SAME.

WHEREAS, Wis. Stats. Chapters 61, 62.23, 80.08, 236 and 703 authorizes each local government to adopt a subdivision ordinance to regulate and control the division of land within the Village of Weston and its extraterritorial area to protect and provide for the public health, safety, and general welfare of the community and guide the orderly and beneficial development of the community, in accordance with the Village's adopted Comprehensive Plan; and

WHEREAS, Chapter 74 "Subdivision Regulations" of the Municipal Code currently serves as the Village's general land division ordinance; and

WHEREAS, on May 9, 2016, the Village Plan Commission reviewed the ordinance and recommended comprehensive changes be made to Chapter 74 to the Village Board by the adoption of Resolution No. 2016-008; and,

WHEREAS, the Village Board accepts the recommendation of the Plan Commission and has conducted a public hearing on May 16, 2016 preceded by a Class 2 notice, and following such hearing the Board considered public comments and the recommendation of the Plan Commission and determined those proposed changes to be in compliance with Wis. Stats governing land division and in the best interest of the long term public health, safety and general welfare of the community and guide the orderly and beneficial development of the community, in accordance with the Village's adopted Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED THAT, the Village Board of Weston, Wisconsin, does ordain as follows:

SECTION 1: Chapter 74 "Subdivision Regulations" is hereby repealed, and a new Chapter 74 entitled "Subdivision Regulations," which is attached hereto and incorporated herein as Exhibit A, is hereby created.

SECTION 2: SEVERABILITY. If any section, clause, provision, or portion of the newly created Chapter 74 is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of Chapter 74 shall not be affected thereby. If an application of Chapter 74 to a particular structure, land, or water is adjudged unconstitutional or invalid by a court of competent jurisdiction, such judgment shall not be applicable to any other structure, land, or water not specifically included in said judgment. If any requirement or limitation attached to an authorization given under Chapter 74 is found invalid, it shall be presumed that the authorization would not have been granted without the requirement or limitation and, therefore, said authorization shall also be invalid. Any other ordinances whose terms are in conflict with the provisions of this ordinance are hereby repealed as to those terms that conflict.

SECTION 3: EFFECTIVE DATE. This ordinance shall take effect upon approval and publication.

Adopted this 16th day of May, 2016.

VILLAGE BOARD OF WESTON

By: Barbara Ermeling
Barbara Ermeling, President

Attest: Sherry Weinkauf
Sherry Weinkauf, Village Clerk

EXHIBIT A: A REPLACEMENT CHAPTER 74 SUBDIVISION REGULATIONS

APPROVED: 5/16/16

PUBLISHED: 5/18/16

EXHIBIT A

CHAPTER 74: SUBDIVISION REGULATIONS
VILLAGE OF WESTON, WI

ADOPTED: May 18, 2016

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ARTICLE 1: INTRODUCTION

Section 74.1.01: Title

This Chapter shall be known, cited, and referred to as the VILLAGE OF WESTON SUBDIVISION ORDINANCE, except as referred to herein, where it shall be known as "this Chapter".

Section 74.1.02: Authority

This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes, including but not limited to Chapters 61, 62.23, 80.08, 236, and 703. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

Section 74.1.03: Purpose

The purposes of this Chapter are to:

(1) Regulate and control the division of land within the Village and its extraterritorial area.

(2) Protect and provide for the public health, safety, and general welfare of the community.

(3) Guide the orderly and beneficial development of the community, in accordance with the Comprehensive Plan.

(4) Provide for adequate light, air, and privacy and the undue pollution of land, air, and water.

(5) Secure safety from fire, flood, and other danger.

(6) Protect the character and the social and economic stability of the community.

(7) Protect environmentally sensitive areas, farmland, open space, natural beauty, topography, and areas that are premature or unsuited for urban development or division.

(8) Protect and conserve the value of land and the value of buildings and improvements upon the land, and to minimize the conflicts among land and buildings.

(9) Provide adequate and efficient public facilities, such as roads, sidewalks, trails, water, sanitary sewerage, stormwater management, schools, and parks.

(10) Ensure that public facilities and services are available concurrent with development, and will have a sufficient capacity to serve the proposed land division, subdivision, or condominium development, generally at the expense of the subdivider.

(11) Provide for adequate circulation of motor vehicle, bicycle, and pedestrian traffic, having particular regard to avoiding congestion, ensuring safe and efficient movement, and providing for an interconnected transportation network within and between developments.

(12) Establish design standards and review procedures for land divisions, subdivisions, and condominium developments to further the orderly layout and use of land, allow for community involvement, and ensure that land is divided in a technically correct manner.

(13) Avoid problems associated with inappropriately divided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

Section 74.1.04: Jurisdiction and Applicability

(1) **Jurisdiction.**

(a) No person, firm, or corporation shall divide or develop any land located within the corporate limits of the Village of Weston or within its extraterritorial area which shall result in subdivision, land division, or condominium development, as these terms are defined in this Chapter, without first filing and receiving Village approval of a subdivision plat, certified survey map, or condominium plat respectively, and subsequently recording said plat or map with the county register of deeds, all as provided in this Chapter.

(b) This Chapter shall not apply to condominium developments that existed as of <INSERT EFFECTIVE DATE>, except to the extent that such condominium developments are expandable pursuant to Wis. Stat. § 703.26, and except that the provisions in subsection (5) to all condominium developments regardless of when they were first established.

(2) **Compliance.** No subdivision, land division, replat, or condominium development within the jurisdiction of this Chapter shall be entitled to be approved or recorded without compliance with all requirements of this Chapter that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, and the following:

(a) The provisions of Wis. Stats. Chapters 703, 80.08, and 236, including §236.45(2)(ac)

(b) All other Village ordinances that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, including but not limited to the zoning ordinance and any official map ordinance.

(c) The Comprehensive Plan in place when a subdivider submits a preliminary plat, certified survey map, or condominium plat.

(d) All other master plans, comprehensive plans, and components of such plans prepared by state, regional, county or municipal agencies, when such plans have been duly adopted by the Village Board when a subdivider submits a preliminary plat, certified survey map, or condominium plat.

(e) The provisions of Wis. Admin. Code Chapter SPS 385 for subdivisions, land divisions, or replats not served by public sanitary sewer.

(f) All other applicable state statutes, state administrative rules, and county ordinances.

(3) **Exemptions.** Unless the subdivider elects to prepare a certified survey map, the provisions of this Chapter as it applies to divisions, combinations, or lot line adjustments of tracts of land resulting in fewer than 5 lots shall not apply to:

(a) Transfers of interests in land by will or pursuant to court orders.

(b) Leases for a term not to exceed 10 years, mortgages, or easements.

(c) Combinations of two or more lots into fewer lots, or sale or exchange of parcels of land between owners of adjoining property, if a Plat of Survey showing the parcel to be transferred has been submitted to the Zoning Administrator, including a signature certificate and indicating the location for monuments placed at all new lot corners, and the Zoning Administrator approves such Plat of Survey based on the following criteria:

1. Additional lots are not created.

2. Lots resulting are not reduced below the minimum dimensions and area required by these regulations, the zoning ordinance, and other applicable laws or ordinances.
3. Such lot combination or parcel exchange is not contrary to any prior Village approval over the land, either under this Chapter, Section 94.15.02 of the zoning ordinance, or otherwise.
4. The submitter of the Plat of Survey provides reasonable assurance that the Plat of Survey will be recorded with the county register of deeds, and provides the Zoning Administrator a recorded copy.

Use of a Plat of Survey or Certified Survey Map are the only acceptable means of describing combinations of two or more lots into fewer lots, or the sale or exchange of parcels of land between owners of adjoining property. Metes and bounds descriptions are not acceptable.

(4) **Replats, Vacations, and Corrections of Previously Platted Land.**

(a) When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider shall vacate and alter the recorded plat as specified in Wis. Stats. §§ 236.36 through 236.44. The subdivider shall also complete the platting process as specified in Articles 3 and 4 of this Chapter, and meet other applicable standards in this Chapter.

(b) Vacations of an approved plat or certified survey map that do not also involve a replat shall be made in accordance with Wis. Stats. §§ 236.40 through 236.44.

(c) Corrections to an approved plat or certified survey map shall be done in accordance with and subject to the limitations of Wis. Stat. § 236.295.

(5) **Additional Requirements Applicable to Condominium Developments.** All condominium developments shall include the following provisions within condominium documents, which such provisions shall include Village Board consent prior to modification or termination:

(a) A mechanism for dispute resolution among unit members concerning the upkeep, repair, maintenance, and replacement of common elements and limited common elements.

(b) Establishment of a mandatory escrow account with sufficient funding for the upkeep, repair, maintenance, and replacement of common elements and limited common elements.

(c) A voluntary termination provision.

(d) A Declaration of Easements, Restrictions, Covenants and Conditions for the operation and maintenance of the condominium development and its units, which shall be subject to Village Board approval and subsequently recorded by the condominium developer.

Section 74.1.05: Abrogation and Greater Restrictions

(1) **Abrogation.** It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right or abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.

(2) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare; shall be

liberally construed in favor of the Village; and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.

(3) **Greater Restrictions.** Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Where there are conflicts between or among regulations within this Chapter, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.

(4) **Additional Covenants or Restrictions.** In its actions authorized by this Chapter, the designated Village approval authority may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the Comprehensive Plan and Village ordinances, in conjunction with any Plat or Certified Survey Map approval under this Chapter. The violation of any covenant or restriction required as a condition of plat or CSM approval shall be deemed a violation of this Chapter.

(5) **Land Suitability Assessment.** No land shall be divided in a manner that would create any lot intended for development that is held unsuitable for development by the Village Plan Commission (or Extraterritorial Zoning Committee where applicable) for reason of flooding; inadequate current or proposed drainage; adverse soil or rock formations, composition or conditions; negative impact on wetlands, waterways, or other sensitive natural resources; unfavorable topography; or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, land division, condominium development, or community. The Plan Commission or Committee, in applying the provisions of this subsection, shall as part of its minutes or a resolution, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if desired. Thereafter, the Commission or Committee may affirm, modify, or withdraw its determination of unsuitability.

(6) **Savings Clause.** In the event of a conflict between the terms and provisions of this Chapter 74 and any provision of applicable Wisconsin Statutes, the Statutes shall control; except where the applicable Statute allows the Village to impose more stringent standards or requirements. In the latter event, this Chapter 74 shall apply.

Section 74.1.06: Effective Date

This Chapter became effective upon passage and publication according to law on May 18, 2016. All plats and certified survey maps approved under the previous Chapter 74 shall be valid for periods defined in that previous chapter, associated development agreements, and Wis. Stat. Chapter 236.

ARTICLE 2: INITIAL SUBMITTAL DOCUMENTS

Section 74.2.01: Initial Submittal Documents

The subdivider shall prepare and submit to the Zoning Administrator the items in subsections (1) through (3), except where indicated. Such items shall be submitted to the Zoning Administrator before he or she will accept and process an application for approval of a subdivision plat, condominium plat, or certified survey map, except that for divisions that will require a certified survey map, the site assessment checklist and subdivider's statement may accompany the application for certified survey map approval.

(1) **Site Assessment Checklist.** Per the provisions of Section 74.2.03, except where at least one of the following circumstances is present:

(a) The land area covered by said division is 5 acres or fewer.

(b) The division will result in 2 or fewer new lots.

(c) The division would not result in any land development in the foreseeable future.

(d) The division would divide land that has been subdivided in the last ten years where a still-applicable site assessment checklist or similar analysis is on file with the Village.

(2) **Concept Plan.** Per the provisions of Section 74.2.04, except where at least one of the following circumstances is present:

(a) The division can be accomplished by certified survey map, except that the Zoning Administrator may require a concept plan if he or she believes that the certified survey map would have a significant impact on public improvements or the Comprehensive Plan.

(b) The division is exempted from the site assessment checklist requirement in subsection (1).

(c) The remainder of the area owned or controlled by the subdivider is included in a detailed neighborhood development plan adopted as a component of the Comprehensive Plan, and the subdivider demonstrates intent to develop according to that neighborhood development plan.

(d) A preliminary plat or a general development plan for an N Neighborhood development enabled under the zoning ordinance had been previously submitted for the same area, and the subdivider demonstrates intent to develop according to such plat or plan.

(3) **Subdivider's Statement.** Per the provisions of Section 74.2.05, except for land divisions and subdivisions within the extraterritorial area.

Section 74.2.02: Review of Initial Submittal Documents

(1) **Format for Submittal.** The prospective subdivider shall submit the required initial submittal documents for Zoning Administrator review in digital PDF format.

(2) **Zoning Administrator Review.** Upon the submittal of the initial documents required under Section 74.2.01, the Zoning Administrator shall review the documents and may require a conference with the prospective subdivider. The purpose of such review and potential conference is to understand the proposed development; identify any concerns that the documents or division raises including the suitability of the land for division under Section 74.1.05(5); and assist the subdivider in understanding the objectives of this Chapter, the Comprehensive Plan, and any other pertinent ordinances and plans.

(3) **Possible Plan Commission or Extraterritorial Zoning Committee Review.** In the event the Zoning Administrator believes that such review is required, he or she shall notify the subdivider and the subdivider shall submit copies of the documents in a quantity and format determined sufficient by the Zoning Administrator.

Section 74.2.03: Site Assessment Checklist

(1) **Purpose.** The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new subdivisions, larger land divisions, and condominium developments upon the community and environment, in accordance with the principles and procedures of Wis. Stat. § 236.45, and against the land suitability requirements in Section 74.1.05(5).

(2) **Site Assessment Checklist Form and Scale Map.** The subdivider shall complete a site assessment checklist on a form provided by the Zoning Administrator. The checklist form shall include questions to the subdivider that are intended to discern information about the presence of, and impacts on, land, water, biological, historical and archaeological, energy, transportation, and communications resources on the property. Issues identified on the completed site assessment checklist shall be explained in detail by attaching maps and supportive documentation on the type, location, and extent of the identified feature and the expected impact of the proposed division on that feature and of that feature on the developability of the land. The subdivider shall submit a scale map of the area proposed for division along with the completed form.

(3) **Determination of Need for Further Information.** Upon receipt of a completed site assessment checklist, the Zoning Administrator may, for reasons stated in written correspondence setting forth specific questions on which it requires research, data, and input from the subdivider and other persons, require that the subdivider submit further information to explain concerns raised from information included in or absent from the site assessment checklist. Failure to submit such additional information in a timeframe specified in the Zoning Administrator's request shall be grounds for denial of the associated plat or certified survey map.

(4) **Use of Completed Site Assessment Checklist and Further Information.** The completed site assessment checklist and any attached or further information, along with the Zoning Administrator's assessment of those materials, will be considered in the determination of the suitability of the land for division under Section 74.1.05(5) and compliance with other Village ordinance standards. If determined unsuitable or non-compliant, the subdivider shall have the opportunity to remedy the reasons before a certified survey map, preliminary plat, or condominium plat is filed or rejected.

Section 74.2.04: Concept Plan

(1) **Purpose.** Where required under Section 74.2.01(2), the purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision or condominium development and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and impact of the proposed division or condominium development without the need for detailed engineering, surveying, and other time consuming and costly processes associated with preparation of a plat or certified survey map.

(2) **Required Coverage and Contents.** The concept plan shall be a map that includes all contiguous land owned or controlled by the subdivider. A complete concept plan shall depict the general layout of the proposed subdivision or condominium development, including existing and proposed building sites,

roads, major public utilities, parks, open spaces, and general proposed land use patterns; and represent relationships to nearby properties and land uses. The concept plan may rely on and refer to a detailed neighborhood development plan prepared by or for the Village to provide direction on proposed layout. For a development within the N Neighborhood zoning district, the required general development plan may serve as the concept plan.

(3) **Review of Concept Plan.** The Zoning Administrator shall review the concept plan against the requirements of the Comprehensive Plan and Village ordinances. The Zoning Administrator shall refer the concept plan to the Plan Commission or Extraterritorial Zoning Committee, and may refer the concept plan to the Parks & Recreation Committee and/or Village Board, for review within 30 days of a complete concept plan submittal.

Section 74.3.05: Subdivider's Statement

(1) **Required Contents.** Where applicable under Section 72.2.01(3), the subdivider shall submit to the Zoning Administrator a signed statement listing all development projects for which the subdivider has sought or received Village approval during the previous 10 years. The statement shall indicate whether the subdivider has any outstanding obligations to perform on any such projects, via either contract or conditions of approval.

(2) **Relationship to Proposal for New Division.** If the subdivider's statement is found to contain false or misleading information pertaining to past projects or contractual obligations, the Village will not accept an application for approval of a plat until the subdivider's statement is corrected, or consider an associated application for certified survey map approval complete. If the subdivider's statement or Zoning Administrator review thereof indicates outstanding obligations, the Village will not accept an application for approval of a plat, or consider an associated application for certified survey map approval complete, until the obligations have been fulfilled.

ARTICLE 3: PRELIMINARY PLATS FOR SUBDIVISIONS; CONDOMINIUM PLATS

Section 74.3.01: Applicability

The provisions of this Article apply to subdivisions as defined in Article 13 and to condominium developments. In the case of condominium developments, a condominium plat that conforms to Wis. Stat. § 703.11 shall substitute for a preliminary plat, the review procedure and submittal shall meet the requirements in this Article to the extent the Zoning Administrator determines practical, and the preliminary plat and final plat review stages shall be combined.

Section 74.3.02: Preliminary Plat Review Procedure

(1) **Preliminary Plat Submittal to Village.** Following submittal and Village review of the initial submittal documents required under Article 2, the subdivider shall submit an application to the Zoning Administrator for preliminary plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the CSM, and all supplemental materials under Section 74.3.04. A complete preliminary plat application shall be required at least 4 weeks prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected, except under circumstances deemed exceptional by the Zoning Administrator.

(2) **Preliminary Plat Submittal to Other Agencies.** The subdivider shall be responsible for providing each preliminary plat to State, County, Town, and other agencies as may be required by Wis. Stat. Chapter 236 and other applicable law. Before submitting the final plat, the subdivider shall provide a copy of the preliminary plat and preliminary engineering plans to all local utility providers, including natural gas, telephone, cable television, other telecommunications, and electric utilities, so that they may identify appropriate locations for facilities and easements to be indicated on the final plat.

(3) **Staff Review of Preliminary Plat.** The Zoning Administrator shall provide copies of the preliminary plat and supplemental materials to applicable staff within the Planning & Development; Public Works & Utilities; Parks, Forestry, and Recreation; Police and Fire Departments for their comments and recommendations. Any such comments and recommendations shall be provided in a timeframe to allow their consideration by the Plan Commission or Extraterritorial Zoning Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion on whether the preliminary plat conforms to applicable Village ordinances and to statutes, and shall provide a recommendation for action on the plat.

(4) **Parks & Recreation Committee Recommendation.** The Parks & Recreation Committee shall review the plat for conformance with applicable park and recreation plans and needs, and shall forward its recommendation on such matters to the subdivider, Plan Commission or Extraterritorial Zoning Committee, and Village Board.

(5) **Village Plan Commission Recommendation.** Except as provided under subsection (6), the Plan Commission shall review the plat for conformance with applicable plans, ordinances, and statutes and shall forward its recommendation on the preliminary plat to the Village Board. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection if that is the recommended action.

(6) **Preliminary Plat Review in Extraterritorial Area.** The Extraterritorial Zoning Committee shall function in lieu of the Plan Commission under subsection (5) with respect to preliminary plats within the Town of Weston ETZ Area.

(7) **Village Board Action.** The Village Board shall, within 90 days of the date of the filing of a complete preliminary plat application, approve, approve conditionally or reject the preliminary plat by resolution, unless the time is extended by mutual agreement with the subdivider. The resolution shall include the conditions of approval or reasons for rejection. The Village Clerk shall then return one copy of the adopted resolution and the plat to the subdivider with the date and action endorsed thereon, and place the plat and resolution in the permanent files of the Village. Failure of the Village Board to act within 90 days of a complete application shall constitute an approval, unless the time is extended by mutual agreement with the subdivider.

(8) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, but instead shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat. Approval of a preliminary plat shall expire 36 months after the date of approval or conditional approval by the Village Board, unless within such period a complete application for final plat approval for the preliminary plat area is filed or the Village Board extends the timeframe for submittal of one or more final plats within the preliminary plat area. If the final plat is submitted within such timeframe and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.

Section 74.3.03: Coverage of Preliminary Plat

The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider, except where:

(1) The remainder of the area owned or controlled by the subdivider is included in a detailed neighborhood development plan adopted as a component of the Comprehensive Plan or a general development plan in an N Neighborhood area, and the subdivider demonstrates an intent to develop according to that plan; or

(2) The previously submitted concept plan included all contiguous lands owned or controlled by the subdivider, and was of sufficient detail for the Village to clearly discern the subdivider's intent and the relationship of the proposed subdivision to surrounding properties.

Section 74.3.04: Required Preliminary Plat Submittal Materials

(1) **Generally.** A complete preliminary plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider, and for condominium developments. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.

(2) **Technical Requirements for Preliminary Plat.** The preliminary plat itself shall include all required contents under Wis. Stat. Chapter 236, and the following information:

(a) **Description.**

1. Name of the proposed subdivision or condominium development.

2. Name, address, telephone number, and email address of the owner, subdivider, engineer, land surveyor, and land planner.
3. Date, graphic scale (not more than 100 feet to one inch), and north arrow.
4. Location of the proposed subdivision or condominium development by government lot, quarter section, township, range, municipality, and county.
5. Proposed number of lots, number of dwelling units if different, and land use types.
6. A vicinity sketch or small scale drawing of the section and government subdivision in which the subdivision or condominium development lies, with its approximate location indicated.

(b) **Existing Conditions.**

1. Municipal and county boundaries.
2. Existing contours at verticals of not more than one foot, with two foot contours acceptable only if approved in advance by the Director of Public Works.
3. A scaled drawing of the exterior boundaries of the proposed subdivision or condominium development referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
4. Location of existing property lines, buildings, drives, paths, mature trees, streams and watercourses, drainageways, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, historical structures, and other similar significant features within the parcel being subdivided. The location and boundaries of all wetlands on the property shall be delineated by a licensed professional and certified by the Wisconsin Department of Natural Resources and/or the United States Army Corps of Engineers.
5. Location, right-of-way width and names of any easements or rights-of-way for existing streets, alleys or other public ways, railroads, and utilities within or adjacent to the proposed subdivision or condominium development.
6. Type, width, and established centerline elevations of any adjacent existing street pavements.
7. Locations and ordinary high water marks of adjoining or encompassed navigable waterway and drainageways.
8. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table, based on the Marathon County Soil Survey or more detailed sources where available. Where the Marathon County Soil Survey indicates potential for groundwater less than 5 feet from the existing ground surface, the subdivider or condominium developer shall so note on the face of the preliminary plat and indicate the lots affected.
9. 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. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to, and the size of those nearest and the invert elevations of sewers shall be indicated.

10. Locations and names of adjacent subdivisions and condominium developments, parks, and cemeteries, and existing land use, zoning, and owner names/addresses of all adjacent properties.
11. Citation of any existing legal rights-of-way or easements affecting the property and existing covenants on the property, if any.

(c) **Proposed Improvements.**

1. Layout and scale dimensions of all lots and proposed lot and block numbers.
2. Location, approximate dimensions, and proposed future ownership of any sites to be reserved or dedicated for parks, drainageways, environmental corridors, or other public and/or permanent open space uses.
3. Location and approximate dimensions of any sites reserved for the private use of future residents.
4. Location and approximate dimensions of any sites that are to be used for group housing, shopping centers, church sites, or other non-public uses.
5. Proposed locations, dimensions, and names (as applicable) for streets, paths, utilities, drainageways, and associated easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium development when requested.
6. Any proposed building setback lines, buildable areas, or "build-to" lines under the zoning ordinance or otherwise, and in consideration of proposed zoning if different.
7. Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal Code.
8. Highway access control limitations per Chapter 71 of the Weston Municipal Code.

(3) **Preliminary Engineering Plans.** The subdivider shall submit preliminary engineering plans with the preliminary plat application, including the following, except where the Director of Public Works determines that the associated public improvements are not required:

(a) Preliminary street profiles showing existing and proposed centerline elevations. Profiles shall be shown for a minimum distance of 300 feet beyond the plat boundaries where future street extensions may be planned.

(b) Preliminary utility layouts, including sanitary sewer, water main, and storm sewer, and indication of any expected need for improvements to existing facilities to provide for such utility needs.

(c) Proposed locations and dimensions of sidewalks and paths.

(d) Proposed street tree type and general locations.

(e) Preliminary stormwater calculations, in order to demonstrate that adequately sized and positioned areas have been reserved for stormwater management on the preliminary plat, per Chapter 86, Article 5 of the Weston Municipal Code.

(f) A preliminary engineering plan map at least covering the area of the preliminary plat and showing the features described in this subsection, along with property lines, contours, and applicable environmental features such as wetlands and floodplains.

(g) Any other data deemed necessary by the Director of Public Works to determine the adequacy of public facilities and services required under Section 74.9.01.

(4) **Preliminary Covenants.** The subdivider shall submit a draft of protective covenants to be recorded against the affected land with the preliminary plat application, including the following provisions:

(a) Methods for the proper maintenance and management of any common open space, stormwater management facility, drainageway, private road, or other required improvement intended for private ownership, maintenance, and/or protection. A separate stormwater management maintenance agreement may substitute for including such provisions in the general protective covenants for the subdivision, if approved or required by the Director of Public Works.

(b) A method to effectively minimize monotony in the design of single-family and two-family residences, as required under Section 94.10.02(2) of the zoning ordinance.

(c) Methods to ensure the construction and maintenance of any noise mitigation measures if the subdivision is adjacent to an arterial street.

(d) In all cases where the Village requires that provisions of this Chapter or other Village ordinance shall be satisfied or guaranteed by private covenants or restrictions, provisions making such covenants enforceable by the Village and prohibiting the repeal or amendment of such covenants or restrictions without the written approval of the Village Board. In all other cases, it is not the Village's responsibility to enforce protective covenants.

(e) In any other case as determined necessary by the Village to satisfy the requirements of this Chapter.

(5) **Other Required Information.** The subdivider shall submit the following additional information with the preliminary plat application:

(a) The required preliminary plat application fee as indicated in the Village's Fee Schedule.

(b) A signed agreement to reimburse the Village for any required consultant expenses in the review of the plat, if included with the application form.

(c) Any amendments to the initial submittal documents required under Article 2 to reflect changes to the subdivision.

(d) Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, a draft of the legal instruments and rules for the proposed property owners' association.

(e) For residential subdivisions adjacent to an arterial street, a preliminary plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.

(f) In any case where the Director of Public Works determines that the proposed subdivision is likely to cause a significant impact on traffic on streets or highways beyond the proposed subdivision, the applicant shall pay the fees of a traffic engineer to be retained by the Village to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation guidelines. Where the report of the analysis concludes that the proposed subdivision will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of

Transportation Engineers, the Village may deny the application, require a size reduction in the proposed subdivision, or require that the developer construct and/or pay for required off-site improvements.

(g) Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

ARTICLE 4: FINAL PLATS ASSOCIATED WITH SUBDIVISIONS

Section 74.4.01: Applicability

The provisions of this Article apply to subdivisions as defined in Article 13.

Section 74.4.02: Final Plat Review Procedure

(1) **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 74.4.04. A complete final plat application shall be required at least 14 days prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 74.7.03.

(2) **Final Plat Submittal to Other Agencies.** The subdivider shall be responsible for providing each final plat to State, County, Town, and other agencies as may be required by Wis. Stat. Chapter 236 and other applicable law.

(3) **Staff Review of Final Plat.** The Zoning Administrator shall provide copies of the final plat and supplemental materials to applicable staff within the Planning & Development; Public Works & Utilities; Parks, Forestry, and Recreation; Police and Fire Departments for comment and recommendation. Such recommendations shall be provided in a timeframe to allow consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion whether the final plat conforms to the preliminary plat, applicable Village ordinances, and to Statutes, and shall provide a recommendation for action on the plat. The opinion and recommendation shall be part of the record of the final plat review proceedings.

(3) **Village Plan Commission Recommendation.** Except as provided under subsection (4), the Plan Commission shall review the final plat for conformance with the approved preliminary plat, conditions of its approval, and all applicable ordinances and statutes, and shall forward its recommendation to the Village Board. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or conditions associated with any recommendation for approval.

(4) **Final Plat Review Within Extraterritorial Area.** The Extraterritorial Zoning Committee shall function in lieu of the Plan Commission under subsection (3) with respect to final plats within parts of the Town of Weston ETZ Area.

(5) **Village Board Action.** The Village Board shall, within 60 days of a complete final plat submittal, approve, conditionally approve, or reject such plat, unless the time is extended by mutual agreement with the subdivider. Village Board approval of the final plat shall be conditioned upon the execution of the development agreement under Section 74.7.03, if the plat is in the Village or is to be served by Village infrastructure. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. Upon failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.

(6) **Recordation of Final Plat**. The plat shall be submitted for recording with the county Register of Deeds within 12 months from the date of the last approval and within 36 months from the date of the first approval, or the Village approval shall be deemed void. No plat shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the plat. The Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording, upon verification of the following:

(a) Final plat approval by the Village Board.

(b) Satisfaction of all conditions imposed by that approval to the extent possible.

(c) Director of Public Works approval of final engineering plans.

(d) A development agreement under Section 74.7.03 has been signed by the subdivider and Village, if the plat area is within the Village or served by Village infrastructure.

(e) Payment of all required fees under this Chapter and other chapters of the Weston Municipal Code.

(7) **Recordation of Other Documents.** All required deed restrictions, protective covenants, property owners' association organizational documents, and development agreement shall be recorded prior to, or concurrently with, the final plat.

(8) **Copies of Recorded Plat and Other Documents**. Within one month of the final plat being recorded by the county Register of Deeds, the subdivider shall provide a hard copy of the plat and a digital version of the plat referenced to the Marathon County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Director of Public Works. The subdivider shall also provide verification of recordation of the plat and the other documents required under subsection (7) before the Village will issue building permits or zoning permits within the plat area.

Section 74.4.03: Coverage of Final Plat

The final plat shall include the entire area owned or controlled by the subdivider, within the phase of development for which final approval is sought.

Section 74.4.04: Required Final Plat Submittal Materials

(1) **Generally.** A complete final plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.

(2) **Technical Requirements for Final Plat.** The final plat itself shall include all required contents under Wis. Stat. Chapter 236, and the following information:

(a) All the certificates required by Wis. Stat. § 236.21; and certification that the plat fully complies with all of the provisions of this Chapter.

(b) Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.

(c) Location, approximate dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

(d) Any unique building setback lines, buildable areas, "build-to" lines, or similar areas, not including those generally applicable in the associated zoning district.

(e) Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal Code.

(f) Highway access control limitations per Chapter 71 of the Weston Municipal Code.

(g) All required access, drainage/stormwater, utility, and other easements. All utility and drainage/stormwater easements for plats within the Village shall be indicated as being provided to the Village of Weston and its assigns, except where otherwise approved by the Director of Public Works.

(h) If the final plat or condominium plat contains private road(s), the following note: "Notice of Possible Limitation of Public Services: This plat contains private roads. Certain public services including but not limited to road maintenance (including plowing) and garbage collection may be limited."

(3) **Other Required Information.** The subdivider shall submit the following additional information with the final plat application:

(a) The required final plat application fee as indicated in the Village's Fee Schedule.

(b) A signed agreement to reimburse the Village for any required consultant expenses in the review of the plat, if included with the application form.

(c) Any amendments to the initial submittal documents required under Article 2 or any amendments to the approved preliminary plat layout to reflect changes to the subdivision.

(d) Confirmation that the subdivider submitted the preliminary plat to utility providers as required under Section 74.3.02(2), their comments, and the subdivider's efforts to address their comments.

(e) Final engineering plans meeting the requirements of Section 74.8.04, and including the public improvements required under Section 74.7.04.

(f) Revised covenants addressing matters covered in Section 74.3.04(4).

(g) Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, revised legal instruments and rules for the property owners' association.

(h) Where required, a park master plan for improvements within proposed public park, recreation, and open space within the subdivision, per Section 74.9.03.

(i) For residential land divisions adjacent to an arterial street, detailed plans to mitigate noise from such street. Such detailed plans should include locations and specifications for landscaping (including street trees), berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.

(j) Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

ARTICLE 5: CERTIFIED SURVEY MAPS ASSOCIATED WITH LAND DIVISIONS

Section 74.5.01: Applicability

The provisions of this Article apply to land divisions as defined in Article 13.

Section 74.5.02: Certified Survey Map (CSM) Review Procedure

(1) **CSM Submittal to Village**. A subdivider of a proposed land division shall submit with the Zoning Administrator an application for CSM approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the CSM, and all supplemental materials under Section 74.5.04. A complete CSM application shall be required at least 14 days prior to the date of the Plan Commission or Extraterritorial Zoning Committee meeting at which a recommendation is expected, if required under this Section. Upon the submittal of a CSM served by new or extended Village infrastructure, the Village may require that the subdivider and Village begin negotiations on a development agreement specifying responsibilities of both parties, as described in Section 74.9.03.

(2) **CSM Submittal to Other Agencies.** The subdivider shall be responsible for providing each CSM to State, County, Town, and other agencies as may be required by Chapter 236, Wis. Stats., and by other applicable law.

(3) **Staff Review of CSM.**

(a) The Zoning Administrator may within 20 days from the date of a complete CSM submittal associated with a Minor Land Division, as defined in Article 13, approve, conditionally approve or reject said map. The Zoning Administrator shall use the requirements included and referenced in this Chapter as the sole basis for such action. The action of the Zoning Administrator is final, and the procedures in subsection (4) or (5) shall not apply to such CSM, except in the following circumstances:

1. The Zoning Administrator, rather than taking action, within 20 days of a complete submittal, instead refers the CSM to the Plan Commission, or Extraterritorial Zoning Committee; or

2. The subdivider, within 5 days of Zoning Administrator action, appeals such action to the Plan Commission or Extraterritorial Zoning Committee, as applicable.

(b) For land divisions not defined as Minor Land Divisions in Article 13, the Zoning Administrator shall provide copies of the CSM and supplemental materials to applicable staff within the Planning & Development; Public Works & Utilities; Parks, Forestry, and Recreation; Police and Fire Departments for comment and recommendation. Any such comments and recommendations shall be provided in a timeframe to allow consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion on whether the CSM conforms to applicable Village ordinances and statutes, and shall provide a recommendation for action of the CSM. The opinion and recommendation shall be part of the record of the proceedings at which the CSM is being considered.

(4) **Village Plan Commission Action.** Except as provided under subsections (3)(a) or (5), the Plan Commission shall review the CSM for conformance with this Chapter and all other applicable ordinances and statutes, and shall, within 45 days from the date of a complete application submittal, recommend Village Board approval, conditional approval, or rejection of the CSM. The Commission shall transmit

such map along with its recommendations to the Village Board, including reasons for a recommended rejection or any conditions on a recommended approval.

(5) **CSM Review Within Extraterritorial Area.** The Extraterritorial Zoning Committee shall function in lieu of the Plan Commission under subsection (4) with respect to CSMs within the Town of Weston ETZ Area.

(6) **Village Board Action.** For CSMs governed by subsections (4)(b) or (5), the Village Board shall within 60 days from the date of a complete submittal, approve, conditionally approve, or reject the CSM. Village Board approval of the CSM may be conditioned upon the execution of the development agreement under Section 74.7.03.

(7) **Review Periods and Notice of Action.** The time periods within which action on a CSM is required under subsections (3) through (6) shall not commence until the Village has received a complete application. Such time periods may be extended by written agreement of the subdivider. If the approval authority designated under subsections (3) through (6) fails to act on such CSM within the indicated time period, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the CSM shall be deemed approved. If the map is rejected or conditionally approved, the reasons for rejection or conditions of approval shall be stated in the minutes of the meeting, and a written statement shall be forwarded to the subdivider.

(8) **Recordation of CSM.** The CSM shall be submitted for recording with the county Register of Deeds within 6 months from the date of the last approval and within 12 months from the date of the first approval, or the Village approval shall be deemed void. No CSM shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the CSM. The Village Clerk shall cause the certificate inscribed upon the CSM attesting to such approval to be duly executed and the plat returned to the subdivider for recording, upon verification of the following:

(a) CSM approval under this Section.

(b) Satisfaction of all conditions imposed by that approval to the extent possible.

(c) Director of Public Works approval of final engineering plans, if any.

(d) A development agreement under Section 74.7.03 has been signed by the subdivider and Village, if such an agreement was required.

(e) Payment of all required fees under this Chapter and other chapters of the Weston Municipal Code.

(9) **Recordation of Other Documents.** All required deed restrictions, protective covenants, property owners' association organizational documents, any easements, and development agreement shall be recorded prior to, or concurrently with, the CSM.

(10) **Copies of Recorded CSM and Other Documents.** Within one month of the CSM being recorded by the County Register of Deeds, the subdivider shall provide 2 hard copies of the CSM and a digital version of the plat referenced to the Marathon County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Director of Public Works. The subdivider shall also provide verification of recordation of the CSM and the other documents required under subsection (9) before the Village will issue building permits or zoning permits within the CSM area.

Section 74.5.03: Coverage of CSM

The CSM shall include all lots proposed for division by the subdivider, including all remainder parcels that are less than 35 acres in area.

Section 74.5.04: Required CSM Submittal Materials

(1) **Generally.** A complete CSM application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 74.12.02.

(2) **Technical Requirements for CSM.** The CSM shall include all required contents under Wis. Stat. Chapter 236 and the following information:

(a) All the certificates required by Wis. Stat. § 236.21; and certification that the CSM fully complies with all of the provisions of this Chapter.

(b) Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.

(c) Location, approximate dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.

(d) Location of all required access, stormwater, utility, and other easements, which shall be described in separate recorded document(s) referenced on the face of the CSM. All utility and stormwater/drainage easements within the Village shall be indicated as being provided to the Village of Weston and its assigns, except where otherwise approved by the Director of Public Works.

(e) Any unique building setback lines, buildable areas, "build-to" lines, or similar areas, not including those required by zoning.

(f) Vision clearance triangles per Section 71.6.01(2) of the Weston Municipal Code.

(g) Highway access limitations per Chapter 71 of the Weston Municipal Code

(h) If the CSM contains private road(s), the following note: "Notice of Possible Limitation of Public Services: This CSM contains private roads. As a result, certain public services including but not limited to road maintenance, snow plowing, and garbage collection may be limited."

(3) **Other Required Information.** The subdivider shall submit the following additional information with the CSM application:

(a) The required CSM application fee as indicated in the Village's Fee Schedule.

(b) A signed agreement to reimburse the Village for any consultant expenses in the review of the CSM, if included as part of the application form.

(c) Any amendments to the initial submittal documents required under Article 2.

(d) Preliminary engineering plans meeting the requirements of Section 74.3.04(3), if the CSM requires new or extended Village infrastructure or stormwater management improvements required under Chapter 86, Article 5 of the Weston Municipal Code.

(e) Covenants addressing matters covered in Section 74.3.04(4), if applicable.

(f) Whenever a subdivider proposes that any common open space, stormwater management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, legal instruments and rules for the proposed property owners' association.

(g) Where required under Section 74.2.01(1), a completed site assessment checklist on a form provided by the Village, meeting the requirements of Section 74.2.03.

(h) If within the Village, a subdivider's statement per Section 74.2.05.

(i) For residential land divisions adjacent to an arterial street, a plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.

(j) Other information required by the Zoning Administrator, Plan Commission, or Extraterritorial Zoning Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

ARTICLE 6: DESIGN STANDARDS

Section 74.6.01: Applicability

The provisions of this Article apply to all subdivisions and land divisions as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable statute and case law. Where the application of this Article is limited by law in the extraterritorial area, streets shall meet or exceed town road improvement standards in Wis. Stat. § 86.26 or applicable town or county standards.

Section 74.6.02: Street Function, Arrangement, and Classification

(1) **Complete Streets. Any roadway in the Village of Weston which is to be newly constructed or completely reconstructed must be designed and constructed to:**

(a) Provide for the safety and convenience of all users of all ages and of all abilities: pedestrians, bicyclists, transit users, and motorists; and

(b) Address the needs of all users both along roadway corridors and crossing the corridors.

(2) **Conformance with Village Plans and Ordinances.** In any new subdivision, land division, or condominium development, the layout of public streets, bikeways, and pedestrian paths shall substantially conform to the arrangement and location indicated on the official map and Comprehensive Plan, including any neighborhood development plan components, as well as the standards established in Chapter 94 (Zoning), Chapter 71 (Street Access Controls), and Chapter 70 (Streets, Sidewalks, and Other Public Places) of the Weston Municipal Code.

(3) **General Arrangement Criteria.** The street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, the topography, such natural features as streams, the future land to be served by such streets, the most advantageous development of adjoining areas, and an overall objective of an interconnected public street network in the community. The functional classification of existing streets is in Volume 1 of the Comprehensive Plan.

(4) **Determination of Street Functional Classification.** The functional classification of various types of streets within and adjacent to each subdivision, land division, or condominium development shall be determined by the Director of Public Works based on the following criteria:

(a) Arterial streets shall be arranged to provide for through traffic and ready access to centers of employment, centers of governmental activity, shopping areas, major recreation areas, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of arterial streets and highways, and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

(b) Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to arterial streets and highways. Collector streets shall also connect to special traffic generators such as schools, churches, and shopping centers and other concentrations of population.

(c) Local streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems, and require the minimum street

area necessary to provide safe and convenient access to abutting property. Not every street within a subdivision, land division, or condominium development is necessarily a local street.

(d) Alleys may be provided for off-street loading and service access. Dead-end alleys without a proper turn-around shall not be approved, and alleys shall not connect to an arterial street. Alleys may be provided in the N Neighborhood zoning district to service garages and for refuse collection. All alleys must be paved with asphalt or other hard surfacing.

Section 74.6.03: Street Extensions

Proposed street rights-of-way shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate Village approval authority, such extension is not necessary or desirable for the coordination of the layout of the subdivision, land division, or condominium development or for the advantageous development of the adjacent tracts.

Section 74.6.04: Street Names

(1) **Procedure.** The subdivider shall propose names of all new and extended public streets on the face of the plat or certified survey map, with all street names subject to Village Board approval as part of the approval of a final plat or certified survey map. No street names shall be used that have not been approved by the Village Board and Marathon County.

(2) **Standards.** Street names shall not duplicate or be substantially similar to existing street names in Marathon County. Streets that are or are planned to be continuations of others already in existence and named shall bear the name of the existing street, except where otherwise approved by the Village Board. Any notable geologic, geographic, cultural, biographical, historical, botanical, horticultural, scientific, or other factors or events associated with the area served by the street shall be considered in street naming.

Section 74.6.05: Design Standards Adjacent to Arterial Streets, Collector Streets, Railroads

(1) **Access Control.** Subdivisions, land divisions, and condominium developments shall be designed in such a manner that meets access and visibility standards in Chapter 71 of the Weston Municipal Code, or any similar town ordinance if located in the extraterritorial area.

(2) **Streets Parallel to Arterial Streets.** The subdivider may be required to provide marginal access or service streets including those that are approximately parallel to, and at a suitable distance from, arterial streets and railroads. Marginal access streets and service drives may be required to facilitate the free flow of traffic along arterial streets and highways, and to encourage the appropriate use of the land between same. Local streets running generally parallel and immediately adjacent to arterial streets and railroads shall be avoided in residential zoning districts.

(3) **Landscaped Buffer Yards.** Where proposed residential lots back upon the right-of-way of an existing or proposed arterial street, limited access highway, or railroad right-of-way, a landscaped buffer yard of at least 25 feet in depth in addition to the normal depth of the lot required in the zoning district shall be provided adjacent to the arterial street, other limited access highway, or railroad right-of-way. Such landscape bufferyard shall remain in private ownership unless otherwise approved by the Village Board. The treatment within this landscaped buffer yard shall meet associated requirements in Section 94.11.02(3)(d) of the zoning ordinance, be unified along the entire frontage, consider noise mitigation, and be in accordance with a landscape plan prepared by the subdivider and approved by the Village. This yard shall be a permanently reserved part of the platted lots and shall be designated with a note on the

plat or CSM as follows: "NOTE: The landscaped buffer yard is reserved for the planting of trees, shrubs, and other vegetation, with the associated property owner responsible for their ongoing maintenance and replacement. The placement of structures within this yard is prohibited, except if approved by the Village Board."

Section 74.6.06: Street Dimensional Standards

(1) **Base Dimensional Standards.** The minimum right-of-way width, roadway width, sidewalk requirements, and parking requirements for proposed public streets are as specified in Figure 6.06(1).

(2) **Additional and Alternative Standards.**

(a) If the Village's official map or Comprehensive Plan provides for alternative requirements, such as different right-of-way width or an on-street bicycle lane, the Director of Public Works may substitute the alternative requirements for those listed in Figure 6.06(1).

(b) Extension of existing streets that exceed the standards in Figure 6.06(1) shall be developed to conform to the existing street dimension or taper to the dimensions noted in that figure, as determined by the Director of Public Works.

(c) Cross-sections for freeways, expressways, parkways, and boulevard streets shall be based upon detailed engineering studies submitted with the subdivision plat.

(d) The Village may require on-street bike lanes on arterial streets and on collector streets with current or expected heavy traffic volumes. Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Figure 6.06(1). Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.

(e) Cul-de-sac streets designated to have one end permanently closed shall not be permitted within the Village. Within the extraterritorial area and where streets are temporarily ended at the edges of a plat, cul-de-sac streets shall not exceed 1,000 feet in length measured from the centerline of the intersecting street up to, but not including, the cul-de-sac bulb. Such cul-de-sac bulb shall be of a design approved by the Director of Public Works.

(f) Roundabout intersections shall be designed in accordance with WisDOT's Facilities Development Manual (FDM) or the FHWA Guide (NCHRP Report 672), as determined by the Director of Public Works.

Figure 6.06(1): Minimum Public Street Design Requirements [1]

Type of Street[1]	Right-of-way width (feet)	Street Width (feet)[2]	Sidewalks Required [3]	On-Street Parking? [2]
Arterial	100 [4]	46-52 [5]	Yes, both sides	No
Collector	80 [4]	33-41 [5]	Yes, both sides	Determined on a case-by-case basis
Local	60-66 [4 5]	24-33 [5]	Yes, both sides	Yes, on at least one side [6]
Alley	17	16	No	No

NOTES:

[1] See Article 14 in Chapter 94 for alternative requirements within the N Neighborhood zoning district.

[2] Street width includes pavement width, plus the width of the gutter section of the curb where curbing is present or proposed. The Village may require extra street width and/or off-street parking where adjacent land uses are expected to generate significant on-street parking demand, such as schools, parks, and other public and institutional uses.

[3] All sidewalks shall be concrete and five feet in width. The Village may substitute a single 10-foot wide asphalt multiuse path for a sidewalk on both sides of the street where consistent with Village plans, safe pedestrian access, and best practices for multiuse path placement.

[4] Or as indicated on the Village's Official Map.

[5] Upon recommendation of the Director of Public Works, the Plan Commission shall establish the exact right-of-way or pavement width on each street within the ranges specified in this figure.

[6] One-sided parking shall be located on the north and east sides of streets unless otherwise determined by the Director of Public Works.

Section 74.6.07: Street Grades

Street grades shall be established to avoid excessive grading, the indiscriminate removal of ground cover and trees, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of minimum length meeting AASHTO standards for vertical curve design. The minimum centerline grade of all new streets shall in no case be less than 0.5%. Unless necessitated by exceptional topography subject to the approval of the Director of Public Works, the maximum centerline grade of any street or public way shall not exceed the following:

(1) Arterial Streets. 6%.

(2) Collector Streets. 8%.

(3) Local Streets and Alleys. 10%.

(4) Pedestrian Ways. 5%. If higher than 5% then landings need to be provided every 2.5 feet of vertical change.

(5) Multiuse Paths. 5%, steeper grades may be allowed if 5% cannot be met (i.e. in cases of topography.)

Section 74.6.08: Street Radii of Curvature

When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 500 feet for arterial streets, 300

feet for collector streets, and 150 feet for local streets. A tangent of at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

Section 74.6.09: Half-Streets and Reserve Strips

(1) Where an existing half street is adjacent to a new subdivision, the other half of the street shall be dedicated by the subdivider. No plat shall otherwise contain half streets.

(2) Reserve strips of privately held lands shall not be permitted on any land division or subdivision as a means of the land owner to control access onto a public street.

Section 74.6.10: Street Intersections

(1) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit, but in no case at an angle of less than 70 degrees.

(2) There shall be not less than 2 streets converging at one intersection, unless a safe intersection design is approved by the Director of Public Works.

(3) The distance between intersections for arterial, collector, and local streets shall be in accordance with Section 71.4.01 of the Weston Municipal Code.

(4) Property lines at street intersections shall be rounded with a minimum radius of 25 feet.

(5) Proposed new intersections along one side of an existing street shall, wherever practicable, coincide with any existing intersections on the opposite side of such streets. Street jogs with centerline offsets of greater than 125 feet are required where neither street is an arterial or collector street, and 300 feet in other instances.

(6) Where the grade of any street at the approach of an intersection exceeds seven percent, a leveling area shall be provided having not greater than four percent grade, a distance of 50 feet measured from the nearest right-of-way line of the intersecting street.

(7) Where any street intersection will involve earth banks or existing vegetation inside any lot corner that would create a traffic hazard by limiting visibility, the developer shall cut such ground and/or vegetation (including trees) in connection with the grading of the public right-of-way to the extent deemed necessary to provide adequate sight distance.

Section 74.6.11: Sidewalks, Walkways, and Multiuse Paths

(1) **Sidewalks and Walkways.** All sidewalks and mid-block walkways shall be at least 5 feet in width, constructed of concrete, located per Figure 6.06(1), and designed in accordance with design requirements available from the Director of Public Works. All sidewalks shall be separated from the curb or paved street surface by a minimum 6 foot wide grassed terrace. Sidewalks shall be located 6 inches to the inside the right-of-way line, unless an alternative location is approved by the Director of Public Works.

(2) **Multiuse Paths.** Multiuse paths shall be provided by the subdivider where recommended by the Comprehensive Plan. The substitution of a multiuse path for one or both sidewalks, where required in Figure 6.06(1), may be approved at the discretion of the Director of Public Works where it can be demonstrated that such provision will better meet the needs of residents and is consistent with the Village's Comprehensive Plan and best practices. All multiuse paths shall be designed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, except where modified by the Director of Public Works.

(3) **Minimum Widths.** The minimum width of a right-of-way or easement for a multiuse path shall be 15 feet, with a minimum pavement width of 10 feet. The minimum width of a right-of-way or easement for a pedestrian-only walkway shall be 10 feet, with a minimum surface width of 5 feet.

Section 74.6.12: Blocks

The widths, lengths, and shapes of blocks shall be suited to the planned use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography, and shall meet the following additional standards:

(1) **Minimum and Maximum Block Length.** In residentially zoned areas, blocks shall not be less than 400 feet nor more than 1,800 feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design.

(2) **Minimum Block Width.** Blocks shall have sufficient width to provide for two tiers of lots of appropriate depths. Exceptions to this prescribed block width shall be permitted in blocks adjacent to major streets, railroads or waterways.

(3) **Pedestrian Crosswalks.** Pedestrian crosswalks, not less than 10 feet wide, may be required through the center of blocks more than 900 feet long to provide circulation or access to schools, playgrounds, shopping centers, transportation or other community facilities.

(4) **Nonresidential Blocks.** Blocks designed for business, commercial or industrial uses shall be of such length and width as may be determined suitable by the Village for the prospective use.

Section 74.6.13: Lots

(1) **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

(2) **Regular Lots.** Side lot lines shall be at or near right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines and zoning district boundaries rather than cross them.

(3) **Double Frontage Lots.** 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.

(4) **Frontage on Public Street.** Every lot of record shall front or abut for a distance of at least 40 feet to a public street to which it may legally take access.

(5) **Conformance with Zoning Dimensional Requirements.** Area and width of lots shall conform to zoning ordinance requirements set forth in Article 5 of Chapter 94, where applicable. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow further division of any such parcels into smaller lots.

(6) **Lot Depth.** Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and zoning.

(7) **Waterfront Lots.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed land division, subdivision, or condominium development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake, river, or stream.

(8) **Flag Lots.** Flag lots, as defined in Article 13, shall be prohibited within the Village limits, except where pre-existing lot or development patterns necessitates use of a flag lot.

Section 74.6.14: Easements.

(1) **Generally.** The subdivider shall indicate, on the face of each final plat and certified survey map, all existing, proposed, and required utility, drainage, access, and other easements.

(2) **Easements on Subdivision Plats.** Indicating and describing an easement by subdivision plat is generally sufficient to fully convey the easement. The beneficially and purpose (for example, water main, sewer main, both water and sewer) of the easement shall be explicitly stated on the face of plat. Restrictions shall also be noted as to locating buildings, other accessory structures like fences, hard-surfacing, and other lot improvements within the easement.

(3) **Easements Associated with CSMs and Condominium Developments.** For certified survey maps and condominium developments, all easements shall be conveyed via the preparation and recording of a separate instrument including similar substantive information as required under subsection (2). The face of the certified survey map or condominium plat shall include appropriate references to that separate instrument.

(4) **Provision to Village and Assigns.** All utility and drainage/stormwater easements within the Village shall be indicated as being provided to the Village of Weston and its assigns, except where otherwise approved by the Director of Public Works.

(5) **Easement Width.** Easements shall be wide enough to conduct safe and efficient access to; and installation, repair, maintenance, and/or replacement of; the facilities as determined by the Director of Public Works. Easements for public pathways and walkways shall be as prescribed in Section 74.6.11(3). Utility and drainage/stormwater easements shall be a minimum of 12 feet in width. Where side or rear lot lines within a land division, subdivision, or condominium development abut one another, the division or condominium development may provide easements on abutting lot lines to form such minimums.

(6) **Drainage/Stormwater Easements.** Where a land division, subdivision, or condominium development is traversed by a navigable waterway or a drainageway, a drainageway/stormwater conveyance easement or dedication shall be provided around it. The location, width, alignment and improvement of and within such easement or dedication shall be subject to the approval of the Director of Public Works and per Chapter 86, Article 5 of the Weston Municipal Code. Access along and to all navigable waterways shall be per Section 74.9.06(2).

(7) **Landscaping.** The Village permits placement of landscaping within easements, but not to the extent that it affects the function of the easement. The Village shall not be responsible for replacement of any landscaping in easements, except for grass, in the event that future repair or maintenance requires its removal.

ARTICLE 7: REQUIRED IMPROVEMENTS

Section 74.7.01: Applicability

The provisions of this Article apply to all subdivisions and land divisions as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable statutory and case law.

Section 74.7.02: Determination of Adequacy of Public Facilities and Services

(1) **Generally.** The appropriate Village approval authority shall not approve a certified survey map, preliminary plat, final plat, or condominium plat unless adequate public facilities and public services are available to meet the needs of the future inhabitants of the proposed land division, subdivision, or condominium development.

(2) **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Director of Public Works. The Director of Public Works shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.

(3) **Determination Criteria.** Public facilities and public services for a proposed land division, subdivision, or condominium development shall be found to be adequate by the Village approval authority when all of the following conditions exist:

(a) Where the proposed land division, subdivision, or condominium development is located within a designated Sewer Service Area; main line interceptor sewer service is presently available to the area or is designated for extension; and the land division, subdivision, or condominium development is proposed to connect with such service. The appropriate Village approval authority shall also consider the recommendations of the Director of Public Works on the capacity of interceptor lines and of sewerage treatment facilities.

(b) Where the proposed land division, subdivision, or condominium development is not located within a designated Sewer Service Area, other acceptable means of sanitary waste disposal are provided which will protect the public health, safety, and welfare and meet other applicable ordinance requirements.

(c) Where the proposed land division, subdivision, or condominium development will be serviced by public water service with adequate capacity for the proposed land division, subdivision, or condominium development; and the land division, subdivision or condominium development is proposed to connect with such water service. The appropriate Village approval authority shall consider the recommendations of the Director of Public Works or water utility on water line capacities, water sources, and storage facilities.

(d) Where the proposed land division, subdivision, or condominium development is not located within an area serviced by public water service with adequate capacity, other acceptable means of water service are provided which adequately protect the public health, safety, and welfare and meet applicable ordinance requirements.

(e) Adequate facilities are available to insure proper stormwater management, in accordance with Chapter 86, Article 5 of the Weston Municipal Code where applicable.

(f) Future residents of the proposed land division, subdivision, or condominium development can be assured park, recreation and open space areas, facilities and services which meet the standards of the Comprehensive Plan where applicable.

(g) Timely and adequate fire, emergency medical, and police protective services can be provided to the future residents and buildings.

(h) The proposed land division, subdivision, or condominium development is accessible by existing publicly maintained, all weather roads that are adequate to accommodate both existing traffic and new traffic to be generated, or necessary additional roads and road improvements are proposed by the subdivider or otherwise budgeted for construction. The appropriate Village approval authority shall consider recommendations of other consenting agencies and jurisdictions, and such factors as levels of service and average peak use.

(4) **Partial Determination of Adequacy.** Where the appropriate Village approval authority determines that one or more public facilities or services are not adequate for the proposed land division, subdivision or condominium development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

Section 74.7.03: Development Agreement

(1) **Generally.** The subdivider and the Village shall enter into a development agreement which identifies all public improvements the subdivider is required to complete and the timeline for completion. Said agreement shall be in a form and content approved by the Village Administrator and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans or conditions imposed or approved pursuant thereto. As a condition of the approval of any final plat and (where applicable) certified survey map or condominium plat located within the Village or served by Village infrastructure, the subdivider shall install 100% of the public improvements required by the development agreement or provide a letter of credit in an amount equal to 120% of the cost of the public improvements required by the development agreement.

(2) **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, a letter of credit or bond, at the option of the developer, or other surety approved by the Zoning Administrator or Director of Public Works, in an amount equal to 120% of the estimated total to complete the public improvements required by the development agreement. The cost shall be estimated or approved by the Director of Public Works. Such surety shall have a term not exceeding 14 months after substantial completion of the public improvements. For purposes of this Section, substantial completion occurs at the time the binder coat is installed on the roads to be dedicated or, if the required public improvements do not include a road to be dedicated, at the time that 90% of the public improvements by cost are completed. Upon substantial completion of the public improvements, the amount of security the subdivider is required to provide shall be equal to the total cost to complete any uncompleted public improvements plus 10% of the total cost of the completed public improvements. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to 120% of the cost of the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.

(3) **Required Development Agreement Contents.** Each development agreement shall:

(a) Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.

(b) Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors no later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement. This shall include all required park, recreational, and multiuse path improvements.

(c) Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.

(d) Provide adequate supervision and regulation of construction schedules and methods.

(e) Outline requirements for acceptance of public improvements by the Village.

(f) Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.

(g) Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.

(h) Provide for the payment of required fees and the dedication of required lands and improvements.

(i) Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.

(j) Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement or this Chapter.

(k) Require the subdivider to submit second drawings in a digital format specified by the Director of Public Works following the completion and acceptance of all public improvements.

(l) Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.

(m) Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.

(n) Require the construction and maintenance of landscaped buffer yard landscaping and arterial street noise mitigation measures as approved to meet any applicable requirements under this Chapter.

(o) Require the subdivider's compliance with all other Village ordinances, including Chapter 70 (Streets, Sidewalks, and Other Public Places), Chapter 71 (Street Access Controls), and Chapter 86 (Utilities), conditions of approval, and other applicable regulations.

(p) Include such other provisions as deemed necessary or appropriate by the Zoning Administrator to carry out the intent of this Chapter and other provisions of the Weston Municipal Code applicable to the development. Nothing in this section shall be construed to limit the authority of the Zoning

Administrator to require additional or alternative provisions to meet the approval standards contained therein.

Section 74.7.04: Required Public and Private Improvements

(1) **Generally.** To the extent applicable, each subdivider shall construct or provide for public and private infrastructure improvements to the specifications provided in this Section and available from the Director of Public Works within land divisions, subdivisions, and condominium developments in the Village and in the extraterritorial area to the extent allowed by law.

(2) **Plans and Specifications.** The improvements listed in this Section shall be constructed in accordance with engineering plans prepared by the subdivider and approved by the Director of Public Works. Such plans and the associated improvements shall comply with applicable ordinances and as specified by the Director of Public Works. The Director of Public Works shall reference the most recent editions and addenda of the following publications: State of Wisconsin Department of Transportation (WisDOT) Standard Specifications for Highway and Structure Construction, WisDOT approved version of the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices, Standard Specifications for Sewer and Water Construction in Wisconsin (prepared by the Public Works Industry Improvement Program), AASHTO Guide for the Development of Bicycle Facilities, the Village's Erosion Control and Stormwater Management Requirements, and other appropriate engineering publications when making specifications other than those in Village ordinance. Water supply and sanitary sewer extensions must also comply with applicable sections of Wisconsin Administrative Code

(3) **Responsibility.** Except as indicated in this Section, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.

(4) **Required Improvements.**

(a) Survey Monuments. The subdivider shall install survey monuments placed in accordance with the requirements of Wis. Stat. § 236.15, and as the Director of Public Works may require.

(b) Public Sanitary Sewerage Service. Within a designated Sewer Service Area, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division, subdivision, or condominium development, except where otherwise approved by the Director of Public Works. The size, type, depth, minimum grade, and installation of all sanitary sewers shall be specified and consistent with design requirements available from the Director of Public Works. Proposed sanitary sewer lines shall extend to the boundary lines of the tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Director of Public Works, such extension is not necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of sewer laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.

(c) Private On-Site Wastewater Treatment Systems (POWTS). Outside of a designated Sewer Service Area or where public sanitary sewer service is not available in the determination of the Director of Public Works, the subdivider shall make adequate private sewage treatment systems available to each lot within the land division, subdivision, or condominium development as specified or allowed in applicable ordinances, statutes, or regulations, including but not limited to Wis. Admin. Code SPS

383. Private holding tanks are not permitted within the Village, except under the circumstances described in Section 94.3.03(13) of the zoning ordinance. If a public sanitary sewer project serving the area of the proposed land division is included in the Village's capital improvement program, the subdivider shall install sanitary sewer mains and laterals to the street lot line and shall cap all laterals.

(d) Public Water Supply Service. All new lots within the Village must be connected to public water service where the Director of Public Works determines that it is available in the area of the subdivision, land division, or condominium development. In such cases, the subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division, subdivision, or condominium development. The size, type, depth, and installation of all water mains shall be specified and consistent with design requirements available from the Director of Public Works. Proposed water supply mains shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Director of Public Works, such extension is not necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of water service laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.

(e) Private Water Systems. Where public sanitary sewer service is not available in the determination of the Director of Public Works, the subdivider shall make provision for adequate private water systems as specified by the Village, state, county and/or town. If a public water main project serving the area of the proposed land division is included in the Village's capital improvement program, the subdivider shall install public water mains and laterals to the street lot line and shall cap all laterals.

(f) Stormwater Management Facilities. For land divisions, subdivisions, and condominium plats within the Village, the subdivider shall construct stormwater management facilities in accordance with Chapter 86, Article 5 of the Weston Municipal Code.

(g) Other Utilities. The subdivider shall cause gas, electrical power, telephone, cable, broadband/fiber optic and other telecommunications facilities to be installed in such a manner as to provide adequate service to each lot in the land division, subdivision, or condominium development. No utilities shall be located on overhead poles, except where underground installation is impossible due to exceptional topography, vegetative conflicts, other physical barrier, or by Village Board approval. Joint trenching for electrical and fiber optic lines is permitted and may be desirable to facilitate transmission.

(h) Street Grading. After the installation of temporary block corner monuments and the above improvements, the subdivider shall grade all streets proposed to be dedicated to the public, including the grading of roadbeds in the street rights-of-way to subgrade.

(i) Curb and Gutter. After the installation of the above improvements, the subdivider shall construct concrete curb and gutter at pavement edges in accordance with Village ordinance and design requirements available from the Director of Public Works. This requirement may be waived at the discretion of the Director of Public Works in areas designated for permanent rural use as reflected in the Comprehensive Plan and any Village-adopted stormwater management plan. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts in accordance with Chapter 71. The breaking or cutting of curbs will only be allowed for driveway aprons.

(j) Street Surfacing. After installation of the above utilities, the subdivider shall install base course and surface all roadways in streets proposed to be dedicated to the widths prescribed in Figure 6.06(1)

and in accordance with design requirements available from the Director of Public Works. No breaking of new pavement for utility installation or otherwise will be allowed for a period of 5 years from initial placement, unless approved by the Director of Public Works in an emergency.

(k) Sidewalks and Multiuse Paths. Sidewalks and/or multiuse paths shall be constructed in accordance with the requirements of Section 70.108 of the Weston Municipal Code and Section 74.6.11 of this Chapter. Design requirements are available from the Director of Public Works.

(l) Street Lights. The subdivider shall install LED streetlights, or other similar energy efficient lighting as approved by the Director of Public Works, along all streets proposed to be dedicated to the public. Street light design and placement shall be compatible with the neighborhood, the type of development proposed, electric utility requirements, and public maintenance costs. Such lights shall be placed at each street intersection, at each street curve greater than 45 degrees, and at such interior block locations as required by the Director of Public Works.

(m) Street Signs; Regulatory Signs and Pavement Markings. The subdivider shall install at the intersection of all streets proposed to be dedicated a street name sign of a design specified by the Village. The subdivider shall also install regulatory signs and regulatory pavement markings, such as for traffic lanes, bicycle lanes, restricted parking areas, "road closed" signs/barriers, and crosswalks, as determined necessary by the Director of Public Works. The subdivider may propose, and the Village may approve, group development signs (e.g., subdivision entrance signs) in accordance with Article 9 of the zoning ordinance.

(n) Street Trees. The subdivider shall install at least one street tree for every 50 lineal feet, or fraction thereof, of frontage a property has on a public street right-of-way. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 94.11.02(3)(a) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility.

(o) Driveways. Where driveways are to be provided, the subdivider shall install a hard surfaced driveway from all property lines to the pavement edge of adjacent streets and shall otherwise comply with the applicable requirements of Section 71.5.01 of the Weston Municipal Code and design requirements available from the Director of Public Works. Concrete approaches are required where there is existing curb and gutter and sidewalk or where sidewalk is proposed in the future. In the absence of curb and gutter, concrete approaches are prohibited.

(p) Off-site Improvements. Where the extension of streets and/or utilities from off-site locations is necessary to serve the proposed land division, subdivision, or condominium development, the subdivider shall be required to install such necessary extensions, including providing for perpetual Village access to the extended facilities and obtaining easements, rights-of-ways, and permits necessary for the extended facilities.

ARTICLE 8: CONSTRUCTION

Section 74.8.01: Applicability

The provisions of this Article apply to all subdivisions, land divisions, and condominium developments as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable law.

Section 74.8.02: Commencement

Initial site preparation shall meet the applicable provisions of this Article and Chapter 86, Article 5, Division 3 of the Weston Municipal Code. Except for initial site preparation, no construction or installation of improvements shall commence in a proposed land division, subdivision, or condominium development until (a) the certified survey map, final plat, or condominium plat has been approved and recorded and (b) the Director of Public Works has approved associated engineering plans and given written authorization.

Section 74.8.03: Relationship to Building Permits

No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded. No Village building permit within the Village shall be within a land division, subdivision, or condominium development before the construction and Village acceptance of curb and gutter, binder street pavement, and sidewalks, or other improvement if specified in the development agreement, unless otherwise approved by the Village Board.

Section 74.8.04: Engineering Plans

The following engineering plans and accompanying construction specifications shall be provided in both hard copy and digital form to the Director of Public Works before authorization of construction or installation of the associated improvements specified in Article 7, where required. All engineering plans and construction specifications shall meet applicable sections of this Chapter, other chapters in the Weston Municipal Code, and design requirements available from the Director of Public Works.

(1) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements including pavement, curb and gutter, sidewalks, walkways, and multiuse paths.

(2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.

(3) Public water system main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.

(4) Plans indicating the location and specifications of conduit for future use by telecommunications providers, including broadband, where such services will not be provided at time of initial development.

(5) Master grading plan.

(6) Erosion and sedimentation control plans meeting the requirements of Chapter 85, Article 5 of the Weston Municipal Code.

(7) Stormwater management plans and profiles showing the locations, grades, sizes, cross sections, elevations, materials, and designs in accordance with Chapter 85, Article 5 of the Weston Municipal Code.

(8) Street lighting plans showing all proposed locations, types, designs, and specifications.

(9) Sign plan for street name signs, regulatory signs and markings, and group development signs if any.

(10) Plans showing the locations, size, and species of street trees, and landscaping, berming, or other facilities within any required landscaped buffer yard or noise mitigation area.

(11) A master plan for the development of any public parks, open spaces, or recreational areas within the division, utility connections, and other facilities appropriate to the type, purpose, and location of such public lands.

(12) Additional special plans or information as required under this Chapter.

Section 74.8.05: Inspection

The subdivider, prior to commencing any work within the land division, subdivision, or condominium development, shall make arrangements with the Director of Public Works to provide for inspection. At the subdivider's expense, the Director of Public Works shall inspect and approve all completed work prior to release of the performance guarantees specified in Section 74.7.03 and the associated development agreement.

Section 74.8.06: Submittal of Record Drawings

Following construction and acceptance of all public improvements, the subdivider or condominium developer shall submit to the Director of Public Works record drawings showing all public improvements for the plat as built, in a digital format specified by the Director of Public Works. Failure to provide such drawings shall be grounds for the Village to cease issuance of building and zoning permits within the area of the division.

ARTICLE 9: PARKS AND RECREATION

Section 74.9.01: General Provisions

(1) **Purpose.** The purpose of this Section is to ensure that adequate parks and other recreational sites are properly sized, located, preserved, and improved. This Section has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land division and subdivision may be equitably apportioned on the basis of additional needs created by such divisions.

(2) **Applicability.** This Section shall apply to all lands divided for new residential dwelling units within the Village. Within the extraterritorial area, if public park and recreation site dedication is not required for residential divisions by another jurisdiction with authority, proposed public parks and recreation sites shall be reserved for acquisition by the applicable town, county, or Village at undeveloped land costs for a period not exceeding 2 years, unless extended by mutual agreement between the subdivider and the local government(s) with potential interest in acquiring the land. The amount of land to be reserved shall be based on the park dedication area requirement in Section 74.9.02.

(3) **Park Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Parks & Recreation Committee if the division is in the Village. Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not advised by the Village, the subdivider shall, in lieu thereof, pay a fee to the Village to meet this requirement in whole or on a pro-rata basis. Where park and recreational site dedication is not required, the subdivider shall be responsible for paying a fee to acquire other public park and recreational lands that will benefit the future residents of the division.

Section 74.9.02: Park and Recreational Site Dedication

(1) **Park Dedication Ratio.** Where the dedication of park and recreation sites is required under this Article, the normal amount of park and recreation site dedication shall be based on the type and number of family units to be established in the subdivision times the number of persons per unit, divided by 100 persons per 1.2 acres. The type and number of units authorized shall be determined by applicable zoning ordinance standards for the intended zoning district of the lots, and/or via the development agreement. The following number of persons per unit shall be utilized in such calculations:

(a) For each single family residence, 3.4 persons per unit

(b) For each duplex housing unit, 3.1 persons per unit

(c) For each 1-bedroom multiple family housing unit, 1.9 persons per unit

(d) For each 2-bedroom multiple family housing unit, 2.8 persons per unit

(e) For each 3 or more bedroom multiple family housing unit, 3.4 persons per unit

(2) **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation site proposed in the Comprehensive Plan or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (1). Where a public park and recreation site as shown on the Comprehensive Plan or official map within the tract is greater in area than required by dedication under subsection (1), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement,

purchase, or condemnation, the remaining greater park area for a period of 2 years of plat or certified survey map approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.

(3) **Other Locational Criteria.** The dedicated site shall be located so as to serve the recreation and open space needs of the division or condominium development from which the dedication was made. Consideration shall be given in the location of existing natural and cultural features as documented on the preliminary plat, as required by Section 74.3.01(2)(b). All lands proposed to be dedicated for park purposes shall be demonstrated to present no environmental hazard, and that they will not require environmental mitigation or remediation measures, through a phase one environmental assessment provided by the subdivider.

(4) **Access.** Public access to all park and recreation sites shall be provided by street frontage of sufficient width to assure safe, convenient access to the dedicated land, with a minimum public street frontage of no less than 15% of the perimeter of the park. In unique situations, the Village approval authority may permit access via public access easement to the dedicated site. The easement shall be sufficiently wide so that the public and maintenance equipment will have convenient access to the site.

(5) **Usability.** The dedicated land for recreation shall be usable, as defined in Article 13. Lands dedicated for stormwater management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended.

(6) **Settlement by Land Dedication or Deed.** If the Village Board accepts land, which is included within the area of the plat or CSM, such land shall be identified as a dedication to the public and the recording of any such plat or map shall be deemed a sufficient conveyance to vest fee simple title of all lands so marked or noted to the Village as set forth in Wis. Stats. §§ 236.29 and 236.34. If the Board accepts land which is outside the boundary of either a subdivision plat or certified survey map, such land shall be deeded to the Village prior to the recording of the associated plat or CSM. Where deemed appropriate by the Village Board, parcels of land dedicated or deeded under this Section may be traded or sold to facilitate the acquisition of more suitable tracts of parkland.

Section 74.9.03: Improvement of Dedicated Park and Recreational Sites

(1) **Generally.** Where a public park or recreational site is to be dedicated within a plat or certified survey map, it shall be the responsibility of the subdivider to improve the park or recreational site in accordance with this Section.

(2) **Improvement Standards.** When public park and recreation lands are dedicated to the Village, prior to final Village acceptance of such lands, the subdivider may be required to:

(a) Properly grade and contour for proper drainage.

(b) Provide surface contour suitable for anticipated use of area.

(c) Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed as specified by the Director of Public Works, fertilize with 16-6-6 at a rate of 7 pounds per one 1,000 square feet, and mulched, as specified in the "Standard Specifications for Highway and Structure Construction, Sections 627 and 629." The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the

sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within 18 months following execution of the development agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2-inch height has been established.

(d) For natural areas included within a dedicated park or recreational site, restore the land to a natural state to the extent practicable and necessary.

(e) For each neighborhood park, provide a standard residential water service of a size specified by the Director of Public Works and provide a standard 4-inch diameter residential sewer service. For each community park, provide a minimum 6-inch water service and at least 1 fire hydrant, and at least one 4-inch sanitary sewer lateral, all located at the street property line.

(f) In cases where private lots adjoin the public park and recreational site, grade, sign, and/or landscape the area along such property lines to clearly demarcate the borders between private lots and the public site.

(3) **Maintenance.** The subdivider shall maintain the park or recreational site until the Village accepts its dedication, which shall include all watering, mowing, and other maintenance to maintain a neat, clean, and living appearance. It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.

(4) **Failure to Complete.** If the subdivider fails to satisfy the requirements of this Section in a timeframe specified by the development agreement, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of building permits within the division until such costs are paid.

Section 74.9.04: Fee in Lieu of Park Dedication and Recreation Fees

(1) **Fee Amount.** Where the appropriate Village approval authority determines that money in lieu of dedication of a park and recreational site is to be paid, in whole or in part, the subdivider shall pay a fee in lieu of parkland dedication of $244 per single family residential lot, $446 per duplex lot, $138 per 1-bedroom multiple family unit authorized, $204 per 2-bedroom unit authorized, and $244 per 3+ bedroom unit authorized.

(2) **Settlement by Fee Payment.** If fees are accepted, they are to be paid in a lump sum prior to the recording of a final plat or CSM.

(3) **Use of Fees.** Revenues received from any person shall be deposited in a special account for parks and recreation facilities and shall be used exclusively for such purposes in the Village.

Section 74.9.05: Potential Credit for Private Open Space and Improvements

(1) **Private Open Space.** Where the appropriate Village approval authority agrees that private open space for park and recreation purposes is to be provided in a proposed land division, subdivision, or condominium development, following a recommendation from the Parks & Recreation Committee, and such space is to be privately owned and maintained as recreational space by the future residents of the division or development, the development agreement may provide for credit against public parkland dedication and/or fees in this Article. Such agreement shall specify the land and improvements to be provided, and the amount of credit granted. Any decision to allow a developer to provide private improvements in lieu of public parkland and/or fees shall rest in the sole discretion of the Village Board.

(2) **Standards for Credit for Private Open Space and Improvements Thereto**. The appropriate Village approval authority must find that the following standards are met before providing credit under subsection (1).

(a) It is in the public interest to accept private open space instead of a public park and recreation site.

(b) Yards, setbacks, and other open areas required to be maintained by zoning regulations shall not be included in the computation of such private open space.

(c) The private ownership and maintenance of the open space must be adequately provided for by written and recorded agreement.

(d) The use of the private open space must be restricted for park and recreational purposes by recorded covenants that run in favor of the future owners of property within the tract and the Village and that cannot be eliminated without the consent of the Village Board.

(e) The private open space shall be designed and improved for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land.

Section 74.9.06: Access to Waterways

(1) **Statutory Requirement.** A land division, subdivision, or condominium development abutting a navigable waterway shall, in accordance with the provisions of Wis. Stat. § 236.16(3), provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at ½ mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the state of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided.

(2) **Other Access to Navigable Waterways.** The Village may require a public access easement along all navigable waterways. Where natural waterways traverse the land division, subdivision, or condominium development containing sufficient waterway area to contain the design discharge and where such natural waterways are endowed with significant natural beauty and have proven themselves reasonably stable, the land divider, subdivider, or condominium developer shall leave such channels in their natural state and shall dedicate, or provide public access easements along, such waterways, together with a sufficient access, along the periphery of the swale as a separate parcel or parcels, unless otherwise allowed by the Village. Such dedication shall not be credited against the parkland dedication requirements specified in this Article.

ARTICLE 10: FEES

Section 74.10.01: Fees for Procedures Requested by the Village or Town of Weston

There shall be no fees for applications filed in the public interest by the Village Board, Plan Commission, Joint Extraterritorial Committee, or other agency or official of the Village or Town of Weston.

Section 74.10.02: Fees for Procedures Requested by Any Other Party

The fees for the applications, procedures, and permits established by this Chapter shall be established by resolution of the Village Board of the Village of Weston.

Section 74.10.03: Payment of Fees for Procedures Requested by Any Other Party

Except for reimbursable costs described below and as otherwise prescribed under this Chapter or by development agreement, fees shall be payable at the time applications are filed with the Village (per the requirements of this Chapter). Reapplication fees may be required. Fees are not refundable.

Section 74.10.04: Reimbursable Costs

In addition to Village staff involvement, the Village may retain the services of other professional consultants including, but not limited to attorneys, engineers, landscape architects, architects, environmental specialists, and recreation specialists, in such matters. Any person, firm, or corporation requesting action by the Village on matters contained in this Chapter shall be required to reimburse the Village for any and all costs incurred by the Village for retaining professional consultant services to review any such matter.

ARTICLE 11: VIOLATIONS AND PENALTIES

Section 74.11.01: Violations

It shall be unlawful to divide or develop land anywhere within the Village or its extraterritorial area in violation of this Chapter. In case of any violation, the Village Board, the Plan Commission or Joint Extraterritorial Committee, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.

Section 74.11.02: Penalties

(1) **By Village.** Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than $100.00 nor more than $1000.00 as stated in the Fee Schedule and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.

(2) **Under Statutes.** Recordation improperly made has penalties provided in Wis. Stat. § 236.30. Conveyance of lots in unrecorded plats has penalties provided in Wis. Stat. § 236.31. Monuments disturbed or not placed have penalties as provided for in Wis. Stat. § 236.32. An assessor's plat under Wis. Stat. § 70.27 may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.

Section 74.11.03: Matters Concerning Violations

In addition to any other penalty imposed by this Article for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter, as follows:

(1) **Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.

(2) **Non-Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail on the current property owner (as indicated by tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within 10 working days, the Zoning Administrator shall cause the violation to be abated per subsection (1) above. Costs associated with said abatement shall be charged to the owner of property on which said violation has occurred.

(3) **Cost of Abatement.** In addition to any other penalty imposed by this Article for a violation of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 days from the receipt thereof. Within 60 days

after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Wis. Stat. § 66.0627.

ARTICLE 12: EXCEPTIONS AND WAIVERS

Section 74.12.01: Generally

Where, in the judgment of the Village land division approval authority, the literal application of certain provisions of this chapter to a particular land division or development is unnecessary to achieve the intent and purpose of this chapter and would result in unnecessary hardship to the subdivider, or where a Village-approved N Neighborhood general development plan suggests waiver or modification of certain provisions, the Village land division approval authority may waive or modify such provisions to the extent deemed just and proper and consistent with Wisconsin law. Such relief shall be granted only upon a finding by the land division approval authority that the waiver or modification will not result in any significant detriment to the public good nor conflict with the intent and purpose of this chapter or the desirable general development of the community in accordance with the Comprehensive Plan. Other Articles provide administrative officers the ability to grant exceptions and waivers in specified circumstances.

Section 74.12.02: Criteria and Conditions for Exception or Waiver

(1) **Criteria.** No exception or waiver shall have the effect of nullifying the intent and purpose of this Chapter. Exceptions or waivers may be granted only where findings are made based upon the evidence presented in each specific case that all of the following criteria are met:

(a) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.

(b) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, except as allowed through a general development plan for properties zoned N Neighborhood.

(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, if the strict letter of these regulations is carried out, except as allowed through a general development plan for properties zoned N Neighborhood.

(d) The relief sought will not in any manner vary the provisions of the Comprehensive Plan, zoning ordinance, official map, or other ordinances, except that those documents may be amended in the manner prescribed by law.

(e) The purpose of the exception or waiver is not based exclusively on a financial consideration.

(2) **Conditions.** In approving exceptions or waivers, the approval authority may require such conditions as will, in its judgment, secure substantially the criteria in subsection (1) and the purpose of this Chapter.

Section 74.12.02: Procedure for Exception or Waiver

(1) **Request.** A request for an exception or waiver shall be submitted in writing by the subdivider before or when the preliminary plat, final plat, certified survey map, or condominium plat is filed. The request shall state fully the grounds for the exception or waiver and all of the facts relied upon by the applicant.

(2) **Supermajority Vote.** A ¾ vote of the entire membership of the approval authority shall be required to grant any waiver or modification to such provisions.

ARTICLE 13: DEFINITIONS

Section 74.13.01: Introduction to Word Usage, Abbreviations and Definitions

The purpose of this Article is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which may not be part of common English usage.

Section 74.13.02: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

(1) Words used or defined in one tense or form shall include other tenses and derivative forms.

(2) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.

(3) The masculine gender shall include the feminine, and vice versa.

(4) The words "shall," "must," and "will" are mandatory.

(5) The words "may," "can," and "might" are permissive.

(6) The word "person" includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.

(7) The word "Village" shall mean the Village of Weston, Wisconsin.

(8) The word "County" shall mean the County of Marathon, Wisconsin, except where its context clearly requires otherwise.

(9) The word "State" shall mean the State of Wisconsin.

(10) The word "Plan Commission" shall mean the Village of Weston Plan Commission.

(11) The words "Extraterritorial Committee" shall refer to the Village of Weston-Town of Weston Extraterritorial Zoning Committee as created under Wis. Stat.§ 62.23(7a).

(12) The words "Board of Trustees" and "Village Board" shall refer to the Village of Weston Board of Trustees.

Section 74.13.04: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

Access: A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

Access, Direct: A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

Access standards: See Chapter 71 of the Weston Municipal Code.

Acre: 43,560 square feet.

Alley: A public right-of-way which normally affords a secondary means of access to the side or rear of an abutting property, and which is not intended for through traffic.

Appropriate Village Approval Authority: For the purposes of this Chapter, the Village Plan Commission, Extraterritorial Zoning Committee, Village Board, or Zoning Administrator, whichever body is granted authority under this Chapter to approve a preliminary plat, final plat, certified survey map, or condominium plat, or an exception or waiver thereto.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore-lines of waterways, or municipal boundary lines

Building: A structure having a roof and intended for the shelter, housing, or enclosure of persons, animals or chattels.

Building Setback Line: A line within a lot or other parcel of land so designated on the preliminary plat, between which line and the adjacent boundary of the street upon which the lot abuts the erection of a building is prohibited, as prescribed by Chapter 94.

Certified Survey Map (CSM): A map intended for the division of not more than four lots, as further defined in Chapter 236 of Wisconsin Statutes.

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

Comprehensive Plan: The adopted Comprehensive Plan of the Village, as may be from time to time amended. The Comprehensive Plan is intended to promote public health, safety, and welfare of the Village by effectively guiding long-range growth and development within the Village and its extraterritorial area. The Comprehensive Plan provides goals, objectives, policies, and recommendations for future land use, transportation, housing, economic development, utilities, community facilities, agricultural resources, natural resources, cultural resources, intergovernmental relations, and implementation. Implementation of the Comprehensive Plan is accomplished through this Chapter, other chapters of the Municipal Code, more detailed plans, public investments, private development decisions, intergovernmental cooperation, and citizen involvement. The authority for the Village of Weston to prepare and adopt a Comprehensive Plan is established under Wis. Stats. §§ 62.23 and 66.1001.

Condominium Development or Condominium: A building or group of buildings in which units are owned individually and the structure, common areas, and facilities are owned by all owners on a proportional, undivided basis. It is a real estate development that is legally created as a condominium form of ownership, regardless of land use, pursuant to Wis. Stat. Chapter 703.

Covenant: A contract entered into between private parties or between private parties and public bodies pursuant to Wis. Stat.§ 236.293. 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 property values.

Crosswalk: A right-of-way within a block, dedicated to public use and intended primarily for pedestrians, but which may include utilities where necessary, and from which motor-propelled vehicles are excluded.

Cul-de-sac: A local street having one end open to traffic and the other end permanently terminated in a vehicular turnaround meeting Village standards.

Developer: The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an option or contract purchaser.

Development: The division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

Development Agreement: A contract for public improvements negotiated between the subdivider and the Village under this Chapter.

Division of Land: Where the title or any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, a subdivision plat or a certified survey map.

Driveway: An area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. It does not include parking spaces or areas, or turnarounds.

Dwelling Unit: A room or group of rooms providing or intended to provide permanent living quarters for not more than one family. Also "housing unit."

Easement: Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use any designated part of the land owner's property for a specified purpose.

ETZ Area: The area outside of the Village municipal limits in which the Village exercises joint zoning authority with the Town of Weston, under extraterritorial zoning authority granted by Wisconsin Statutes. Also "extraterritorial zoning area."

Extraterritorial Area: The area outside of the Village municipal limits in which the Village may exercise extraterritorial powers of planning, land division, official mapping, and/or zoning under Wisconsin Statutes.

Extraterritorial Zoning Committee: The committee formed under Wisconsin Statutes to make and advise zoning decisions within the ETZ Area. Also referred to as the "Joint Committee" or "Joint Extraterritorial Committee."

Family: An individual or two or more persons, each related by blood, marriage, adoption, or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related, maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

Final Plat: the final map, drawing or chart which the subdivider's plan of subdivision is presented for approval and which if approved will be submitted to the Marathon County Register of Deeds for recording.

Flag Lot: A lot with its widest point set back from the road, and having a thin, long strip ("flagpole") of land connected to the road to provide legal access and frontage.

Frontage: The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.

Grade: the slope of a road, street or other public way, specified in percent.

Land Division: A term for a division of land where a single parcel of land is converted into two or more legal parcels, any one of which is less than 35 acres in area. Each contiguous land holding under common ownership that is less than 35 acres shall be included in a land division as a lot or outlot.

Lot: A parcel of land that: (a) is undivided by any street or private road; and (b) has frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or

use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other provisions of this Chapter and the Village zoning ordinance.

Lot, Corner: A lot situated at the junction of and abutting two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees.

Lot Depth: The average distance between the front lot line and the rear lot line of a lot.

Lot Line: A lot line is a property line bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for purposes of this Chapter.

Lot Line, Rear: In the case of rectangular or most trapezoidal shaped lots, the lot line that is opposite and most distant from the front lot line of the lot is the rear lot line. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of a double frontage lot, there shall be no rear lot line

Mature Tree: A tree that is native to the region and non-invasive as determined by the Wisconsin Department of Natural Resources, and is 12 inches or greater in diameter at a height of four feet above grade. However, no tree specifically planted for commercial purposes shall be defined as a mature tree for purposes of this Chapter.

Minor Land Division: A land division proposed to be completed by certified survey map that does not:

1. Include or involve the dedication of land to the public, such as for public roads, parks, or stormwater facilities;
2. Require, in the determination of the Zoning Administrator or Director of Public Works, a development agreement under Section 74.7.03; or
3. Raise issues related to compliance with this Chapter, other chapters of the Village's Municipal Code, or the Village of Weston Comprehensive Plan, in the determination of the Zoning Administrator.

Mixed Use Development: A land development that includes or allows a blend of commercial services, retail, office, multiple family residential, and/or institutional uses within a single lot or building. Single family and/or two family residential development may not be part of and is not considered mixed use development.

Municipality: For the purposes of this Chapter, a village or town government.

N Neighborhood: A development that exhibits several of the following characteristics reminiscent of traditional neighborhood design: alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens. See Section 94.2.02(4) and Article 14 of the zoning ordinance.

Outlot: A parcel of land, other than a lot, so designated on a subdivision plat or certified survey map, which is not intended for building development in the land division without further alteration or combination, except for buildings related to public utility, stormwater, or recreation services.

Owner: The person, persons, or other legal entity having the right of legal title to a lot or parcel of land.

Parcel: The area within the boundary lines of a lot.

Plan Commission: The Plan Commission of the Village, also commonly referred to as the Planning Commission. See Section 94.16.16 of the Weston Municipal Code.

Plat: A map on which a developer's map for a subdivision or condominium development is presented to the Village for approval.

Preliminary Plat: A map showing the salient features of a proposed subdivision submitted for Village approval, and submitted in advance of a final plat.

Private On-Site Wastewater Treatment System (POWTS): A sewage treatment and disposal system serving a single principal building with a septic tank and soil absorption field, holding tank where permitted under this Chapter, or alternative private sewage system located on the same lot as the principal building. Private on-site wastewater treatment systems are regulated under Wis. Admin. Code SPS 383, other state regulations, and the Marathon County Sanitary Ordinance.

Public Improvement: Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as streets, roads, alleys, pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

Public Lands: For the purposes of this Chapter, publicly owned and maintained properties that include, but are not limited to, street rights-of-way, public parks, and other publicly-owned open space.

Public Way: Any public road, street, highway, walkway, drainage-way, or part thereof.

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

Right-of-Way: A strip of land occupied or intended to be occupied by a street, crosswalk, railroad, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, or for another special use. The usage of the term "right-of-way" for land platting purposes shall mean that every right-of-way established after the effective date of the ordinance from which this section is derived and shown on a final plat is to be separate and distinct from the lots or parcels adjoining such right-of-way, and not included within the dimensions or areas of such lots or parcels. Rights-of-way intended for streets, crosswalks, water mains, sanitary sewers, storm drains or any other use involving maintenance by a public agency shall be dedicated to public use by the maker of the plat on which such right-of-way is established.

Setback: The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line.

Sewer Service Area: The geographic area within which the Village, or another governmental entity that owns and manages a sanitary sewer system, may legally extend sanitary sewer service under state and federal water quality laws. Sewer service areas are generally drawn based on local service basins and projections of future urban development.

Street: A public or private right-of-way that affords a primary means of vehicular access to abutting properties, whether designated as a street, avenue, highway, road, boulevard, lane, throughway, or however otherwise designated, but excepting driveways to buildings.

Street, Arterial: A street that serves longer intra-urban trips and traffic traveling through the Village, has limited to no direct access for abutting land uses, and has measured or projected traffic volumes of over 6,000 vehicles per day; or as otherwise may be designated as an arterial street within the Comprehensive Plan or by the Village Board. Private access may be permitted with limitations imposed by the Village, Marathon County, the Wisconsin Department of Transportation and/or the Federal Highway Administration. The Functional Classification System includes designation as principal and minor arterials.

Street, Collector: A street that collects and distributes internal traffic within the Village (such as within a residential neighborhood), provides connections between local and arterial streets and limited restrictions on access for abutting land uses, and has a measured or projected traffic volume of between 1,500 and 8,000 vehicles per day; or as otherwise may be designated as a collector street within the Comprehensive Plan by the Village Board. The Functional Classification System includes designations as collector streets.

Street, Half: A street bordering one or more property lines of a tract of land in which the subdivider has allocated but part of the ultimate right-of-way width.

Street, Local: A street designed to provide access to abutting land uses and leading into a collector or occasionally into and arterial street, but which is not designed to carry through traffic from outside the neighborhood where it is locate. Not an arterial street or a collector street.

Street, Marginal-access: A local street that parallels and is adjacent to a major street or highway, and that provides access to abutting properties and protection from through traffic.

Subdivider: Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a land division, subdivision, condominium development, or replat.

Subdivision: The division of a lot, parcel, or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where (a) a single act of division creates 5 or more parcels, lots, or building sites, each less than 35 acres in size; or (b) an act of division results in the creation of 5 or more parcels, lots, or building sites by successive divisions within a period of 5 years, where at least 5 of the parcels, lots, or sites are less than 35 acres in size. The establishment of a condominium development pursuant to Wis. Stat. Chap. 703, shall also be deemed to be a subdivision for purposes of this Chapter. Subdivisions are created through the recording of a final plat, except for condominium developments. Notwithstanding the above, "subdivision" does not include a division of land into not more than nine lots and outlots of 1½ acres each or less where the land division is in an area is zoned for commercial, industrial, or mixed use development in the Village or its extraterritorial zoning area as defined above.

Usable Land: Land intended for public park dedication where required under this chapter that (a) is located outside of the floodplain, wetlands, surface waters, stormwater basins and conveyance routes, and other areas with severe limitations for park development in the determination of the Parks and Recreation Committee; (b) Contains developer-finished slopes of less than 4% for active recreation areas, and slopes of less than 12% for passive recreation areas and conservancy; (c) Is sufficiently shaped and contains suitable soils for construction of the anticipated park facilities, in the determination of the Zoning Administrator; (e) Is visible and accessible to the public for foot, bike, and motor vehicle access and for effective monitoring for public safety; and (h) Is situated in a location that is consistent with the Village's Comprehensive Plan and that adequately serves the park's service area.

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

Zero Lot Line Structure: A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero lot line duplex or townhouse.

Zoning Administrator: The person authorized and charged by the Village with the administration of this Chapter. See Section 94.16.15 of the Weston Municipal Code.

Zoning Ordinance: Chapter 94 of the Weston Municipal Code.