

CHAPTER 18

LAND DIVISION AND DEVELOPMENT ORDINANCE

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CHAPTER 18
LAND DIVISION AND DEVELOPMENT ORDINANCE

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CHAPTER 18
OF THE MUNICIPAL CODE OF THE VILLAGE OF SUSSEX,
WAUKESHA COUNTY, WISCONSIN RELATED TO DIVISION AND DEVELOPMENT OF LAND

SECTION 18.0100 INTRODUCTION

18.0101 TITLE

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION AND DEVELOPMENT ORDINANCE, VILLAGE OF SUSSEX, WAUKESHA COUNTY, WISCONSIN."

18.0102 STATUTORY AUTHORIZATION

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Sussex, Wisconsin, does ordain as follows:

18.0103 PURPOSE

The purpose of this ordinance is to regulate and control all land developments within the limits of the Village of Sussex, Wisconsin, and all land developments within the limits of the Village of Sussex, Wisconsin extraterritorial plat approval jurisdiction in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs. More particularly, and without limitation, it is the purpose of this Ordinance to:

- (A) Implement the Village's comprehensive plan and components to facilitate enforcement of community development standards along with all duly approved amendments thereto, and such additional plans and plan components as may be adopted from time to time. The list of documents includes, but is not limited to:
 - 1. Village of Sussex Zoning Code
 - 2. Building Code
 - 3. Official Map
 - 4. Land Use Plan: 2020

 - 5. Downtown Design and Development Plan
 - 6. Village of Sussex Design Standards
 - 7. Village of Sussex Stormwater Ordinance
 - 8. Village of Sussex Stormwater Management Plan
- (B) Promote the Wise Use, development, conservation, and protection of the soil, water, wetland, woodland, and wildlife resources in the Village and its area of extraterritorial plat approval jurisdiction, and to achieve a balanced relationship between land use and development and the supporting and sustaining natural resource base;
- (C) Further the Orderly Layout and appropriate use of land;
- (D) Avoid the Harmful Effects of premature development of land;
- (E) Lessen Congestion in the streets and highways;
- (F) Provide for Proper Ingress to and egress from development sites;
- (G) Secure Safety from fire, flooding, water pollution and other hazards and minimize expenditures for flood relief and flood control projects;
- (H) Prevent and Control Erosion, sedimentation, and other pollution of surface and subsurface waters;
- (I) Preserve Natural Vegetation and Cover and promote the natural beauty of the Village;
- (J) Provide Adequate Light and Air;
- (K) Prevent the Overcrowding of land and avoid undue concentration of population;
- (L) Facilitate the division of land into smaller parcels;
- (M) Facilitate and Ensure the adequate provision of transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public facilities

- and services;
- (N) Ensure Adequate Legal Description and proper survey monumentation of divided land;
 - (O) Provide Adequate, Affordable Housing;
 - (P) Restrict Building in areas of unsuitable soils; and
 - (Q) Provide for the Administration and enforcement of this Ordinance.

18.0104 ABROGATION AND GREATER RESTRICTIONS

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

18.0105 INTERPRETATION

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

18.0106 SEVERABILITY

If any section, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

18.0107 REPEAL

All other ordinances or parts of ordinances of the Village conflicting with this Ordinance, to the extent of the conflict only, are hereby repealed.

18.0108 DISCLAIMER OF LIABILITY

The Village does not guarantee, warrant, or represent that only those areas delineated as floodplains on plats and certified survey maps will be subjected to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of this Ordinance; and thereby asserts that there is no liability on the part of the Village Board, its agencies or agents, or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with, this Ordinance.

SECTION 18.0200 GENERAL PROVISIONS

18.0201 JURISDICTION

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Sussex, Wisconsin, and those lands within the extraterritorial jurisdiction of the Village as established in Sections 61.35, 62.23, 236.02(5), 236.10 (1)(b) and (2), 236.45 and 66.0105. of the Wisconsin Statutes.

18.0202 APPLICABILITY

- (A) Subdivision: Any division of land within the Village or the extraterritorial plat approval jurisdiction of the Village that results in a subdivision as defined in Section 18.1100 shall be, and any other division of land may be, surveyed and a plat thereof approved and recorded pursuant to the provisions of Section 18.0500 this Ordinance and Chapter 236 of the Wisconsin Statutes.
- (B) Minor Land Division: Any division of land within the Village or the extraterritorial plat approval jurisdiction of the Village that results in a minor land division as defined in Section 18.1100 shall be surveyed and a certified survey map of such division approved and recorded pursuant to the provisions including Section 18.0600 of this Ordinance and Chapter 236 of the Wisconsin Statutes.
- (C) It is the Express Intent of this Ordinance to regulate condominiums having one or more principal structures on any parcel, except for condominium conversions of existing structures where no additional units are being created. In no case shall the maximum number of units in a condominium exceed the maximum number of lots the same parcel could have accommodated under the Village Zoning Ordinance if the parcel had been conventionally divided unless specifically permitted by zoning district regulations in the district in which the structures are located.
- (D) Any Development: This Ordinance shall apply to any development within the Village Jurisdiction except where this Ordinance specifically excludes a type of development from being under the regulation of this Ordinance.
- (E) The Provisions of this Ordinance shall not apply to:
 - 1. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
 - 2. Assessors' plats made under Section 70.27 of the Wisconsin Statutes; however, assessors' plats shall comply with Sections 236.15(1) (a) through (g), and 236.20(1), and (2) (a) through (e) of the Wisconsin Statutes unless waived under Section 236.20(2) (L).
 - 3. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Village Board and the county planning agency approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

18.0203 COMPLIANCE

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

- (A) Chapter 236, Wisconsin Statutes.
- (B) Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
- (C) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the developer abuts on a state trunk highway or connecting street, including all provisions of the Wisconsin Administrative Code,

- Section Trans 233 where applicable.
- (D) Rules of the Wisconsin Department of Natural Resources, Division of Environmental Protection setting water quality standards, preventing and abating pollution, and regulating development within floodland, wetland and shoreland area.
 - (E) Duly Approved Comprehensive Plan or comprehensive plan component of the Village of Sussex, Wisconsin along with all duly approved amendments thereto, and such additional plans and plan components as may be adopted from time to time, including but not limited to:
 1. Land Use Plan : 2020
 - (F) The Village of Sussex Zoning Ordinance and all other applicable local and county ordinances.
 - (G) A Developer's Agreement satisfactory to the Village of Sussex, between the Village and the developer, and/or owner. The developer and/or owner shall have the responsibility for preparing the developer's agreement and obtaining Village approval for that agreement. The developer's agreement must at a minimum meet the standards of The Village's Standard Development Agreement. Developing land without first preparing and obtaining Village approval and/or without abiding strictly by the terms of the developer's agreement shall constitute a violation of this Ordinance and shall subject the developer and/or owner to all applicable and appropriate enforcement actions, including but not limited to issuance of citations and imposition of forfeitures under this ordinance.
 - (H) Rules of the Waukesha County Department of Public Works relating to safety of access, the preservation of the public interest and investment in the county highway system if the land owned or controlled by the developer abuts a county trunk highway.
 - (I) Rules of the Wisconsin Department of Administration Office of Land Information Services Plat Review.
 - (J) Waukesha County Construction, Site Erosion Control and Stormwater Management Ordinance, if located within Shoreland Jurisdictional limits, but not within the municipal boundaries of the Village of Sussex. If within the municipal boundaries of the Village of Sussex than Village Ordinances with respect to stormwater management, erosion control, shoreland and construction site rules shall control as allowed by law.
 - (K) Village of Sussex Development Requirements
 - (L) Village of Sussex Stormwater Ordinance
 - (M) Village of Sussex Stormwater Management Plan

18.0204

LAND SUITABILITY

No land shall be developed or divided which is determined to be unsuitable for such use by the Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of future residents or occupants of the proposed development or of the Village. In addition:

- (A) Floodlands. No lot served by public sanitary sewer facilities shall have less than fifty (50) percent of its required lot area, or 4,200 square feet, whichever is greater, above an elevation at least two (2) feet above the elevation of the 100 year recurrence interval flood as determined by the Federal Emergency Management Agency, or where such data is not available the maximum flood of record. No lot one (1) acre or less in area served by an onsite sanitary sewage disposal system shall include floodlands. All lots more than one (1) acre in area served by an onsite sanitary sewage disposal system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available the maximum flood of record.
- (B) Lands Made, Altered, or Filled with non-earth materials within the preceding twenty

(20) years shall not be divided or developed into building sites which are to be served by soil absorption waste disposal systems except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.

- (C) Lands Made, Altered, or Filled with dirt within the preceding seven (7) years shall not be divided or developed into building sites which are to be served by onsite soil absorption sanitary sewage disposal systems except where soil tests by a licensed soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one (1) test per acre shall be made initially. The Village does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board, its agencies, agents, or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (D) Lands Having Bedrock within ten (10) feet of the natural undisturbed surface shall not be divided or developed into building sites to be served by private onsite waste treatment systems, unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of suitable soil over bedrock must comply with the specifications set forth in Table 383.44(3)(b)1 of SPS 383. The depth of soil required over bedrock will be dependent on soil texture, soil structure, and the quality of the influent entering the proposed soil dispersal area. The development layout shall permit the infiltrative surfaces of dispersal cells to be located at least twenty-four (24) inches above bedrock.
- (E) Lands Having Groundwater within six (6) feet of the natural undisturbed surface shall not be divided or developed into building sites to be served by private onsite waste treatment systems unless the sites are compliant with standards set forth in Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The minimum depth of unsaturated soil above seasonal groundwater must comply with the specifications set forth in Table 383.44(3)(b)1 of SPS 383. The development layout shall permit the infiltrative surfaces of the dispersal cells to be located at least twenty-four (24) inches above the highest groundwater elevation as estimated utilizing soil redoximorphic features. At least six (6) of the twenty-four (24) inches of soil separation required shall be comprised of an in situ soil type for which soil treatment capability is credited under the aforereferenced table. Seasonal soil saturation shall be assumed to reach ground surface where redoximorphic features are present within four (4) inches of the bottom of the A-horizon.
- (F) Lands Covered by Soils Having a Percolation Rate slower than sixty (60) minutes per inch or faster than ten (10) minutes per inch shall not be divided or developed into building sites to be served by onsite soil absorption sewage disposal systems.
- (G) Lands Covered by Soils Having Coarse Textures such as loamy coarse sand with sixty (60) percent or more coarse fragment content shall not be divided or developed into building sites to be served by private onsite waste treatment systems unless compliance with Chapters SPS 383 and 385 of the Wisconsin Administrative Code can be demonstrated.
- (H) Lands Drained by Farm Drainage Tile or Farm Ditch Systems shall not be divided or developed into building sites to be served by onsite soil absorption sewage disposal systems unless compliance with Chapters SPS 383 and 385 of the Wisconsin

Administrative Code can be demonstrated.

- (I) Lands Having a Slope of twelve (12) percent or more shall be maintained in permanent open space use unless the Plan Commission finds by $\frac{3}{4}$ vote that the land may be graded to have slopes below twelve (12) percent through an approved grading plan and said plan will meet the intent of the Village to balance growth with environmental protection and will not create safety risks to development on the land or adjacent land . No lot except an outlot or a stormwater management facility shall have more than fifty (50) percent of its minimum required area in slopes of ten (10) percent or greater.

The Village Plan Commission, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for development. Within sixty (60) days of the determination, the developer may file a petition with the Village Clerk contesting the determination. In that event the petitioner will be allowed to present evidence in rebuttal to such finding of unsuitability. Thereafter, the Village Plan Commission shall affirm, modify, or withdraw its determination of unsuitability.

18.0205

DEDICATION AND RESERVATION OF LANDS

- (A) Streets, Highways, Drainage Ways and Floodplain: Whenever a tract of land to be developed within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainage way, floodplain or other public way which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan or component and as set forth in Section 18.0700 of this Ordinance.
- (B) Parks, Open Space and School Sites: Whenever a tract of land to be developed within the Village of Sussex encompasses all or any part of a park, open space or school site that has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said park or playground shall be made a part of that plat and dedicated or reserved by the developer in the locations and dimensions indicated on said plan and in accordance with the procedures set forth in Section 18.0709 of this Ordinance.
- (C) Proposed Public Lands Lying Outside the corporate limits of the Village but within the extraterritorial plat approval jurisdictional area of these regulations shall be reserved for acquisition by the Town or County.

18.0206

HOMEOWNER OR CONDOMINIUM ASSOCIATIONS

Common areas or facilities within a development shall be held in common ownership as undivided equal proportionate interests of owners of land or condominium units, and governed by a homeowners association or condominium owners association by the members of a homeowners or condominium association, subject to the provisions set forth herein:

- (A) The Developer shall provide the Village with a description of the homeowners or condominium association, including its bylaws, and all documents governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the developer's expense.
- (B) The Association shall be established by the owner or applicant and shall be operating prior to the sale of any lots or units in the development.
- (C) Membership in the association shall be automatic and be mandatory for all purchasers of lots or units therein and their successors and assigns.
- (D) The Association shall be responsible for maintenance and insurance of common areas and facilities.
- (E) A Land Stewardship Plan for any common open space to be retained in a natural state shall be included in the submittal of association documents.
- (F) The Members of the association shall share equitably the costs of maintaining,

insuring, and operating common areas and facilities.

- (G) The Association shall have or hire adequate staff to administer, maintain, and operate common areas and facilities.
- (H) In the event that the association established to own and maintain common areas and facilities fail to properly maintain all or any portion of the aforesaid common area of facilities, the Village may serve written notice upon such association, setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Failure to comply within the time specified shall be considered a violation of this Ordinance, in which case, the Village shall have the right to enter the premises and take the needed corrective actions. The costs of corrective actions by the Village shall be charged against the owners of the subdivision lots or condominium units.

18.0207

IMPROVEMENTS

Before final approval of any plat or certified survey map located within the jurisdictional limits of this Ordinance, the developer shall install street and utility improvements as hereinafter provided or provide guarantees for their installation. The developer shall, before commencing with any improvements or other construction on the land, enter into a developers agreement with the Village agreeing to install the required improvements and shall file with said agreement a letter of credit meeting the approval of the Village Attorney as to form, in an amount equal to the estimated cost of the improvements and financial security required by the developer's agreement, plus a reasonable percentage for contingencies--said estimate to be made by the Village Engineer--as a guarantee that such improvements will be completed by the developer or the developer's subcontractors not later than the date or dates provided in the agreement and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:

- (A) Contracts and Contract Specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Village Engineer.
- (B) Governmental Units or Utility Companies to which these provisions apply may file, in lieu of said agreement and letter of credit, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (C) Plats Outside the Corporate Limits. Before final approval by the Village of any plat located outside the corporate limits of the Village, but within the plat approval jurisdiction of the Village, the developer shall give evidence that he has complied with all street and utility requirements of the town in which the land being platted is located. This paragraph is intended to insure that the developer is at least meeting the minimum requirements of the town ordinance, but that where the Village requirements are more restrictive, that those shall apply where required by the Village Board and allowed by law.
- (D) Survey Monuments: Before final approval of any plat within the Village or its extraterritorial jurisdictional limits, the developer shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer. The Village Engineer may waive the placing of the monuments, as provided in Section 236.15(1) (h) of the Wisconsin Statutes, for a reasonable time, not to exceed one (1) year, on condition that the developer provide a letter of credit or certified check equal to the estimated cost of installing the monuments to ensure that placing of such monuments within the time required by statute. Additional time may be granted upon show of cause.

18.0208

DEVELOPMENT AGREEMENT

Before or as a condition of receiving final approval from the Village Board of any plat, or certified survey map for which public improvements are required by this Ordinance; or for

which public improvements, dedications, or fees are being deferred under this Ordinance; or for which phasing approval is being granted under Section 18.0902 of this Ordinance, the developer shall submit to and receive approval from the Village Board, Village Attorney and the Village Engineer, a developer's agreement for the improvements (including all public, private and site development improvements), prior to commencing construction of any improvement, whether public or private, or site development or approval of the final plat, condominium plat, or certified survey map, whichever is earlier.

18.0209

REQUEST FOR WAIVER OR MODIFICATION OF PROVISIONS & DEFERRAL

- (A) Waiver or Modification of Ordinance Provisions. A petitioner may request that the municipality waive or modify enforcement of one or more provision (s) of this Ordinance, as follows:
- (1) Written Request. The petitioner shall submit a written request for the waiver or modification to the Village Clerk. In the written request for waiver or modification, the petitioner shall specify the specific provision the petitioner requests the municipality to waive or modify, and petitioner's reasons for requesting the same.
 - (2) Referral to Plan Commission and Village Board. Upon receipt of a written request for a waiver or modification, the Village Clerk shall, within a reasonable time, place the matter on a Plan Commission and a Village Board agenda for review and action.
 - (3) Considerations. The Plan Commission and Village Board shall each make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
 - (a) Whether the request for a waiver or modification, if granted, would be consistent with the general intent of the ordinance.
 - (b) Whether the request for a waiver or modification, if granted, would adversely affect property owners in the surrounding area.
 - (c) Whether the request for a waiver or modification, if granted, would benefit the petitioner's project in a way that is consistent with the municipality's interests.
 - (d) Whether petitioner is in full compliance with applicable ordinances and agreements with the municipality.
 - (e) Whether, instead of granting the request for a waiver or modification, the ordinance itself should be changed to accommodate the kind of situation presented by the petitioner.
 - (4) Grant or Denial of Request for a Waiver or Modification. After considering the above-listed factors and any other factors that may be relevant to the matter, the Plan Commission and Village Board shall then each independently determine whether it is objectively reasonable to grant the request for a waiver or modification. A waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so. If the Plan Commission and Village Board each determine that it is objectively reasonable to grant the request, then the waiver or modification shall be deemed granted as of the date that the second of the two determinations is made. If either the Plan Commission or the Village Board, or both of them, deny the requests, then the request is denied.
 - (5) Past non-compliance not waived. A waiver or modification that is granted pursuant to a written request as described in this section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of the ordinance that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Village Board.

18.0210

VIOLATIONS

It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Village of Sussex authorizing the building on, or improvement of, any subdivision, minor land division, condominium or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

18.0211

PENALTIES AND REMEDIES

Any person, firm or corporation who violates or fails to comply with the provision of this Ordinance shall, upon conviction thereof, forfeit not less than \$500 nor more than \$5,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding six (6) months. Each day a violation exists or continues shall constitute a separate offense. In addition to the foregoing, violations and concomitant penalties shall include all of the following state offenses and the same are hereby adopted:

- (A) Recordations improperly made carries penalties as provided for in Section 236.30 of the Wisconsin Statutes.
- (B) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31 of the Wisconsin Statutes.
- (C) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.
- (D) An Assessor's Plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Village, at the expense of the developer, when a development is created by successive developments.

All penalties provided for herein shall be in addition to any penalties imposed by any other governmental body.

Any penalties not paid and for which imprisonment is not applicable, may be recorded as special charges against the real estate involved and may be so assessed and collected by the Village under Section 66.0627 of the Wisconsin Statutes.

18.0212

APPEALS

Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, within thirty (30) days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objection agency is arbitrary, unreasonable or discriminatory.

SECTION 18.0300 LAND DEVELOPMENT PROCEDURES

18.0301 PRE-FILING STAFF CONFERENCE

Prior to the filing of an application for the approval of a preliminary plat, the developer shall consult with the Village Plan Commission and its staff in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the developer of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Village and to otherwise assist the developer in planning their development. All developments may require a design charrette. In so doing, both the developer and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The developer will gain a better understanding of the subsequent required procedures.

18.0301A TREE PRESERVATION AND MITIGATION PLAN

No preliminary plat shall be filed unless a tree preservation and mitigation plan has been presented to the Village Tree Board and no development may begin prior to approval of a Tree Preservation and Mitigation Plan by the Village Tree Board. Requirements of the Tree Preservation and Mitigation Plan shall be as outlined in Chapter 6, Parks, Parkways & Environmental Protection Ordinance of the Village of Sussex Municipal Code.

18.0302 PRELIMINARY PLAT REVIEW

Before submitting a final plat for approval, the developer shall prepare a preliminary plat and a letter of application. The preliminary plat shall be prepared in accordance with this Ordinance, and the developer shall file an adequate number of copies of the plat and the application with the Village Clerk at least fifteen (15) days prior to the meeting of the Village Plan Commission at which consideration is desired. In addition:

- (A) The Village Clerk shall, within two (2) normal work days after filing, shall transmit the necessary copies to the Waukesha County Department of Parks and Land Use; the Wisconsin Department of Administration the State Department of Transportation if the development abuts or adjoins a state trunk highway or a connecting street; the Wisconsin Department of Commerce if the development is not served by a public sewer and provision for such service has not been made; the Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed development; and necessary copies to the Village Plan Commission. The Wisconsin Department of Administration, the Wisconsin Department of Transportation, Waukesha County Department of Parks and Land Use and the Wisconsin Department of Commerce shall hereafter be referred to as objecting agencies.
- (B) The Village Clerk shall also transmit a copy of the preliminary plat to all affected Village boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within thirty (30) days from the date the plat is filed. The preliminary plat shall then be reviewed by the Village Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

18.0303 PRELIMINARY PLAT APPROVAL

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the preliminary plat, notify the developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Clerk.

If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no

objection to the plat. In addition:

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

18.0304

FINAL PLAT REVIEW

The developer shall prepare a final plat and a letter of application in accordance with this Ordinance and shall file an adequate number of copies of the plat and the application with the Village Clerk at least twenty (25) days prior to the meeting of the Village Plan Commission at which action is desired. In addition:

- (A) The Village Clerk shall, file the necessary copies with the following: Waukesha County Department of Parks and Land Use Director of Plat Review, Wisconsin Department of Administration Department of Transportation (Wis. DOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for such service have not been made; and Wisconsin Department of Natural Resources (WDNR) if lands included in the plat lie within 500 feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shore land or flood land are located within the plat.
- (B) The Village Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components as authorized by law which may affect it and shall recommend approval, or rejection of the plat to the village board.
- (C) Partial Platting. If permitted by the Village Board, the approved preliminary plat may be finally platted in phases, with each phase encompassing only that portion of the approved preliminary plat which the developer proposes to record at one time, however, it is required that each such phase be final platted and be designated as a 'phase' of the approved preliminary plat. Subsequent phases of the plat shall be filed in accordance with the schedule set forth in the developer's agreement as adopted or amended by the Village Board.

18.0305

FINAL PLAT APPROVAL

The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the final plat, notify the developer and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village Plan Commission. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the plat.

- (A) Submission. If the final plat is not submitted within thirty six (36) months of the last required approval of the preliminary plat, the Village Board may refuse to approve

the final plat unless otherwise provided for in the developer's agreement by means of a phased development timetable.

- (B) The Village Plan Commission shall, within forty five (45) days of the date of filing of the final plat with the Village Clerk, recommend approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board.
- (D) The Village Board shall, within sixty (60) days of the date of filing the original final plat with the Village Clerk, approve or reject such plat unless the time is extended by agreement with the developer. 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 developer. The Village Board shall not inscribe its approval of the final plat unless the Village Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (E) Failure of the Village Board to take action on the plat within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, shall mean that the plat shall be deemed approved.
- (F) Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, and approved pursuant to the requirement of this ordinance the village clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat recorded with the County Register of Deeds.
- (G) Duplicate Plat. An identical reproducible copy of the plat (on stable drafting film at least 4 mils thick) along with the recording data shall be placed on file with the Village Engineer.
- (H) Final Plats submitted for approval before all improvements are ready to be accepted by the Village will only receive conditional approval from the Village Board and said approval will be conditioned upon all improvements being completed and accepted by the Village.

18.0306

PLATS & MINOR LAND DIVISIONS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION OF THE VILLAGE

- (A) Application. When the land to be developed lies within the extraterritorial plat approval jurisdiction of the village, the developer shall proceed as specified in Section 18.0301 through 18.0305 if it is to be divided by plat, or as specified in Section 18.0307 if it is to be divided by certified survey map, except:
 1. If a developer elects to initially submit the proposed plat to a local municipality, the plat or certified survey map shall, as a matter of courtesy, be first submitted to the Town Clerk concerned. The Town Clerk shall then assume the responsibility for transmitting the plat or certified survey map to the objecting agencies and other approving authorities, including the Village.
 2. Approving agencies include the Village Board, and county planning agency; and the developer must comply with the land division and development ordinances of the Village and county to the full extent of the Village's and county's lawful authority.
- (B) Review Criteria. The Village Plan Commission may recommend, and the Village Board may approve, the division of lands in the extraterritorial plat approval jurisdiction based on the applicable criteria enumerated hereinafter. The Village Plan Commission and Village Board shall not consider any subdivision or certified survey map which does not have prior approval by the approving authorities for both the Town and Waukesha County. The Village Plan Commission may recommend and the Village Board may require any conditions in the approval of a subdivision or certified survey map, including the use of any restrictive covenant.
 1. Criteria for Agricultural Land Division. The Village Plan Commission may recommend and the Village Board may grant approval of a subdivision plat or

certified survey map for portions of agricultural lands provided the Village Plan Commission and Village Board shall determine that the proposed land division will assist and assure the continuation of the agricultural use.

2. Criteria for Nonagricultural Subdivision or Land Division. In the case of nonagricultural lands, the Plan Commission may recommend and the Village Board may grant approval of a subdivision plat or certified survey map that complies with each of the following three criteria:
 - a. The proposed subdivision or minor land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question.
 - b. The proposed subdivision or minor land division shall result in a development pattern which is compatible with surrounding developments and land uses. Measures of compatibility shall consider lot sizes, traffic generation, access, noise and visual features.
 - c. The proposed subdivision or minor land division and the resulting development shall not demonstrably adversely affect the Village's ability to provide public services, install public improvements or accomplish future annexations, except that the annexation issue will not apply if annexation is forever prohibited by an intermunicipal border agreement duly entered by the Village. Where no such border agreement applies, the Plan Commission and Village Board may consider annexation agreements with the property owner in order to comply with this requirement. The Village Plan Commission and Village Board may also consider whether the Village and Town(s) have reached an agreement on necessary public improvements and public service facilities required to serve the development.

(C)Improvements. The developer may proceed with the installation of such improvements and under such regulations as the Town Board of the Town within whose limits the plat or certified survey map lies may require, subject to such additional requirements as may be imposed by the Village or any other lawful approving or objecting authority. Wherever connection to any Village utility is desired, permission for such connection shall be obtained from the Village Board before the connection is made.

(D)Completion of Improvements. All improvement requirements specified by the Town Board or by the Village or any other lawful approving or objecting authority shall be met before the final plat or certified survey map is recorded, unless approved otherwise by the lawful approving and objecting authorities including the Town and Village.

18.0307

MINOR LAND DIVISION (CERTIFIED SURVEY MAP)

- (A) When it is proposed to create a minor land division as defined herein the developer may subdivide by use of a certified survey map. The developer shall, prior to preparing and filing a certified survey map, consult with the Village Plan Commission and its staff in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the developer of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the village and to otherwise assist the developer in planning the development. In so doing, both the developer and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The developer will gain a better understanding of the subsequent required procedures. No certified survey map shall be filed unless a tree preservation and mitigation plan has been approved by the Village Tree Board. The developer shall prepare the certified survey map in accordance with this and the letter of application with the Village Clerk. .

- (B) The Village Plan Commission shall review the map for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plan components, and neighborhood plans.
- (C) The Village Plan Commission shall, within seventy five (75) days from the date of filing of the map, recommended approval, conditional approval or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.
- (E) The Village Board shall approve, approve conditionally and thereby may require resubmission of a corrected certified survey map, or reject such certified survey map within ninety (90) days from the date of filing of the map, unless the time is extended by agreement with the developer. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the developer. If the map is approved and when the conditions are satisfied, the Village Board shall cause the Village Clerk to so certify on the face of the original map and return the map to the developer. If the map is approved conditionally, all conditions must be satisfied within 24 months of the final action of the Village Board.
- (F) Recordation. The Developer shall record the map with the County Register of Deeds and provide proof of such recording to the Village within six (6) months after the date of the last approval of the map and within 24 months after the first approval of the map.

18.0308

REPLAT

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 developer or person wishing to replat shall vacate or alter the recorded plat as provided in Section 236.40 through 236.44 of the Wisconsin Statutes. The developer, or person wishing to replat, shall then proceed as specified in Sections 18.0301 through 18.0305. The Village Clerk shall schedule a public hearing before the Village Plan Commission when a preliminary plat of a replat of lands within the Village or its extraterritorial jurisdictional limits is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.

18.0309

CONDOMINIUM PLAT

A condominium plat prepared by a land surveyor registered in Wisconsin is required for all condominium plats or any amendments or expansions thereof. Such plat shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes and shall be reviewed and approved or denied in the same manner as a subdivision plat as set forth in Section 18.0301 through 18.0306 of this Ordinance. Both a preliminary condominium plat and a final condominium plat shall be required. Such plats shall comply with the design standards, improvements, and all other requirements of this Ordinance that would otherwise apply to subdivision plats, including, but not limited to, those set forth in Section 18.0700 and 18.0800 of this Ordinance.

SECTION 18.0400 PRELIMINARY PLAT

18.0401 GENERAL REQUIREMENTS

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

- (A) Title or name under which the proposed development is to be recorded. Such title shall not be the same or similar to a previously approved and recorded plat, unless it is an addition to a previously recorded plat and is so stated on the plat;
- (B) Property Location of the proposed development by: government lot, quarter section, township, range, county and state;
- (C) General Location Sketch showing the location of the development within the U.S. Public Land Survey section;
- (D) Date, Graphic Scale and North Arrow;
- (E) Names and Addresses and Phone Numbers of the owner, developer and land surveyor preparing the plat;
- (F) Entire Area contiguous to the proposed plat owned or controlled by the developer will be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.

18.0402 PLAT DATA

All preliminary plats shall show the following:

- (A) Length and Bearing of the exterior boundaries of the proposed development referenced to two corners established in the U.S. Public Land Survey and the total acreage encompassed thereby. The lengths of lines shall be given to the nearest 0.01-foot and bearings to the nearest one second of arc. The arc length, chord length, radius length, and bearing shall be given for all curved lines.
- (B) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent, and of not more than five (5) feet where the slope of the ground surface is ten (10) percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level):
- (C) Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks, and drainage ditches within the plat and within 200 feet of the exterior boundaries of the plat. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD 1929 shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks, and drainage ditches shall be indicated based upon determination by the Wisconsin Department of Natural Resources.
- (D) Boundaries of the 100-year recurrence interval floodplain and regulatory stages, as determined by the Federal Emergency Management Agency (see Section 14.900 to Section 14.990). Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the developer and the engineer's report providing the required data shall be submitted with the plat for review and approval by the Village Engineer, WisDNR, and FEMA.
- (E) Lake and Stream Meander Lines proposed to be established.
- (F) Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the boundaries shall be provided

- together with the date of the field survey concerned. Final wetland boundaries must be approved by the Wisconsin Department of Natural Resources
- (G) The Location of Woodlands as mapped by the Southeastern Wisconsin Regional Planning Commission and existing vegetation to be retained within the proposed development.
 - (H) Location, right-of-way width, and names of all existing and proposed streets, highways, alleys, or other public ways, pedestrian and bicycle ways, utility right-of-ways, active and abandoned railway right-of-ways, vision corner easements, and other easements within or adjacent to the plat.
 - (I) Type, Width, and Elevation of any existing street pavements within or adjacent to the plat, together with any legally established centerline elevations, referenced to mean NGVD (1929).
 - (J) Approximate Radii of all curved lines within the exterior boundaries of the plat.
 - (K) Location and Names of any adjoining developments, parks, cemeteries, public lands, and watercourses, including impoundments. The owners of record of abutting unplatted lands shall be shown.
 - (L) Locations of all civil division boundary lines and U.S. Public Land Survey system section and one quarter section lines within the plat and within 100 feet of the exterior boundaries of the plat.
 - (M) Approximate Dimensions of all lots, the minimum lot area required by the zoning district in which the plat is located and proposed lot and block numbers.
 - (N) Building or Setback Lines which are proposed to be more restrictive than the regulations of the zoning district in which the plat is located.
 - (O) Location, Approximate Dimensions and Area of any sites to be reserved dedicated for parks, playground, drainage ways, open space preservation, or other public use.
 - (P) Location, Approximate Dimensions and Area of any proposed common areas or facilities.
 - (Q) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, electric and communication facilities, whether overhead or under ground, and the location and size of any existing water and gas mains are located on or immediately adjacent to the proposed development, the nearest such sewers or water mains which might be extended to serve the proposed development shall be indicated by their direction and distance from the plat, and by their size and invert elevations. All elevations shall be referenced to NGVD (1929)
 - (R) Any Proposed Lake and Stream Access and the width of the proposed access, to be provided within the exterior boundaries of the plat.
 - (S) Any Proposed Lake and Stream Improvement or relocation and notice of application for approval by the Wisconsin Department of Natural Resources, when applicable.
 - (T) The Approximate Location of any existing on site sewage treatment and disposal facilities.
 - (U) Any Additional information requested by the Village Plan Commission.

18.0403

ANALYSIS INFORMATION

In the absence of an adopted neighborhood unit development plan, the following information shall be inventoried and mapped as a scale no smaller than one (1) inch equals 100 feet in sufficient detail, with brief descriptions if necessary, to allow for the proper evaluation of a preliminary plat. The site analysis map and accompanying descriptions shall be included with the submittal of the preliminary plat. The map shall include:

- (A) Topographic Features, with two (2) foot intervals for slopes less than twelve (12) percent and at no more than five (5) foot intervals for slopes twelve (12) percent and greater. Elevations shall be marked on such contours, referenced to NGVD of 1929. Any rock outcrops, slopes of twelve (12) percent or greater, ridge lines, and hilltops shall be noted.
- (B) Hydrologic Characteristics, including lakes, ponds, rivers, streams, creeks, drainage ditches, wetlands, floodplains, shoreland areas, and surface drainage patterns. The

boundaries of wetlands shall be as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of the 100-year recurrence interval floodplain, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission, shall be shown.

- (C) Delineations of Natural Resource Areas, including the boundaries of primary and secondary environmental corridors and isolated natural resource areas as identified by the Southeastern Wisconsin Regional Planning Commission, and the location and type of any rare or endangered species habitat.
- (D) Soil Types, as shown on the soil survey maps prepared by the U.S. Soil Conservation Service (now known as the Natural Resources Conservation Service).
- (E) Existing Vegetation, including the boundaries and characteristics of woodland, hedgerows, and prairies. Predominant species of hedgerows and woodlands shall be identified. Unless located within an area proposed to be maintained in open space, specimen trees shall be located and identified by species, size, and health.
- (F) Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins, and burial sites.
- (G) Scenic Vistas, both into the proposed development from adjacent roads and public areas and views from within the proposed development.
- (H) The Location and Classification of existing streets and highways within or adjacent to the proposed development and desirable or undesirable entry points into the development.
- (I) Existing Land Uses within the proposed development and within 200 feet there from, including cultivated and non-cultivated fields, paved areas, buildings, structures, and all encumbrances, such as easements or covenants.
- (J) Public Parks and Open Space Areas within or adjacent to the proposed development, and potential open space connections between the proposed development and adjacent lands.
- (K) Existing and Proposed Zoning on and adjacent to the proposed development.

18.0404 STREET PLANS AND PROFILES

The Village Plan Commission, upon recommendation of the Village Engineer, may require that the developer provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed development when requested. All elevations shall be based upon mean sea level [1929] datum, and plans and profiles shall meet the approval of the Village Engineer.

18.0405 SOIL BORINGS AND TESTS

- (A) The Village Plan Commission, upon recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table.
- (B) Where a development is not to be served by sanitary sewer, soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the preliminary plat and the findings, with respect to the suitability of the site for the use of onsite sewage treatment and disposal systems shall be set forth in a separate report submitted with the plat.

18.0406 SOIL AND WATER CONSERVATION

- (A) The Village Plan Commission, upon determining from a review of the preliminary plat by the Village Engineer that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earthmoving operations in the development of the development or otherwise entail a

severe erosion hazard, may require the developer to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth by the County Land Conservation Committee, and shall be in accordance with the requirements set forth in the Village Erosion Control and Stormwater Management Ordinance.

18.0407

COVENANTS & CONDOMINIUM OR HOMEOWNERS ASSOCIATION DOCUMENTS

- (A) A Draft Copy of any proposed protective covenants whereby the developer intends to regulate land use in the proposed development shall accompany the preliminary plat. The proposed covenants shall be subject to review and approval by the Village Attorney as to form.
- (B) A Draft Copy of any proposed condominium or homeowner's association declarations, covenants, or other documents shall accompany the preliminary plat. These documents shall include the information specified in Section 18.0206. The proposed documents shall be subject to review and approval by the Village Attorney as to form.

18.0408

SURVEYOR'S CERTIFICATE

The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of the exterior boundaries of the proposed plat and of all existing developments and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and of Chapter 236 of the Wisconsin Statutes.

SECTION 18.0500 FINAL PLAT

18.0501 GENERAL REQUIREMENTS

A final plat prepared by a registered land surveyor shall be required for all developments in all respects with the requirements of Section 236.20 of the Wisconsin Statutes.

18.0502 FINAL PLAT DATA

The plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:

- (A) Exact Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01-foot and bearings to the nearest one second of arc. The arc, and radius lengths and the chord bearings, together with the bearings of the radii at the ends of the arcs and chords, shall be given for all curved streets.
- (B) Street Width along the line of any obliquely intersecting street to the nearest 0.01-foot.
- (C) Active and Abandoned Railway right-of-ways within and abutting the exterior boundaries of the plat.
- (D) Building or Setback Lines required by the Village Plan Commission or other approving or objecting agency which are more restrictive than the regulations of the zoning district in which the plat is located, or which are proposed by the developer and to be included in recorded private covenants.
- (E) Easements for any Public sanitary sewers, water supply mains, stormwater management facilities, drainage ways, or access ways.
- (F) All Lands Preserved for Conservation or public purposes shall be designated as being preserved by dedication, easement, transfer to an approved conservation organization or owned in equal undivided shares by the lot owners within the plat. All such preserved lands shall be subject to the approval of the Village Plan Commission, in accordance with all applicable requirements of this Ordinance, and including such deed restrictions and plat restrictions as the Village Plan Commission may require.
- (G) Boundaries of the 100-year recurrence interval floodplain and related regulatory stages as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the developer and the engineer's report providing the required data shall be submitted with the plat for review and approval of the Village Engineer, WisDNR, and FEMA.
- (H) Location and Right-of-Way of existing and proposed bicycle and pedestrian ways and utility right-of-ways.
- (I) Notations or Any Restrictions required by the Village Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the plat; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the plat.

18.0503 DEED RESTRICTIONS

The Village Plan Commission may require that deed restrictions be filed with the final plat. When required, such restrictions shall be recorded with the final plat.

18.0504 SURVEY ACCURACY

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

- (A) Maximum Error of Closure before adjustment of the survey of the exterior boundaries of the development shall not exceed, in horizontal distance or position, the ratio of one (1) part in 10,000, nor in azimuth, four (4) seconds of arc per interior angle. If

field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.

- (B) All Street, Block and Lot Dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the plat greater than the ratio of one (1) part in 5,000 or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.
- (C) The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat. The Village Engineer may, however, in accordance with Section 18.0207(C) of this Ordinance, waive the placing of monuments for a reasonable time, not to exceed one (1) year, on condition that the developer provide a letter of credit or certified check equal to the estimated cost of installing the monuments, to ensure the placing of such monuments within the time required by Statute. In that case, the Village Engineer's examination required under this section and any related field checks shall be made after the required monuments have been installed. The letter of credit, or certified check, bond concerned shall not be released until the Village Engineer is satisfied with the accuracy of the land surveying concerned.

18.0505

SURVEYING AND MONUMENTING

All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.

18.0506

STATE PLANE COORDINATE SYSTEM

Where the plat is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission, the plat shall be tied directly to two adjacent section or quarter section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description of the monuments marking the section or quarter section corners to which the plat is tied shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927, and shall be adjusted to the control survey network established to the standards promulgated by the Southeastern Wisconsin Regional Planning Commission for the area concerned. Where the field measurements differ from the control survey data by more than one (1) part in 10,000 in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01-foot and all bearings to the nearest one (1) second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the development.

18.0507

CERTIFICATES

All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that the surveyor has fully complied with

all the provisions of this Ordinance.

18.0508

FILING AND RECORDING

The final plat shall only be recorded with the County Register of Deeds after the certificates of the Wisconsin Department of Development, of the Village Board, of the surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat. The plat shall be recorded by the Village Clerk within thirty (30) days of its approval by the Village Board.

18.0509

DUPLICATE PLAT TO BE FILED

An identical reproducible copy (on stable drafting film) along with the recording data and an electronic copy shall be placed on file with the Village Engineer

SECTION 18.0600 CERTIFIED SURVEY MAP

18.0601 GENERAL REQUIREMENTS

A certified survey map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes. The minor land division shall comply with the design standards and improvement requirements set forth in Sections 18.0700 and 18.0800 of this Ordinance.

18.0602 REQUIRED INFORMATION

The map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:

- (A) Inset Map, of the area concerned showing the location of the proposed certified survey map in relation to the U.S. Public Land Survey section and quarter-section lines and abutting and nearby public streets and highways.
- (B) Date, graphic scale, and north point.
- (C) Name, addresses and phone numbers of the owner, developer, and land surveyor preparing the plat.
- (D) All Existing Structures, together with an identification of the type of structures from existing and proposed property lines, wells, watercourses, and drainage ditches; and existing property boundary lines in the area adjacent to the exterior boundaries of the proposed certified survey map and within 100 feet thereof. The square footage and elevation of the first floor and height of all buildings proposed to remain on the site or sites included in the certified survey map. The proposed use of existing structures to be retained shall be noted. All wells within the exterior boundaries of the map shall be shown.
- (E) Location, Approximate Dimensions, and Area of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, open space preservation, or other public use.
- (F) Building or Setback Lines required by the Village Plan Commission, or other approving or objecting agency, which are more restrictive than the regulations of the zoning district in which the certified survey map is located, or which are proposed by the developer and are to be included in recorded private covenants.
- (G) Location and Names of any adjoining streets, highways, developments, parks, cemeteries, public lands and water courses, including impoundments. The owners of record of abutting unplatted lands shall also be shown.
- (H) Length and Bearing of the centerline of all streets. The lengths shall be given to the nearest 0.01-foot and the bearings to the nearest one (1) second of arc. The arc, chord, and radius lengths, and the chord bearings, together with the bearings of the radii of the ends of the arcs and chords, shall be given for all curved lines.
- (I) Street Width along the line of any obliquely intersecting street line to the nearest 0.01-foot.
- (J) Active and Abandoned Railway right-of-ways within and abutting the exterior boundaries of the proposed bicycle and pedestrian ways.
- (K) Boundaries of Primary and Secondary Environmental Corridors and isolated natural resource areas, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission. The boundaries of wetlands shall also be shown. The wetland boundaries shall be determined on the basis of a field survey made to identify, delineate, and map those boundaries; and the name of the person, agency, or firm identifying, delineating, and mapping the wetland boundaries shall be provided together with the date of the field survey concerned.
- (L) Boundaries of the 100-year recurrence interval floodplain and related regulatory stages, as determined by the Federal Emergency Management Agency. Where such data are not available, the floodplain boundaries and related stages shall be determined by a registered professional engineer retained by the developer, and the engineer's report providing the required data shall be submitted for review and approval by the Village Engineer, WisDNR, and FEMA.

- (M) All lake or stream shore meander lines established by the surveyor, the distances and bearings thereof, and the distance between the point of intersection of such meander lines with lot lines and the ordinary high water mark.
- (N) Notations or Any Restrictions required by the Village Plan Commission or other approving or objecting agency relative to access control along any public ways within or adjacent to the proposed certified survey map; the provision and use of planting strips; or provisions for the protection of any existing wetlands or other environmentally significant lands within the exterior boundaries of the proposed certified survey map.
- (O) Easements for any Public sanitary sewers, water supply mains, stormwater management facilities, drainage ways, or access ways.
- (P) The map shall state "Municipal Plat" in prominent letters as required by Section 236.45 (2), Wisconsin Statutes.

(Q) **ADDITIONAL INFORMATION**

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

1. Topographic Features, including existing and/or proposed contours, with two (2) foot intervals for slopes less than twelve (12) percent and at no more than five (5) foot intervals for slopes twelve (12) percent and greater. Elevations shall be marked on such contours, referenced to NGVD of 1929. The requirements to provide topographic data may be waived if the parcel or parcels proposed to be created are fully developed.
Soil Types as shown on the soil survey maps prepared by the U.S. Soil Conservation Service (now known as the Natural Resources Conservation Service).
3. The Village Plan Commission, upon recommendation of the Village Engineer, may, in order to determine the suitability of the site concerned for the construction of buildings and supporting roadways, require that soil boring and tests be made to ascertain subsurface soil conditions and depths to bedrock and to the groundwater table. The number of such borings and tests shall be adequate to portray for the intended purpose the character of the soil and the depths to bedrock and groundwater from the undisturbed surface.
4. Where the site is not to be served by public sanitary sewer the approximate location of existing and proposed onsite sewage treatment and disposal facilities shall be shown, in addition soil borings and tests shall be made to determine the suitability of the site for the use of onsite sewage treatment and disposal systems. Such borings and tests shall meet the requirements of Chapters SPS 383 and 385 of the Wisconsin Administrative Code. The location of the borings shall be shown on the map, and the findings, with respect to suitability for the use of onsite sewage treatment and disposal systems, set forth in a separate report submitted with the proposed certified survey map.
5. The Location of Woodlands, as mapped by the Southeastern Wisconsin Regional Planning Commission, within the proposed certified survey map.
6. Historic, Cultural, and Archaeological Features, with a brief description of the historic character of buildings, structures, ruins and burial sites.
7. Location and Water Elevations at the date of the survey of all lakes, ponds, rivers, streams, creeks and drainage ditches within the proposed certified survey map and within 200 feet of the exterior boundaries of the map. Approximate high and low water elevations and the ordinary high water mark referenced to NGVD 1929 shall also be shown. The status of navigability of the lakes, ponds, rivers, streams, creeks and drainage ditches shall be indicated based upon a determination of the Wisconsin Department of Natural Resources.

8. The Village Plan Commission may require that the entire area contiguous to the land encompassed within the proposed certified survey map and owned or controlled by the developer be included in the certified survey map even though only a portion of said area is proposed for immediate development. The Village Plan Commission may also require the submission of a plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the developer and identifying proposed future development of the parcel, including general street and parcel locations.

18.0603 (Reserved for Future Use)

18.0604 STATE PLANE COORDINATE SYSTEM

Where the map is located within a one-quarter section, the corners of which have been located, monumented, and placed on the State Plane Coordinate System through high order horizontal control surveys conducted to standards established by the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to two adjacent section or quarter section corners defining a quarter section line so located, monumented, and placed on the State Plane Coordinate System. The grid bearing and distance of each tie shall be determined by field measurements. The Wisconsin State Plane Coordinates, together with a description of the monuments marking the section or quarter section corners to which the map is tied shall be shown on the plat. All distances and bearings shall be referenced to the Wisconsin State Plane Coordinate System, South Zone, based upon the North American Datum of 1927, and shall be adjusted to the control survey network established to the standards promulgated by the Southeastern Wisconsin Regional Planning Commission for the area concerned. Where the field measurements differ from the control survey data by more than one (1) part in 10,000 in the alternative to adjusting the field measured distances and bearings of the ties to the control survey network, the surveyor shall show both the measured field distances and bearings and the recorded and published control survey distances and bearings concerned. Under this alternative, the discrepancies shall be brought to the attention of the custodian of the control survey data for the area concerned by the surveyor. All distances shall be recorded to the nearest 0.01-foot and all bearings to the nearest one (1) second of arc. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the certified survey map.

18.0605 CERTIFICATES

The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this Ordinance. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.

18.0606 RECORDING

After the certified survey map has been duly approved by the Village Board, and satisfaction of all conditions, the Village Clerk shall cause the certificate to be inscribed upon the map attesting to such approval and the map recorded with the Register of Deeds, as provided in Wisconsin Statutes, Section 236.45 (2).

SECTION 18.0700 DESIGN STANDARDS

18.0701 STREET ARRANGEMENT

In any new development the street layout shall conform to the arrangement, width and location indicated on the official map, county jurisdictional highway system plan, comprehensive plan or plan component, or precise neighborhood unit development plan of the Village of Sussex, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. The development shall be designed so as to provide each lot with satisfactory access to a public street. In addition:

- (A) Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (B) Collector Streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
- (C) Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.
- (D) Proposed Streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the development or for the advantageous development of the adjacent tracts.
- (E) Arterial Street and Highway Protection. Whenever the proposed development contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a non-access landscape easement along the rear property line, or by the use of frontage streets.
- (F) Stream or Lake Shores shall have a minimum of sixty (60) feet of public access platted to the low watermark at intervals of not more than one-half mile as required by Section 236.16[3] of the Wisconsin Statutes.
- (G) Reserve Strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips are placed within the Village, under conditions approved by the Village Plan Commission.
- (H) Street Names shall not duplicate or be similar to existing street names elsewhere in the Village, and existing street names shall be projected wherever possible. Street names and numbers shall comply with Section 8.09 of the Municipal Code of the Village of Sussex, Waukesha County, Wisconsin.

18.0702 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT

Whenever the proposed development contains or is adjacent to a limited access highway or

railroad right-of-way, the design shall provide the following treatment:

- (A) When Lots Within the Proposed Development back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least fifty (50) feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction or similar language as approved by the Village Engineer lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon is prohibited."
- (B) Commercial and Industrial Properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- (C) Streets Parallel to a Limited Access Highway or Railroad Right-of-Way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- (D) Land Access Streets immediately adjacent to arterial streets and railroad right-of-ways shall be avoided in residential areas.

18.0703

STREET, BICYCLE AND PEDESTRIAN WAY DESIGN STANDARDS

The minimum right of way and roadway width of all proposed streets and alleys shall be as specified by the comprehensive plan, comprehensive plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths are outlined in the Village of Sussex Development requirements. Street sections are for standard arterial streets only. Cross sections for freeways, expressways and parkways should be based upon detailed engineering studies. If the Village Plan Commission determines that a permanent rural cross-section may be used, the minimum right-of-way and roadway widths are outlined in the Village of Sussex Development requirements. In addition:

- (A) Cul-de-Sac Streets designed to have one end permanently closed shall not exceed 750 feet in length. Cul de sac streets without a center planting island shall terminate in a teardrop turnaround having a minimum right-of-way of sixty (60) feet and a minimum outside curb radius of forty-eight (48) feet. Cul de sac streets designed with a center-planting island shall have a minimum right of way radius of ninety (90) feet and a minimum outside pavement radius of seventy-five (75) feet. The circumferential pavement around the center-planting island shall be a minimum of thirty (30) feet in width.
- (B) Temporary Termination of streets intended to be extended at a later date shall be accomplished with a temporary cul de sac in accordance with the standards set forth above, or upon approval of the Village Engineer may be by construction of a temporary 'T' intersection thirty-three (33) feet in width and thirty-three (33) feet in length abutting the right of way lines of the access street on each side.
- (C) Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:
 - 1. Arterial and collectors shall be designed so the 100-year recurrence interval flood will not overtop them.
 - 2. Local streets shall be designed so they will not be overtopped by the 50-year recurrence interval flood and at least one safe access shall be designed such that it will not be over topped by the 100 year recurrence interval flood..
- (D) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage

for the 100-year recurrence interval flood, as established in the adopted comprehensive watershed plan or flood insurance study prepared by the Federal Emergency Management Agency. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

- (E) Bicycle and Pedestrian Ways with a right-of way width of not less than twenty (20) feet may be required, where deemed necessary by the Village Plan Commission, to provide adequate bicycle and pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designed and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.
- (F) Street Grades. Unless necessitated by exceptional topography subject to the approval of the Village Plan Commission the maximum centerline grade of any street or public way shall not exceed the following:
1. Arterial streets: six (6) percent
 2. Collector streets: minor streets, alleys and frontage streets: eight (8) percent.
 3. Pedestrian ways: eight (8) percent unless steps or stairs of acceptable design are provided.
 4. The grade of any street shall in no case exceed eight (8) percent or be less than three-quarters (0.75) of one percent.

Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical parabolic curves of a minimum length equivalent in feet to thirty (30) times the algebraic difference in the rates of grade for streets, provided that no curve less than sixty (60) feet in length need be used.

- (G) Crowns. Unless otherwise approved, roadway pavements shall be designed with a two (2) percent centerline crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Village Engineer.
- (H) Radii of Curvature. When a continuous street centerline deflects at any one point by more than ten (10) degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than the following:
1. Arterial streets and highways: 500 feet.
 2. Collector streets: 300 feet.
 3. Minor streets: 100 feet.

A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets. On minor streets, the tangent shall be at least 100 feet or the curves can be designed with no tangent if design speed is at least 10 mph over posted speed.

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

18.0704

STREET INTERSECTIONS

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

- (A) The Number of Streets Converging at one (1) intersection shall be reduced to a minimum, preferable not more than two (2).
- (B) The Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.
- (C) Continuation of Land Access and Collector Streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the centerlines of

such streets approach the arterial streets from opposite sides within 250 feet of each other, measured along the centerline of the arterial or collector streets, then the location of the collector and/or land access streets shall be so adjusted so that a single intersection is formed.

- (D) Property Lines at Street Intersections shall be rounded with a minimum radius of fifteen (15) feet or of a greater radius when required by the Village Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- (E) Vision Clearance Easements shall be provided at street intersections as required by the Village Zoning Ordinance and by any approving or objecting authority concerned.
- (F) RoundABOUTs are a traffic calming or traffic control device and is an appropriate alternative to many intersections. The design standards can be found in the Development Requirements.

18.0705

BLOCKS

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

- (A) The Length of Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (B) Pedestrian Ways of not less than fifteen (15) feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches or transportation facilities.
- (C) The Width of Blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
- (D) Utility Easements for electric power and telephone service shall, where practical, be placed on midblock easements along rear lot lines.

18.0706

LOTS

The size, shape, and orientation of lots shall be appropriate for the location of the development and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the building contemplated. In addition:

- (A) Side Lot Lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face, unless a non-conventional lot layout is approved by the Village Plan Commission. The Village Plan Commission shall not approve a non-conventional lot layout unless it makes all of the following findings:
 1. The non-conventional lot layout cannot reasonably be avoided due to topographical, environmental or other natural existing features of the property; and
 2. A non-conventional lot layout does not result in any additional lots being created than would have been created if the lot lines were at right angles to straight street lines or radial to curved street lines on which the lots face; and
 3. The non-conventional lot layout is reasonable upon consideration of the entire development, the size of lots that are created and in the context of the areas surrounding the land that is developed.

Lot lines shall follow municipal boundary lines rather than cross them.

- (B) Double Frontage and Reverse Frontage Lots shall be prohibited except where necessary to provide separation of residential development from arterial streets or

- to overcome specific disadvantages of topography and orientation.
- (C) Access. Every lot shall have a width of at least forty (40) feet measured at the curb on a public street.
 - (D) Area and Dimensions of all lots shall conform to the requirements of the Village of Sussex Zoning Ordinance. Lots shall contain sufficient area to permit compliance with all required setbacks, including those set forth in the Village of Sussex Zoning Ordinance and those that may be required to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code. Buildable lots that will not be served by a public sanitary sewerage system shall be of sufficient size to permit sanitary sewerage system and shall be of sufficient size to permit the use of a private onsite wastewater treatment system designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code.
 - (E) Depth of Lots shall be a minimum of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of two-to-one (2:1) shall be considered a desirable ratio, unless a deeper lot is needed to protect natural resources. Depth of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the Village of Sussex Zoning Ordinance.
 - (F) Width of Lots shall conform to the requirements of the Village of Sussex Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than sixty (60) feet in width at the building setback line except in the B-4 district.
 - (G) Corner Lots shall have an extra width of ten (10) feet to permit adequate building setbacks from side streets.
 - (H) The Shape of lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout. Flag lots shall be prohibited, except where necessary to accommodate exceptional topography or to preserve natural resources.
 - (I) Lands Lying Between the Meander Line and the water's edge and any otherwise unplattable lands which lie between a proposed development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
 - (J) Restrictions Prohibiting Development. Whenever a lot appearing on a final plat, condominium plat, or certified survey map is not intended to be buildable, or is intended to be buildable only upon certain conditions, an express restriction to that effect, running with the land and enforceable by the Village, shall appear on the face of the plat or map.

18.0707

BUILDING AND SETBACK LINES

Building setback lines shall be restricted further than indicated in the applicable zoning district by application of other applicable laws. The most restrictive applicable setback lines shall be shown on the final plat, condominium plat, replat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, requiring greater setbacks to accommodate a coving design, requiring greater setbacks to avoid placing buildings within easements or vision clearance triangles, increased setbacks to protect natural resources, or increased setbacks along arterial streets and highways to meet the requirements of Chapter Trans 233 of the Wisconsin Administrative Code.

18.0708

EASEMENTS

The Village Plan Commission may require easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for stormwater management facility access, electric power,

communication, and cable television lines, wires, conduits, storm and sanitary sewers, and gas, water and other utility lines. All easements for Village-owned utilities shall be dedicated to the Village unless otherwise provided for by the Village Board. Where a development is traversed by a watercourse, drainage way channel or stream, an adequate drainage way or easement shall be provided as may be required by the Village Plan Commission. The location, width, alignment and improvement of such drainage way or easement shall be subject to the approval of the Village Plan Commission; and parallel streets or parkways may be required in connection therewith. Where necessary storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

18.0709

OPEN SPACE, AND OTHER PUBLIC SITES

(A) In the design of a development, or as part of any development due consideration shall be given to the dedication or reservation of suitable sites of adequate size for future schools, parks, playgrounds, public access to navigable waters, and the public purposes. Accordingly, each developer of land in the Village shall dedicate park and open space lands designated on the Village Official Map or comprehensive plan or component thereof, or, where no park or open space lands are directly involved, pay an impact fee. Proposed school sites shall be reserved by the developer for future acquisition by the school board.

1. Dedication of public parks and open space sites. Whenever a proposed public playground, parks, parkway, trail corridor, public open space site, or other public lands designated on the Village's Official Map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed development, the public lands shall be made a part of the development and shall be dedicated to the public by the developer. Should the value of the land to be dedicated be less than the value of the impact fee the developer shall be required to pay the Village the difference between the value of the land dedicated and the impact fee. Should the value of the land to be dedicated exceed the impact fee, any lands in excess of the value of the impact fee shall be reserved for a period not to exceed three years, unless extended by mutual agreement, for purchase by the Village at the price agreed upon and set forth in the development agreement. If the reserved lands are not acquired within the three-year period, the land will be released from reservation to the owner. Land values shall be determined in accordance with Subsection 18.0709(B).
2. Reservation of school sites. Whenever a proposed public school site designated on the Village Official Map or comprehensive plan or component thereof is encompassed, in whole or in part, within a proposed development, the proposed school site shall be made a part of the plat and reserved at the time of final plat or certified survey map approval for a period not to exceed three years, unless extended by mutual agreement, for acquisition by the school board at a price agreed upon and set forth in the development agreement.
3. Impact Fee option. If a proposed development does not encompass a proposed public playground, park, parkway, trail corridor, open space site, or other public lands designated on the Village's Official Map or comprehensive plan or component thereof, the developer shall pay an impact fee to be used for the acquisition of public sites to serve the future inhabitants of the proposed development at the time of application for any plat or certified survey map approval at the rate and in accordance with the procedures set forth in Section 18.10065.

(B) The Value of Land to be dedicated for public purposes shall be agreed upon by the Village and the developer on the basis of full and fair market value of the land to be dedicated. If the value cannot be agreed upon by the Village and the developer, an

appraisal board consisting one appraiser selected by the Village and retained at the Village's expense, one appraiser selected by the developer and retained at the developer's expense, and a third appraiser selected by the other two appraisers and retained at a cost shared equally by the Village and the developer, shall determine the value of the land.

- (C) Navigable Streams or Lakeshores shall, at a minimum, have a public access-way at least sixty (60) feet in width platted to the low water mark at intervals of not more than one-half mile and connecting to existing public streets, unless wider access or greater shoreline intervals are agreed upon by the Wisconsin Department of Administration, the Wisconsin Department of Natural Resources, and the Village, as required by Section 236.16(3) of the Wisconsin Statutes.
- (D) Proportionate Payment in Lieu of Dedication. Where such dedication is not feasible or compatible with the comprehensive plan, the developer shall in lieu thereof pay to the Village a fee equivalent to the value of the required dedication. Such fee shall be established pursuant to a resolution adopted by the Village Board for this purpose. Any fees collected shall be used exclusively for immediate or future site acquisition or capital improvements.
- (E) Determination of Application of this Section. The determination as to whether the developer must dedicate land, or pay a fee in lieu thereof, shall be made by the Village Board after receipt of a recommendation from the Plan Commission.

18.0710

PROTECTION OF NATURAL RESOURCES

Where natural drainage channel, floodplains, wetlands, primary environmental corridors, secondary environmental corridors, isolated natural areas or other environmentally sensitive areas are encompassed in whole or in part within a proposed land development or condominium, the Village Plan Commission may require that such areas be dedicated or that restriction be placed on any development to protect such resources in a form that is subject to the approval of the Village Attorney. The Village Plan Commission may further require that such areas be included in outlots designated on the plat or certified survey map and restricted from development.

SECTION 18.0800 REQUIRED IMPROVEMENTS

- 18.0801 **GENERAL REQUIREMENTS**
All required improvements shall be constructed in accordance with Village development requirements, and plans and specifications approved by the Village Engineer.
- 18.0802 **SURVEY MONUMENTS**
The developer shall install survey monuments placed in accordance with the requirements of Chapter 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer.
- 18.0803 **GRADING**
After the installation of temporary block corner monuments by the developer and establishment of street grades by the Village Engineer, the developer shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with the above general requirements. The developer shall grade the road beds in the street right-of-ways to subgrade.
- A. Cut and Filled Lands shall be graded to a maximum slope of one-on-four or the soils angle of repose, whichever is the less, and covered with permanent vegetation.
- B. Streets and Lots shall be brought to finished grades as specified in a site grading plan approved by the Village Engineer.
- 18.0804 **SURFACING**
Following the installation, inspection, and approval by the Village Engineer of utility and stormwater drainage improvements, the developer shall surface all roadways in streets proposed to be dedicated to the public to widths prescribed by this Ordinance, the Village Official Map, or comprehensive plan or component thereof. Said surfacing shall be done in accordance with the above general requirements. The cost of surfacing in excess of forty-eight (48) feet in width that is not required to serve the needs of the land development or condominium shall be borne by the Village or other unit or agency of government having jurisdiction over the street.
- 18.0805 **CURB AND GUTTER**
- A. Following the Installation and the Village's inspection and approval of all utility and stormwater drainage improvements, the developer shall construct concrete curbs and gutters in accordance with the above general requirements. This requirement may be waived where a permanent rural street section has been approved by the Village Plan Commission.
- B. Curb Ramps shall be installed in accordance with the Americans with Disabilities Act and Section 66.0909 of the Wisconsin Statutes, and as approved by the Village Engineer.
- 18.0806 **RURAL STREET SECTIONS**
When permanent rural street sections have been approved by the Village Board, the developer shall finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with the above general requirements and as set forth in Section 18.0815 of this Ordinance.
- 18.0807 **SIDEWALKS**
Concrete sidewalks are required as follows:

Arterial streets – both sides
Collector and Local Streets– 1 side

Cul-de-sacs – None

Plan Commission can waive or require additional sidewalks with a ¾ vote of members seated if the Plan Commission finds that:

- (A) Pedestrian amenities such as parks, commerce centers, or other public spaces require additional pedestrian access for public safety, and connectivity, or
- (B) Site topography and or environmental protected areas are present that that the installation of a sidewalk would cause undue harm to the environment and that alternative pedestrian access and safety has been provided at the location, or
- (C) The site plan provides an alternative pedestrian transportation plan that accomplishes the same goal of a sidewalk and provides safe legal access from each residence and for the public to the larger sidewalk/trail network of the Village through the development.

The construction of all sidewalks shall be in accordance with general requirements in Section 18.0801.

18.0808

PUBLIC SANITARY SEWERAGE AND PRIVATE SEWAGE DISPOSAL SYSTEMS

When public sanitary sewerage facilities are available to the development, the developer shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the development. In addition:

- (A) The Developer Shall Construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land development. Where public sanitary sewer facilities are not available, private sewage disposal systems as specified by the Village, County, and State agencies concerned.
- (B) The Developer Shall Install sewer laterals to the street lot line. If, at the time of final platting, sanitary sewer facilities are not available to the plat, but will become available within a period of five (5) years from the date of plat recording, the developer shall install or cause to be installed sanitary sewers and sewer laterals to the street lot line in accordance with this section and shall cap all laterals as may be specified by the Village Engineer. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with the above general requirements, the Master Sanitary Sewer Plan of the Village and design criteria, standards, and specifications adopted by the Village Public Works Committee.
- (C) The Developer Shall Assume the cost of installing all sanitary sewers, laterals, and appurtenances required to serve the development proposed. If sewers greater than eight inches in diameter are required to accommodate sewage flows originating from outside of the proposed development, the cost of such larger sewers shall be prorated either in proportion to the contributing sewage flows, as may be agreed upon between the developer and the Village, and the excess cost either borne by the Village assessed against the total tributary drainage areas.
- (D) Reserve Capacity for Sewage Treatment and Collection. A reserve capacity Assessment for sewer service provision shall be collected as required by Chapter 13 of the Municipal Code of the Village of Sussex, Wisconsin..

18.0809

STORM WATER MANAGEMENT FACILITIES

- (A) Unpaved Road Ditches and street gutters shall be permitted only by approval of the Plan Commission and shall be shaped and seeded and/or sodded as grassed waterways.
- (B) The Developer shall construct stormwater drainage facilities, which may include curbs and gutters, catch basins and inlets, storm sewers, culverts, road ditches, open channels, and storage facilities as may be required. All such facilities are to be adequate size and grade to hydraulically accommodate potential volumes of flow.

The type of facilities required and the design criteria of drainage facilities proposed to be constructed shall be in accordance with the above general requirements, the Master Storm-Water Drainage Plan of the Village and design criteria, standards and specifications identified by the Village Public Works Committee. Storm drainage facilities shall be so designed as to prevent and control soil erosion and sedimentation and present no hazard to life or property. The size, type, and installation of all stormwater management facilities proposed to be constructed shall be in accordance with the above general requirements

- (C) The flood of record shall be used to size natural detention areas to be preserved identified by master stormwater management plans.
- (D) The Developer shall assume the costs entailed in constructing stormwater conveyances and storage facilities necessary to serve the proposed development and to carry the existing stormwater flows through the proposed development. If larger conveyance and storage facilities are required to accommodate flows originating from the outside of the proposed development, or to avoid flooding attendant to increased flows downstream of the proposed development caused not by the development or by preexisting development upstream, the cost of such facilities may be prorated in proportion to the contributing rates of flows, and the excess cost shall be borne by the Village or assessed against the tributary drainage areas concerned.
- (E) Reserve Capacity for Stormwater Fee. A reserve capacity fee for stormwater treatment and collection shall be collected if required by Chapter 14 of the Municipal Code of the Village of Sussex, Wisconsin.

18.0810

WATER SUPPLY FACILITIES

When public water supply and distribution facilities are available to the development or when it is proposed to establish a private water supply and distribution system to serve two (2) or more lots, the developer shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the development. The developer shall make provision for adequate private water systems as required by the Village in accordance with the standards of the Wisconsin Department of Industry, Labor, and Human Relations. In addition:

- (A) The Developer shall install water laterals to the street lot line.
- (B) The Size, Type, and Installation of all public water mains proposed to be constructed shall be in accordance with the above general requirements, the Master Water System Plan of the Village and the design criteria, standards and specifications identified by the Village Public Works Committee.
- (C) The Developer Shall Assume the cost of installing all water mains, water laterals, and water system appurtenances within the proposed development except for the added cost of installing water mains greater than eight (8) inches in diameter in areas zoned single-family or two-family residential and greater than eight (8) inches in diameter in areas zoned multiple family residential business or industrial.
- (D) Reserve Capacity for Water Distribution. A reserve capacity Assessment for water service provision shall be collected as required by Chapter 22 of the Municipal Code of the Village of Sussex, Wisconsin

18.0811

OTHER UTILITIES

- (A) The Developer shall cause and pay for as necessary for gas, electrical power, and telephone and other communication facilities to be installed in such a manner as to make adequate service available to each lot in the development or condominium..
- (B) Plans indicating the proposed location of all gas, electrical power, telephone, and other communications distribution and transmission lines required to serve the development shall be approved by the Village Engineer.
- (C) Utilities, new and existing overhead, shall be installed underground to serve all lands unless otherwise approved by the Plan Commission by a ¾ vote.

- 18.0812 **STREET LAMPS AND DECORATIVE LIGHTING**
The Village Board shall require the developer to pay for the installation of street lamps along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed. Such lamps shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board. The developer shall also pay for decorative lighting in the development which shall be installed in such locations as the Village Plan Commission requires unless a waiver is granted as set forth in this Ordinance. The specifications for the decorative lighting, including height, shielding and intensity as well as aesthetic appearance shall be subject to the Village Plan Commission.
- 18.0813 **STREET SIGNS**
The developer shall pay the cost of the acquisition and installation of street signs of a design as approved by the Village Engineer at the intersections of all streets proposed to be dedicated and other necessary locations.
- 18.0814 **STREET TREES**
In all urban developments, the developer shall plant at least one (1) tree of an approved species each forty (40) feet of frontage on all streets proposed to be dedicated. The tree shall be at least eight (8) feet in height and two and one-half (2-1/2) inches in diameter at breast height (dbh). Tree planting shall be completed in accordance with plans and specifications approved by and at such time as directed by the Village Board. The placement and selection of street trees, however, should not hamper or interfere with solar access to natural light and air for nearby lots. Such tree planting may be deferred until after construction of the building on each parcel or lot.
- The requirement for street trees may be waived or modified by the Village Plan Commission if substantial alternative landscaping, including trees, is to be provided within the land development in accordance with a landscaping plan approved by the Village Plan Commission.
- 18.0815 **SEDIMENT CONTROL**
The developer shall plant those grasses, trees, and vines of a species and size specified by the Village Board, necessary to prevent soil erosion and sedimentation. In addition:
- (A) The Village Board may require the developer to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles, and grade stabilization structures.
 - (B) Tree Cutting and Shrubbery clearing shall not exceed thirty (30) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliage, substantially screen any development from stream or lake users unless approved as part of a Tree Preservation and Mitigation Plan
 - (C) Paths and Trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Village Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs, and the minimum impairment of natural beauty.
 - (D) Earth Moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel, clearing, ditching, drain tile laying, dredging, and lagooning, shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen, and topography. (See Section 18.0904 and 18.0905 of this Ordinance). No topsoil shall be removed from the site without permission of the Village Plan Commission.
 - (E) Review of the Conduct of Such Cutting, Clearing, and Moving may be requested of the County Soil and Water Conservation District Supervisors, the State District Fish

and Game Managers, and the State District Forester by the Village Engineer or Village Plan Commission as they deem appropriate.

18.0816

LANDSCAPING

- (A) The Developer shall install landscaping in accordance with a landscaping plan approved by the Village Plan Commission. If plantings are not installed prior to approval of a final plat or condominium plat, a landscaping schedule shall be specified in the development agreement and appropriated sureties shall be provided.
- (B) Maintenance of all landscaping included in an approved landscaping plan shall be the responsibility of the property owner, or, for landscaping installed in common areas, the homeowners or condominium owners association. Provisions for the maintenance of such landscaping shall be included in the homeowners association documents required under section 18.0206.

SECTION 18.0900 CONSTRUCTION

18.0901 COMMENCEMENT

No construction or installation of improvements shall commence in a proposed development until the preliminary plat, certified survey map or site plan has been approved and all pertinent conditions of approval have been satisfied, a developer's agreement has been entered into between the developer and the Village of Sussex to the satisfaction of the Village Attorney, financial guarantee has been provided pursuant to the requirements of this Ordinance and the developer's agreement, a tree preservation and mitigation plan and sidewalk plan have been presented and approved as required by this Ordinance and the Village Engineer has given written authorization to commence construction. Inspection fees shall be required as specified in Section 18.1000 of this Ordinance.

18.0902 PHASING

(A) Public Improvement Phasing. The Village Board may permit the construction and installation of public improvements in phases corresponding to the development phases of a final plat.

(B) Development Phasing. Developers creating more than 50 lots shall phase their developments so that no phase may contain more than thirty (30) lots and no more than one phase may be established per calendar year. For Multi-Family and Condominium Development the phasing limits shall be no more than thirty (30) buildings nor more than 100 units per calendar year.

18.0903 BUILDING PERMITS

No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Ordinance have been met unless otherwise provided for in the developer's agreement.

18.0904 PLANS

Each of the following plans and accompanying construction specifications shall, except for the landscaping plan be, approved by the Village Engineer and any other agency having relevant approving authority before commencement of the installation of the relevant improvement. The landscaping plan shall be subject to the approval of the Village Plan Commission.

- (A) Street Plans and Profiles showing existing and proposed grades, elevations, cross sections, materials and other details of required improvements.
- (B) Sanitary Sewer Plans and profile showing the locations, grades, sizes, elevations, materials and other details of required facilities.
- (C) Plans for Stormwater Management Facilities showing the locations, grades, sizes, elevations, materials, and other details of required facilities, together with the path of drainage to the receiving storm sewer, drainage channel, or watercourse.
- (D) Water Supply and Distribution Plans and profiles showing the location, sizes, elevations, materials, and other details of required facilities.
- (E) Grading plans showing existing and proposed topographic contours, mass and finished grading plans, proposed top of building foundation, finished yard grade elevations and such supplement information as required by the Village Engineer.
- (F) Erosion and Sedimentation Control Plans showing those structures necessary to retard the rate of runoff water and those measures and practices that will minimize erosion and sedimentation, in accordance with Section 18.0815 and the Village Erosion and Sedimentation Control Ordinance.
- (G) Landscaping Plans showing and describing in detail the location, size and species of any proposed new trees, shrubs, and other vegetation; existing trees, shrubs, and other vegetation proposed to be retained; non-living durable material such as rocks, and, gravel, or mulch; and structures, such as walls, fences, and entrance signs.
- (H) Tree preservation and mitigation plan showing details as required in Chapter 27 Environmental Protection and Enhancement Ordinance.

- (I) Sidewalk Plan shall illustrate where the concrete sidewalks will be located on both sides of all streets as required in a development unless a waiver is granted as set forth in this Ordinance.
- (J) Additional Special Plans or information required by the Village Staff, Village Plan Commission, or Village Board.

18.0905

EROSION CONTROL

The developer shall cause all grading, excavations, open cuts, side slopes, and other land surface disturbances to be so mulched, seeded, sodded, or otherwise protected that erosion, siltation, sedimentation, and washing are prevented, in accordance with the Village Erosion Control Ordinance and the general requirements listed in Section 18.0601. In addition:

- (A) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- (B) Temporary Vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- (C) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- (D) Sediment Basins shall be installed and maintained at all drainage ways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

18.0906

PRESERVATION OF EXISTING VEGETATION

The developer shall make every effort to protect and retain all existing desirable trees, shrubs, grasses and groundcover not actually lying in public roadways, drainage ways, building foundation sites, private driveways, parking lots, soil absorption waste disposal areas, and bicycle and pedestrian ways. Trees shall be protected and preserved during construction in accordance with the approved landscaping plan and with sound conservation practices, including the preservation of trees by well islands or retaining walls, whenever abutting grades are altered.

18.0907

INSPECTION

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

18.0908

INSTALLATION OF IMPROVEMENTS

All improvements in developments shall be installed by the developer according to the following procedures:

- (A) The Developer shall cause all construction plans, specifications and cost estimates to be prepared. The plans shall be prepared by a professional engineer registered in Wisconsin.
- (B) The Village Engineer shall review or have reviewed the construction plans, specifications and cost estimates for conformance with the requirements of the Village, and shall approve, reject, or conditionally approve in writing the proposed construction plans, specifications and cost estimates for conformance with the requirements of the Village.
- (C) The Developer shall supply the Village with cash, or an irrevocable letter of credit approved by the Village Attorney, and Village Board in the amount of estimated cost of improvements and other fees as approved by the Village Engineer. In addition, the Village Engineer may from time to time raise the amount of the estimated costs of said improvements; that within thirty (30) days of written notice of said change, the developer shall increase this financial security by that amount or any other amount acceptable to the Village Board. Reduction of the financial security for any purpose shall be made only after written approval of the Village Engineer and the Village Clerk. As the required improvements are installed and accepted, the Village

Clerk may authorize reduction of the financial security in the amount deemed appropriate. No surety bonds will be accepted as financial security.

- (D) The Developer shall supply the Village with a list of contractors from whom the developer proposes to solicit proposals for the installation of the improvements. The list shall include prequalification statements from each proposed contractor. The Village Board shall have the right to review said information and discuss it with the developer.
- (E) The Developer shall enter into a contract with those contractors it may wish after submitting the information required in paragraph (D) above in a form satisfactory to the Village Engineer and after discussion of said information with the Village Board.

18.0909

AS-BUILT PLANS

After Completion of All Public Improvements and prior to final acceptance of said improvements, the developer shall make or cause to be made a map showing the actual location of all valves, manholes, stubs, catch basins, sanitary sewer mains, storm sewer mains, water mains, and such other facilities as the Village Engineer shall require including both mylar form and digital form compatible with the Geographical Information System (G.I.S). This map shall be prepared in black ink on reproducible drafting film and shall bear the signature and seal of a professional engineer registered in Wisconsin. In addition to the above described map, the developer shall provide the Village with "valve cards" showing the locations of water main valves and hydrants and as-built working drawings of sewage lift stations, water pump house facilities and such other facilities as the Village Engineer may require. Manufacturer's guarantees on equipment shall be furnished where in force. The presentation of the map, other as-built drawings, operating and maintenance manuals, updating of all G.I.S. maps and manufacturers guarantees shall be a condition of final acceptance of the improvements and release of the final payment.

SECTION 18.1000 FEES

- 18.1001 **GENERAL**
The developer shall pay the Village all fees as hereinafter required and at the times specified before being entitled to recording of a plat, replat, or certified survey map.
- 18.1002 **PRELIMINARY PLAT REVIEW OR CSM REVIEW FEE**
The developer shall pay a fee for each lot or parcel within the preliminary plat, replat, or certified survey map to the Village Clerk at the time of first application for approval of any preliminary plats or certified survey maps to assist in defraying the costs of review. A reapplication fee shall be paid to the Village Clerk at the time of reapplication for approval of any preliminary plat, which has previously been reviewed. The fees shall be established by a resolution adopted by the Village Board for this purpose.
- 18.1003 **IMPROVEMENT REVIEW FEE**
The developer shall pay a fee equal to one (1) percent of the cost of the required public improvements as estimated by the Village Engineer at the time of the submission of improvement plans and specifications to partially cover the cost to the Village of checking and reviewing such plans and specifications. Fee may be recomputed, upon demand of the developer or Village Engineer, after completion of improvement construction in accordance with the actual cost of such improvements and the difference, if any, shall be paid by or remitted to the developer. Evidence of cost shall be in such detail and form as required by the Village Engineer.
- 18.1004 **INSPECTION FEE**
The developer shall pay a fee equal to the actual cost to the Village for such inspection as the Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specification and ordinances of the Village or any other governmental authority.
- 18.1005 **FINAL PLAT REVIEW FEE**
The developer shall pay a fee for each lot or parcel within the final plat to the Village Clerk at the time of first application for final plat approval of said plat to assist in defraying the cost of review. A reapplication fee shall be paid to the Village Clerk at the time of a reapplication for approval of any final plat, which has previously been reviewed. The fees shall be established by a resolution adopted by the Village Board for this purpose.
- 18.1006 **PUBLIC SITE FEE**
If the plat or certified survey map does not contain lands to be dedicated as required in Sections 18.0203 and 18.0709, the Village Plan Commission shall require a fee for the acquisition and development of public sites to serve the future inhabitants of the proposed development. Said fee shall be paid to the Village Clerk at the time of first application for approval of a final plat of said development for each dwelling unit/lot within the plat. Public site fees shall be placed in a separate non-lapsing special fund by the Village Clerk to be used only for the acquisition and development of park sites, which will serve the proposed development. Said fund shall be established on the basis of the service area of existing or proposed park facilities. The fee shall be established by a resolution adopted by the Village Board for this purpose.
- 18.10065 **IMPACT FEES**
(A) **ENACTMENT OF IMPACT FEES.**
(1) **Park Impact Fee.** If the Village Board determines that the dedication as described in Section 18.0709 of this Chapter, is not feasible or compatible with development of the Village of Sussex, the owner shall, in lieu thereof, pay to the municipality an impact fee as described in this Section 18.10065, which shall constitute the proportionate payment described in Section 18.0709 of this Code,

to pay for the capital costs that are necessary to accommodate future land development with regard to parks, playgrounds and land for athletic fields, and such Section 18.0709 of this Code shall not apply.

- (2) Library Impact Fee. An impact fee to pay for the proportionate share of capital costs that are necessary to accommodate future land development with regards to library facilities is imposed on all development in the Village of Sussex.

(B) FEE AMOUNTS.

(1) Park Impact Fee.

1. The amount of the impact fee established in 2008 was \$1,479.28 per residential dwelling unit.
2. In order to account for the difference between the above listed fees and the full costs eligible to be charged by the Community to address park and open space projects as outlined in the Public Facilities Needs Assessment and Impact Fee Study, the annual increase of the impact fee shall be 8% per year until the base impact fee reaches \$2,383.61.
3. Once the fee reaches \$2,383.61 in order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future Developers, the base impact fees described herein shall automatically increase by three (3) percent on an annual basis on January 1 of each year.
4. The Fee Amount may be changed at any time by the Village Board in accordance with the law.

(2) Library Impact Fee.

1. The amount of the impact fee established in 2015 shall be \$800.00 per residential dwelling unit.
2. In order to account for the difference between the above listed fees and the full costs eligible to be charged by the Community to address library facilities needs as outlined in the Public Facilities Needs Assessment and Impact Fee Study, the annual increase of the impact fee shall be 4% per year until the base impact fee reaches \$1,966.00.
3. Once the fee reaches \$1,966.00 in order to ensure that the fees are equitably distributed between current and future Developers, the base impact fees described herein shall automatically increase by three (3) percent on an annual basis on January 1 of each year.
4. The Fee Amount may be changed at any time by the Village Board in accordance with the law.

(C) ACCOUNTING.

Revenues from impact fees shall be placed in a segregated, interest-bearing account and shall be accounted for separately from the other funds of the Village of Sussex. Impact fee revenues and interest earned on impact fee revenues may be expended only for capital costs for which the impact fees were imposed.

(D) REFUND OF IMPACT FEES.

Impact fees that are imposed and collected by the Village of Sussex within 7 years of the effective date of this ordinance must be spent or refunded within ten years of the effective date of the ordinance, unless extended by resolution pursuant to Wisconsin Statute Section 66.0617. Refunds shall be made to the then-current owner of the property with respect to which the impact fees were imposed along with any interest that has accumulated. The Village of Sussex may collect and utilize impact fees in any manner and timeframe as otherwise allowed by law.

(E) PAYMENT.

Pursuant to Wisconsin Statute Section 66.0617, impact fees imposed under this Section shall be payable by the developer or the property owner to the Village of Sussex in full upon issuance of a building permit. If for any reason, intentional or unintentional, payment is not made when it first becomes due, the Village of Sussex, at its option, may enforce the obligation at the time of any succeeding land development event until payment is fully received. If more than one Developer participates in a land development project, or if

different Developers participate at different times, the Developers shall be deemed to have independently apportioned their payment obligation among themselves. The Village of Sussex shall be entitled to refuse to approve a land development event until payment is made, and shall have no obligation to determine which Developer is required to pay, even if payment from the current Developer would not have been required but for the fact that a prior Developer did not pay.

(F) APPEAL.

Pursuant to Wisconsin Statute Section 66.0617(10), a Developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the Village of Sussex Village Board. The procedure for the appeal shall be the same appeal procedures that apply to other fees pursuant to Section 18.1000 of the Village of Sussex Land Division and Development Ordinance, including any amendments that may be made thereto in the future.

(G) INTERPRETATION.

The Village of Sussex exercises this authority pursuant to Wisconsin Statute Section 66.0617, and this Ordinance shall be interpreted in conjunction with said Statute, including any future revisions thereto, including, but not limited to, the statutory definition of the term "Developer."

18.1007

RESERVE CAPACITY ASSESSMENT FEES

The reserve capacity assessments outlined in this Ordinance shall be paid prior to approval of the final plat or certified survey map or for developments that do not include a land division prior to building permit being issued unless otherwise provided for in the developer's agreement.

18.1008

ENGINEERING FEE

The developer shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with a plat, replat, or certified survey map. In addition:

(A) Engineering Work shall include the preparation of construction plans and standard specifications. The Village Engineer may permit the developer to furnish all, some or part of the required construction plans and specifications, in which case no engineering fees shall be levied for such plans and specifications.

(B) Inspection, Checking and Reviewing Work has fees provided for in Section 18.1003 and 18.1004.

18.1009

SPECIAL LEGAL AND FISCAL REVIEW FEE

The developer shall pay a fee equal to the cost of any legal, planning, administrative or fiscal work which may be undertaken by the Village in connection with the plat, replat, or certified survey map. Legal work shall include the drafting of contracts between the Village and the developer. In the event any special meetings are called, either of the Village Board or the Village Plan Commission, for the benefit of the plat or certified survey map, the developer may be required to pay to the Village all expenses for such a special meeting, including any extra salaries paid to Village Officials.

18.1010

STREET LAMPS AND STREET SIGNS

The developer shall pay the cost of acquiring and installing street lamps and street signs pursuant to the policy set forth in Sections 18.0812 and 18.0813 of this Ordinance.

18.1011

APPEAL OF FEES

The developer shall have the right to challenge the amount of any fees levied under Section 18.1003, 18.1004, 18.1008, and 18.1009 of this ordinance by the appeal to the Village Board. Upon receipt of such an appeal, the Village Board, upon due notice, shall hold a public hearing at which the developer and the Village Officials concerned can present their case. Based upon review of relevant records and the testimony presented at the public hearing, the Village Board shall make a determination with respect to the fairness of the amount of the fees challenged and shall make a determination to decrease, affirm, or increase the fees

concerned.

SECTION 18.1100 DEFINITIONS

18.1101 GENERAL DEFINITIONS

For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; singular number includes the plural number; and the plural number includes the singular number. The work "shall" is mandatory and not directory. Any words not defined in this Section shall be presumed to have their customary definitions as given in standard reference dictionaries.

18.1102 SPECIFIC WORDS AND PHRASES

Advisory Agency. Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or certified map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board, or Village Plan Commission. Examples of advisory agencies include the Southeastern Wisconsin Regional Planning Commission, school districts, and local utility companies.

Alley. A special public way affording only secondary access to abutting properties.

Approving Authorities. Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10 of the Wisconsin Statutes.

Arterial Street. A street used, or intended to be used primarily for fast or heavy through traffic, whose function is to convey traffic between municipalities and activity centers. Arterial streets are designed in the Regional Transportation System Plan and adopted by the Southeastern Wisconsin Regional Planning Commission.

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

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery, or materials.

Building Line. A line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance and the Village Zoning Ordinance. A building line may also be referred to as a setback line, street yard line, side yard line, or a rear yard line.

Certified Survey Map. A map, prepared in accordance with Section 236.34 of the Wisconsin Statutes and this Ordinance, for the purpose of dividing land into not more than four (4) parcels; or used to document for recording purposes survey and dedication data relating to single parcels. This term is intended to mean the same "Municipal Plat", as the term municipal plat is used in Wisconsin Statute Section 236.45.

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

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

Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Village Plan Commission and certified to the Village pursuant to Sections 61.35 and 62.23 of the Wisconsin Statutes, or a comprehensive plan adopted by the Village Board pursuant to Section 66.1001 of the Wisconsin Statutes.

Condominium. A form of ownership combining individual unit ownership with shared use and ownership of common property or facilities, established in accordance with Chapter 703 of the Wisconsin Statutes. Common areas and facilities are owned by all members of the condominium association on a proportional, undivided basis. A condominium is a legal form of ownership, and not a specific building type or style.

Condominium Association. An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.

Condominium Declaration. The instrument by which property becomes subject to Chapter 703 of the Wisconsin Statutes.

Condominium Unit. A part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors (or parts thereof) in a building. A unit may include two or more noncontiguous areas.

County Planning Agency. The agency created by the County Board and authorized by Statute to plan land use and to review development plats and certified survey maps.

Covenant. A restriction on the use of land, usually set forth in the deed.

Cul-de-Sac. A local street with only one (1) outlet and having an appropriate turnaround for the safe and convenient reversal of traffic movement.

Develop. To create a development or redevelopment.

Developer. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, replat, any person who creates a condominium under Chapter 703 of the Wisconsin Statutes or any person firm, or corporation, or any agent thereof proposing to develop land.

Developer's Agreement. An agreement entered into by and between the Village and a developer whereby the Village and developer agree as to the design, construction, and installation of required public improvements; the payment for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The developer's agreement shall not come into effect unless and until a letter of credit or other appropriate surety has been provided to the Village by the developer.

Development. A lot, or more than one lot, that is to be divided, improved with amenities such as building(s), structures, parking, abutting roadway(s), abutting sewer main(s), or abutting water main(s). Development may involve the division of land, as in the case of subdivision, assessor's plats, replats, or minor land division. Development does not necessarily involve the division of land, however, as in the case of condominiums, development of existing parcel(s) or combined parcels. Development does not include cases where one single-family residence is constructed or improved upon a single lot in a district where a single-family residence is a permitted use.

Development (Urban). Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities including, but not limited to: full- or part-time municipal police and fire protection, and community administration; additional public streets and highways; neighborhood parks and playgrounds; neighborhood schools; local libraries; public sanitary sewer facilities, public water supply facilities, and public solid waste removal;

storm sewers; mass transit facilities; continual street maintenance; curbs, gutters, and sidewalks; street lighting; and neighborhood convenience shopping. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Historically, in Southeastern Wisconsin, urban development occurs when residential development is concentrated in densities in excess of 0.2 dwelling unit per gross acre (or one dwelling unit per five acres).

Development (Rural). Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Historically, in Southeastern Wisconsin when residential development densities are less than 0.2 dwelling unit per gross acre (or one dwelling unit per five acres), such traditional urban services are not required. Such rural development may be expected to result in minimum disturbance of the land and land cover, and therefore, less impact on the natural environment.

Environmental Corridor. See "Primary Environmental Corridor," "Secondary Environmental Corridor," and "Isolated Natural Resource Area."

Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one community exercises extraterritorial power over any area.

Final Plat. A map prepared in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and this Ordinance for the purpose of creating a development.

Floodplains. See Section 14.990.

Frontage. The total dimension of a lot abutting a public street measured along the street line.

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

Hedgerow. A row of shrubs or trees planted for enclosure or separation of fields.

Homeowners Association. An association combining individual home ownership with shared use, ownership, maintenance, and responsibility for common property or facilities, including private open space, within a land development.

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

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

Isolated Natural Resource Area. An area containing significant remnant natural resources at least five (5) acres in area and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Land Access Street. A street used, or intended to be used, primarily for access to abutting properties.

Land Division. A generic term that includes both subdivisions and minor land divisions, as those terms are defined in this Section.

Landscaping. Living plant material, such as grass, groundcover, flowers, shrubs, vines, hedges and trees; nonliving durable material such as rocks, pebbles, sand, mulch, wood chips or bark; and structures such as walls and fences.

Letter of Credit. A irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village, which secures a developer's obligation to pay the cost of designing, constructing and installing required public improvements and certain other obligations in connection with an approved development.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet lot width, lot frontage, lot area, setback, yard, parking, and other requirements of the Village Zoning Ordinance.

Lot, Corner. A lot abutting two (2) or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) side yards and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways are often used to restrict direct access to an arterial highway by means of a planting buffer or some other acceptable access buffering measure.

Lot, Flag A lot not fronting on or abutting a public street and where access to the public street and public street system is by a narrow strip of land, easement, or private right-of-way. Flag lots generally are not considered to conform to sound planning principles.

Minor Land Division. Any division of land not defined as a 'subdivision' Such minor land divisions are made by a Certified Survey Map under the terms of this Ordinance, which for purposes of this ordinance is the same as a "Municipal Plat" as the Term Municipal Plat is used in Wisconsin Statute section 236.45.

Minor Street. A street used, or intended to be used, primarily for access to abutting properties.

Municipality. An incorporated village or city.

Multi-family. Housing where multiple separate housing units for residential (non commercial) inhabitants are contained within one building or several buildings within one complex.

National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities.

These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable Water. Lake Michigan, all natural inland lakes within Wisconsin, and all rivers, streams, ponds, sloughs, flowages, and other waters within the territorial limits of Wisconsin, which are navigable under the laws of this State. The Wisconsin Supreme Court has declared navigable all bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. An agency empowered to object to a development plat pursuant to Chapter 236 of the Wisconsin Statutes. The Village shall not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, the Wisconsin Department of Commerce, the Wisconsin Department of Transportation or the County Planning Agency.

Official Map. A document prepared and adopted pursuant to Section 62.23(6) of the Wisconsin Statutes, which shows the location of existing and planned streets, parkways, parks, playgrounds, railway rights-of-way, waterways, and public transit facilities.

Open Space. Any site, parcel, lot, area, or outlot of land or water that has been designated, dedicated, reserved, or restricted from further development. Open space may be privately or publicly owned, but shall not be part of individual residential lots. Open space shall be substantially free of structures, but may contain recreational facilities approved by the Village.

Open Space, Common. Privately-owned land within a development that has been restricted to perpetuity from further development and is set aside for the use and enjoyment by residents of the land development or condominium. Common open space shall be substantially free of structures, but may contain recreational facilities approval by the Village.

Open Space, Public. Land within a development that has been dedicated to the public for recreational or conservation purposes. Open space lands shall be substantially free of structures, but may contain recreational facilities approved by the Village.

Ordinary High Water Mark. This point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outlot. A parcel of land, other than a buildable lot or block, so designated on the plat, which is used to convey or preserve parcels of land. Outlots may be created to restrict a lot which is unbuildable due to high groundwater, steep slopes, or other physical constraints, or to create common open space. Outlots may also be parcels of land intended to be re-divided into lots or combined with lots or outlots in adjacent land developments in the future for the purpose of creating buildable lots. An outlot may also be created if a lot fails to meet requirements for a private onsite wastewater treatment system, but which may be buildable if public sewer is extended to the lot or land .

Section 236.13(6) of the Wisconsin Statues prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Village will generally require that any restrictions related to an outlot be included on the face of the plat.

Parcel. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.

Plat. A map prepared, as required by Section 18.0202 of this Ordinance, for the purpose of recording a development.

Prairies. Open, generally treeless areas that are dominated by native grasses, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

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

Primary Environmental Corridor. A concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Public Improvement. Any sanitary sewer, storm sewer, open channel, water main, street, park, sidewalk, bicycle or pedestrian way, or other facility for which the village may ultimately assume the responsibility for maintenance and operation.

Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

Redevelopment. A form of development where buildings on land that was previously developed are razed to allow the construction of new buildings. Redevelopment is not involved in cases where a single existing single-family home is razed and replaced with a single single-family residential structure.

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

Reserve Strip. Any land that would prohibit or interfere with orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or improvements between two abutting properties.

Secondary Environmental Corridor A concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

Shorelands. Those lands lying within the following distances; 1,000 feet from the ordinary high water elevation of the navigable lake, pond, or flowages; or 300 feet from the ordinary high water elevation of a navigable stream, or to the landward edge of the flood plain, which ever is greater.

Soil Mapping Unit. Soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the U. S. Soil Conservation Service. (now known as the Natural Resources Conservation Service).

Subdivision. The division of a lot, parcel or tract of land by the owners thereof, or the owner's agent or developer for the purpose of transfer of ownership or of building development,

(a) Where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 1/2) acres each or less in area; or

(b) Where the act of division creates five (5) or more parcels or building sites inclusive of the original remnant parcel of one and one-half (1 1/2) acres each or less in area by successive divisions of any part of the original property by any

person within a period of five (5) years; or
(c)Where the act of division creates six (6) or more parcels or building sites for residential development inclusive of the original remnant parcel of any size by successive divisions of any part of the original property by any person within a period of five (5) years.

Surety Bond. A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the developer.

Tract. A parcel lying in more than one U.S. Public Land Survey section.

Unit. See condominium unit.

Village Engineer. A registered professional engineer who is a full time employee of the Village, or a consulting engineer who provides resident staff services to the Village, and who is duly appointed by the Village Board to the position.

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

Wisconsin Administrative Code. The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of the Wisconsin Statutes, including subsequent amendments to those rules.

Woodlands. Upland areas at least one acre in extent covered by deciduous or coniferous trees as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

SECTION 18.1200 ADOPTION AND EFFECTIVE DATE

- 18.1201 **PLAN COMMISSION RECOMMENDATION**
The Village Plan Commission recommended the adoption of this Land Division and Development Ordinance at a meeting held on the 18th day of March, 2004.
- 18.1202 **PUBLIC HEARING**
The Village Board of the Village of Sussex held a public hearing on this proposed Land Division and Development Ordinance on the 13th day of April, 2004.
- 18.1203 **VILLAGE BOARD APPROVAL**
The Village Board of the Village of Sussex concurred with the recommendation of the Plan Commission and proceeded to adopt the Land Division and Development Ordinance at a meeting held on the 13th day of April, 2004.
- 18.1204 **EFFECTIVE DATE**
This Land Division and Development Ordinance shall take effect upon passage and adoption by the Village Board and the filing of proof of posting or publication in the Office of the Village Clerk.