

TITLE 18 SUBDIVISIONS

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SECTION 18.01 INTRODUCTION

SECTION 18.01.01 TITLE.

This Ordinance shall be known as, referred to, or cited as the "Subdivisions Ordinance, Village of Grafton, Wisconsin".

SECTION 18.01.02 STATUTORY AUTHORITY.

These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes.

SECTION 18.01.03 PURPOSE AND INTENT.

The purpose of this Ordinance is to regulate and control all land divisions within the corporate limits of the Village of Grafton and within the extraterritorial land division (plats and certified survey maps) approval jurisdiction of the Village in order to promote and protect the public health, safety, prosperity, aesthetics, and general welfare of the community. More particularly, and without limitation, it is also the purpose of this Ordinance to:

- A. Implement the Village's comprehensive plan and components thereof and facilitate enforcement of community development standards as set forth in the Village's land division ordinance, zoning ordinance, building code, and official map.
- B. Encourage the most appropriate use of land throughout the Village and its area of extraterritorial approval jurisdiction taking into consideration the character of the Village.
- C. Promote the wise use, conservation, and protection and proper development of the soil, water, wetland, woodland, and wildlife resources in the Village and its area of extraterritorial approval jurisdiction, and to achieve a balanced relationship between land use and development and the supporting and sustaining the natural resource base.
- D. Further the orderly layout and appropriate use of land.
- E. Avoid the harmful effects of premature division or development of land.
- F. Lessen congestion in the streets and highways and accommodate "complete streets."
- G. Provide for proper ingress to and egress from development sites.
- H. Secure safety and resiliency from fire, flooding, disastrous storms, water pollution, disease, and other hazards to help minimize expenditures for disaster relief and flood mitigation projects.
- I. Prevent and control erosion, sedimentation, and other pollution of surface and subsurface waters.
- J. Meet stormwater regulations set forth in Chapter 23.01 Stormwater Management Regulations, Chapter 23.04 Control of Construction Site Erosion, and current Village stormwater regulations set forth in the Wisconsin Department of Natural Resources MS4 permit.
- K. Preserve natural vegetation and cover to the extent practicable, and protect the natural beauty of the Village.
- L. Preserve the distinct character of neighborhoods, commercial districts, and the community.

- M. Provide adequate light, air, and water.
- N. Prevent the overcrowding of land.
- O. Facilitate the division of land into smaller parcels in accordance with the adopted comprehensive plan.
- P. Facilitate and ensure the adequate provision of transportation, water, sewerage, stormwater management, schools, parks, playgrounds, and other public facilities and services.
- Q. Further the sustainability of the Village by accommodating green development and infrastructure.
- R. Ensure adequate legal description and proper survey monumentation of divided land.
- S. Restrict building in areas of unsuitable soils or other areas poorly suited for development.
- T. Provide for the administration and enforcement of this Ordinance.
- U. Provide penalties and other remedies for violation of this Ordinance.

SECTION 18.01.04 ABROGATION AND GREATER RESTRICTIONS.

It is not the intent of this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, permits, or approvals previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions and such restrictions do not contravene rights vested under law, the provisions of this Ordinance shall govern. This Ordinance may not modify in a more restrictive manner time limits, deadlines, notice requirements, or other provisions of Chapter 236 of the Wisconsin Statutes that provide protections for a subdivider in accordance with Section 236.45(2)(ac).

SECTION 18.01.05 INTERPRETATION.

The provisions of this Ordinance shall be interpreted to be minimum requirements, 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.

SECTION 18.01.06 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.

SECTION 18.01.07 REPEAL.

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

SECTION 18.01.08 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 subject to periodic inundation, nor does the Village guarantee, warrant, or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuitable 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 18.01.09 EFFECTIVE DATE.

This Ordinance and amendments thereto shall be effective after a public hearing, adoption by ordinance by the Village Board, and posting or publication as required by law.

SECTION 18.02 DEFINITIONS

For the purpose of this Ordinance, the following terms are defined. Words used in the present tense include the future, the singular number includes the plural number, and the plural number includes the singular number. The word "shall" is mandatory.

- A. Alley: A special public way affording only secondary access to abutting properties.
- B. Block: A parcel of land bounded on at least one side by a street and on the other sides by a natural or man-made barrier.
- C. Condominium: A property subject to a condominium declaration under Chapter 703, Wisconsin Statutes.
- D. Condominium Instrument: The declarations, plats and plans of a condominium together with any attached exhibits and schedules filed for record under Chapter 703, Wisconsin Statutes.
- E. Plats within the Extraterritorial Plat Approval Jurisdiction: When the land to be subdivided lies within one and one-half (1 ½) miles of the corporate limits of the Village of Grafton, the Grafton Land Subdivision Ordinance shall apply. Approval agencies shall be as specified in Chapter 236, Wisconsin Statutes and the subdivider must comply with the land division regulations of said agencies or units of government.
- F. Building Site: A parcel of land occupied, or intended to be occupied, by a structure, as permitted under applicable Zoning Regulations.
- G. Certified Survey Map: A map of land split prepared in accordance with this Ordinance and Chapter 236, Wisconsin Statutes.
- H. Collector Street: A street used, or intended to be used, to carry traffic from minor streets to the major system of major streets, including the principal entrance streets to residential developments.
- I. Comprehensive Plan: The extensively developed plan adopted by the Plan Commission and certified by the Village Board pursuant to Section 62.23, Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment, and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line Ordinances, and capital improvement programs shall also be considered a part of the Comprehensive Plan.
- J. Cul-de-sac Street: Minor street closed at one end with a turnaround provided for vehicles.
- K. Extraterritorial Plat Approval Jurisdiction: The unincorporated area within one and one-half (1 ½) miles of a fourth class city or a village, and within three (3) miles of all other cities.

- L. Final Plat: The map or plan of record of a subdivision, and any accompanying material, as described in Section 30-443.
- M. Frontage Street: A minor street auxiliary to and located on the side of a major street for control of access and for service to the abutting development.
- N. Housing Unit (Dwelling Unit): A residential unit intended for permanent or seasonal occupancy by a family or individual householder. Group housing units without private kitchens and with group dining facilities are not considered housing units for the purposes of this Chapter.
- O. Land Disturbing Activity: Any man-made alteration of the land surface resulting in a change in the topography or existing vegetative or non-vegetative soil cover that may result in runoff and lead to an increase in soil erosion and movement of sediment into waters of this state. Land disturbing activity includes clearing and grubbing, demolition, excavating, pit trench dewatering, filling, and grading activities.
- P. Land Division: The division of a lot or parcel of land by subdivision plat, condominium instrument, or Certified Survey Map (CSM) for the purpose of transfer of ownership or building development.
- Q. Major Street: A street used, or intended to be used, primarily for through traffic, including freeways and expressways, as well as major streets, highways, and parkways.
- R. Minor Street: A street used, or intended to be used, primarily for access to abutting properties
- S. Official Map: Is that map adopted pursuant to Section 62.23, Wisconsin Statutes which shows existing and proposed streets, highways, parkways, parks and playgrounds, and school sites.
- T. Plat: A map of a subdivision or condominium complete with all certificates and engineering data, per Chapter 236 and Chapter 703, Wisconsin Statutes
- U. Preliminary Plat: A map showing the salient features of a proposed subdivision or land division, as described in Section 30-443.
- V. Public Way: Any public road, street, highway, walkway, drainage way, or part thereof.
- W. Replat: The changing of the boundaries of a recorded subdivision plat or part thereof.
- X. Subdivider: Person or persons requesting review or action on a subdivision, condominium, Certified Survey Map (CSM)
- Y. Subdivision: The division of a lot or parcel of land for the purpose of transfer of ownership or building development, where:
 1. The act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area; or
 2. The act of division creates five (5) or more parcels or building sites of five (5) acres each or less in area by successive divisions within a period of five (5) years.
 3. The term "subdivision" shall include resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, regardless of change in ownership.
- Z. Utilities: Public supply of services including but not limited to sanitary sewer, water, electricity, and natural gas.

AA. Other: All other pertinent terms shall be as defined in the Zoning Ordinance of the Village of Grafton, and in Chapter 236, Wisconsin Statutes.

SECTION 18.03 GENERAL PROVISIONS

SECTION 18.03.01 AREA OF JURISDICTION.

This Ordinance shall apply to all land and water within the corporate limits of the Village of Grafton, Ozaukee County, Wisconsin, and to all lands within the extraterritorial land division approval jurisdiction of the Village.

SECTION 18.03.02 APPLICABILITY.

All proposed land divisions, except those exempted in accordance with this Ordinance, shall be subject to Village review and approval in which the Village shall approve, approve with conditions and/or deed restrictions, or reject proposed plats and certified survey maps.

- A. Subdivisions. Any division of land within the Village or the extraterritorial land division approval jurisdiction of the Village that results in a subdivision as defined in Section 18.02 Definitions shall be surveyed and a plat thereof approved and recorded pursuant to the provisions this Ordinance and Chapter 236 of the Wisconsin Statutes.
- B. Minor Land Divisions. Any division of land within the Village or the extraterritorial land division approval jurisdiction of the Village that results in a minor land division as defined in Section 18.02 shall be surveyed and a certified survey map of such division approved and recorded as required by this Ordinance and Chapter 236 of the Wisconsin Statutes.
- C. Condominiums. Any development within the Village that creates a condominium as defined in Section 18.02 shall be surveyed and a condominium plat thereof approved and recorded pursuant to Section 18.04.08 of this Ordinance and Chapter 703 of the Wisconsin Statutes. Any condominium that creates a new lot, parcel, or outlot shall also comply with the requirements of Chapter 236 of the Wisconsin Statutes and the requirements of this Ordinance as applicable to land divisions. It is the express intent of this Ordinance to regulate condominiums having one or more principal structures on any lot or parcel, except for condominium conversions of existing buildings where no additional units are being developed, provided such conversions comply with Chapter 703 of the Wisconsin Statutes. 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 or developed.

SECTION 18.03.03 EXEMPTIONS.

- A. The Provisions of this Ordinance, as it applies to division of tracts of land into four or fewer lots or parcels, shall not apply to:
 - 1. Transfers of interest in land by will or pursuant to court order.
 - 2. Leases for a term not to exceed 10 years, mortgages, or easements.

3. Sale or exchange of parcels of land (i.e., lot line adjustments) between owners of adjoining property, subject to review and approval by the Community Development Director to ensure compliance with the requirements of this Ordinance and the Village Zoning Ordinance, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Ordinance, the Zoning Ordinance, or other applicable laws or ordinances and the Village approves the sale or exchange to ensure compliance with such requirements and ordinances.
 4. Lot combinations of adjoining property if owned by the same party, subject to Village review and approval to ensure compliance with the requirements of this Ordinance and the Village Zoning Ordinance.
- B. All of the following specific uses and activities are exempted from this Ordinance:
1. Condominium developments where there are no parcels created.
 2. Cemetery plats made under Section 157.07 of the Wisconsin Statutes.
 3. 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).
 4. Public transportation project plats made under Section 84.095 of the Wisconsin Statutes.
 5. Sale or exchange of parcels of public utilities or railway rights-of-way to adjoining property owners if the Village Board and all other approval authorities approve such sale or exchange on the basis of applicable local ordinances or the provisions of Chapter 236 of the Wisconsin Statutes.

SECTION 18.03.04 COMPLIANCE.

No person, firm, or corporation shall divide any land located within the jurisdictional limits of the Village which results in a subdivision, minor land division, replat, or condominium as defined herein unless specifically exempted under Section 18.03.03; and no such subdivision, minor land division, replat, or condominium shall be entitled to record without compliance with:

- A. All requirements of this Ordinance.
- B. The Village Comprehensive Plan or any component thereof, the zoning ordinance, the official map ordinance, and the erosion control and stormwater management ordinance.
- C. The provisions of Village Municipal Code Chapter 23.01 Stormwater Management Regulations and Chapter 23.04 Control of Construction Site Erosion.
- D. The provisions of Chapter 236 of the Wisconsin Statutes for proposed land divisions.
- E. The provisions of Chapter 703 of the Wisconsin Statutes for proposed condominiums.
- F. The rules of the Wisconsin Department of Safety and Professional Services regulating lot size and lot elevation necessary for proper sanitary conditions if any lot or unit is not served by a public sewer and provisions for such service have not been made.
- G. The rules of the Wisconsin Department of Transportation and the Ozaukee County highway department relating to provision for the safety of entrance upon and departure from County and State trunk highways or connecting highways and for the

preservation of the public interest and investment in such highway systems if the land owned or controlled by the subdivider abuts on a County or State trunk highway or connecting highway or street.

- H. The rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodplain, wetland, and shoreland areas.
- I. The rules of the U.S. Army Corps of Engineers and U.S. Environmental Protection Agency.
- J. All other applicable ordinances and State and Federal regulations.

SECTION 18.03.05 LAND SUITABILITY.

- A. No land shall be subdivided which is judged by the Plan Commission to be unsuitable for use by 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 land owners in the proposed subdivision or of the community. The Village Plan Commission, in applying the provisions of this Ordinance, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, and afford the subdivider an opportunity to present evidence regarding such unsuitability, if he so desires. Thereafter, the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.
- B. In the case of land divisions and platted subdivisions, lot sizes shall conform to the area and width requirements prescribed for the zoning district in which the property is located.
- C. Subdivision Policies. The Village of Grafton subscribes to the policy that urbanizing land should be located in a compact manner within the Village where a full range of urban services and facilities will be available. Subdivisions shall conform to the following policies:
 - 1. To preserve and enhance the Village and encourage compact balanced growth.
 - 2. To direct new growth to those areas capable of providing a full range of urban services and facilities.
 - 3. To prevent scattered and noncontiguous development.
 - 4. To ensure that new development will not be detrimental to the physical, social, and economic well being of residents of the Village.
 - 5. To ensure that new development will be organized and timed so as to permit urban services and facilities to be provided as economically and efficiently as possible.
 - 6. To discourage new developments in those areas that are premature in terms of planning and timing for the provision of adequate public services and facilities.

SECTION 18.03.06 DEDICATION, RESERVATION, AND PROTECTION OF LAND.

- A. Wherever a tract of land to be subdivided includes all or any part of a major street, drainage way, or other public way which has been designated in the Comprehensive Plan or component part thereof, or on an official map of the Village of Grafton, said public way shall be made a part of the plat and/or Certified Survey Map and dedicated or reserved or treated by the developer as determined by the Plan

Commission, in the locations and dimensions indicated on such plan or map, and as set forth in this Ordinance.

- B. Wherever a proposed playground, park, school site or other public land, other than streets or drainage ways, designated in a Comprehensive Plan, component part thereof, or on an official map of the Village of Grafton is embraced, all or in part, in a tract of land to be subdivided, these proposed public lands shall be so designated as to be made an integral part of the plat and/or Certified Survey Map and may be dedicated; but in any case, shall be reserved for acquisition at undeveloped land costs, by the agency having jurisdiction.
- C. Wherever a subdivision or land division abuts a public use area, such as a park, lake, stream, or any similar type of public recreational area, the subdivider, at the option of the Plan Commission, shall provide an access thoroughfare up to sixty (60) feet wide connecting such public area with a public street or pedestrian path, so that there shall be adequate public access to the public use area, as determined by the Plan Commission.
- D. The dedication of land for public purposes, such as parks, rights-of-way, school sites and easements, becomes effective at the time of approval and recording of the Certified Survey Map or the final plat.
- E. On sites reserved for eventual public acquisition, no building development is permitted during the time of reservation. Land so reserved shall be shown on the plat of the subdivision or on a Certified Survey Map of other divisions.
- F. Public Sites and Open Spaces. In order that adequate open space and sites for public uses may be properly located and preserved as the community develops, and in order that the cost of providing the park and recreation sites and facilities necessary to serve the additional families brought into the community by subdivision development may be more equitably apportioned on the basis of the additional need created by the individual subdivision development, the following provisions are established:
 - a. Reservation of Potential Sites: In the design of a subdivision, condominium development, or land division, consideration shall be given to the adequate provision of and correlation with such public sites or open spaces where it is determined by the Plan Commission that a portion of the area is required for such public sites or open spaces, the subdivider may be required to reserve such area.
 - b. Dedication of Sites: Where feasible and compatible with the Comprehensive Plan and/or Comprehensive Outdoor Recreation Plan, the subdivider shall dedicate to the public adequate land to provide for the park and recreation needs of the subdivision, condominium or land division. The amount of land to be provided per residential dwelling unit shall be determined by the Village of Grafton Comprehensive Outdoor Recreation Plan.
 - c. Proportionate Payment in Lieu of Dedication: Where the Village, at its sole discretion, determines such dedication is not feasible or compatible with the Comprehensive Plan and/or Comprehensive Outdoor Recreation Plan, the subdivider shall, in lieu thereof, pay to the Village a fee equivalent to the value of the required dedication. Such fee shall be established by the Village Board and updated annually. No payment shall be required for a lot created by a

subdivision, condominium instrument, or Certified Survey Map if such land division does not create or allow additional housing units.

- d. Determination of Feasibility: The determination as to the feasibility of dedication shall be made by the Plan Commission.
- G. Excessive Street Dedication. In the case of a major thoroughfare lying within the plat, the subdivider may be required to dedicate the width in excess of that required by this Ordinance.
- H. Land Divisions Outside the Corporate Limits. Before final approval by the Village of Grafton of any land division or condominium located outside the corporate limits of the Village, but within the extraterritorial plat approval jurisdiction of the Village of Grafton, the subdivider shall give evidence that they have complied with all street and utility improvement requirements of the Town in which the land being platted is located.

SECTION 18.03.07 VIOLATIONS.

No person, firm, or corporation shall build upon, divide, convey, record, or place monuments on any land in violation of this Ordinance or the Wisconsin Statutes. No person, firm, or corporation shall be issued a zoning, building, erosion control, or utility permit by the Village authorizing any land disturbing activity, building, or improvement of, any subdivision, minor land division, replat, or condominium 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.

SECTION 18.03.08 PENALTIES AND REMEDIES.

Any person, firm, or corporation who fails to comply with the provisions of this Ordinance or Chapter 236 of the Wisconsin Statutes shall, upon conviction thereof, face penalties as set forth below plus any additional costs incurred by the Village for each violation. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include the following:

- A. Recordation improperly made carries penalties as provided 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. Dividing a Lot or Parcel, or use if so divided, in a recorded plat or certified survey map for purposes of sale or building development not in compliance with the provisions of Chapter 236 of the Statutes, to any applicable ordinance of an approving authority, or to the rules of the Wisconsin Department of Safety and Professional Services carries penalties as provided in Section 236.335 of the Statutes.
- E. 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 subdivider, when a subdivision, as defined in this Ordinance, is created by successive divisions.

SECTION 18.03.09 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 30 days of notification of the rejection of the plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the plat be approved if it finds that the action of the approving or objecting agency is arbitrary, unreasonable, or discriminatory.

SECTION 18.04 LAND DIVISION PROCEDURES AND SUBMITTAL REQUIREMENTS

SECTION 18.04.01 PRE-APPLICATION CONSULTATION.

Prior to filing an application for approval of a preliminary subdivision plat, condominium plat, or certified survey map, the subdivider shall consult with the Community Development Director and other applicable Village staff in order to obtain their advice and assistance. A concept plan of the proposed subdivision, condominium, or certified survey map shall be provided by the applicant to staff. The concept plan may also be reviewed by the Plan Commission. This consultation and/or meeting is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan or components thereof, and duly adopted plan implementation ordinances of the Village and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and Village staff may reach mutual conclusions regarding the general objectives of the proposed development and its possible effects on the neighborhood and community, and the subdivider will gain a better understanding of the subsequent required procedures.

SECTION 18.04.02 PRELIMINARY PLAT REVIEW.

- A. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and complete an application. The preliminary plat shall be prepared in accordance with this Ordinance. The subdivider shall submit the following with the Community Development Director at least four weeks prior to the meeting of the Plan Commission at which action is desired: an adequate number of copies and an electronic copy, as determined by the Community Development Director, of the plat for distribution in accordance with this Section; the completed application; and the preliminary plat review fee.
- B. All preliminary plats shall show the following:
 1. Title under which the proposed subdivision is to be recorded.
 2. Legal description and general location of proposed subdivision and relative location to a nearby municipality.
 3. Date, scale, and north arrow.
 4. Names and addresses of the owner, subdivider, and land surveyor preparing the plat.
 5. Entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat, even though only a portion of said area

is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance, and undue hardship would result from strict application.

6. Exterior boundaries of the proposed subdivision shall show the approximate length and bearing referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
7. Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten (10) percent or 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 mean sea level datum or, where in the judgment of the Village Plan Commission, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, other datum may be used.
8. Water elevations of adjoining lakes and streams at the date of the survey, including approximate high and low water elevations. All elevations shall be referred to as the United States Army Corps of Engineers datum.
9. Location, rights-of-way widths and names of all existing and proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
10. Location and names of any adjacent subdivisions, parks, schools, cemeteries, and owners of record of abutting unplatted lands.
11. Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations, all to the datum used for the contours.
12. Location, size, and invert elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewer or water mains are located on or immediately adjacent to the tract, the nearest such sewer(s) or water main(s) which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
13. Locations of all existing property boundary lines, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
14. Dimensions of all lots together with proposed lot and block numbers.
15. Location and dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use, or which are to be used for group housing, shopping centers, church sites, or other non- public uses not requiring lotting.
16. Approximate radii of all curves.
17. Corporate limit lines.
18. Any proposed lake and/ or stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.

19. Any proposed lake and stream improvement or relocation, and proposed filling, grading, lagooning, and dredging, and the notice of application for Wisconsin Department of Natural Resources' approval, when applicable.
 20. The professional land 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 all existing land divisions and features within and adjacent thereto; and that the surveyor has fully complied with the provisions of this Ordinance and Chapter 236 and, if applicable, Chapter 703 of the Wisconsin Statutes.
- C. The subdivider shall comply with the requirements of Section 18.05 Design Standards regarding street arrangement, easements, blocks, lots, stormwater management and grading plans, street lighting, and street trees.
 - D. The subdivider shall submit stormwater and sedimentation control plans and specifications for review and approval with the preliminary plat in accordance with Village ordinances Chapter 23.01 Stormwater Management Regulations and Chapter 23.04 Control of Construction Site Erosion.
 - E. The Village Plan Commission may require borings and soundings be made in designated areas to ascertain subsurface soil, rock, and water conditions, including depth to bedrock and depth to ground water table.
 - F. If applicable, the subdivider shall also submit (1) a draft copy of any proposed homeowners or condominium association declarations, covenants, or other documents shall accompany the preliminary plat; and (2) a draft copy of any proposed land stewardship plan and/or documents for proper management of the common open space in condominiums or subdivisions. The proposed documents shall be subject to review by the Village.
 - G. The Community Development Director shall transmit a copy (electronic) of the preliminary plat to Ozaukee County and all relevant Village departments/staff for review and recommendations concerning matters within their jurisdiction.
 - H. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the preliminary plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.

SECTION 18.04.03 PRELIMINARY PLAT APPROVAL.

- A. The Objecting Agencies shall, within 20 days of the date of receiving their copies of the preliminary plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration. The Department of Administration shall promptly notify the Village Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- B. The Village Plan Commission shall promptly review the preliminary plat for conformance with this Ordinance and all applicable laws, rules, regulations, ordinances, and comprehensive plans and components of such plans. The Plan

Commission shall within 90 days of the date of filing of the preliminary plat with the Community Development Director, approve, conditionally approve, or reject the preliminary plat unless the time is extended by mutual written agreement with the subdivider.

- C. Failure of the Plan Commission to act within 90 days shall constitute an approval of the plat as filed, unless the review period is extended by written mutual consent.
- D. 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 36 months after the last required approval of the preliminary plat and conforms substantially to the preliminary plat, including any conditions of that approval, and to local plans and ordinances, the final plat shall be entitled to approval as provided in Section 236.11(1)(b) of the Wisconsin Statutes. An approved preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission. The Village Board may extend the time for submission of the final plat. See Section 18.04.03 E pertaining to partial platting or phasing.

SECTION 18.04.04 FINAL PLAT REVIEW.

- A. Following approval of the preliminary plat, a final plat shall be prepared in accordance with this Ordinance. The subdivider shall submit the following with the Community Development Director at least four weeks prior to the meeting of the Plan Commission at which action is desired: an adequate number of copies and an electronic copy, as determined by the Community Development Director, of the plat for distribution in accordance with this Section; the completed application; and the final plat review fee. The Community Development Director shall put the final plat on the next Plan Commission meeting for consideration.
- B. Pursuant to Section 236.12(2) of the Wisconsin Statutes, the subdivider shall submit an electronic or paper copy of the final plat to the Director of Plat Review of the Wisconsin Department of Administration, who will prepare and forward copies of the plat at the subdivider's expense to the objecting agencies.
- C. The Village Plan Commission shall examine the final plat as to its substantial conformance with the approved preliminary plat; conditions of approval of the preliminary plat; this Ordinance and all other ordinances, laws, rules, regulations, comprehensive plans or components thereof which may affect it; and shall recommend approval or rejection of the plat to the Village Board.
- D. Partial Platting. The final plat may, if permitted by the Plan Commission, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time; however, it is required that each phase be final platting and designated as a phase of the approved preliminary plat.

SECTION 18.04.05 FINAL PLAT APPROVAL.

- A. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat or may extend the time for submission of the final plat, as provided in Section 236.11(1)(b) of the Wisconsin Statutes.

- B. The Objecting Agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Wisconsin Department of Administration, and the Department of Administration who shall so certify on the face of the plat. The Department of Administration shall promptly notify the Village Clerk if such a certification is submitted by an objecting agency. If an objecting agency fails to act within 20 days and the Department of Administration fails to act within 30 days from the date on which they received the plat, they shall be deemed to have no objection to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.
- C. The Village Plan Commission shall, within 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 recommendation to the Village Board.
- D. The Plan Commission shall, when it determines to recommend approval or rejection of a plat to the Village Board, give at least 10 days prior written notice of its recommendation to the clerk of any municipality within 1,000 feet of the plat, but failure to give such notice shall not invalidate the plat.
- E. The Village Board shall, in accordance with Section 236.11(2) of the Wisconsin Statutes, within 60 days of the date of filing the original final plat with the Village Clerk, approve or reject such plat unless the review period is extended by written agreement with the subdivider. The Village Board may act on the plat at the same meeting at which the Plan Commission makes its recommendation. If the plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. One copy each of the plat and letter shall be placed in the Village Clerk's permanent file.
- F. Failure of the Village Board to act within 60 days, the time having not been extended by mutual agreement and no unsatisfied objections having been filed, and all fees payable by the subdivider having been paid, shall constitute approval of the final plat.
- G. After the final plat has been approved by the Village Board and the required improvements installed, the subdivider shall record the final plat with the County Register of Deeds at the subdivider's expense prior to issuance of building permits. The Register of Deeds shall not record the plat unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the date of first approval, as required by Section 236.25(2)(b) of the Wisconsin Statutes.
- H. The subdivider shall file a digital file in a form acceptable to the Village and adequate copies of the recorded final plat with the Village Clerk.

SECTION 18.04.06 CERTIFIED SURVEY MAP REVIEW.

- A. When land is proposed to be divided into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, any one of which is five acres or less in area, by a division or by successive divisions of any part of the original parcel within a five-year period; or when it is proposed to divide a block, lot, or outlot within a recorded subdivision plat into more than one, but less than five, parcels or building sites, inclusive of the original remnant parcel, without changing

the exterior boundaries of the subdivision plat, or the exterior boundaries of said block, lot, or outlot, and the division does not result in a subdivision, the subdivider may divide by use of a certified survey map.

- B. A Pre-Application Consultation, similar to the consultation described in Section 18.04.01 of this Ordinance, is required. The Community Development Director shall determine if a concept plan review by the Plan Commission is required.
- C. The subdivider shall prepare the Certified Survey Map in accordance with this Ordinance and shall file sufficient copies of the map, together with the appropriate fee, and the completed application with the Community Development Director at least four weeks prior to the meeting of the Plan Commission at which action is desired.
- D. The Certified Survey Map shall contain all information required on a preliminary plat, as specified in Section 18.03.02 of this Ordinance, and Section 236.34, Wisconsin Statutes.
- E. The subdivider shall submit two copies of the map to the Wisconsin Department of Administration for review if the provisions of Section 236.34(1m)(em) apply, and to the Wisconsin Department of Transportation if the provisions of Section 236.34(1m)(er) apply. Copies of the transmittal letters or emails to the Departments shall be provided to the Village at the time the map is filed with the Community Development Director.
- F. The Community Development Director shall transmit the copies of the map and letter of application to the Plan Commission, other affected Village boards and commissions, and Ozaukee County for review and comment.
- G. The map shall be reviewed by the Plan Commission for conformance to this Ordinance, and all other ordinances, laws, rules, regulations, and comprehensive plans and components thereof as may be applicable.

SECTION 18.04.07 CERTIFIED SURVEY MAP APPROVAL.

- A. If the Certified Survey Map includes a dedication of public right-of-way, the Village Plan Commission shall, within 60 days from the date of filing of the map, recommend approval, approval with conditions, or rejection of the map, and shall transmit the map along with its recommendations to the Village Board. If the Certified Survey Map does not include dedication of public right-of-way, the Village Plan Commission shall take final action on the map.
- B. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected map, or reject such map within 90 days from the date of filing of the map unless the time is extended by mutual agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original map.
- C. Failure of the Village Board to act within 90 days, or any extension mutually agreed to with the subdivider, constitutes an approval of the map and, upon demand, a certificate to that effect shall be made on the face of the map by the Village Clerk.
- D. After the certified survey map has been approved by the Village Board, the Village Clerk shall cause the certification inscribed upon the map attesting to such approval to be duly executed and the map returned to the subdivider for recording with the

County Register of Deeds. The Register of Deeds shall not record the map unless it is offered for recording within 12 months after the date of the last approval and within 36 months after the first approval.

- E. The subdivider shall file a digital file in a form acceptable to the Village and adequate copies of the recorded certified survey map with the Village Clerk. The Clerk shall distribute copies of the map to Village departments.

SECTION 18.04.08 REVIEW AND APPROVAL OF EXTRATERRITORIAL LAND DIVISIONS.

When the land to be divided lies within the extraterritorial plat or Certified Survey Map approval jurisdiction of the Village in accordance with Sections 236.10(1)(b) and 236.45(3) of the Wisconsin Statutes, the subdivider shall proceed as specified in Sections 18.04.01 through 18.04.05 where applicable except: approving authorities include the Village Board, Town Board, and the County; and the subdivider must comply with the land division ordinances of the Village, Town, and County.

SECTION 18.04.09 REPLATS AND RECONFIGURATIONS.

- A. Vacate or Alter. When it is proposed to replat a recorded subdivision, or part thereof, so as to vacate or alter areas within a plat dedicated to the public, or to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Sections 236.36 through 236.445 of the Wisconsin Statutes. If the replat is proposing to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall then proceed as specified in Sections 18.03.01 through 18.03.06 of this Ordinance.
- B. Reconfigure. An applicant wishing to reconfigure a recorded Certified Survey Map shall create a new Certified Survey Map and proceed as specified in Sections 18.04 and 18.05 of this Ordinance, provided the reconfiguration does not result in a subdivision, no additional parcels are created, and no changes are made to areas previously dedicated to the public or to a restriction or easement placed on the land concerned.
- C. Change Boundaries. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or a recorded assessor's plat under Section 70.27 of the Wisconsin Statutes if the reconfiguration does not result in a subdivision. A certified survey map used to reconfigure lots within a recorded plat may not alter areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement, or by any other manner; or change the exterior boundaries of a plat.
- D. Changes to Condominium Instruments, including condominium plats, shall comply with the requirements of Chapter 703 of the Wisconsin Statutes.

SECTION 18.04.10 REVIEW AND APPROVAL OF CONDOMINIUM INSTRUMENTS.

- A. Condominium instruments, including condominium plats, prepared by a professional land surveyor are required to create a condominium or any amendments or expansions thereof, and are subject to Village review and approval in accordance with Section 703.115 of the Wisconsin Statutes. Condominiums and associated plats shall comply with the requirements of Chapter 703 of the Statutes and the design

standards, improvements, and all other requirements, as applicable, of this Ordinance that would otherwise apply to conventional subdivision plats.

- B. Condominium instruments may not be used to create or alter lots, parcels, outlots, public streets, or other areas to be dedicated to the public. Changes to recorded condominium instruments to create, alter, or remove any condominium units, easements, restrictions, or other encumbrances on the land included in a condominium shall require Village review and approval of a correction instrument prepared in accordance with Section 703.095 of the Statutes. In accordance with Section 703.27 of the Statutes, condominium projects shall be subject to no more restrictive rules than non-condominium projects that are physically equivalent.

SECTION 18.05 DESIGN STANDARDS AND REQUIRED IMPROVEMENTS

SECTION 18.05.01 GENERAL REQUIREMENTS.

- A. The subdivider shall dedicate land for and improve streets as provided herein.
- B. The proposed subdivision shall conform to:
 - 1. Any applicable Official Map Ordinance. In areas for which an Official Map has not been completed, the street layout shall recognize the functional classification of various street types, and shall be developed and located in proper relation to existing and proposed streets, with due regard to topographical conditions, natural features, utilities, land uses, and public convenience and safety as approved by the Village Engineer. The subdivision and land division shall be designed so as to provide each lot with satisfactory access to a public street, as provided herein.
 - 2. Village of Grafton Municipal Code Chapter 11: Streets, Sidewalks, and Public Places.
 - 3. The provisions of Chapter 236 of the Wisconsin Statutes, which are adopted by reference.
 - 4. All applicable ordinances of the Village.
 - 5. Design and construction standards as established by the Village.
 - 6. The Comprehensive Plan of the Village.
 - 7. The rules of the State Department of Transportation, as may be promulgated from time to time, whenever in the opinion of that Department the proposed subdivision abuts existing or proposed state trunk highways or connecting streets, and for the preservation of the public interest and investment in such highway or street.

SECTION 18.05.02 STREET ARRANGEMENTS.

- A. The streets shall be designed and located in relation to existing and planned streets, to reasonable circulation of traffic within the subdivision and adjoining lands, to topographical conditions, to runoff of stormwater, to public convenience and safety, in their appropriate relations to the proposed uses of the area to be served.
- B. Major streets shall be properly integrated with the existing and proposed system of major streets and highways and, insofar as practicable, shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

- C. Collector streets shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers, and to the major streets into which they feed.
- D. Minor streets shall be designed to reasonably conform to the topography, to discourage use by through traffic, to permit efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property. Minor street locations and street grades shall be established wherever practicable in such a manner to avoid excessive grading and to avoid the excessive removal of tree growth and general leveling of the topography.
- E. Proposed streets shall be extended to the boundary lines of the tract to be subdivided, unless prevented by topography or other physical conditions, or unless in the opinion of the Plan Commission such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- F. Limited Access Highway and Railroad Right-of-Way Treatment. Whenever the proposed subdivision or land division contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:
 - 1. When residential lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway or railroad, the following restriction shall be lettered on the face of the plat: "Direct vehicular access to [name of road] from lots abutting said road is prohibited."
 - 2. Commercial and industrial districts should provide 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 one hundred fifty (150) feet, unless provision has been made for frontage roads.
 - 3. Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street, highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of two hundred fifty (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.
 - 4. Minor streets immediately adjacent and parallel to railroad rights-of-way should be avoided.
- G. Protection of Major Streets And Highways. Whenever a proposed subdivision or land division contains or is adjacent to an major street or highway, adequate protection of residential properties, limitation of access and the separation of through and local traffic shall be provided by:
 - 1. Reversed frontage with screen planting contained in a non-access reservation along the rear property line.
 - 2. Marginal access street.
 - 3. Frontage street.
- H. Wherever the proposed subdivision contains or is adjacent to a railroad right-of-way or limited access highway, provisions shall be made on each side of such right-of-

way for streets approximately parallel to and at a distance suitable for appropriate use of the land and between such streets and the right-of-way, but not less than 150 feet. 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.

I. Street Widths

1. The right-of-way and roadway width shall be of the widths specified on the Official Map or Master Plan, or if no widths are specified there, they shall be the widths specified below:

	Right-of-Way	Roadway (curb face to curb face)
Boulevard	120 feet or wider	Dual 34-foot pavements with a 24-foot median, or as recommended by the State Highway Commission
Major street	100 feet	48 feet
Collector	80 feet	44 feet
Minor street	60 feet	32 feet
Half street	1/2 total right-of-way of proposed street	
Cul-de-sac street	60 feet	32 feet (50-foot radius)
Marginal access street	40 feet	26 feet
Alleys:		
Residential	24 feet	20 feet
Nonresidential	32 feet	30 feet

- J. Street Grades. The grade of major and collector streets shall not exceed 6%, and the grade of other streets shall not exceed 10%, unless necessitated by exceptional topography and approved by the Plan Commission. The minimum grade of all streets shall be no less than 1/2% and shall not be permitted for long sustained distances. Grades of pedestrianways or crosswalks shall not exceed 15% unless steps of an acceptable design are to be constructed.
- K. Grading. After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Director of Public Works, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated, in accordance with plans and Standard Specifications approved by the Department of Public Works.
- L. Horizontal Curves. Where there is a section in horizontal center lines within a given block at any given point in excess of 10°, a curve shall be inserted with a radius of not less than: Major street: 300 feet; Collector street: 300 feet; Minor street: 100 feet.
- M. Vertical Curves. Different connecting street gradients shall be connected with vertical parabolic curves. Minimum length in feet of these curves shall provide a stopping sight distance of not less than 200 feet. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times

the algebraic difference in the rates of grade for streets, provided that no curve of less than 50 feet in length need be used.

- N. Tangents. Tangents of at least 100 feet in length shall be introduced between reverse curves on major and collector streets.
- O. Street Names. New street names shall not duplicate the names of existing streets, but streets that are continuations of others already in existence and named shall bear the names of the existing streets.
- P. Cul de sacs. Cul-de-sac streets shall be not more than 700 feet in length measured along their center lines from the streets of origin to the ends of their right-of-way, unless specifically permitted by Plan Commission approval. Each cul-de-sac shall have terminus of nearly circular shape with the minimum right-of-way diameter being 120 feet and the minimum outside curb diameter of 90 feet.
- Q. Half Streets. Where a half street exists adjacent to the subdivision the other half of the street shall be dedicated by the subdivider. Platting of new half streets along property lines shall not be permitted except by approval of the Plan Commission.
- R. Reserve Strips. Reserve strips controlling access to streets shall be prohibited except where their control is definitely placed in the Village under conditions approved by the Plan Commission.
- S. Street Intersections. Streets shall intersect each other as nearly as possible at right angles and not more than two (2) streets shall intersect at one point unless approved by the Village Plan Commission.
 - 1. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, distances between such intersections should not be less than one thousand two hundred (1,200) feet.
 - 2. Street jogs shall be avoided wherever possible. Where unavoidable, street jogs with centerline offsets of less than two hundred fifty (250) feet shall not be approved where subdivision streets intersect major streets and highways. Otherwise, street jogs with centerline offsets shall not be less than one hundred twenty-five (125) feet.
- T. After installation of all utility and storm water drainage improvements the subdivider shall install public streets, curb and gutter, and sidewalks within the subdivision in accordance with plans prepared and/or approved by the Department of Public Works. No building permit shall be issued within the subdivision until streets have been installed.
- U. With the Village's approval and depending upon current specification requirements for installation of backfill to utility trenches, permanent streets shall be installed no later than 24 months following binder course installation.
- V. Surfacing and curbs and gutters shall be done in accordance with plans and Standard Specifications approved by the Department of Public Works.

SECTION 18.05.03 BLOCKS.

- A. The widths, lengths, and shapes of blocks shall be suited to the planning use of the land, zoning requirements, need for convenient access, control and safety of street traffic, and the limitations and opportunities of topography.
- B. The maximum block lengths in residential areas shall not exceed 1,320 feet. The minimum block lengths shall be 900 feet unless approved by the Plan Commission. The minimum distance between parallel street center lines shall be 286 feet.

- C. Width. Blocks shall have sufficient width to provide for two (2) tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic, or where lots abut a lake or stream. 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 provisions of such use.
- D. Blocks intended for commercial, industrial and institutional use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities as may be required to accommodate motor vehicles.
- E. Pedestrian crosswalks not less than 12 feet wide may be required by the Plan Commission where deemed desirable to provide convenient pedestrian circulation or access to schools, parks, playgrounds, shopping centers, transportation and other community facilities.

SECTION 18.05.04 LOTS.

- A. The size, shape and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. In the subdividing of any land, due regard shall be shown for all natural features such as tree growth, watercourses, historic spots or similar conditions.
- B. Width and area of lots shall conform with lot width and area requirements set forth in the Zoning Ordinance and in no case shall a lot in a residential district have less than a minimum width of 50 feet at the minimum building setback line and a minimum area of 7,000 square feet.
- C. Depth of lots shall be in accordance with Plan Commission requirements, but residential lots shall be not less than 100 feet in depth.
- D. Depth and width of properties reserved or laid out for commercial and industrial purposes shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- E. Residential lots abutting on major streets and highways shall be platted with sufficient depth to permit adequate separation between the buildings and such trafficways.
- F. Lots abutting upon a watercourse, drainageway, channel or stream shall be an additional depth or width as required to provide an acceptable building site.
- G. Excessive depth in relation to width of lots shall be avoided. A proportion of two to one shall normally be considered as a desirable maximum for lot widths of 80 feet or more.
- H. Every lot shall front or abut on a dedicated public street right-of-way for a minimum of 40 feet along cul-de-sac bulbs and 60 feet along all other street segments. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval.
- I. Side lot line shall be substantially at right angles or radial to street lines.
- J. Where lots are created of a size larger than normal for the area, the Plan Commission may require that the plat be so designed as to allow for the possible future resubdivision of such lots into normal sizes compatible with the area.
- K. Lots shall follow municipal boundary lines whenever practicable rather than cross them.

- L. Every lot shall front or abut on a dedicated public street right-of-way for a minimum of 40 feet along cul-de-sac bulbs and 60 feet along all other street segments. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval.
- M. Double frontage and reversed frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.

SECTION 18.05.05 SIDEWALKS AND PEDESTRIAN TRAILS.

- A. Sidewalks shall be provided within a subdivision in accordance with Title 11, Streets, Sidewalks and Public Places, of the Code of the Village of Grafton and/or plans approved by the Village Plan Commission along with the subdivision plat.
- B. Five-foot-wide concrete sidewalks shall normally be constructed on one side of all frontage and both sides of all streets within developments.
- C. Sidewalks must be constructed along streets if they provide a link between developments or link developments with support facilities such as schools, shopping centers, employment centers, parks and other public recreational facilities.
- D. The Plan Commission may exempt the following streets from sidewalk construction: residential culs-de-sac, loop streets (eyebrows) or dead-end streets serving eight or fewer residences and less than 400 feet in length; commercial or industrial streets that provide access only to businesses within the immediate area. The Commission may allow the construction of sidewalks on only one side of all other culs-de-sac and dead-end streets.
- E. Sidewalk construction shall be in accordance with plans submitted by the developer along with subdivision street plans and profiles. In addition, wider than standard sidewalks may be required by the Plan Commission in the vicinity of schools, commercial areas and other places of public assemblage.
- F. Pedestrian trails. Pedestrian trails may be allowed or required in lieu of or in addition to sidewalks within duplex, multifamily and planned developments. Such trails shall be constructed of bituminous asphalt materials and shall be at least five feet wide. Where such trails are also to be used as bikeways, they shall be a minimum of eight feet wide. Pedestrian trails shall be privately maintained. Such trails may be allowed in lieu of sidewalks when, due to unique subdivision design and/or terrain, they will provide a more convenient link between the subdivision with schools, shopping centers, employment centers and/or amenities.

SECTION 18.05.06 STORMWATER MANAGEMENT AND GRADING DESIGN.

- A. To minimize off-site water runoff from the subdivision and to ensure positive drainage from all lots within each proposed block, the subdivider shall submit at time of Preliminary Plat, stormwater management and grading plans for the subdivision as a whole and for each block within the proposed subdivision. The Village may consider failure to submit stormwater management and grading plans with Preliminary Plat submittal a basis for denial of the Preliminary Plat.
- B. This plan shall be prepared so that storm water runoff from the subdivision as a whole is in compliance with provisions of Chapters 23.01 and 23.04 of the Village of Grafton Municipal Code. The Department of Public Works and their consultant will review the submitted stormwater management and grading plans for compliance

with the provisions of these regulations and with the provision of Chapters 23.01 and 23.04, and said Department shall make a determination as to compliance or noncompliance with such provisions prior to action on the final plat by the Village Board.

- C. This grading plan shall include final grade elevations to be maintained along rear lot lines. Design shall be based on environmentally sound site planning and engineering techniques. The best available technology shall be used to minimize off-site storm water runoff, increase on-site infiltration, encourage natural filtration functions, simulate natural drainage systems, and minimize off-site discharge of pollutants to ground and surface water.
- D. Should the approved drainage plan require any grading or the installation of storm water drainage facilities within any block or blocks, the subdivider shall cause such grading or other improvements to be installed at their expense at the same time the subdivision roads are being graded. To ensure compliance with the approved grading plan, a covenant shall be included on the face of the final plat referring to the grading plan and requiring compliance therewith.
- E. Upon approval of the stormwater management and grading plan by the Department of Public Works, the subdivider shall submit two (2) printed copies at 24" by 36" and an electronic copy of the grading plan to the Department of Public Works.

SECTION 18.05.07 STREET LIGHTING.

- A. The subdivider shall cause lights as specified in the Village-approved street lighting plan to be installed in order to adequately illuminate the subdivision.
- B. The subdivider shall assume the cost of installing all street lights as specified in the approved street lighting plan, exclusive of that portion, if any, absorbed by Wisconsin Public Service Corporation.
- C. In order to ensure proper street lighting within a subdivision, a street lighting plan shall be submitted at the time of preliminary plat review. The street lighting plan shall include the location of all street illumination structures. Prior to submitting the street lighting plan, the subdivider should consult with the Director of Public Works. Prior to review of a preliminary plat by the Plan Commission, the Director of Public Works shall approve all street lighting plans.
- D. To ensure compliance with the approved street lighting plan, a covenant shall be included on the face of the final plat referring to the street lighting plan and requiring compliance therewith.

SECTION 18.05.08 STREET TREE PLAN.

- A. A plan for placement of terrace trees shall be submitted to the Director of Public Works at the time of 80 percent of each phase build out. The plan shall include the location and type of all trees to be planted in the terrace per Section 11.32 of the Village of Grafton Municipal Code. Prior to submitting the terrace tree plan, the subdivider shall consult with the Director of Public Works.
- B. To ensure compliance with the approved terrace tree plan, a covenant shall be included on the face of the CSM or final plat referring to the terrace tree plan and requiring compliance therewith.
- C. The subdivider shall cause trees to be planted as specified in the approved street tree plan.

- D. There shall be no less than one tree per platted lot.
- E. Alternative planting materials/types may be considered during review of the plan by the Director of Public Works.

SECTION 18.05.09 SURVEY MONUMENTS.

Before final approval of any plat, the subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wisconsin Statutes, and as may be required by the Director of Public Works. The Director of Public Works may waive the placing of monuments for a reasonable time on condition that the subdivider executes a surety bond to ensure the placing of such monuments within the time required.

SECTION 18.05.10 SANITARY SEWERS.

- A. The subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within a subdivision or land division. Laterals extending from the sanitary sewer main to the lot line to service each parcel of property within the subdivision shall be installed.
- B. The size, type, and installation of all sanitary sewers proposed to be constructed shall be in accordance with plans and specifications approved by the Department of Public Works.
- C. The subdivider shall assume the cost of installing all sanitary sewers necessary to serve the subdivision. If greater diameter pipes are required to handle additional flows from beyond the subdivision/development the excess material cost of such larger sewers shall be borne by the Village of Grafton, if the plat is located within the Village's corporate limits.

SECTION 18.05.11 WATER.

- A. The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. Water laterals shall be constructed to each lot line.
- B. The size, type, and installation of all public water systems shall meet the requirements of NR 811-70 state statute for water flow and NFPA1 Chapter 18.4 Fire Flow Requirements for Buildings.
- C. The size, type, and installation of all fire hydrants shall be in accordance with plans and Standard Specifications approved by the Fire Department.
- D. The size, type, and installation of all public water mains shall be in accordance with plans and Standard Specifications approved by the Department of Public Works.
- E. The subdivider shall assume the cost of installing all water mains necessary to serve the subdivision/development. If greater diameter water mains are required, the excess material cost of such mains shall be borne by the Village of Grafton if the plat is located within the Village's corporate limits.
- F. The size, type and installation of all water mains shall be in accordance with plans and specification approved by the Department of Public Works.

SECTION 18.05.12 STORM SEWERS AND DRAINAGE FACILITIES
CONSTRUCTION.

- A. Storm sewer and other storm drainage facilities called for in the stormwater management and grading plans shall be constructed with the necessary facilities throughout the entire subdivision.
- B. Storm sewers shall be separate and independent of the sanitary sewer system, and shall provide an adequate outlet or connections to the storm sewer system of the Village.
- C. When storm sewers are not installed, adequate facilities for the removal of surface water shall be provided throughout the entire subdivision, as reflected in the stormwater management and grading plans.
- D. The subdivider shall assume the cost of installing all storm sewers necessary to serve the subdivision/development including but not limited to storm sewer, manholes, inlets and catch basin leads. If greater diameter pipes are required to handle additional flows from beyond the subdivision/development, the excess material cost shall be borne by the Village of Grafton if the plat is located within the Village's corporate limits.
- E. The size, type, and installation of all storm sewers shall be in accordance with plans and specifications approved by the Department of Public Works.
- F. All other stormwater management facilities called for in the stormwater management and grading plans shall be the sole responsibility of the subdivider.
- G. The approved stormwater management and grading plans shall consider daylighting laterals to greenspace whenever possible. Where greenspace options are not available, storm sewer laterals may be installed from the storm sewer to the lot line to service remaining parcels.
- H. Prior to occupancy of any building, the building drainage system shall be connected to the available storm sewer lateral. This connection shall be the responsibility of the property owner. On lots that abut navigable waterways, such as channels, rivers or lakes, this regulation shall not apply if the sump water drainage system is designed to direct sump water into said navigable waterway.

SECTION 18.05.13 OTHER UTILITIES.

- A. The subdivider shall cause other utilities including but not limited to gas, electrical power, and telecommunication facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision.
- B. No such utility service shall be located on overhead poles, unless otherwise allowed due to exceptional topography or other physical barrier.
- C. Associated equipment and facilities which are pertinent to underground telephone and electric systems (such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches, pedestals, mounted terminal boxes), may be located above ground. Such equipment and facilities shall be located in rear or side yard areas.

SECTION 18.05.14 EASEMENTS.

- A. Easements shall be provided for any overhead or underground utility service, including storm sewers or stormwater drainage and detention where necessary.

- B. All easements shall be depicted on the preliminary plat as required in Section 18.04.02.
- C. Public utility easements shall be a minimum of 12 feet wide, six feet of same being on each of the adjacent lots or all 12 feet on one lot where necessary, except where wider easements are required by the Village Engineer.
- D. Easements shall be established at the rear of each lot and along such other lot lines as to provide continuity or alignment from block to block. At deflection points in these easements, if overhead utility lines are contemplated, additional easements shall be established for pole-line anchors.
- E. Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course and such further width or construction, or both, as will be adequate for the purpose. Wherever possible, the drainage shall be maintained by an open channel with landscaped banks and adequate width for maximum potential volume of flow.
- F. Lines To Be Underground In Newly Platted Areas.
 - 1. All new utility lines installed within a newly platted area shall be underground.
 - 2. Associated equipment and facilities which are appurtenant to underground utilities, such as but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above grade pedestal-mounted terminal boxes, may be located above ground. Such equipment and facilities shall be located in rear yard areas.
 - 3. The subdivider or agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this Section, as a condition precedent to approval of the final plat or certified survey map.
 - 4. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.
- G. Easement Conditions.
 - 1. Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines, across lots or along front lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric and communications lines. Such easements as required by the utility company or other private utility lines shall be noted as "Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric and communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water mains, pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

2. Where the utility facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.
- H. Where the utility facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

SECTION 18.06 CONSTRUCTION REQUIREMENTS

SECTION 18.06.01 COMMENCEMENT.

No construction or installation of improvements shall commence in a proposed subdivision until the preliminary plat has been approved by the Plan Commission and final construction plans have been approved by and the Director of Public Works has given written authorization.

SECTION 18.06.03 INSPECTION.

- A. The subdivider, prior to commencing any work within the land division or condominium, shall make arrangements with the Village Engineer to provide for inspection.
- B. The Village Engineer or designee shall inspect and approve all completed work prior to release of the sureties.
- C. The Village Engineer or designee shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, the Village Engineer or designee is refused entry after presentation of proper identification, he or she may procure a special inspection warrant in accordance with Section 66.0119 of the Wisconsin Statutes, except in cases of emergency where immediate access is necessary.

SECTION 18.06.04 COMPLETION OF IMPROVEMENTS.

All of the improvements required under this Ordinance shall be completed prior to the final approval of a subdivision plat, condominium plat, or certified survey map by the Village Board, except that in lieu of completion of construction, a certified check, surety bond, or letter of credit approved by the Village Administrator may be furnished.

SECTION 18.06.05 AS-BUILT PLANS.

- A. After completion of all public improvements within a phase, and prior to final acceptance of said public improvements by the Village, the subdivider shall provide the Village with as-built plans for the Public Improvements on electronic media compatible with the Village's CAD system software and in pdf form, as well as two printed 24" X 36" copies.
- B. The subdivider must coordinate and pay all cost to convert these as-builts to work within the Village of Grafton's GIS mapping system. The following items must be included on the as-builts:
 - 1. Benchmarks shot on all new hydrant tag bolts.
 - 2. Hydrant, valve box & manhole locations and elevations, in Autocad (.dwg or .dxf), Microstation design files, or ESRI (shape or geodatabase) files.

SECTION 18.06.06 DEDICATION.

The subdivider shall, upon completion of all the public improvements, unconditionally, and without charge to the Village, grant, convey and fully dedicate the same to the Village, its successors and assigns forever, free and clear of all encumbrances whatever; together with (without limitation because of enumeration) all land, buildings, structures, mains, conduits, pipes, lines, plant machinery, equipment, and appurtenances which may in any way be a part of or pertain to such public improvements, and together with any and all necessary easements for access thereto and/or proper use thereof.

SECTION 18.06.07 ACCEPTANCE.

- A. Following completion and dedication of the improvements within a phase and upon written request by the subdivider, the Village shall thereupon accept such improvements in accordance with the Village of Grafton Municipal Code.
- B. The Village shall thereafter have the right to connect or integrate other utility facilities with the facilities provided hereunder without payment or award to, or consent required of, the subdivider.
- C. Residential building permits for each phase of the Development will not be issued until such time as the Public Improvements within that phase have been substantially completed, as that term is defined in section 236.13, Wis. Stats., except the street trees and final course of asphalt which shall be dedicated and accepted following such final course of asphalt installation.

SECTION 18.06.08 UNCOMPLETED PUBLIC IMPROVEMENTS.

- A. In the event that the subdivider shall fail to complete all of the public improvements (excluding the street trees and final course of asphalt), for any phase of the Development required to be done by the Village Code within twelve (12) months from the start of construction for that phase, the Village may, at its option, cause all uncompleted Public Improvements for that phase to be done and the subdivider shall be firmly bound for the payment of all costs.
- B. In lieu thereof, the Village may elect to levy special assessments in accordance with the provisions of the Wisconsin Statutes and Village Code. In the event that the subdivider shall fail to complete all of the Public Improvements within the respective phase within twelve (12) months from the start of each phase (excluding the

installation of the final lift of asphalt and street trees), the Village has the option to draw upon the Financial Guarantee in such amount as the Village Administrator shall determine to be necessary, and the consent of the subdivider to any such draw upon the Financial Guarantee shall not be necessary. The Village agrees to provide the subdivider a ten (10) day written notice prior to making such draw.