

**CHAPTER 30 LAND DIVISION**

**ARTICLE 1 GENERAL PROVISIONS.**

30-1. AUTHORITY.

These regulations are adopted under the authority granted by Wis. Stat. s. 236.45.

30-2. PURPOSE.

The purpose of this chapter is to regulate and control the division of land within the limits of the Village of Rochester, Racine County, Wisconsin in order to promote the public health, safety, and the general welfare of the Village.

30-3. INTENT.

It is the general intent of this chapter to regulate the division of land to further the orderly layout and use of land; to prevent the overcrowding of land; to lessen congestion in the streets and highways; to provide for adequate light and air; to facilitate adequate provision for water, sewerage and other public requirements; to provide for proper ingress and egress; and to promote proper monumenting of land subdivided and conveyancing by accurate legal description. This will be done in such a way as to preserve natural resource areas, farmland, and other large areas of open land, while permitting residential development at appropriate densities for the urban and rural characteristics of the Village, in an open space setting, located and designed to reduce the perceived intensity of development and provide privacy for dwellings. Generally this will be achieved through an appropriate combination of traditional and conservation subdivisions and carefully planned minor divisions. Specific objectives are as follows:

- A. Guide growth and development consistent with the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" as amended from time to time (the "Village Comprehensive Plan").
- B. Use ecological planning principles in the design, construction and long term management of all new developments.
- C. Guide analysis of development parcels so as to locate and coordinate appropriate areas for development and conservation.
- D. Preserve rural character and maintain scenic views where appropriate.
- E. Protect environmental corridors.
- F. Preserve productive agricultural lands.
- G. Provide permanently protected open space for residents of developments.
- H. Provide a diversity of lot size, housing choices and building densities.
- I. Provide buffer between residential development and non-residential uses.
- J. Ensure sound standards for development are met: enforce flood plain requirements; build only on proper soils; provide friendly street layouts, block configurations and open spaces; provide user friendly motorized and non-motorized traffic patterns; provide adequate utilities and effective storm water management.
- K. Ensure fiscal stability of the community by minimizing the cost of public facilities and services.

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- L. Balance private property rights against the need to protect and preserve public health, safety and welfare.
- M. Provide basis for clear and accurate boundary line records.
- N. Provide for administration and enforcement of this Chapter and penalties for violations

**30-4. ABROGATION AND GREATER RESTRICTIONS.**

It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations, or permits previously adopted or issued pursuant to laws. Where the revisions, conditions and restrictions of this Chapter are more restrictive than the, conditions and restrictions contained in the Village's adopted Comprehensive Plan, the provisions, conditions and restrictions contained in this Chapter shall govern. Pursuant to Wis. Stat. s. 66.1001(3), local subdivision ordinances enacted or amended after the date of adoption of the Comprehensive Plan shall be consistent with the Village's Comprehensive Plan.

**30-5. INTERPRETATION.**

In their interpretation and application, the provisions of this Chapter shall be held 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.

**30-6. SEVERABILITY.**

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

**30-7. TITLE.**

This Chapter may be referred to as the "Land Division Code, Village of Rochester, Racine County, Wisconsin" or the "Land Division Code."

**30-8. JURISDICTION.**

Jurisdiction of these regulations shall include all incorporated lands within the Village of Rochester, Racine County, Wisconsin.

- A. The provisions of this Chapter, as it applies to divisions of tracts of land, shall not apply to:
  - 1. Transfers of interests in land by will or pursuant to court order;
  - 2. Lease for a term not to exceed ten years, mortgages, or easements; and
  - 3. Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- B. The provisions of this Chapter, as it applies to all divisions of tracts of land, shall not apply to:
  - 1. Cemetery plats made under Wis. Stat. s. 157.07; and
  - 2. Assessor's plats made under Wis. Stat. s. 70.27, but such assessors' plats shall comply with Wis. Stat. ss. 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).

30-9. COMPLIANCE.

No person shall divide any land located within the jurisdictional limits of these regulations which results in a condominium, planned development, conservation subdivision, conventional subdivision, certified survey map or replat as defined herein, and no such condominium, planned development, conservation subdivision, certified survey map, 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 Chapter and the following:

- A. Chapters 236 and 703 of the Wisconsin Statutes;
- B. Rules of the Wisconsin Department of Safety and Professional Services, contained in Wis. Admin. Code ch. SPS 383 and related chapters of the Wisconsin Administrative Code for land division not served by public sewer;
- C. Rules of the Wisconsin Department of Transportation relating to safety of access and preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street;
- 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 floodplain, wetland, shoreland-wetland and shoreland areas; and
- E. All other applicable state, local and county ordinances and regulations.

30-10. APPLICABILITY TO CONVENTIONAL AND CONSERVATION SUBDIVISIONS AND MINOR DIVISIONS.

- A. Conventional and conservation subdivision standards apply to all divisions in the non-sewer district where the division of a parent parcel of 20 or more net buildable acres creates five or more parcels including the parent remnant.
- B. Conventional and conservation subdivision standards apply to all subdivisions in the sewer district where the division of a parent parcel of 20 or more net buildable acres creates five or more parcels including the parent remnant.
- C. Condominium Plats: Conventional and conservation subdivision standards apply to all condominium plats prepared under Chapter 703 of the Wisconsin Statutes. A condominium plat that does not include a land division is exempt from review under this Chapter, and must meet the regulations of the Planning and Zoning Code, i.e., if the condominium is one five unit building, it is treated as a multifamily development under the Planning and Zoning Code, and if it is five single-family units, or five duplexes, without a land division, it is treated accordingly, with the appropriate lot sizes per family, etc. If the owners/developers want to reduce yard sizes, setbacks, etc. under the Planning and Zoning Code, a PUD must be requested under the Planning and Zoning Code. If a land division is requested, this Chapter is applicable only to the land division and not the condominium plat itself.
- D. Minor Divisions standards apply to all minor divisions in the sewer and non-sewer districts.

30-11. DEDICATION OF LANDS.

Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a public street, drainage way, 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 by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in this Chapter.

**30-12. IMPROVEMENTS.**

Before final approval of any final plat located within the jurisdiction limits of this Chapter, the subdivider shall install street, utility and other public improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney in an amount equal to 120 percent of the estimated cost of the improvements -- said estimate to be made by the Village Plan Commission after review and recommendation by the Village Engineer -- as a guarantee that such improvements will be completed by the subdivider or the subdivider's contractors or subcontractors not later than two years from the date of recording of the plat 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 to which these bond and contract provisions apply may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section;
- C. Survey monuments: Before final approval of any plat within the Village, the subdivider shall install survey monuments (hereinafter sometimes referred to as "monuments) placed in accordance with the requirements of Wis. Stat. s. 236.15 and as may be required by the Village Engineer.

**30-13. VARIANCES.**

Where, in the judgment of the Village Board, it would be inappropriate to apply literally the provisions of this Chapter because exceptional or undue hardship would result, the Village Board, after review and recommendation by the Village Plan Commission, may waive or modify any requirement to the extent deemed just and proper.

- A. No variance to the provisions of this Chapter shall be granted unless the Village Board finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:
  - 1. Exceptional circumstances: That there are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. (Such hardships should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Chapter should be changed).
  - 2. Preservation of property rights: That such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
  - 3. Absence of detriment: That the variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.
- B. The Village Board may waive the placing of monuments, required under Wis. Stat. ss. 236.15(1)(b), (1)(c), and (1)(d), for a reasonable time on the condition that the subdivider executes or provides sufficient surety to insure the placing of such monuments within the required time limits established by the Village.

**30-14. LAND SUITABILITY.**

- A. Environmentally sensitive land shall not be developed except as set forth in this section. Areas identified as environmentally sensitive include, but are not limited to the following:
1. All areas mapped as floodplain by the Federal Emergency Management Agency, Wisconsin Department of Natural Resources, or other public or private entity, and unmapped flood prone areas subject to inundation by the 100-year storm event.
  2. All wetlands, including ephemeral ponds, as defined in Wis. Admin. Code s. NR 103.02(5), including a 75-foot buffer from the edge of the wetlands.
  3. All areas within the areas zoned as shoreland pursuant to Chapter 36, i.e., within the applicable distance from the high water mark of navigable streams and lake, as identified by the Wisconsin Department of Natural Resources Water Management Specialists.
  4. Regional natural areas and critical species habitat.
  5. Areas known to provide habitat for rare, threatened or endangered species.
  6. Burial sites and Indian mounds.
  7. Any drainage way where water runs during spring runoff or during a 100-year rainfall event. A 25-foot buffer from the edge of the drainage way shall be included.
  8. All areas restricted by Wisconsin Administrative Code for private on-site wastewater treatment systems including high groundwater (within 6 feet of undisturbed surface), or bedrock within 6 feet of the natural undisturbed surface, filled lands, and lands drained by farm drainage tiles or ditch systems which would otherwise be wetlands.
- B. Areas determined to be environmentally sensitive may be included as Common Space in a conservation subdivision.
- C. The Village Board, 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 residential use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if they so desire. Thereafter, the Village Board may affirm, modify, or withdraw its determination of unsuitability.

**30-15. EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.**

Pursuant to Wis. Stat. s. 236.45(3):

- A. The subdivision ordinances adopted by the Village shall regulate the division or subdivision of land within the extraterritorial plat approval jurisdiction of the Village as well as land within the corporate limits of the Village when the Village has the right to approve or object to plats within that area under Wis. Stat. s. 236.10(1)(b)2. and (2).
- B. Notwithstanding subsection A. and Wis. Stat. ss. 236.45(1) and (2), the Village may not deny approval of a plat or certified survey map under this section or Wis. Stat. ss. 236.10 or 236.13 on the basis of the proposed use of land within the extraterritorial plat approval jurisdiction of the Village, unless the denial is based on a plan or regulations, or amendments thereto, adopted by the Village Board under Wis. Stat. s. 62.23(7a)(c).

30-16. FEES.

Fees and Costs. The fees and costs for review of Plats, CSMs and other reviews required by this Chapter shall be in amounts determined by the Village Board and set forth in the Fee Schedule. Reviews shall not occur or approvals granted until the applicant pays all applicable fees and costs to the Treasurer.

**ARTICLE 2. SUBDIVISION PROCEDURE.**

**30-21. PRE-APPLICATION CONFERENCE.**

It is recommended that, prior to filing a subdivision conceptual plan, the subdivider consult with the Village Zoning Administrator, and the Plan Commission, in order to obtain their advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive land use plan, comprehensive plan components, , duly adopted plan for implementation devices of the Village, conventional subdivision requirements, conservation subdivision procedures and process as shown in Appendix A, and to otherwise assist the subdivider in planning the development. In doing so, both the subdivider and the Village Plan Commission may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible adverse effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequently required procedures.

**30-22. CONCEPTUAL PLAN.**

- A. Prior to the filing of an application for the approval of a preliminary plat, the subdivider shall submit ten copies of a conceptual plan of the proposed land division prepared in accordance with this chapter to the Zoning Administrator for review and comment by the Village Plan Commission and Village staff and consultants. Submission must be received at least 20 days prior to the next Plan Commission meeting in order to be added to the agenda. To facilitate the discussion, it is recommended that all members of the Commission visit the site with the developer as part of a Plan Commission meeting.
- B. The conceptual plan is intended to provide an early opportunity to review policy issues relating to the development and its possible adverse effects on the adjacent neighborhood and community. Assuming neighboring properties are likely to be developed in the future, the Plan Commission may recommend to the Village Board that a neighborhood plan be prepared prior to accepting the conceptual plan. The Village would be responsible for preparing such a plan. The plan would include, but not necessarily be limited to identifying locations of the following:
1. Streets and highway access points;
  2. Environmentally sensitive areas which cannot be developed as defined in Section 30-14, Land Suitability;
  3. Environmental corridors;
  4. Residential development areas; and
  5. Business and commercial development areas.
- C. The Village Plan Commission may recommend and the Village Board may require:
1. That the developer submit a conservation subdivision development plan as an alternative to a conventional subdivision; and
  2. For development within, or within 200 feet of, a primary or secondary environmental corridor, that a qualified ecological service provider provide a habitat assessment and a plan to minimize adverse effects on vegetation and wildlife within the corridor. When the affected corridor land is owned by another party(s), the assessment and plan will be waived if the other owner(s) do not grant permission. At the discretion of the Plan Commission, similar information may be required for isolated natural resources. These corridors and resources are identified in "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" on Map VI-1, as may be amended from time to time.

**30-23. PUBLIC NOTIFICATION.**

Notice of any public hearing which the Plan Commission or Village Board is required to hold under the terms of this Chapter shall specify the date, time and place of said hearing and shall state the matter to be considered at said hearing. Notice shall be provided as required by applicable state statutes. The following notifications shall be required in addition to the notice required by statute:

- A. Written Notice. At least 14 days prior to initial review of a land division conceptual plan or CSM by the Plan Commission, the Village Clerk shall send a written notice to the property owner and to the property owners abutting the subject property, including abutting owners on the opposite side of the street, advising of the date of the meeting when the proposal will first be considered.
- B. Signs. At least 14 days prior to initial review of a land division conceptual plan or CSM by the Plan Commission, the applicant shall post one or more signs, clearly visible from each adjoining road, advising of pending review. The signs shall remain in place until the day after the Village Board meeting at which the land division is finally approved or denied by the Village Board. The signs shall be provided by the Village and shall be returned by the applicant no later than two days after final determination. Improper posting may result in the Plan Commission delaying consideration until a later meeting.

**30-24. PRELIMINARY PLAT REVIEW AND APPROVAL.<sup>1</sup>**

After submitting a conceptual plan and before submitting a final subdivision plat for approval, the subdivider shall prepare a preliminary plat with supporting data and a letter of application. The preliminary plat and supporting data shall be prepared in accordance with this chapter and Wisconsin law. The subdivider shall file an electronic copy of the plat and one hard copy capable of legible reproduction with supporting data and application with the Village Clerk, together with all necessary fees, at least 30 days prior to the meeting of the Village Plan Commission at which first consideration is desired. The Clerk may require additional copies. The subdivider shall also file an electronic copy or a hard copy of the plat with the Wisconsin Department of Administration in conformance with Wis. Stat. s. 236.12.

- A. The Village Clerk shall forward the Preliminary Plat (which may be an electronic copy or reduced copy) and letter of application within two normal working days to each of the following:
  - 1. Village Trustees;
  - 2. Village Plan Commission Members;
  - 3. Zoning Administrator and Village Engineer;
  - 4. Contracted Fire Company.
  - 5. School Board with jurisdiction (for review and comment).
- B. After review and input from the objecting agencies as set forth in Wis. Stat. s. 236.12, Village Engineer and Fire Chief, the Zoning Administrator and Village Plan Commission will review the Preliminary Plat and supporting data and suggest changes needed to comply with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and conventional and conservation subdivision procedures. Efforts will be made to resolve any differences and a recommendation made to the Village Board to approve or reject the plat.
- C. The Village Board shall, within 90 days of the date of filing of a Preliminary Plat and supporting data with the Village Clerk, approve, approve conditionally, or reject such plat. One copy of the

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<sup>1</sup> Amended 12-8-2014, Ordinance #2014-6



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plat shall thereupon be returned to the subdivider 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 copy of each of the plat and letter shall be placed in the Village's permanent file.

- D. Failure of the Village Board to act within 90 days shall constitute an approval of the Preliminary Plat as filed.
- E. If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat or may extend the time for submission of the final plat. The final plat may, if permitted by the approving authority, constitute only that portion of the approved preliminary plat that the subdivider proposes to record at that time. See Wis. Stat. s. 236.11(1)(b).
- F. See also s. 30-25C.

**30-25. FINAL PLAT REVIEW AND APPROVAL.<sup>2</sup>**

- A. The subdivider shall prepare a Final Plat, letter of application and shall file an electronic copy of the Plat and a hard copy of the Plat capable of reproduction and hard and electronic copies of the application with the Village Clerk, along with all applicable fees in accordance with this chapter and Wis. Stat. ch. 236, at least 45 days prior to the meeting of the Village Board at which action is desired. The Village Clerk may require additional copies. The subdivider shall also file the Plat with the Department of Administration as set forth in Wis. Stat. s. 236.12.
- B. The Village Clerk shall forward the Final Plat (which may be an electronic copy or reduced copy), and letter of application within two normal working days to each of the following:
  - 1. Village Trustees;
  - 2. Village Plan Commission Members;
  - 3. Zoning Administrator and Village Engineer;
  - 4. Contracted Fire Company;
  - 5. School Board with jurisdiction (for review and comment).
- C. The Village Plan Commission and Village Engineer shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any condition of approval of the Preliminary Plat, this chapter and all ordinances, rules, regulations, comprehensive plan components and conservation subdivision procedures which may affect it. The Village Plan Commission shall recommend approval or rejection of the Plat to the Village Board.
  - 1. Pursuant to Wis. Stat. s. 236.11(1)(c), the Village Engineer shall provide the Village with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.
  - 2. Basis for Approval. Pursuant to Wis. Stat. s. 236.13:

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<sup>2</sup> Amended 12-8-2014, Ordinance #2014-6

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- a. The basis for approval of a preliminary or final plat shall be conditioned on compliance with the following:
  - (1) The provisions of Wis. Stat. ch. 236;
  - (2) Any Village or applicable county ordinance that is in effect when the subdivider submits a preliminary plat, or a final plat if no preliminary plat is submitted;
  - (3) The rules of the Department of Safety and Professional Services relating to lot size and lot elevation necessary for proper sanitary conditions in a subdivision not served by a public sewer, where provision for public sewer service has not been made;
  - (4) The rules of the department of transportation relating to provision for the safety of entrance upon and departure from the abutting state trunk highways or connecting highways and for the preservation of the public interest and investment in such highways.
- b. As a further condition of approval, the Village shall require that the subdivider make and install any public improvements reasonably necessary or that the subdivider execute a bond or letter of credit to ensure that he or she will make those improvements within a reasonable time as set forth in Article 10. The subdivider may construct the project in such phases as the Village Board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any bond or letter of credit required by the Village Board shall be limited to the phase of the project that is currently being constructed. The Village Board may not require that the subdivider provide any security for improvements sooner than is reasonably necessary before the commencement of the installation of the improvements.
- c. The Village shall require as a condition for accepting the dedication of public streets, alleys or other ways, or for permitting private streets, alleys or other public ways to be placed on the official map, that the following facilities shall have been previously provided without cost to the Village, but which are constructed according to Village specifications and under Village inspection: sewerage (where required under Chapter 10), storm water management and/or treatment facilities, grading and improvement of streets, alleys, sidewalks and other public ways, street lighting, and other facilities as may designated by the Village Board, or that a specified portion of such costs shall be paid in advance as provided in Wis. Stat. s. 66.0709.
- d. The Village shall require as a condition of approval that the subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the platting or certified survey map, fall within the public right-of-way.
- e. As a further condition of approval, the Village may require the dedication of easements by the subdivider for the purpose of assuring the unobstructed flow of solar or wind energy across adjacent lots in the subdivision.
- f. Additional bases of approval shall be as further set forth in Wis. Stat. s. 236.13.

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- D. The Village Plan Commission shall, within 30 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 with the Village Board.
- E. The Village Board shall, within 60 days of the date of filing the Final Plat and application with the Village Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reason shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider.
- F. Failure of the Village Board to take action on the Plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved. Upon demand, the Clerk shall affix a certificate on the face of the plat to that effect.
- G. When the Village determines to approve the plat, the Clerk shall give at least 10 days' prior written notice to the clerk of any municipality whose boundaries are within 1,000 feet of any portion of the proposed plat, but failure to give such notice shall not invalidate the plat.
- H. The subdivider shall prepare the final plat for approval and attached any required certifications as set forth in Wis. Stat. s. 236.11. After the Final Plat has been approved by the Village Board and required improvements either installed or a contract insuring their installation filed, the appropriate surety approved, and the certificate of the Department of Administration affixed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the Plat unless it is offered within 12 months of the last approval by the Village Board and 36 months of its first approval.
- I. The subdivider shall file ten copies of the approved Final Plat as recorded with the Village Clerk for distribution to the Village Engineer, Building Inspector, Assessor and other affected departments for their files.
- J. If permitted by the Village Board, the approved Preliminary Plat may be final platted in phases, with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time; however, it is required that each such phase be final platted and be designated "a phase" or addition to the approved Preliminary Plat.

**30-26. REPLATS.**

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in Wis. Stat. ch. 236 Subchapter VIII, except as may be provided by other applicable provisions of the statutes.

**ARTICLE 3 SUBDIVISION CONCEPTUAL PLAN**

**30-31. GENERAL.**

A conceptual plan shall be required for all subdivision developments. Mapping for the initial application can be done in any 8 1/2- x 11-inch or larger format as long as individual map components can be distinguished and the relationship between map components can be determined.

**30-32. SUBDIVISION CONCEPTUAL MAP REQUIREMENTS.**

The following information shall be required for all subdivisions.

- A. General Location Map: The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies, wooded areas, wetland, primary and secondary environmental corridors, isolated natural areas, agricultural land, roads, property boundaries within 500 feet of the tract and location of the proposed buildings. This information may be presented on an aerial photograph at a scale of no less than 1 inch equals 400 feet.
- B. Inventory of existing resources: Inventory and mapping of existing resources including the following mapped at a scale of no less than one inch equals 200 feet:
  - 1. Topographic contours at two-foot intervals
  - 2. U.S. Department of Agriculture, Natural Resource Conservation Service soil type location and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems.
  - 3. Hydrologic characteristics, including surface water bodies, flood plains, groundwater recharge and discharge areas, wetlands, ephemeral ponds, natural swales, drainage way and steep slopes.
  - 4. Land cover on the site, according to general cover type (pasture, woodland, etc.). The inventory shall include comments on the health and condition of vegetation.
  - 5. Known current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites and history of waste disposal practices, paved areas and all encumbrances such as easements or covenants.
  - 6. Known critical habitat for threatened, endangered, or protected species as identified by the Wisconsin DNR or the U.S. Fish and Wildlife Service.
  - 7. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating where they were taken.
  - 8. Known unique geological resources, such as rock outcrops and glacial features.
  - 9. Cultural resources: brief description of historic character of buildings and structures, historically important landscapes and archeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites.

**30-33. SUBDIVISION DEVELOPMENT YIELD ANALYSIS.**

The subdivider shall submit a table showing the maximum number of dwelling units permitted according to adopted Land Division Chapter density formulas and Village zoning requirements, and will compare

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this total with the number being proposed. The maximum number of parcels which can be created, including the parent remnant, is called the development yield and shall equal:

- A. Conservation subdivision in non-sewer district: Development yield equals: Gross contiguous acres minus new and existing street right-of-ways; divide this number by 3 and round to the nearest whole number.
- B. Conservation subdivision in sewer district:
  - 1. Development yield must be consistent with densities specified in Map 7 in Appendix D of the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" as amended from time to time, and the Rochester 40 or 60 percent open space requirement for conservation subdivisions.
  - 2. The Plan Commission may consider and after consideration of the Plan Commission recommendation, the Village Board may approve modifying the development yield on a conservation subdivision in the sewer district based on a PUD or conditional use, or when an environmental corridor would be part of the development.
- C. Conventional subdivision in non-sewer district: Development yield equals: Gross contiguous acres minus new and existing street right-of-ways; divide this number by 3 and round to the nearest whole number.
- D. Conventional subdivision in sewer district:
  - 1. Development yield must be consistent with densities specified in Map 7 in Appendix D of the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" as amended from time to time and the Rochester 20 percent open space requirement for conventional subdivisions.
  - 2. The Plan Commission may consider, and after consideration of the Plan Commission recommendation, the Village Board may approve modifying the development yield on a conventional subdivision in the sewer district based on a PUD, or when an environmental corridor would be part of the development.

**30-34. SITE ANALYSIS AND CONCEPTUAL PLAN.**

- A. Using the mapping and inventory of existing resources (s. 30-32) the development yield analysis (s. 30-33), and standards specified in Article 8, Required Land Improvements, the subdivider shall submit a conceptual plan for a conventional or conservation subdivision including at least the following information at a scale of no less than 1 inch equals 200 feet:
  - 1. Boundaries of areas to be developed and proposed street and lot layout
  - 2. Number of housing units proposed and distribution of lot sizes
  - 3. Proposed methods for and location of water supply, storm water management (e.g., best management practices), and sewerage treatment
  - 4. List preserved and disturbed natural features and prominent views
  - 5. Preliminary development envelopes showing areas for lawn, pavement, buildings and grading

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- B. For a conservation subdivision, the Conservation Subdivision Requirements in Article 7 and the design principles in Appendix B Conservation Subdivision Design Process shall also be used in developing the conceptual plan and the following additional information included in the plan:
1. Open space areas which are to remain undeveloped and proposed trail location
  2. Proposed methods for ownership and management of common open space

**ARTICLE 4 PRELIMINARY PLAT**

30-41. GENERAL.

A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a professional land surveyor at a map scale of not more than 100 feet to the inch and shall show correctly on its face the following information:<sup>3</sup>

- A. Title or name under which the proposed subdivision 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. The location of the proposed subdivision by government lot, quarter-section, section, township, range, county and state;
- C. General location sketch showing the location of the subdivision within the U.S. Public Land Survey section;
- D. Date, graphic scale and north arrow;
- E. Names and addresses of the owner, subdivider and land surveyor preparing the plat;
- F. Entire area contiguous to the proposed plat owned or controlled by the subdivider even though only a portion of said area is proposed for immediate development.

30-42. PRELIMINARY PLAT DATA.

All preliminary plats shall show the following:

- A. Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- B. Location, right-of-way width and names of all existing 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;
- C. Location and names of any adjacent subdivisions, parks and cemeteries and owners of record of abutting unplatted lands;
- D. Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural and man-made features within the tract being subdivided or immediately adjacent thereto;
- E. Location, width and names of all proposed public and private rights-of-way and easements;
- F. Approximate dimensions of all lots together with proposed lot and block numbers and street setback lines;
- G. Location, approximate dimensions and size of any sites to be 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 private uses;
- H. Approximate radii of all curves;

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<sup>3</sup> Amended 12-8-2014, Ordinance #2014-6

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- I. Existing zoning on and adjacent to the proposed subdivision;
- J. Any proposed lake and stream access clearly indicating the location of the proposed subdivision in relation to the access;
- K. Legal description of the property;
- L. Also, attach the following to the Plat:
  - 1. Name of school district;
  - 2. Proposed development yield;
- M. For a conservation subdivision attach:
  - 1. Conservation subdivision theme;
  - 2. Management plan for restoration of land and long term management of open space.

**30-43. COVENANTS.**

The Village Board or the Village Plan Commission may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision, and otherwise protect the proposed development. The Village Attorney shall review all covenants and shall approve covenants as to form, and where easements or other rights are granted to the Village therein, shall also review the content thereof.<sup>4</sup>

**30-44. PRELIMINARY GRADING AND STORM WATER MANAGEMENT PLAN.**

All preliminary plats shall show the following on a separate sheet or sheets:

- A. The exterior boundaries of the proposed subdivision along with the proposed lots, lot numbers and drainage easements;
- B. Existing contours at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent, and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Datum (mean sea level) where available;
- C. Water elevations of adjoining lakes and streams at the date of the submittal and approximate high and low water elevations, all referred to mean sea level datum where available, together with any proposed land and stream improvements or relocations;
- D. Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;
- E. Location of all existing streets, alleys, or other public ways, easements, railroad and utility rights-of-way.
- F. 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 mean sea level datum where available;

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<sup>4</sup> Amended 12-8-2014, Ordinance #2014-6



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- G. 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 sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size and invert elevations;
- H. Preliminary street grading showing proposed streets with their proposed elevations and grades;
- I. Preliminary storm water management features showing proposed swales, storm sewers and storm water basins. Sizes of proposed storm sewers and storm water basins shall be shown and the supporting calculations included in a report to be filed as part of the preliminary data.
- J. Any proposed lake and stream improvement or relocation;
- K. Soil, type and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
- L. Location of soil boring tests, where required by law. The number of such tests shall be adequate to portray the character of the soils and the depths of bedrock and groundwater from the natural, undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the Preliminary Plan;
- M. Where a subdivision is not served by public 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.
- N. Wetland limits as verified by the Wisconsin Department of Natural Resources, SEWRPC or a DNR certified wetland biologist;
- O. Proposed erosion and sedimentation control practices;
- P. Proposed measures to protect areas of significant trees.

**30-45. TESTING.**

The Village Plan Commission, upon recommendation of the Village Engineer, may recommend that borings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat and plan.

**ARTICLE 5 FINAL PLAT**

**30-51. GENERAL.**

A final plat prepared by a professional land surveyor licensed by the State of Wisconsin is required for all subdivisions. It shall comply in all respects with the requirements of Wis. Stat. s. 236.20.<sup>5</sup>

**30-52. ADDITIONAL INFORMATION.**

The plat shall show correctly on its face, in addition to the information required by Wis. Stat. s. 236.20, the following:

- A. Railroad rights-of-way within and abutting the plat;
- B. Setbacks or building lines;
- C. Utility and/or drainage easements;
- D. All lands dedicated to the public or reserved for the common use of property owners within the plat and the method of ownership of that common use; and
- E. Special restrictions required by the Village Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.

**30-53. DEED RESTRICTIONS.**

The Village Board may require that deed restrictions be filed with the final plat.

**30-54. SURVEY ACCURACY.**

The survey shall meet or exceed the accuracy requirement set forth in Wis. Stat. s. 236.15(2).<sup>6</sup>

**30-55. SURVEYING AND MONUMENTING.**

All final plats shall meet all of the surveying and monumenting requirements of Wis. Stat. s. 236.15.

**30-56. STATE PLANE COORDINATE SYSTEM.<sup>7</sup>**

Where the plat is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village or Town, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner, to which the plat is tied, shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error or closure herein specified for the survey of the exterior boundaries of the subdivision. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System of 1927, South Zone, and adjusted to the control survey.

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<sup>5</sup> Amended 12-8-2014, Ordinance #2014-6

<sup>6</sup> Amended 12-8-2014, Ordinance #2014-6

<sup>7</sup> Amended 12-8-2014, Ordinance #2014-6

30-57. CERTIFICATES.

All final plats shall provide all the certificates required by Wis. Stat. s. 236.21. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied.

30-58. RECORDATION.<sup>8</sup>

The final plat shall only be recorded with the County Register of Deeds after the certificates have been signed by the Administrator, Division of Intergovernmental Relations, Department of Administration, the Village President and Village Clerk upon the approval by the Village Board, the surveyor, and those authorized to sign the certificates required by Wis. Stat. s. 236.21, on the face of the plat. The plat shall be recorded within the time limits set forth in Wis. Stat. s. 236.25.

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<sup>8</sup> Amended 12-8-2014, Ordinance #2014-6

**ARTICLE 6 MINOR LAND DIVISION – CERTIFIED SURVEY MAP**

**30-61 CERTIFIED SURVEY MAP REQUIRED.**

A certified survey map (CSM) prepared by a professional land surveyor shall be required for all "minor land divisions" when it is proposed:<sup>9</sup>

- A. To divide land into at least two but not more than four parcels or building sites including the parent remnant, any one of which is less than 35 acres in size, within a five year period; or
- B. To create by land division not more than four parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot, or outlot.
- C. Land Division by Metes and Bounds Description.<sup>10</sup>

Land divisions that do not require a Plat or CSM pursuant to this Chapter must be reviewed by the Zoning Administrator to ensure compliance with this Chapter, Chapter 35, Planning and Zoning and the other land use chapters of this Municipal Code.

**30-62. PRELIMINARY MEETING.**

It is recommended that the subdivider meet with the Zoning Administrator, and then the Village Plan Commission prior to submitting a conceptual plan to learn the objectives of the Land Use Plan and Land Division Chapter and understand how these will influence the planned development. It is also recommended to meet with Village Engineer. The Zoning Administrator will provide information on zoning, driveway access, sanitary requirements, floodplains, environmental corridors and wetlands on the site. It is also recommended that members of the Commission plan a site visit with the subdivider as part of a duly noticed public meeting prior to submission of the conceptual plan.

**30-62. CONCEPTUAL DEVELOPMENT PLAN.**

The subdivider shall prepare a conceptual development plan including general location map, inventory of existing resources, development yield analysis and proposed development.

- A. General Location Map (required for all CSMs): The subdivider shall submit a map showing the general outlines of existing buildings, land use, and natural features such as water bodies, wooded areas, wetland, primary and secondary environmental corridors, isolated natural areas, agricultural land, roads, property boundaries within 500 feet of the tract and location of the proposed buildings. This information may be presented on an aerial photograph at a scale of no less than one inch equals 400 feet.
- B. Inventory of existing resources: The following inventory and mapping of existing resources shall be included when creating three or more parcels including the parent remnant. These should be at a scale of no less than one inch equals 200 feet:
  - 1. Topographic contours at two-foot intervals;
  - 2. U.S. Department of Agriculture, Natural Resource Conservation Service soil type location and identification of soil type characteristics such as agricultural capability, depth to bedrock and water table, and suitability for wastewater disposal systems;

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<sup>9</sup> Amended 12-8-2014, Ordinance #2014-6

<sup>10</sup> Amended 6-8-2015, Ordinance #2015-1

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3. Hydrologic characteristics, including surface water bodies, floodplains, groundwater recharge and discharge areas, wetlands, ephemeral ponds, natural swales, drainage way and steep slopes;
  4. Land cover on the site, according to general cover type (pasture, woodland, etc.). The inventory shall include comments on the health and condition of the vegetation;
  5. Known current and past land use, all buildings and structures on the land, cultivated areas, brownfields, waste sites and history of waste disposal practices, paved areas and all encumbrances such as easements or covenants;
  6. Known critical habitat for threatened, endangered, or protected species;
  7. Views of the site, including views onto the site from surrounding roads, public areas and elevated areas, including photographs with a map indicating where they were taken;
  8. Unique geological resources, such as rock outcrops and glacial features;
  9. Known cultural resources: brief description of historic character of buildings and structures, historically important landscapes, and archaeological features. This includes a review of existing inventories, including those the State Historical Society of Wisconsin maintains for historic buildings, archaeological sites, and burial sites;
- C. Development Yield Analysis: The subdivider shall submit a table showing the maximum number of dwelling units that would be permitted according to the adopted Land Division Chapter density formula and the Village Planning and Zoning chapters and will compare this total with the number being proposed.
1. Non-sewer district: The maximum number of parcels that can be created in the non-sewer district, including the parent remnant, is called the development yield and shall equal: Gross contiguous acres minus new and existing street rights-of-way; divide this number by 3 and round to the nearest whole number.
  2. Sewer district: The maximum number of parcels which can be created in the sewer district is determined by densities specified in Map 7 in Appendix D of the November 2009 "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" as amended from time to time, and the Zoning chapters.
- D. Using the general map location, inventory of existing resources, the development yield analysis and standards specified in Article 8, Required Land Improvements, the subdivider shall submit a conceptual development plan including at least the following information at a scale of no less than 1 inch equals 200 feet:
1. Open space areas indicating which areas are to remain undeveloped and any proposed trail locations;
  2. Boundaries of areas to be developed and proposed street and lot layout;
  3. Number of housing units proposed and distribution of lot sizes;
  4. Proposed methods for and location of water supply, storm water management (e.g., best management practices);
  5. Proposed method for sewerage treatment. Note that all new development in the sanitary sewer district shall connect to the district when a sewer line exists on the parcel road frontage. Alternate treatment systems, which meet the requirements of Chapters SPS

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383 and 385 of the Wisconsin Administrative Code, may be allowed when such a line does not exist or when a line has not been approved for installation by the Western Racine County Sewerage District. Also see Chapter 10 of this Municipal Code;

6. Inventory of preserved and disturbed natural features and prominent views;
7. Preliminary development envelopes showing areas for lawn, pavement, buildings and grading;
8. The Plan Commission may also require the submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel including general street and parcel locations and potential effects of limitations on neighboring lands.

**30-64. FILING OF CONCEPTUAL DEVELOPMENT PLAN.**

Twelve copies of the plan shall be submitted, along with a letter of explanation, to the Village Clerk at least 20 days prior to the meeting date of the Village Plan Commission in which action is desired. Within two days of receipt, the Clerk will forward copies to the Village Engineer, the Zoning Administrator, the Village Board members, and the Village Plan Commission members.

**30-65. CSM APPROVAL PROCEDURE.**

The subdivider shall prepare the certified survey map in accordance with the requirements of this chapter and Wis. Stat. s. 236.34 as amended from time to time, and shall file an electronic copy of the map and at least 14 copies of the map and the letter of application with the Village Clerk.<sup>11</sup>

- A. The Village Clerk shall, within two normal workdays after filing, transmit the copies of the map and letter of application to the Village Plan Commission members, Village Board members, and Village Engineer.
- B. Village staff will assist the subdivider in identifying known floodplains, wetlands, environmental corridors, shoreland-wetlands, and shorelands.
- C. Objecting and approving authority reviews and recommendations shall be transmitted to the Village Plan Commission and Village Board within 20 days from the date the map is filed. The map shall be reviewed by the Village Plan Commission for conformance with this chapter, Appendix A of this Chapter regarding Design Standards, the Rochester Land Use Plan and all other ordinances, rules, regulations, comprehensive plans and comprehensive plan components.
- D. The Village Plan Commission shall, within 30 days from the date of filing of the CSM, recommend approval, conditional approval, or rejection of the CSM and shall transmit the map along with its recommendations to the Village Board.
- E. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map, or reject such certified survey map within 90 days from the date of filing of the map unless the time is extended by 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 and return the map to the subdivider.
- F. The subdivider shall file one hard copy and one digital copy of the certified survey map as recorded with the Village Clerk for distribution to the Village Engineer, the Zoning Administrator, Building Inspector, Assessor and other affected Village officials for their files.

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<sup>11</sup> Amended 12-8-2014, Ordinance #2014-6

30-66. CSM INFORMATION.

- A. The map shall show correctly on its face, in addition to the information required by Wis. Stat. s. 236.34, the following:
1. All existing buildings, navigability determination, drainage ditches, flood plains and other features pertinent to proper land division;
  2. Location of environmental corridors, woodlands, isolated natural resources, wetlands and ephemeral ponds as delineated by SEWRPC;
  3. Agricultural soil capability map; available from SEWRPC (if appropriate);
  4. Historic, cultural and archaeological features;
  5. Setbacks or building lines;
  6. Easements for sewers, water mains, storm water management, access ways, agricultural drainage tiles and all other utilities;
  7. Existing contours when required by the Village Engineer at vertical intervals of not more than two feet where the slope of the ground surface is less than ten percent and of not more than five feet where the slope of the ground surface is ten percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) are fully developed;
  8. Proposed lot drainage as may be required by the Village Engineer or Village Plan Commission;
  9. Name and address of the owner, subdivider and surveyor;
  10. Connection point to public sewer line or, if an onsite sanitary system has been approved, show location of soil borings. Attach a report with findings on suitability of the site for an onsite sanitary system including tests as directed by Wis. Admin. Code chs. SPS 383 and 385;
  11. Location of existing onsite sewerage treatment systems.
- B. The Plan Commission may recommend to the Village Board and the Village Board may require:
1. For development within or within 200 feet of a primary or secondary environmental corridor, that a qualified ecological service provider provide a habitat assessment and a plan to minimize adverse effects on vegetation and wildlife within the corridor. When the affected corridor land is owned by another party(s), the assessment and plan will be waived if the owner(s) does not grant permission. At the discretion of the Plan Commission, similar information may be required for isolated natural resources. These corridors and resources are identified in "A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035" on Map VI-1.
  2. That the entire area contiguous to the land encompassed within the proposed CSM and owned or controlled by the subdivider be included in the CSM even though only a portion of said area is proposed for immediate development.

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3. The submission of a sketch plan, drawn to scale, showing the entire contiguous holdings owned or controlled by the subdivider and identifying proposed future development of the parcel, including general street and parcel locations. The Village Clerk shall attach a copy of the sketch plan to the CSM and retain both in the Village files.



30-67. STATE PLANE COORDINATE SYSTEM.<sup>12</sup>

Where the map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village, or Town, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System of 1927, South Zone, and adjusted to the control survey.

30-68. CERTIFICATES.

The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. 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 Wis. Stat. s. 236.21(2)(a).

30-69. RECORDATION.<sup>13</sup>

The subdivider shall record the map with the Racine County Register of Deeds within 12 months of its last approval by the Village Board and within 36 months of its first approval.

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<sup>12</sup> Amended 12-8-2014, Ordinance #2014-6

<sup>13</sup> Amended 12-8-2014, Ordinance #2014-6

**ARTICLE 7 CONSERVATION AND CONVENTIONAL SUBDIVISION REQUIREMENTS.**

***Sections 30-71 through 30-75 include requirements that apply to conservation subdivisions.***

**30-71. GENERAL.**

Conservation Subdivisions shall identify a conservation theme or themes. This theme shall be identified at the time of the initial application. Conservation themes may include, but are not limited to forest stewardship, water quality preservation, farmland preservation, natural habitat restoration, view shed preservation, or archaeological and historic properties preservation. The Plan Commission will work with the developer to specify which areas shall be preserved. Refer to Appendix B, Conservation Subdivision Design Process, for additional considerations of the design process.

**30-72. RESIDENTIAL LOT REQUIREMENTS.**

- A. A residential conservation subdivision in the sewer district shall be done as a conditional use as set forth in the Village zoning chapters. Consistent with the 40 percent open space requirement in Section 30-74, the Conditional Use will establish minimum lot size, principal building setbacks, accessory building setbacks, and maximum building height.
- B. A conservation subdivision in the non-sewer district shall be zoned R-8, R-9, A-2, or C-2. Lot sizes less than 40,000 square feet may be permitted under conditional use R-8, R-9, A-2 or C-2 zoning. In such an instance, the developer and Village of Rochester Plan Commission shall establish minimum lot size, principal building setbacks, accessory building setbacks, rear lot line, and maximum building height. In all cases, the conservation subdivision development yield analysis in Section 30-33.A. and 60 percent open space requirement in Section 30-74.B. shall be maintained.
- C. Lots shall be configured to minimize the amount of impervious surfaces. Maximum Lot Coverage equals 35 percent (includes buildings and other impervious surfaces).
- D. Maximum Building Height equals 35 feet.
- E. Access to the majority of lots shall be by interior local streets with the exception of existing farmsteads to be preserved that have an existing driveway on an arterial street.
- F. Lots shall be configured to minimize the amount of road length required for the subdivision.
- G. Development envelopes shall be configured to minimize loss of woodlands. However, when the objective is to preserve prime farmland for agricultural use, dwellings may be located within the woods, provided that no more than 20 percent of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well and private onsite waste treatment system.
- H. If agricultural uses are being maintained, lots shall be configured in a manner that maximizes the usable area remaining for such agricultural uses with appropriate buffers between agricultural uses and residential structures.
- I. All lots within a neighborhood shall abut open space on at least one side. A local street may separate lots from the open space.
- J. Lots shall be oriented around one or more of the following:
  - 1. A central green or square.
  - 2. A physical amenity such as a meadow, a stand of trees, or some other natural or restored feature.

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- K. Development envelopes should not be located on ridges, hilltops, along peripheral public roads, or in other visually prominent areas.
- L. Residential structures should be oriented to maximize solar gain in the winter months.
- M. A 30-foot native vegetative buffer shall be maintained around open water areas, unless a specific common beach or grassed area is identified.
- N. Connectivity of environmental corridors, trails and green spaces, as well as the conservation subdivision themes of adjacent properties shall be considered in the design of the development in accordance with Appendix B, Conservation Subdivision Design Process.

**30-73 RESIDENTIAL CLUSTER SITING STANDARDS.**

- A. All residential lots and dwellings shall be grouped into clusters. Each cluster shall contain no more than 20 dwelling units and not less than five units.
- B. Residential clusters shall be located to minimize negative impacts on the natural, scenic and cultural resources of the site and to minimize conflicts between incompatible uses.
- C. Residential clusters shall avoid encroaching on rare plant communities; or threatened, endangered, or protected species habitat identified by the Department of Natural Resources.
- D. Whenever possible, open space shall connect with existing or potential open space lands on adjoining parcels and local or regional recreational trails.
- E. Residential clusters should be sited to achieve the following goals, to the extent practicable:
  - 1. Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.
  - 2. Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
  - 3. Prevent downstream impacts due to runoff through adequate onsite storm water management practices.
  - 4. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping and/or other features.
  - 5. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.
- F. Landscaping around the cluster may be necessary to reduce offsite views of residences.

**30-74. OPEN SPACE DESIGN.**

- A. The minimum common open space required shall be owned and maintained under one of the alternatives listed in Section 30-75, as approved by the Village. The uses within the open space may be accessible to the residents of the development. These uses may also be available to the general public providing the proper approvals are received. The required open space shall be undivided and restricted in perpetuity from future development, as specified in Section 30-75.
- B. Common open space shall be designated as part of the development. The minimum required common open space is 40 percent of net buildable acres inside the sewer district and 60 percent of net buildable acres outside the sewer district.

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- C. Following is an open space conservation ranking in order of significance. The areas to be preserved shall be identified on a case-by-case basis in an effort to conserve and provide the best opportunities to restore and enlarge the best quality natural features of each particular site.
  - 1. First priority will be given to intact natural communities, rare and endangered species, environmental corridors, natural and restored prairies, significant historic and archaeological properties, and steep slopes.
  - 2. Second priority will be given to areas providing some plant and wildlife habitat and open spaces values.
  - 3. Third priority will be given to areas providing little habitat but providing view shed, recreation, or a sense of open space.
- D. Privately held buildings or structures may be located within the open space area provided they are accessory to the use of the open space. The area shall be counted toward the overall open space percentage requirement.
- E. Septic systems and potable water systems may be located within the open space. The area shall be counted toward the overall open space percentage requirement.
- F. Road rights-of-way shall not be counted towards the required minimum open space.
- G. No more than 50 percent of the required open space may consist of water bodies, ponds, flood plain, or wetlands.
- H. A minimum of 80 percent of the non-agricultural open space shall be maintained for plant and wildlife habitat. That portion of open space designed to provide plant and animal habitat shall be kept as intact as possible. Trails shall be designed to avoid fragmenting these areas.
- I. Accessible open space in upland areas shall be available for recreational uses such as trails, play fields, or community gardens but should be designed in a manner that avoids adversely impacting archeological sites.
- J. A pathway system connecting open space accessible to neighborhood residents, and connecting these areas to neighborhood streets and to planned or developed trails on adjacent parcels shall be identified in the PLAN.

**30-75. OWNERSHIP AND MAINTENANCE OF OPEN SPACE.**

- A. Alternatives. The designated common open space and common facilities may be owned and managed by one or a combination of the following:
  - 1. A homeowners' association.
  - 2. A condominium association established in accordance with the Condominium Ownership Act, Wis. Stat. ch. 703.
  - 3. A nonprofit conservation organization.
  - 4. The Village or another government body empowered to hold an interest in real property.
  - 5. An individual who will use the land for open space purposes as provided by a conservation easement, e.g., agriculture.

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- B. Conservation Easement. Common open space and/or common facilities shall be subject to a conservation easement conveyed to a qualified holder, as defined in Wis. Stat. s. 700.40 (Uniform Conservation Easement Act). The holder(s) of the easement shall have responsibility for inspecting to ensure compliance. The easement holder will negotiate a reasonable annual charge with the Homeowner Association for the annual inspection. The Village of Rochester shall have a third party enforcement right, which shall be documented in the easement documents.
- C. Homeowners' Association. A homeowners' association shall be established if the common open space and/or common facilities are proposed to be owned by a homeowners' association. Membership in the homeowners' association is mandatory for all purchasers of homes in the development and their successors. The homeowners' association bylaws, guaranteeing continuing maintenance of the open space and other common facilities, and the declaration of covenants, conditions and restrictions of the homeowners' association shall be submitted for approval to the Village as part of the information required for the Preliminary Plat.

The homeowners' association bylaws or the declaration of covenants, conditions and restrictions of the homeowners' association shall contain the following information:

- 1. The legal description of the common land;
  - 2. A description of common facilities;
  - 3. The restrictions placed upon the use and enjoyment of the lands or facilities;
  - 4. Persons or entities entitled to enforce the restrictions;
  - 5. A mechanism to assess and enforce the common expenses for the land or facilities including upkeep and maintenance expenses, real estate taxes and insurance premiums;
  - 6. A mechanism for resolving disputes among the owners or association members;
  - 7. The conditions and timing of the transfer of ownership and control of land or facilities to the association;
  - 8. Any other matter the developer deems appropriate.
- D. Condominium Associations. If the common open space and facilities are to be held under the Condominium Ownership Act, Wis. Stat. ch. 703, the condominium instruments shall identify the restrictions placed upon the use and enjoyment of the common open space. All common open space shall be held as a "common element" as defined in Wis. Stat. s. 703.01(2).
  - E. Nonprofit Conservation Organization. If the common open space and/or common facilities are to be held by a nonprofit conservation organization, the organization must be acceptable to the Village. The conveyance to the nonprofit conservation organization must contain appropriate provisions for succession to another nonprofit conservation organization or other acceptable entity in the event that the organization becomes unwilling or unable to uphold the terms of the conveyance.
  - F. Public Dedication of Open Space and Streets. The Village may accept the dedication of fee title or dedication of a conservation easement to the common space as set forth in this Chapter. The Village may accept the common open space provided:
    - 1. The common open space is accessible to the residents of the Village;
    - 2. The Village agrees to and has access to maintain the common open space;

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3. Streets or other public ways which have been designated on a duly adopted official map or element of the Village comprehensive plan shall be dedicated or reserved by the subdivider to the Village. The street or public way shall be made a part of the plat in the locations and dimensions indicated in the comprehensive plan and as set forth in this Chapter.
  
- G. Individual Ownership. An individual may hold fee title to the land, or the owners of the land included in the plat may hold fee title in undivided shares, while a nonprofit conservation organization or other qualified organization holds a conservation easement prescribing the acceptable uses for the common open space.
  
- H. Maintenance Plan. Every conservation subdivision must include a plan that provides evidence of a means to properly manage the common open space in perpetuity and evidence of the long-term means to properly manage and maintain all common facilities, including any storm water facilities. The plan shall be approved by the Village prior to final plat approval.
  1. The plan shall do the following:
    - a. Designate the ownership of the open space and common facilities in accordance with this section.
    - b. Establish necessary regular and periodic operation and maintenance responsibilities.
    - c. Estimate staffing needs, insurance requirements and other associated costs and define the means for funding the same on an ongoing basis.
    - d. Include a land stewardship plan specifically focusing on the long-term management of common open space lands. The land stewardship plan shall include a narrative, based on the site analysis, describing:
      - (1) Existing conditions including all natural, cultural, historic and scenic elements in the landscape;
      - (2) The proposed end state for each common open space area; and the measures proposed for achieving the end state;
      - (3) Proposed restoration measures, including: measures for correcting increasingly destructive conditions, such as erosion; and measures for restoring historic features and habitats or ecosystems;
      - (4) The operations needed for maintaining the stability of the resources, including: mowing schedules; weed control; planting schedules; invasives control; clearing and cleanup;
      - (5) If ownership is vested in a homeowners' association or condominium association, the association must contract with a qualified conservation organization or ecological services contractor to implement the management plan. It is highly recommended that the association contract with the non-profit easement holder to implement the management plan.
      - (6) The Village would enforce the management plan if needed. At the Village's discretion, the applicant may be required to place in escrow sufficient funds for the maintenance and operation costs of common facilities for a maximum of one year.

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2. In the event that the organization established to own and maintain the open space and common facilities, or any successor organization, fails to maintain all or a portion of the common facilities in reasonable order and condition in accordance with the maintenance plan and all applicable laws, rules and regulations, the Village may serve written notice upon such organization and upon the residents and owners of the open space and common facilities, setting forth the manner in which the organization has failed to maintain the common facilities in reasonable condition. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made.
  - a. Upon failure to comply within the time specified, the organization, or any successor organization, shall be considered in violation of this Chapter, in which case the bond, if any, may be forfeited, and any permits may be revoked or suspended.
  - b. The Village may enter the premises and take corrective action.
  - c. The costs of corrective action by the Village shall be assessed ratably, in accordance with tax assessments, against the properties that have the right of enjoyment of the common facilities and shall become a lien on said properties.
  - d. The Village, at the time of entering upon such common facilities for the purpose of maintenance, shall file a notice of such lien in the office of the County Register of Deeds upon the properties affected by such lien.
3. Management plans can be amended by the owner with the approval of the Village Board and easement holder.

***Sections 30-76 and 30-77 include requirements which apply to conventional subdivisions.***

**30-76. RESIDENTIAL LOT REQUIREMENTS.**

- A. A conventional subdivision in the sewer district shall meet the requirements set forth in the zoning chapters for the desired zoning district, including minimum lot size, principal building setbacks, accessory building setbacks and maximum building height.
- B. A conventional subdivision in the unsewered district shall meet the requirements set forth in Chapter 35 for the desired zoning district, including minimum lot size, principal building setbacks, accessory building setbacks, rear lot line and maximum building height. In all cases, the conventional subdivision development yield analysis in Section 30-33.C. shall be maintained.
- C. Lots should be configured to minimize the amount of impervious surfaces. Maximum Lot Coverage equals 35 percent (includes buildings and other impervious surfaces).
- D. The Maximum Building Height is specified in the zoning district regulations.
- E. Access to the majority of lots should be by interior local streets.
- F. Lots should be configured to minimize the amount of road length required for the subdivision.
- G. Development envelopes should be configured to minimize loss of woodlands. However, dwellings may be located within woodlands provided that no more than 20 percent of a single lot is cleared for the construction of a dwelling, driveway, garage, storage building, well and, if necessary, a private on-site waste treatment system.

- H. A 30-foot native vegetation buffer shall be maintained around open water areas, or if the land is in the Shoreland Zoning District, as specified in Chapter 36.
- I. Connectivity of environmental corridors, trails and green spaces shall be considered in the design of the development.

**30-77. RESIDENTIAL SITING STANDARDS.**

- A. Residences should be located to minimize negative impacts on the natural, scenic and cultural resources of the site and to minimize incompatible uses.
- B. Residences shall avoid encroaching on rare plant communities; or threatened, endangered, or protected species habitat identified by the Department of Natural Resources.
- C. Whenever possible, natural areas on each lot should connect with existing or potential open space lands on adjoining parcels.
- D. Residences should be sited to achieve the following goals, to the extent practicable:
  - 1. Minimize impacts to prime farmland soils and large tracts of land in agricultural use and avoid interference with normal agricultural practices.
  - 2. Minimize disturbance to woodlands, wetlands, grasslands and mature trees.
  - 3. Prevent downstream impacts due to runoff through adequate on-site storm water management practices. (See Chapters 31 and 32.)
  - 4. Protect scenic views of open land from adjacent roads. Visual impact should be minimized through use of landscaping and/or other features.
  - 5. Protect archaeological sites and existing historic buildings or incorporate them through adaptive reuse.

***Section 30-78 includes requirements that apply to both conservation and conventional subdivisions.***

**30-78. STORM WATER MANAGEMENT BEST MANAGEMENT PRACTICES.**

- A. Minimize the use of curb and gutter and maximize the use of open swales.
- B. Roof down spouts should drain to porous surfaces.
- C. Comply with applicable standards of Wis. Admin. Code ss. NR216 and NR151. See also Chapters 31 and 32.
- D. Landscape plantings and rain gardens should be used to increase infiltration and decrease runoff.
- E. Natural open drainage systems shall be preserved.



**ARTICLE 8. REQUIRED LAND IMPROVEMENTS.**

**30-81. GENERAL.**

No division of land shall be approved, or construction or installation of improvements begun, without receiving a statement signed by the Village Clerk certifying that the improvements described in the subdivision's plans and specifications, together with agreements, meet the minimum requirements of all ordinances and design standards of the Village. The subdivider shall be responsible for the cost of all improvements and for any necessary alterations of any existing utilities which, by virtue of the plat or CSM, fall within the public right-of-way.

**30-82. STREET PLANS, IMPROVEMENTS AND STANDARDS.**

The division of land, including the arrangement, character, extent, width, grade and location of all streets, alleys, or other land to be dedicated for public use, shall conform to the highway system plan of the governing body responsible for the streets, and the comprehensive plan or plan component of the Village. They shall be considered in their relation to existing and planned streets, to topographical conditions, to public convenience and safety, and in their appropriate relation to the proposed uses of the land to be served by such streets.

- A. Street improvements are required to be constructed in conformity with the Design Standards adopted by the Village.
- B. Final surface for public streets must be installed no later than 12 months after the binder course.<sup>14</sup>
- C. All minimum standards established are intended to be construed solely as minimums. Additional standards may be required depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the Design Standards established by the Village. The Village Engineer may recommend and the Village Plan Commission may require standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.
- D. All right-of-way widths shall conform to the dimensions shown in Design Standards adopted by the Village and set forth in the appendix hereto.
- E. Minor streets shall be so laid out that their use by non-local traffic will be discouraged, without impairing overall traffic or utility efficiency.
- F. Alleys in residential districts are not permitted, except where deemed necessary and at the discretion of the Village Plan Commission.
- G. 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 subdivider. The platting of new half-streets shall not be permitted.
- H. Temporary termination of the 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 by construction of a temporary, paved, "T" intersection, 33 feet in width and 33 feet in length abutting the right-of-way lines of the access street on each side, including appropriate easements outside of the road right-of-way.
- I. No street names may be used which will duplicate or be confused with the names of the existing streets. Existing street names must be continued when streets are extended wherever possible. Each street name shall be approved by the Village Board.

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<sup>14</sup> Amended 12-8-2014, Ordinance #2014-6

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- J. Provisions should be made for serving lots abutting primary, major and arterial streets and highways by the use of restriction of access only to internal subdivision streets. Frontage streets should be avoided.
- K. Streets are the preferred routing of the overland emergency flood way.
- L. An approval letter from the jurisdiction controlling driveway access shall be provided.
- M. Streets should intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
  - 1. The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two.
  - 2. The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable, the distance between the intersections shall not be less than 1,200 feet.
  - 3. Minor streets shall not necessarily continue across arterial or collector streets; but if the center lines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be adjusted so that the adjoinment across the major or collector street is continuous; and a jog is avoided.

**30-83. UTILITY EASEMENTS.**

Public Utility Easements, when required for Village utilities or utility district owned and/or maintained utilities, shall be at least 20 feet wide, shall include a provision prohibiting the installation of permanent structures or buildings other than those owned by the Village or utility district, and shall provide that anything placed in the easement by the landowner or tenant shall be at the risk of the landowner. All other easements provided for non-municipally owned utilities shall meet the requirements of the individual company.

- A. The Village may require utility 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 electric power and communication lines, wires, conduits, side and rear yard drainage and other utility lines.
- B. 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 needed to straighten, or for maintenance access, or both, as will be adequate for the purposes. Parallel streets or parkways may be required in connection therewith.
- C. Easements shall be added when storm water from public or other private areas drain to a publicly or privately owned and maintained stormwater management area such that a perpetual right to drain is established and the Village retains the right to enter the easement and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

**30-84. LOT AND BLOCK STANDARDS.**

- A. The lengths of blocks should, as a general rule, not be less than 600 feet or more than 1,500 feet. Blocks over 900 feet may require crosswalks. Crosswalk dedication of not less than ten feet in width shall be provided where determined necessary by the Village at the approximate centers of the blocks. A sidewalk shall be constructed on the centerline, and full length of the crosswalk. The use of additional crosswalks in any instance to provide safe and convenient access to schools, parks, or other similar destinations will be specified by the Village.
- B. No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow and public areas.
- C. Blocks intended for commercial and industrial use must be designated as such and the plan must show adequate off-street areas suitably surfaced to provide for parking, loading docks and such other facilities that may be required to accommodate motor vehicles; all in accordance with applicable Village ordinances and codes.
- D. The minimum lot dimensions for residential development shall be pursuant to the Village Planning and Zoning chapters and at the established building line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.
- E. Building lines shall conform to the front yard provisions of the Planning and Zoning chapters, and in no instance shall the building lines be less than 25 feet from the street line.
- F. All lots shall abut publicly dedicated streets, or private streets when allowed by the Village Board.
- G. Side lines of lots shall be approximately at right angles or radial to the street line.
- H. Double frontage lots are discouraged except where lots back upon a primary street (major thoroughfare) and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least 20 feet in order to allow for a protective screen planting.
- I. Lots abutting a limited access highway, railroad, watercourse, drainage way, channel, or stream shall have additional minimum width or depth as required to provide an adequate building site and afford the minimum usable area required in the Planning and Zoning chapters for front, rear and side yards.

**30-85. PUBLIC SITES AND OPEN SPACES.**

In the design of the plat, due consideration shall be given to the dedication of suitable sites of adequate area for drainage ways and other public purposes. If designated on the comprehensive plan, comprehensive plan component, or official map, such areas shall be made a part of the plat as stipulated in this chapter. If not so designated, consideration shall be given in the location of such sites to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, watercourses, watersheds, and the need resulting from the land division. The specific provisions are set forth in Article 11 of this Chapter.

**30-86. HYDROLOGY AND SOILS.**

- A. **Stormwater Runoff.** Stormwater runoff from the proposed development shall be managed through ditches, swales, pipes and ponds such that the release rate for the two, ten, and 100 year frequency, 24-hour duration rainstorms shall be no greater than that of the land in its natural state prior to development.

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- B. Subsurface Drainage (Drain Tiles). The applicant shall submit a subsurface drainage inventory. The inventory shall include locations of existing farm and storm drainage tiles by means of slit trenching and other appropriate methods performed by a qualified subsurface drainage consultant. All existing drain tile lines damaged during the investigation shall be repaired to their previous working status.
1. The applicant shall provide a topographical map of the development site showing:
    - a. Location of and depth of each slit trench and identified to correspond with the tile investigation report and surveyed points where the tile was field staked at approximately 50 foot intervals;
    - b. Location of each drain tile with a flow direction arrow, tile size and any connection to adjoining properties; A summary of the tile investigation report showing trench identification number, tile size, material and quality, percentage of the tile filled with water, percentage of restrictions caused by silting, depth of ground cover, and working status;
    - c. Name, address and phone number of person or firm conducting tile location investigation.
  2. Information collected during the drainage investigation shall be used to design and construct a stormwater management system that meets the requirements of this Code, including connecting tile lines on adjoining properties. Tiles discovered during construction that were not identified during the investigation shall be incorporated into the development stormwater system design and recorded on the development as-built documents.
- C. The plans and special provisions shall include Best Management Practices (BMP's) that the developer shall utilize to eliminate the effects of soil erosion, mud tracking and the resultant sedimentation problems both on and off the site. Control of erosion shall be required both during and following construction until the soils are stabilized and expiration of the required maintenance bond. All BMP's shall meet the design criteria, standards and specifications of Wisconsin DNR Stormwater Construction and Post-Construction Technical Standards.
- D. See also Chapters 31 and 32.

**30-87. SEWERS AND SEWERAGE DISPOSALS; WATER FOR FIRE PROTECTION.**

- A. Sanitary sewerage.
1. Sanitary sewers shall be installed to comply with specifications established by the Western Racine County Sewerage District (WRCSD) and the Village, and shall be connected to the sanitary collection system of the Village as set forth in Chapter 10. The subdivider is responsible for obtaining necessary approvals from WRCSD. Where connection to public sanitary sewers is not required by Chapter 10, individual septic systems may be permitted provided they are designed in accordance with Chapter SPS 383 of the Wisconsin Administrative Code. A subdivision plat shall in no case be approved which shall be dependent upon individual septic systems and private wells, except where lots therein contain not less than 40,000 square feet each and shall not be less than 150 feet in width. All Village maintained utilities shall be placed within dedicated rights-of-way and approved easements and, specifically, those utilities shall not be placed upon private properties except for developments in which alternate agreement(s) are entered into by the Village and the developer. See also Chapter 10 of this Code.

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2. Deferred assessments. The Village Board, pursuant to Wis. Stat. chs. 61, 62 and 66, shall determine the benefits to be derived from any sewer installation made after the enactment of this Municipal Code as the same may accrue to any undeveloped tract or parcel of land located within the plat approval jurisdiction of the Village. The owner of such tract or parcel shall be accorded the same legal and statutory privileges as are the owner of land immediately affected by such installation. Any assessment accordingly made by the Village Board against such tract or parcel of land shall be payable on a deferred basis; and the payment shall be made to the Village at the time such tract or parcel or any part thereof is actually connected to such sewer system, and no interest shall be charged during the interim.

**B. Water Supply for Fire Protection.**

1. In all commercial, industrial and recreational developments, and in all subdivisions in which five lots or more are created, the Village Plan Commission and Village Board shall consult with the contracted fire company and determine whether there is an adequate water supply for fire protection in the vicinity, and may require the Developer or Owner to install, prior to the issuance of any building permit for structures in the development or subdivision, a dry hydrant in an accessible pond, or an accessible underground cistern or holding tank, the plans for which shall be reviewed by the contracted fire company and the Village Engineer and approved by the Wisconsin Department of Natural Resources, to be used for fire protection. If required by the Village, the pond, cistern or holding tank shall contain at least 20,000 gallons of water or a greater amount determined necessary by the contracted fire company and Village Engineer.
2. It shall be the perpetual responsibility of the Developer or Owner to maintain a required pond, hydrant, and/or cistern or holding tank or to delegate the responsibility to an entity approved by the Village Board. In the event that it is not properly maintained, the Village may, but is not required to, perform said maintenance, and charge the cost thereof to the property owners in the subdivision as a special charge pursuant to Wis. Stat. s. 66.0627.

**30-88. PUBLIC UTILITIES.**

All existing utility lines, conduits, or cable for electric, telephone, cable television and other communication services should be placed in a minimum of 24 inches underground within the easements or within ten feet of the right-of-way line of dedicated public ways as recommended by the Village Engineer and as approved by the Village Plan Commission in conjunction with the approval of any final plat of subdivision or planned unit development. All transformer boxes shall be located so as not to be hazardous to the public.

**30-89. LANDSCAPING, STREET LIGHTING, STREET SIGNS AND SURVEY MONUMENTS.**

- A. Landscaping shall be required to be constructed in accordance with the Design Standards adopted by the Village as set forth in the Planning and Zoning chapters.
- B. Maintenance of the parkway area, defined as that area adjacent to any lot or parcel, between the property line and any street shoulder or curb, shall be the responsibility of the property owner of said lot or parcel including, but not limited to:
  1. Mowing of grass or ground cover.
  2. Private driveway approaches.
  3. The curb (depressed) or flare from the pavement edge extended, for a private driveway approach.

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4. Tree trimming and watering to assure a healthy, well-shaped appearance and maintaining adequate roadway and sidewalk clearances.
  5. Keeping culvert opening free of debris.
  6. Mailboxes and support structures.
  7. Sidewalk installation and maintenance, where applicable.
- C. Each subdivider or subdivision owner shall provide for the adequate lighting of public streets within the proposed subdivision in accordance with the standards and requirements established by the Village Engineer or utility company, in accordance with the provisions of this chapter and subject to the approval of the Village. Such lights shall be placed at each street intersection and at such interior block spacing as may be required by the Village Board. It shall be the responsibility of the subdivider or subdivision owner to pay the installation cost of all such lighting.
- D. Street signs and guard rails shall, at the option of the Village Board, be obtained by the Village and placed where necessary by the Village and the cost of the same shall be paid for by the subdivider. See also Article 12.

**ARTICLE 9 ACCEPTANCE PROCEDURE.**

**30-91. SUBSTANTIAL COMPLETION.**

Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Village Engineer shall make an inspection of the work.

- A. The Village Engineer shall then prepare a Substantial Completion Certificate and Punch List for correction of items which do not comply with the approved drawings and specifications for Design Standards of the Village which need immediate attention. Upon completion of all items listed in the punch list, the subdivider shall sign and return the Substantial Completion Certificate.
- B. If all punch list items are found to be completed, the Village Engineer shall notify the Village Clerk in writing that the project has been substantially completed.
- C. The subdivider shall provide the Village with written waivers of lien from all subcontractors that performed work on the project and a final waiver of lien from the development company.
- E. If items required for substantial completion are not taken care of in a timely manner, the Village Board reserves the right to make a claim on the developer's bond or letter of credit to complete the necessary work, or withhold building and occupancy permits.

**30-92. FINAL ACCEPTANCE.**

Upon written request of the subdivider, after all the required improvements have been completed and record drawings have been submitted, the Village Engineer shall make a final inspection of the completed work.

- A. The Village Engineer shall then prepare a Final Completion Certification and Final Punch List for correction of items which do not comply with the approved drawings and specifications or Design Standards of the Village. Upon completion of all items listed in the final punch list, the subdivider shall request, in writing, a reinspection. If all punch list items are found to be completed, the Village Engineer shall notify the Village Clerk, in writing, of his or her recommendation for approval and acceptance of the work. The Village Clerk shall schedule the acceptance for the next regular Village Board meeting.
- B. The Developer shall be responsible for repairing defects in the public improvements for a period of one year after the Village's acceptance of the improvements (the "guarantee period"). Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit a five percent maintenance bond for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Village Engineer. Said maintenance bond shall be the developer's guarantee against defects of the public improvements and shall terminate one year after acceptance of maintenance of the public improvements by the Village Board, provided, however, that the term of the maintenance bond shall not be required to extend past 14 months after substantial completion of the improvements. In the event that the Developer fails to repair or replace defective work during the guarantee period, the Village will use the Developer's maintenance bond and/or specially assess or specially charge the land for the cost of repairs as set forth in s. 30-102.C.
- C. Upon acceptance by the Village Board, the balance of the public improvements construction bond or letter of credit and any deposited fees remaining shall be released to the subdivider.

**30-93. BUILDING PERMIT.**

No building permit shall be issued by any governing official for the construction of any building, structure, or improvement to the land or any lot within a subdivision as defined herein, which has been approved for

platting or replatting, until all requirements of this chapter have been fully complied with, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable of supporting emergency equipment.

30-94. OCCUPANCY PERMIT.

No occupancy permit shall be granted by any governing official for the use of any structure within a subdivision approved for platting or replatting until required utility facilities have been installed and made ready to service the property, and that roadways providing access to the subject lot or lots have been substantially completed, excluding final surface course. In case of corner lots, this shall include both streets upon which the property is located.



**ARTICLE 10 DEVELOPMENT AGREEMENTS**

30-101. GENERAL.

Prior to improving the property, a final plat must be filed for record and be accompanied by the following:

- A. An opinion of probable cost of all public improvements prepared by a professional engineer licensed in the State of Wisconsin.
- B. Construction plans and specifications for such improvements previously approved by the Village Engineer.
- C. An Agreement executed by the Village and the subdivider wherein the subdivider agrees to make and install the improvements in accordance with the plans and specifications accompanying the final plat.
  - 1. The agreement shall be executed by the owner, subdivider and the Village President upon approval by the Village Board, and approved by the Village Attorney, and set forth the plans and specifications for improvements required by or under the authority of this chapter, this Municipal Code, or state statutes or regulations. The land division may be constructed in such phases as the Village approves, which approval shall not be unreasonably withheld, and the phasing plan, together with the terms under which the security for each phase will be provided, shall be included in the agreement.
  - 2. If land is divided by certified survey map for sale purposes only, and no development is anticipated within five years from the date of the division, a development agreement is not required at the time of the division; however, the resolution approving said division shall specifically state that a development agreement shall be required at the time of development and the certified survey map shall contain said language on its face.
  - 3. If improved land is divided and no further improvements are required, no such agreement shall be required.
  - 4. In the agreement the owner and/or subdivider shall agree that it will construct or install at its own expense all of the improvements required within the time limits prescribed in this chapter, Municipal Code or state statutes or regulations, and in accordance with the plans and specifications accompanying the final plat, certified survey map; such improvements shall be inspected during installation and construction by an inspector appointed by the Village Board or Village Engineer; and that, after completion of construction, a final inspection shall be made by the Village Engineer prior to final approval and acceptance by the Village Board by resolution, salaries and other costs in connection with such inspections be paid by the owner or subdivider, such costs to be based on the reasonable and customary charges for such service.
  - 5. The agreement shall contain an agreement by the owner and/or subdivider that it will pay all costs incurred by the Village related to the approval of the subdivision; including, but not limited to, the costs of public notices required by law or ordinance, the administrative, legal and engineering costs related to review and approval of plans, plats, and certified survey maps, the drafting and or review of all legal documents, including development agreements, ordinances and resolutions, and any other Village costs reasonably related to said subdivision.
- D.<sup>15</sup> Bond or Letter of Credit in a form approved by the Village in the amount of 120 percent of the Village Engineer's opinion of probable cost of the installation of such improvements in the first

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<sup>15</sup> Amended 12-8-2014, Ordinance #2014-6

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phase of the project with good and sufficient surety thereon, to be approved by the Village Board, conditioned upon the installation of the required improvements within two years of the approval of the final plat. A new bond or letter of credit shall be provided prior to the commencement of each subsequent phase of the project.

- E. Maintenance bond. See section 30-92.B. A Maintenance Bond is required prior to the acceptance of the improvements.
- F. The work schedule for each major phase of work to be performed under this agreement, with estimated starting and completion dates.
- G. Cash deposit. In addition to the surety required in this subsection, the Village Board shall withhold its final approval until the owner or subdivider deposits with the Village, in cash or by certified check, a sum equal to the costs incurred and anticipated as set forth in the Development Agreement. The Village shall deposit said sum pursuant to policies established from time to time and shall provide itemized statements of withdrawal to the owner or subdivider at the time of withdrawal.

**30-102. REDUCTION OF SURETY.<sup>16</sup>**

- A. The bond or letter of credit for each phase can be periodically reduced by the Village Clerk upon recommendation of the Village Engineer and approval by the Village Board.
  - 1.. The subdivider may submit to the Village Engineer a list of completed items and their cost along with copies of waivers of lien for the completed items. Upon review of these submittals, the Village Engineer shall recommend to the Village Clerk the reduction in the value of the bond or letter of credit to be approved. Each reduction shall not be more than the value of items estimated in the bond or letter of credit guarantee amount.
  - 2. The 20 percent contingency shall be held as retainage and shall not be released until substantial completion of the public improvements. Substantial completion is defined as the time the binder coat is installed on roads to be dedicated, or, if there is no road to be dedicated, at the time that 90 percent of the public improvements by cost are completed. Upon substantial completion, the amount of the surety shall be reduced to the amount to complete any uncompleted public improvements plus 10 percent of the total cost of the completed public improvements, which shall remain in place for at least 14 months after the date of substantial completion. The public improvements shall be completed in their entirety no later than 12 months after substantial completion and tendered to the Village for acceptance. Upon acceptance of the project and receipt of the five percent maintenance bond as specified in section 30-92, the original surety shall be released. If the work has not been completed in its entirety 12 months after substantial completion, the Village may declare the Developer to be in default of the Development Agreement and use the surety for completion of the public improvements.
- B. **RESERVATION OF ASSESSMENT RIGHTS.** In the event that any financial guarantee does not provide sufficient funds to complete the public improvements as provided herein, or the financial guarantee expires, or the Developer does not repair or replace defects in the public improvements during the guarantee period, in addition to the remedies for default provided to the Village by the financial guarantee, the Village reserves the right without notice or hearing to impose special assessments or charges for any amount to which it is entitled by virtue of the Agreement upon the Development and/or individual parcels in the Development. Such special assessments or charges shall be collected on the next succeeding tax roll as are other special assessments or charges. This provision shall be included in the development agreement and the signature of the developer shall constitute the waiver of notice and consent of Developer and

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<sup>16</sup> Amended 12-8-2014, Ordinance #2014-6

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its successors and assigns to all special assessment or special charge proceedings which may be required by law.

**30-103. INSURANCE.**

- A. The subdivider's contractor shall provide and maintain insurance which will protect the Village and each of its officers, employees, agents and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable. Contractors engaged to perform the work required by this Agreement within the Development and public rights-of-way shall, prior to commencing such work, submit to the Village acceptable proof of the following coverages. These certificates shall contain a provision that coverages afforded under the policies will not be canceled until at least ten days written notice has been given to the Village.
1. Unemployment and workers compensation insurance which is in strict compliance with state laws.
  2. Comprehensive personal and public liability insurance which is not less than \$1,000,000.
  3. Comprehensive property damage insurance having limits of not less than \$500,000.
  4. Comprehensive automobile liability and property damage insurance for operations of all hired and non-hired motor vehicles of not less than \$500,000.
  5. Fire and extended coverage which shall insure against losses and damages to incomplete and completed work, materials or equipment covering the improvements to be dedicated to the Village until the same have been accepted by the Village.
  6. Umbrella coverage which is not less than \$3,000,000.
- B. The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Village Clerk and Village Engineer.
- C. The policies of insurance so required by this paragraph to be purchased and maintained shall:
1. With respect to comprehensive general liability insurance, include as additional insureds the Village and Village Engineer, all of whom shall be listed by name as additional insureds, and include coverage for the respective officers and employees of all such additional insureds;
  2. Remain in effect at least until acceptance and at all times thereafter when the subdivider may be correcting, removing, or replacing defective work in accordance with this chapter, and
  3. Completed operations insurance shall remain in effect for at least two years after acceptance, and the subdivider shall furnish the Village and any other additional insured to whom an insurance certificate has been furnished, evidence satisfactory to the Village and any such additional insured of continuation of such insurance at acceptance and one year thereafter.

**ARTICLE 11 PUBLIC SITES AND OPEN SPACES**

**30-111. GENERAL.**

In order that adequate open spaces and sites for public uses may be properly located and preserved as the Village 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 Village by construction of residential units may be most equitably apportioned on the basis of the additional need created by the construction of such units, the following provisions are established.

**30-112. DEDICATION OR PAYMENT.**

In the design of any subdivision plat submitted for Village approval, consideration shall be given to the adequate provision for and correlation with public sites or open areas.

- A. Where it is determined by the Village that a portion of any subdivision plat submitted for approval is required for such public sites or open spaces, the subdivider may be required to dedicate such land to the Village pursuant to Wis. Stat. s. 236.45(6).
- B. Where feasible and compatible with the comprehensive plan for development of the community, upon request of the Village Board, the subdivider shall provide and dedicate to the Village, adequate land to provide for the park and recreation needs of the subdivision.
- C. The amount of land to be provided shall be determined on the basis of an amount of land equal in value to \$550.00 per residential unit created by the subdivision.
- D. If the Village Board, after consultation with the Plan Commission, determines that such dedication is not feasible or compatible with the comprehensive plan, there shall be paid to the Village in lieu of land dedication, a public site fee of \$550.00 for each residential unit to be constructed in the subdivision. Such fee shall be used exclusively for immediate or future park or recreation area site acquisition or capital improvement and development.
- E. Payment of the public site fee shall be made in a lump sum (100%) at the time of issuance of a building permit for construction of the residential units in the subdivision. It shall be the obligation of the subdivider/owner or his successor in title to pay the public site fee to the Village and the subdivider/owner shall cause written notice of such obligation to pay the public site fee to be recorded at the office of the Register of Deeds of Racine County, Wisconsin, contemporaneous with the recording of the final plat.

**30-113. PUBLIC SITE FEE FOR OTHER CONSTRUCTION.**

- A. Except as set forth in Section 30-112 above for subdivision development, the Village requires payment of a public site fee by each new residential unit to be used exclusively for immediate or future park or recreational area, site acquisition, or capital improvement or development.
- B. Payment of the public site fee shall be made in a lump sum (100%) at the time of issuance of a building permit for construction of a new residential unit. It shall be the obligation of the person or entity applying for the building permit to pay the public site fee to the Village.
- C. Payment of the public site fee hereunder shall apply to new construction only or where an additional residential unit is created.

**ARTICLE 12 STREET NAMES AND NUMBERS**

**30-121. UNIFORM SYSTEM FOR STREET NAMES.**

There is hereby established an official system of street names in the Village of Rochester as shown on the "Street Names" map as maintained on file with the Village Clerk. Names of streets in the Village of Rochester shall remain as shown on said map unless officially changed by specific ordinance or resolution passed subsequent to this date.

**30-122. NEW STREET NAMES.<sup>17</sup>**

No new streets shall be accepted by the Village of Rochester; nor municipal improvements made thereon until such streets have been named.

- A. If streets are extensions of existing streets, the existing names shall be continued, and if not extensions, names recorded shall not duplicate or closely approximate street names already assigned.
- B. Proposed names of new streets shall be submitted to the Zoning Administration Office for review and approval. The Zoning Administrator shall compare new street names with the master index maintained in the Clerk's office. The Village Zoning Administrator shall report to the Village of Rochester within 30 days after receipt of the new street names as to approval or disapproval of the same. The names shall be approved by the Village Board as set forth in s. 30-34.
- C. Name signs shall be erected and maintained at the direction of Village of Rochester Public Works Department.

**30-123. UNIFORM NUMBERING SYSTEM.**

- A. There is hereby established a uniform system of numbering all structures used for residence, business, industry, or public assembly fronting on all streets within the Village of Rochester as shown on the "street numbering" map on file in the office of the Village Zoning Administrator.
- B. The Village of Rochester Zoning Administrator shall assign address numbers as outlined by the numbering systems adopted by the Village.
- C. The Zoning Administrator will notify the United States Postal Service and Racine County Emergency Services of all new addresses issued.

**30-124. UNIFORM ADDRESS SIGNS.**

The Village board finds that uniform address signs and the uniform location of such signage serves the health, safety, and welfare of the residents of the village by providing an efficient means for locating properties in the event of a necessary law enforcement, fire, rescue or other emergency response, as well as serving the interests of the traveling public at large.

- A. Signs displaying a parcel's official address shall be installed on all improved parcels within the Village. Such address signs shall be obtained through the Village Clerk and shall be installed by the Village or its contractors. Except where the installation at such a location would be impossible or incompatible with the policy underlying uniform address signage, such signs shall be installed in the village's right-of-way near to the parcel's driveway or other point of access, or at such other location as is designated by the village.

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<sup>17</sup> Amended 12-8-2014, Ordinance #2014-6

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- B. At the time of application for a building permit for a new or previously unimproved parcel, the parcel owner shall apply to the Village Clerk for the assignment of a new address to such parcel, if necessary. The Village Clerk shall also collect, in connection with the application for a new address for such parcel, for the actual costs of acquiring and installing a new address sign on such parcel, and an address sign shall thereafter be installed on the new parcel in conformance with the requirements of this Article.
- C. All property owners shall maintain the uniform address signs on their properties keeping the signs clear of organic growth, debris, and any other impediments to provide a direct line of sight either way from the street at all times.
- D. Within 20 days after a uniform address sign is stolen, destroyed, or materially damaged beyond repair (such determination, when in doubt, to be made by the Public Works Supervisor), the parcel owner shall apply for a replacement address sign with the Village Clerk. The first sign replacement shall be at the Village's expense, with additional sign replacements at the owner's expense. If any landowners refuse to pay for the replacement of their address sign with the exception of the first one, the Village will order it, install it, and the cost will be added to the appropriate homeowner's tax bill as a special charge. If the parcel owner fails to apply for a new sign, or violates any provision of this Chapter, the condition shall be considered as creating a public nuisance, subject to the abatement procedures set forth in Chapter 8 of this Municipal Code.
- E. It shall be unlawful for any person to remove, intentionally damage, or intentionally cause to be damaged any uniform address sign installed under this article, or to change the sign installation from the original vertical post/horizontal sign array to any other configuration.

**ARTICLE 20 DEFINITIONS**

**30-201. DEFINITIONS**

The definitions in this Article shall be observed and applied, except when the context clearly indicates otherwise. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular. The word “shall” is mandatory and the words “may” and “should” are permissive.

“Common Open Space” means undeveloped land within a Conservation Subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development, or for the preservation, restoration and management of historical, agricultural, or environmentally sensitive features. Common open space shall not be part of individual residential lots, but undivided shares of the common open space may be owned as part of the ownership of the lots. Common Open Space shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed, as appropriate, and a stewardship and management plan shall be prepared for the open space.

“Common Facilities” means those facilities which are designated, dedicated, reserved, restricted, or otherwise set aside for the use and enjoyment by residents of the development.

“Condominium” means property subject to a condominium declaration that combines individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Wis. Stat. ch. 703. A condominium is a legal form of ownership of real estate and not a specific building type or style.

“Comprehensive Plan” means the plan required by Wisconsin Statutes and currently adopted as the November 2009 “A Multi-Jurisdictional; Comprehensive Plan for Racine County: 2035” as amended from time to time (the “Village Comprehensive Plan”).

“Conservation Easement” means a non-possessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in Wis. Stat. s. 700.40 (Uniform Conservation Easement Act) and 26 U.S. Code s. 170(h).

“Conservation Subdivision” means a development in which dwelling units are concentrated and/or clustered in specific areas at a higher density than provided for by the zoning classification or Village’s Comprehensive Plan in order to allow other portions of the development to be preserved for common open space, including restoration and management of historical, agricultural, or environmentally sensitive features.

“Density Factor” means the average number of acres required for a dwelling unit according to the Village’s Comprehensive Plan, the Village’s ordinances, and applicable zoning regulations.

“Development Envelopes” means areas within which pavement and buildings will be located.

“Development Yield” means the number of dwelling units authorized for a Conservation Subdivision or Minor Land Division.

“Ecological Restoration” means to protect, enhance, recreate, or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a Stewardship Plan for upland, wetland areas, and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas and planting of those varieties of plants that are indigenous to the area.

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“Floodplains” means those lands, including the floodplains, floodways, depressions and channels, mapped or unmapped, subject to inundation by the 100-year recurrence interval flood or, where such data are not available, the maximum flood of record. See also Chapter 37.

“Homeowners’ Association” means a community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or facilities.

“Habitat Assessment” means a habitat assessment and plan to minimize adverse effects on vegetation and wildlife on land developed within or within 200 feet of a primary or secondary environmental corridor:

- A. Begin with cursory survey of plant life; expand to detailed survey of all species on high quality sites with broad diversity, rare species and/or few invasive plants.
- B. Survey wildlife based on observed species and signs; quantify populations and provide more detailed evaluation of habitat when rare species are found.
- C. Recommend areas to preserve and/or restore based on value of what exists.
- D. Provide site management plan which ensures that development activities will not reduce the number of existing rare or unusual plant and animal species. Activities may reduce the number of common species as long as local populations on the site remain viable.

“Known” means existing information which can be gathered by the DNR, SEWRPC, Rochester Plan Commission, Rochester Village Board, Rochester Village Clerk, or any concerned citizen volunteering the information.

“Net Buildable Acres” means gross contiguous acres of a development parcel minus right-of- ways for new and existing state, county and Village roads.

“Non-Profit Conservation Organization” means any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic, or open space values of real property, assuring the availability of real property for agricultural, forest, recreational, or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological, or cultural aspects of real property. Typically, such organizations have the legal right to hold conservation easements.

“Parent Parcel” means the existing parcel of record, as of the effective date of this Chapter.

“Primary Environmental Corridor” means a concentration of significant natural resources at least 400 acres in area, at least 2 miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

“Professional Ecological Services” means an individual or firm with professional qualifications to prepare and implement an ecological Stewardship Plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of the variety of plants that are indigenous to the area.

“Residential Unit” means a building or portion of a building, the principal use of which is intended to provide a residence for a single family. A single-family dwelling shall be one residential unit. A duplex dwelling shall be two residential units. A multiple-family apartment building shall contain as many residential units as the number of apartments contained therein.

“Secondary Environmental Corridor” means a concentration of significant natural resources at least 100 acres in area and at least 1 mile in length. Where such corridors serve to link primary environmental



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corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

“Sewer District” means the area of the Village to which sanitary sewer service is available or nearby. The Sewer District lies within the SEWRPC sewer service area, i.e., the area approved for construction of sanitary sewers by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Public sewers have not been constructed throughout the service area. When land is to be divided under this chapter, it must be evaluated to determine first whether it is in the service area, and if so, where it lies in proximity to existing public sanitary sewers on lands comprising the Western Racine County Sewerage District No. 1, the “Sewer District.” If the land to be divided is required to connect to an existing sewer under Chapter 10, the landowner must apply to be annexed to the Western Racine County Sewerage District No. 1 and fulfill the requirements for annexation. Once WRCSO approves the annexation, the land will be part of the Sewer District.

“Stewardship Plan” means a comprehensive management plan for the long-term enhancement and sustainability of natural ecosystems including forests, prairies, meadows, wetlands, shore lands, lakes, river systems and other ecosystems. Such plans shall include but not be limited to management goals, monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.

“Storm Water Treatment Train” means a combination of physical and biological features that are constructed or planted to convey, cleanse and enhance storm water quality before the remaining water is released to receiving waters.

“Street” means any road, street, alley, avenue, boulevard, highway, or other thoroughfare used or useable for vehicular traffic in the Village.

“Subdivider” means any person or entity dividing or proposing to divide land resulting in a conservation subdivision, subdivision, or minor land division.

“Threatened, Endangered, or Protected Species” means wildlife or plants designated as being threatened, endangered or protected by the Wisconsin Department of Natural Resources or the Federal government.

**ARTICLE 50 ENFORCEMENT.**

**30-501. VIOLATIONS.**

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

**30-502. PENALTIES.**

- A. Penalty for Violation of Article 12, Street Names and Numbers. Any person or entity violating any provision of Article 12 shall, upon conviction, pay a forfeiture of not less than \$50.00 nor more than \$400.00 plus all applicable costs allowed by law, including restitution, for each and every offense as set forth in Chapter 50. Each day of violation or each street sign damaged or moved in violation of this chapter shall constitute a separate offense.
- B. General Penalty. Any person or entity who violates or fails to comply with the provision of this chapter shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$400.00 plus all applicable costs allowed by law, including restitution, for each offense as set forth in Chapter 50. Each day a violation exists or continues shall constitute a separate offense.
  - 1. Recordation improperly made carries penalties as provided in Wis. Stat. s. 236.30.
  - 2. Conveyance of lots in unrecorded plats carries penalties as provided for in Wis. Stat. s. 236.31.
  - 3. Monuments disturbed or not placed carries penalties as provided for in Wis. Stat. s. 236.32.
  - 4. An assessor's plat made under Wis. Stat. s. 70.27 may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

**30-503. APPEALS.**

Any person aggrieved by an objection to a plat or CSM or a failure to approve a plat or CSM may appeal such objection or failure to approve as provided in Wis. Stat. s. 236.13(5) 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.

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## **CHAPTER 30 APPENDICES**

### **APPENDIX A DESIGN STANDARDS**

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### **APPENDIX B CONSERVATION SUBDIVISION DESIGN PROCESS**

## **APPENDIX A - DESIGN STANDARDS**

### **SECTION 1 - ENGINEERING AND ADMINISTRATIVE PROCEDURES**

#### **1.1 INTRODUCTION**

These standards have been prepared to insure that the design and construction of public improvements will meet the minimum requirements of the Village. The intent of Section 1 is to provide an overview of requirements and procedures required by Chapter 30, Land Division, which govern the design and construction of public improvements. These standards are also intended to provide uniform design criteria for facilities designed for or directly by the Village, as well as provide specifications for private development within the Village. These standards shall also apply to previously platted subdivisions where improvements have not yet been installed.

#### **1.2 DEFINITION OF TERMS**

See Chapter 30, Article 20.

#### **1.3 SCOPE**

In addition to the Village, the review and approval of contract documents for certain types of improvements may also fall within the jurisdiction of other public agencies. These standards are not intended as a substitute for the requirements of other public agencies. It shall be the Subdivider's responsibility to ensure that the proposed contract documents meet the requirements of all other public agencies and that any and all permits and bonds required by such agencies are secured.

#### **1.4 PRE-DESIGN CONFERENCE**

It is recommended that after preliminary plat approval and prior to the development of detailed drawings, the Subdivider and the Design Engineer meet with the Village Engineer to review Village requirements and any other proposed projects or existing conditions that may affect the final project design. The request for this preliminary meeting, if desired, shall be initiated by the Design Engineer.

#### **1.5 DRAWING PREPARATION REQUIREMENTS**

All drawings submitted for approval shall bear the name of the Design Engineer, his/her signature, the imprint of the Professional Engineer seal, and his/her address and telephone number. Drawings shall be no larger than 24-inch x 36-inch sheets. Drawings shall be clear and legible, and shall be drawn to a conventional, even scale, which will permit all necessary information to be plainly shown. All elevations shall be referenced to the North American Vertical Datum of 1988 (NAVD88) and benchmarks shall be noted. All improvements proposed for use on the project shall be indicated on the drawings. All proposed improvements and all existing municipal and privately owned utilities shall be shown and labeled in both plan and profile.

## **1.6 SPECIFICATION REQUIREMENTS**

- A. Technical specifications shall be complete in themselves, except that appropriate specific sections of the most recent editions of the "State of Wisconsin Standard Specifications for Highway and Structure Construction", as published by the Department of Transportation, State of Wisconsin, (WDOT Standard Specifications), "Standard Specifications for Sewer and Water Construction in Wisconsin", and the various standard published material specifications prepared by associations such as the "American Society for Testing and Materials" (ASTM) or the "Concrete Reinforcing Steel Institute" (CRSI), may be incorporated by reference.
- B. The specifications shall include but not be limited to all information not shown on the drawings which is necessary to establish in detail the quality of materials and work required in the project allowable parameters for testing the various parts of the project and instructions for testing material and equipment. Wherever there is conflict between the written specifications and the drawings the more stringent requirements, as determined by the Village, shall apply.
- C. The specifications shall include a clause that all work included shall be guaranteed by the Contractor to be free from defects in construction and materials and in conformance with the approved drawings and specifications. Certificates of insurance shall also be provided as required in s. 30-103.

## **1.7 DESIGN COMPUTATION REQUIREMENTS**

- A. Design computations shall be made by the Design Engineer for all phases of the project when such computations are required to facilitate review by the Village Engineer. Said computations shall be neat and legible and in a form considered acceptable by the Village Engineer. Said computations shall include, but not necessarily be limited to, the following:
  - 1. Stormwater Management Reservoir Capacity Design
  - 2. Compensatory Floodplain Storage
  - 3. Storm Sewer System Design Including Inlet Capacity
  - 4. Culvert Capacity and Ditch Capacity
  - 5. Structural Strength Design for Conduits more than 20 feet below finished grade.
  - 6. Evaluation of Drainage System Downstream Capacity.

## **1.8 (RESERVED)**

## **1.9 OTHER PERMIT APPLICATIONS AND APPROVALS**

Other governmental agencies may review and approve for construction all or certain parts of the work included in a project and may require a permit for such work. They may also require that the Village execute an application for a permit. When such permit application is required, the Design Engineer shall prepare it. All required permits and necessary authorizations from other governmental agencies shall be secured by the subdivider.



## **1.10 REVISIONS TO APPROVED DRAWINGS AND SPECIFICATIONS**

The Village Engineer shall approve any deviations from previously approved drawings or specifications affecting capacity, stability or operation of the system in writing before such changes is made. Minor changes not affecting capacity, stability or operation of the system will not require formal approval, but must be approved in writing by the Field Inspector and copies filed with the Village Engineer.

## **1.11 CONSTRUCTION SUPERVISION**

Periodic visits to developments (including private developments) shall be conducted by the Village Engineer and/or Field Inspector which may include spot checking of grades and improvements, but full-time inspection and performance certifications are the responsibility of the Design Engineer or other independent professional employed by the Subdivider. Confirmation of approved grades and utility installation and preparation of Record Drawings are likewise the responsibility of the Design Engineer or other independent professional employed by the Subdivider. The Village may direct the Village Engineer to inspect any portion of the construction it deems in its best interest.

## **1.12 EXISTING FACILITIES**

Drawings and specifications shall provide for the continuous operation of existing facilities without interruption during construction, unless otherwise specifically authorized by the Village Engineer.

## **1.13 RECORD DRAWINGS**

Record drawings signed and sealed by the Design Engineer or other independent professional employed by the Subdivider shall clearly show any and all changes from the approved drawings. Paper and electronic record drawings shall be submitted to the Village Engineer prior to the Subdivider's request for final inspection of the required improvements. The record drawings shall be based on actual measurements of both horizontal and vertical dimensions, made after the completion of the work.

## **1.14 (RESERVED)**

## **SECTION 2 - EROSION CONTROL**

### **2.1 INTRODUCTION**

Project construction required in connection with a development often occurs in or adjacent to areas with existing surface or underground improvements. The intent of this Section 2 is to specify Village requirements relative to construction affecting existing and future improvements. Drawings and specifications presented for Village approval shall provide for the implementation of the requirements of this Section. Where the provisions set forth in this Section differ from those in Chapter 31, the provisions in Chapter 31 shall control.

### **2.2 EROSION CONTROL**

- A. Erosion and sediment control due to run-off, equipment leaving and entering a construction site, wind, etc., are required for all construction, including individual single family lots, in the Village of Rochester. Site engineering or grading plans for projects shall either contain specific provisions for erosion control or a separate erosion control plan. The provisions or plan will follow accepted techniques and details as found in the "Wisconsin Construction Site Best Management Practice Handbook", or as directed by the Village Engineer.
- B. Steep slopes (exceeding 4: 1) are to be avoided whenever possible. As much natural vegetation as possible should be retained, especially next to lakes, creeks, or other natural water sources See also Chapter 36 for Shoreland Zoning Provisions.
- C. The erosion control plan should indicate the location of soil stockpiles that are to remain onsite longer than four weeks. Temporary seeding of stockpiles may be required and silt fence around the stockpile to trap runoff from the stockpile shall be placed as directed by the Village Engineer.
- D. Erosion control measures should be used which include but are not limited to sediment traps, sediment basins, diversion channels, stabilized construction entrances, street sweeping operations, silt fences, straw bales, and any other measures necessary or as directed by the Village Engineer.

### **2.3 DESIGN REQUIREMENTS**

On-site sediment control measures, as specified by the following criteria, shall be constructed and functional prior to initiating clearing, grading, stripping, excavating or fill activities on the site.

- A. For disturbed areas draining less than one acre, filter barriers (including filter fences, straw bales, or equivalent control measures) shall be constructed to control all off-site runoff as specified in referenced handbooks. Vegetated filter strips, with a minimum width of 25 feet, may be used as an alternative only where runoff in sheet flow is expected. Silt filter fences and straw bales shall be inspected weekly and after rainfall events for repair or replacement. Straw bales shall be replaced as a minimum, every three months.

- B. For disturbed areas draining more than one but less than five acres, a sediment trap or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- C. For disturbed areas draining more than five acres, a sediment basin or equivalent control measure shall be constructed at the downslope point of the disturbed area.
- D. Sediment basin design shall provide for both detention storage and sediment storage. The detention storage shall be sized for the two-year 24-hour runoff from the site under maximum runoff conditions during construction with a release rate to achieve minimum detention times of at least ten hours. Sediment storage shall be designed such that sediment removal from the basin is only required once a year.
- E. Disturbed areas shall be stabilized within seven days with any of the temporary or permanent measures defined in this section.
- F. Any required disturbance of stream channels shall be restabilized within 48 hours of disturbance.

## **2.4 MAINTENANCE OF CONTROL MEASURES**

- A. All soil erosion and sediment control measures necessary to meet the requirements of this Code shall be maintained periodically by the applicant or subsequent land owner during the period of land disturbance and development of the site in a satisfactory manner to ensure adequate performance.
- B. At the completion of any project, the storm sewers, culverts, gutters, etc., will be inspected by the Village Engineer to determine any cleaning or flushing of trapped sediment which may be required.

## **2.5 INSPECTION**

- A. The Village shall make periodic inspections and shall either approve that portion of the work completed or shall notify the permittee wherein the work fails to comply with erosion and sedimentation control plan as approved. Plans for grading, stripping, excavating, and filling work approved by the Village shall be maintained at the site during progress of the work. Inspections can take place during any or all of the following:
  1. Upon completion of installation of sediment and runoff control measures (including perimeter controls and diversions), prior to proceeding with any other earth disturbance or grading;
  2. After stripping and clearing;
  3. After rough grading;
  4. After final grading;
  5. After seeding and landscaping deadlines; and
  6. After final stabilization and landscaping, prior to removal of sediment controls.

## **2.6 SPECIAL PRECAUTIONS**

- A. If at any stage of the grading of any development site the Village determines by inspection that the nature of the site is such that further work authorized by an existing permit is likely to imperil any property, public way, stream, lake, wetland, or drainage structure, the Village may require, as a condition of allowing the work to be done, that such reasonable special precautions to be taken as are considered advisable to avoid the likelihood of such peril. "Special precautions" may include, but shall not be limited to, a more level exposed slope, construction of additional drainage facilities, berms, terracing, compaction, or cribbing, installation of plant materials for erosion control, and recommendations of a soils engineer which may be made requirements for further work.
- B. Where it appears that storm damage may result because the grading on any development site is not complete, work may be stopped and the permittee required to install temporary structures or take such other measures as may be required to protect adjoining property or the public safety. In large developments or where unusual site conditions prevail, the Village may specify the time of starting of grading and time of completion or may require that the operations be conducted in specific stages so as to insure completion of protective measures or devices prior to the advent of seasonal rains.

## **2.7 ENFORCEMENT**

The Village Board may authorize exceptions to any of these requirements and regulations set forth in this Section 2, provided the granting of the exception will not be detrimental to the public welfare or injurious to other property in the vicinity of the subject property.

## **2.8 PROTECTION OF PROPERTY AND SURFACE STRUCTURES**

- A. Trees, shrubbery, fences, poles and all other property and surface structures shall be protected during construction operations. Any fences, poles or other man made surface improvements which are moved or disturbed shall be restored to their original condition, after construction is completed. A tree preservation plan may be required for all areas of a project that will be affected by the development activity. The plan shall show the location and trunk diameter of all trees of a diameter breast height of ten inches and larger. The plan shall be taken to the extent practicable to preserve healthy trees over ten inches DBH. Any trees, shrubbery or other vegetation which are approved for removal shall be removed completely, including stumps and roots.
- B. Where trees which are to remain, proper care should be taken during excavation operations. Do not machine excavate in the "root protection zone," defined as a circle around the tree with a radius equal to one foot for every inch of tree diameter. Roots encountered outside this zone which are over two-inch diameter shall not be cut unless approved by the Village Engineer. Tree tunneling, where necessary, shall be determined by the Village Engineer. Shrub and tree limbs shall be tied back to prevent loss or damage. Any damaged limbs and branches shall be pruned and sealed. Spoil banks shall be removed by hand from around trees to prevent damage to trunks by construction machinery.

- C. Trees and shrubs which cannot be protected or are damaged during construction may be required to be replaced in kind, or replace four-inch diameter and larger trees with one four-inch diameter size tree for each six-inch of original tree diameter or fraction thereof. An approval list of replacement species may be obtained from the Village.
  
- D. Trees which do not survive (in good condition) for a period of one year after the construction has received final acceptance shall be removed and replaced.

## **SECTION 3 - RESTORATION OF EXISTING IMPROVED SURFACES**

### **3.1 GENERAL**

The Contractor shall restore all permanent type pavements, sidewalks, driveways, curbs, gutters, trees, shrubbery, lawns, fences, poles and other property and surface structures removed or disturbed during or as a result of construction operations to a condition that existed before the work began. The surface of all improvements shall be constructed of the same material and match in appearance the surface of the improvements which were removed.

### **3.2 SAW CUTTING**

When necessary to remove sections of existing pavement, sidewalk, or curb and gutter, and prior to removal, the edges of the section to be removed shall be cleanly cut with a concrete saw.

### **3.3 REMOVAL OF ROADWAY PAVEMENTS, SIDEWALKS, DRIVEWAY AND CURB**

Where concrete pavement, sidewalk, driveway or curbing is cut, the width of the cut shall exceed the actual width of the top of the trench at subgrade by 12 inches on each side. Exposed surface of Portland Cement or asphaltic concrete shall be cut with a pavement saw to full depth before removal.

### **3.4 CONCRETE PAVEMENT SURFACE**

Where the existing roadway pavement surface is Portland Cement Concrete, the pavement replacement shall consist of eight inch P.C. concrete pavement or existing concrete depth, whichever is greater. Portland Cement concrete and construction methods for Portland Cement concrete pavement replacement shall conform to the current requirements of the (WDOT) Standard Specifications. Pavement joints in the replacement pavement shall conform to and match that in the adjacent pavement area.

### **3.5 ASPHALT PAVEMENT SURFACE**

- A. Where the existing pavement surface is asphaltic concrete and the base consists of a rigid material such as brick or Portland Cement Concrete, the base replacement shall consist of a minimum eight-inch Portland Cement Concrete base course. Portland Cement Concrete shall be as noted in Section 3.4 above.
- B. The surface replacement shall consist of a 1.75-inch minimum surface course Hot Mix Asphalt or equivalent depth of existing asphaltic surface in two and one half inch maximum lifts conforming to the requirements of the (WDOT) Standard Specifications for Hot Mix Asphalt pavement.

### **3.6 BITUMINOUS PLANT PAVEMENT OR BITUMINOUS TREATED SURFACE-FLEXIBLE BASE**

Where the existing pavement is asphalt concrete pavement and the base consists of a flexible material such as gravel, crushed stone, seal coat bituminous aggregate mixture, pozzolanic material or soil cement, the base replacement shall consist of a ten-inch compacted thickness of crushed aggregate base course conforming to the (WDOT) Standard Specifications Section 304.2.6, Gradation 1 or 2 and special provisions thereof. The surface replacement shall be as specified in Section 3.5 above.

### **3.7 CONCRETE SIDEWALKS, DRIVEWAYS, CURB, CURB AND GUTTER**

- A. Where necessary to remove and replace concrete sidewalk driveways, curb and curb and gutter, replacements shall be made according to the Village Ordinance regulating the construction of driveways, approaches and sidewalks.
- B. Curb or curb and gutter dimensions and cross sections shall conform, as nearly as practicable, with the existing installations except that at intersections with sidewalk that does not conform to State of Wisconsin handicap requirements, sufficient depressed curb and gutter along the sidewalk shall be replaced to meet said handicap specification.
- C. Construction of concrete curb and concrete curb and gutter shall be in accordance with Section 601, concrete sidewalks shall be in accordance with Section 602 and concrete driveways shall be in accordance with Section 416 and other referenced sections thereof of the (WDOT) Standard Specifications.

### **3.8 CULTIVATED LAWNS**

Provide topsoil, seeding, sodding, and care of grass during establishment period for a complete surface restoration of lawns, parkways, and other areas disturbed as a result of the construction.

- A. Topsoil and Salvaged Topsoil
  - 1. All work associated with topsoil or salvaged topsoil shall be in accordance with Section 625 of the (WDOT) Standard Specifications.
  - 2. Topsoil shall be furnished and properly placed, raked, and rolled to minimum depth of four-inches. The topsoil furnished shall consist of loose, friable, loamy, non-acid soil, having at least 90 percent passing a No. 10 sieve, free of large roots, brush, sticks, weeds, stones larger than 1/4-inch in diameter, and any other debris.
  - 3. Before topsoil is placed, the area to be covered shall be brought to the proper grade. If the existing surface has become hardened or crusted, it shall be raked or otherwise loosened to a minimum depth of 2 inches to provide suitable bond with the topsoil.
  - 4. Apply commercial grade fertilizer uniformly at a rate of seven pounds per 1,000 square feet. Work fertilizer into soil prior to seeding or sodding.

5. Topsoil shall be used for restoration of lawns in urban areas and salvaged topsoil shall be used in rural areas or as may be approved by the Village Engineer.

B. Sodding

1. Provide sod in developed areas that were grassed prior to construction and as indicated on the drawings. Sodding shall also be used in ditches and drainage swales and on all embankment slopes steeper than 4 to 1 unless protection is provided against erosion of seeding. At the Contractor's option, sodding may be substituted for seeding.
2. The cut sod shall be not less than two-inches thick. Sod which has been cut more than 48 hours prior to installation shall not be used without the approval of the Village Engineer.
3. Sod shall be placed according to Section 631 of the (WDOT) Standard Specifications. Place sod with edges in close contact and alternate courses staggered. On slopes 4 to 1 or steeper, sod shall be staked. Do not place sod when the ground surface is frozen or when air temperatures may exceed 90 degrees F.
4. In ditches, the sod shall be placed with the longer dimension perpendicular to the flow of water in the ditch. On slopes, starting at the bottom of the slope, the sod shall be placed with the longer dimension parallel to the contours of the ground.
5. New sod shall be kept thoroughly moistened as specified in Section 631 of the (WDOT) Standard Specifications for a minimum of ten days after the specified initial watering. Any defective, dead or dying sod shall be removed and replaced up to one year after receiving final acceptance of the construction.

C. Seeding

1. Seed all grassed areas disturbed by construction operations and not receiving sod, in accordance with Section 630 of the (WDOT) Standard Specifications. Do not seed in windy weather or when soil is very wet. Sow seed either mechanically or by broadcasting in two directions at right angles to each other to achieve an even distribution.
2. After seeding, rake seed lightly into ground and roll with a roller weighing between 100 and 200 pounds per foot of roller width.
3. Immediately after rolling seeded areas, apply vegetative mulch unless hydraulic seeding method is used. Apply mulch in accordance with Section 627 of the (WDOT) Standard Specifications. Place erosion control excelsior blanket or fiber mat on slopes steeper than 4 horizontal to 1 vertical. Unless otherwise indicated, also place erosion control material at sides and bottoms of ditches, swales, and all areas within ten feet of catch basins in seeded areas.
4. Immediately after placing erosion control matting or mulch, water seeded areas thoroughly. Keep soil thoroughly moist until seeds have sprouted and achieved a growth of one inch.

D. Fertilizer



1. All topsoiled areas shall be fertilized in accordance with Section 629 of the (WDOT) Standard Specifications.
2. Fertilizer shall be placed immediately before or in conjunction with seeding or sodding operations.
3. Fertilizer required for planting materials shall be in accordance with Section 632 of the (WDOT)

### **3.9 ENFORCEMENT**

The Public Works Manager shall enforce the provisions of this section.

## **SECTION 4 - UNDERGROUND IMPROVEMENTS**

### **4.1 INTERRUPTION TO UTILITIES AND DAMAGE TO SURFACE IMPROVEMENTS**

- A. A minimum of 48 hours prior to commencement of work, the Village and Diggers Hotline (1-800-242-8511) must be notified for location of any existing utilities. All reasonable precautions shall be taken against damage to existing utilities.
- B. In the event of a break in an existing gas main, sewer or underground cable, the Contractor shall immediately notify a responsible official from the organization operating the utility interrupted. The Contractor shall lend all possible assistance in restoring services and shall assume all costs, charges or claims connected with the interruption and repair of such services unless it is determined that the utility has not been properly located.
- C. In the case of the Village utilities, the cost of such work will be billed to the Contractor.

### **4.2 TRAFFIC CONTROL**

- A. All work within public rights-of-way shall conform to the requirements of the latest edition of the Federal Highway Administration "Manual on Uniform Traffic Control Devices (MUTCD)," Part 6, Temporary Traffic Control and the "Wisconsin Manual of Traffic Control Devices (WMUTCD)" Part 6, Temporary Traffic Control. The provisions of these standards will be enforced:
  - 1. When an opening is made into the existing pavement;
  - 2. When construction takes place adjacent to the edge of the existing pavement;
  - 3. When a utility crossing is made beneath the existing pavement; and
  - 4. When it is necessary to close a lane of traffic due to construction operations.
- B. Permission for lane or road closure for a road under the jurisdiction of the Village must be obtained from the Village Public Works Manager, who will coordinate with the Village's law enforcement agency prior to commencing construction. If the road is under the jurisdiction of the County or the State, permission must be obtained from the County or State, as applicable. Signing will be required in strict conformance to the MUTCD and the WMUTCD. No construction operation is to commence until such time that all required signs and barricades have been erected.

### **4.3 PAVEMENT CROSSING**

- A. Unless otherwise specifically approved by the Village Engineer, all conduits crossing existing pavements shall be installed by tunneling, jacking or auguring. When the carrier pipe is a conduit intended to operate under internal pressure, a casing pipe of adequate strength for all applied loads may be required. The

nearest face of pits or other open excavations on each side of a traveled pavement shall be at least ten feet from the edge of the pavement.

- B. When open cutting is allowed or other pavement opening required, they shall be backfilled prior to the end of the working day unless otherwise authorized by the Village. All excavations shall be backfilled with 3/4-inch crushed stone chips and a temporary bituminous patch of at least 2-inches in thickness shall be constructed. It is understood that such backfilling and patching is only temporary and that permanent pavement repair will be required as specified in Section 3 of this Appendix. In lieu of bituminous patch, a steel plate (minimum depth of one-inch of thickness) over the excavation may be approved upon request by the Contractor.

#### **4.4 TRENCHING**

- A. Trenches shall be excavated to the depths and grades necessary for pipelines including allowances for bedding material.
- B. As determined by the Village Engineer, unsuitable soils found at or below the bottom of the trench shall be excavated to meet firm subsoil.
- C. Comply with the following maximum trench widths at the top of the excavation.

Nominal Pipe Sizes (Inches)	Trench Widths (Inches)
12 or smaller	30
14-18	36
20-24	42
27-30	48
33 or larger	1-1/3 times pipe O.D.

- D. If trench widths will exceed the maximum Limitations above, higher strength pipe may be required or a concrete cradle may be used to achieve the necessary load factor.

#### **4.5 BRACING AND SHEETING**

Open-cut trenches shall be sheeted and braced as required by governing federal and state laws including all OSHA Safety and Health Standards, and as may be necessary to protect life, property and the work.

#### **4.6 BEDDING AND BACKFILL REQUIREMENTS.**

- A. Bedding. Bedding shall be provided for all underground pipelines, except where concrete encasement, concrete cradles, boring or jacking are indicated. Bedding shall be a minimum thickness of four inches and consist of well graded, washed, mixture of 100 percent crushed gravel or crushed stone aggregate

free of clay, loam, dirt, calcareous or other foreign matter conforming to the "Standard Specifications for Sewer and Water Construction in Wisconsin", and shall be properly compacted.

1. For sewer pipe 18 inches in diameter and smaller, use bedding inch crushed stone chips with the following gradation:

Sieve Size	Percent Passing
1/2-inch	100%
3/8-inch	90-100%
No. 8	0-15%
No. 30	0-3%

2. For sewer pipe larger than 18-inches in diameter, use bedding material of 3/4- inch crushed stone chips with the following gradation:

Sieve Size	Percent Passing
1-inch	100%
3/4-inch	90-100%
3/8-inch	20-55%
No.4	0-10%
No.8	0-5%

3. Wherever two or more pipe or conduits are placed in the same trench or excavated area, backfill the trench with granular bedding material to support the uppermost pipe or conduit.

**B. Backfill**

For conduits not requiring SPECIAL GRANULAR BACKFILL, backfill shall be made with materials available from the trench excavation. The material shall be free from rocks and be carefully placed in 12-inch lifts. For conduits requiring excavation beneath or within three feet horizontally of existing or proposed pavements, driveways, or sidewalks or in other areas which, in the opinion of the Village Engineer, are or may be subject to vehicular traffic loading, SPECIAL GRANULAR BACKFILL shall be provided above the bottom of the trench and shall extend upward to the surface of the ground or pavement.

Provide either sand, pit run gravel, granular material, or excavated granular materials.

1. Sand: Well graded, free from organic matter, cohesionless, complying with the "Standard Specifications for Sewer and Water Construction in Wisconsin", with the following gradation:

Sieve Size	Percent Passing
1- inch	100%
No. 16	45 – 89%

Material finer than No. 200	2 - 10%
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2. Pit run gravel: Free from organic matter, cohesionless granular material obtained from natural deposits of sand and gravel, passing ¾- inch sieve, and not more than 15 percent passing the No. 200 sieve.

3. Granular material: Use 100 percent crushed stone or gravel complying with the “Standard Specifications for Sewer and Water Construction in Wisconsin,” with the following gradation:

Sieve Size	Percent Passing
1- inch	100%
¾- inch	90 – 100%
⅜- inch	20 – 55%
No. 4	0 – 10%
No. 8	0 – 5%

4. Excavated granular materials: A mixture of sand and gravel, free from organic matter, clay, loam, dirt, and other foreign material, passing 1 ½-inch sieve, with not more than 15 percent passing the No. 200 sieve.

5. Crushed stone: Clean, hard, tough, durable, angular material crushed from bedrock limestone, dolomite, or granite. Gradation requirements:

Sieve Size	Percent Passing
3-inch	100%
2-½-inch	90-100%
2-inch	35-70%
1-½-inch	0-10%
¾-inch	0-5%

## **Section 5 - STORMWATER DRAINAGE**

### **5.1 INTRODUCTION**

All developments, regardless of size within limits or under the control of the Village, shall include provisions for the construction of stormwater drainage facilities designed in accordance with this Section. All developments under the control of the Village shall comply with Chapter 32 of this Municipal Code. Subdivider shall submit a stormwater drainage study to the Village for review and approval by the Village Engineer. The study shall include analysis of existing drainage conditions, the impacts the development will have on stormwater drainage and calculations to support all proposed facilities and downstream impacts. The design of all stormwater drainage facilities proposed for construction as independent projects under the control of the Village shall also meet the technical requirements of this Section.

### **5.2 GENERAL PROJECT REQUIREMENTS**

- A. **Surface Flow.** Surface swales and ditches described in Section 5.4.C, shall be encouraged for use as with the requirements of this Section. Natural swales and storage areas shall be incorporated into stormwater facilities design wherever practicable. Evaluation of stormwater runoff from existing ground cover in agricultural areas shall average the runoff characteristics of crops typically grown in the community. Swales and ditches, together with any underground storm sewer system and overland flow, shall provide an adequate outfall for runoff from the 100- year frequency 24-hour duration rainstorm. In areas where swales and/or ditches cannot be provided, the underground storm sewer system shall be designed for the 100-year storm condition or a storm sewer system designed for a discharge of the 10-year storm with detention of the 100-year storm may be used.
- B. **Storm Sewer.** Where allowed by the Village Engineer, storm sewers may be constructed to drain the development and any contiguous drainage areas. The Subdivider shall submit to the Village Engineer two copies of the storm drainage computations.
- C. **Stormwater Detention.** Stormwater detention, where required, is subject to the review of the Village Engineer. Detention basins shall have high-water levels based on a 100-year design storm and shall have an outlet which allows runoff no greater than that for the land in its natural state prior to development. Detention to be provided shall be for the entire site evaluated in its natural state and shall be constructed prior to all other improvements. This shall include mass grading and all necessary erosion control measures.
- D. **Drainage Basin Divides.** The design of stormwater drainage systems shall not result in the inter-basin transfer of drainage, unless no reasonable alternative exists and there is no legal restraint preventing such transfer.
- E. **Lot Grading.** The proposed finished yard grade, the location and top of foundation elevation for all proposed structures shall be shown on the engineering drawings, and include existing and proposed contour lines.. Generally, the top of foundation of any structure must be constructed at least eight inches

above the proposed finished yard grade. The yard grade shall be established at an elevation to provide drainage to the street if curb and gutters were installed at the standard location relative to the proposed centerline elevations. Where foundations are lower than the street centerline, or in the case of depressed driveways, alternate means of surface drainage diversion must be shown to avoid structure flooding. Sufficient finished grade elevations must be shown on the drawings to ensure positive drainage away from each structure. Lots intended to have look-out or walk-out basements shall be noted on the subdivision grading plans, including foundation elevation steps.

### **5.3 DESIGN CRITERIA FOR STORMWATER DETENTION**

- A. Release Rates. The allowable release rates for the two-year, ten-year, and 100-year frequency, 24-hour duration rainstorms shall be no greater than that for the land in its natural state prior to development.
- B. Design Calculations. The design of stormwater detention facilities shall be based on runoff hydrographs from the two-year, ten-year and 100-year frequency, 24-hour duration rainstorms. The Soil Conservation Service Method of storm runoff analysis shall be used for development of existing and proposed hydrographs. All design rainfall events shall be based on the precipitation frequency information developed by the National Oceanic and Atmospheric Administration (NOAA) and endorsed by the Southeastern Wisconsin Regional Planning Commission (SEWRPC). Stormwater models shall utilize the SEWRPC 2006 rainfall distribution or the NRCS distribution appropriate to NOAA Atlas 14. All design computations which do not rely on continuous accounting of antecedent soil moisture conditions shall assume "wet" conditions. Stormwater runoff from areas tributary to the site shall be considered in the equations for the design of the project site's drainage system. If the tributary areas are undeveloped or do not meet release rate requirements, the subdivider may bypass all tributary area flows around rather than through the storage facility. Runoff calculations for all undeveloped tributary land shall assume a reasonable fully developed land cover based on anticipated zoning.
- C. Basin Design.
  - 1. The use of wet-bottom detention basins shall be encouraged and designed to be safe, aesthetically pleasing, and available for recreational use. The permanent pool of wet-bottom basins shall be at least four feet deep, excluding near-shore banks and safety ledges. If fish habitat is provided, at least 25 percent of the basin bottom shall be a minimum of ten feet deep. Wet-bottom basins shall be designed to remove stormwater pollutants and sediments and designed in such a manner to reduce nuisance problems such as embankment erosion and algae. Embankments above normal water levels shall be either terraced or sloped at a maximum of 4:1. A safety ledge is required no greater than two feet six inches below the normal water level. Such ledges shall be no less than eight feet wide.
  - 2. Dry-bottom detention basins shall be designed to be safe, aesthetically pleasing and available for multiple uses. Dry-bottom detention basins shall be designed and sized such that a minimum of 80 percent of the bottom area shall have standing water no longer than 72 hours for the 100-year frequency storm. The basin shall have a minimum slope of one percent, and a maximum embankment slope of 20 percent.
- D. Inlet / Outlet Pipes

1. Inlet and outlet pipes shall be arranged to avoid "short circuiting" and promote stormwater mixing in the basin.
2. All concentrated stormwater discharges leaving a site must be directed into a well-defined receiving channel or pipe with adequate capacity for safe conveyance of flows from all design events.
3. Single pipe outlets shall have a minimum inside diameter of 12 inches. If design release rates call for smaller outlets, structures such as perforated risers, flow control orifices, etc., shall be used.

## **5.4 DESIGN CRITERIA FOR SURFACE SWALES AND STORM SEWERS**

### **A. Storm Sewer.**

1. When storm sewer construction is permitted, storm sewers shall be designed to flow full using Manning's Formula with an appropriate roughness coefficient based on pipe material. If a storm sewer is designed with a constantly submerged outfall, the sewer shall be designed using the "hydraulic gradient" with the maximum allowable water level an elevation one foot below centerline of pavement.
2. The rational method shall be employed when computing storm runoff. The storm system shall be designed with "positive street and swale drainage" such that stormwater runoff will be directed overland to the stormwater detention area in a manner to minimize property damage due to flooding.
3. Storm sewers shall be designed for minimum ten-year storm event flowing full. Velocity should not exceed ten feet per second.
4. In areas where curb and gutter and storm sewers are approved, inlets shall be installed so that the distance between each inlet shall not exceed 400 feet and each inlet drain a maximum street gutter length of 400 feet. Maximum flow depths shall not inundate more than one half of the traveled lane of the street during a ten-year storm. Where the inlet is located at a low point, additional inlets may be required by the Village Engineer. No more than three inlets shall be interconnected. Inlets shall be so located that stormwater runoff will not "pond" greater than the top of the street curbs. Depressed street crowns to facilitate drainage will not be permitted.
5. Rear lot drainage should not drain over the curb. Yard inlets shall be placed where approved or as required by the Village Engineer.
6. The minimum size storm sewer or inlet connection shall be 12 inches in diameter.
7. Unless otherwise approved by the Village Engineer, storm sewer shall be reinforced concrete pipe conforming to ASTM C76 minimum Class III.
8. Minimum cover shall be generally three feet for all storm sewers unless special precautions are taken to protect the pipe, as approved by the Village Engineer.



9. All manholes, inlet manholes, inlets and catch basins, and head walls shall be designed in accordance with the Wisconsin DOT standards or as modified by standard details of the Village.
10. Connections to sanitary sewers or existing agricultural drainage systems (tiles) will not be permitted for any new developments. All developments will utilize separate drainage systems to avoid disruption or overloading of the existing agricultural tile drainage system. Any field tile systems cut during the process of land development must be reconnected. Connection of existing agricultural drain tiles to new stormwater management systems may be approved if proper allowance for flows from said tiles is incorporated in the new design system.

B. Culverts. Culverts shall be sized for each lot along rural streets and placed on the grading plan. Culverts shall meet the following minimum standards:

1. Minimum pipe diameter of 15 inches.
2. Corrugated metal pipe (CMP) shall be hot-dipped galvanized steel or aluminum steel conforming to AASTO M36. Provide 16 gauge CMP for pipe diameter 21 inches and smaller. Provide 12 gauge CMP for pipe diameters 24 inches and larger.
3. Reinforced concrete pipe (RCP) shall conform to ASTM C76, minimum Class III.
4. Culvert slope and invert elevations should match the ditch slope and invert elevations as nearly as possible.
5. Minimum cover at driveways shall be six inches.
6. The subdivision grading plan shall include a list of driveway culvert sizes for each lot in the development.

C. Swales and Ditches. Manmade swales and ditches shall meet the following minimum design standards:

1. Minimum grade of one half of one percent (0.5%) unless approved by the Village Engineer.
2. Maximum grade of ten percent unless approved by the Village Engineer.
3. Minimum depth of 24 inches below the shoulder of the street. At high points in the roadway, a depth of 18 inches below the shoulder is allowable provided culverts in the ditches are not required.
4. Maximum bank slope of 4:1 under normal conditions. Maximum bank slope of 3: 1 under restricted conditions may be approved by the Village Engineer.
5. The bottom and banks of ditches with grades of less than four percent shall be sodded or else seeded in combination with mulch or erosion blanket.
6. The bottom and banks of ditches with grades between four and eight percent shall be sodded and equipped with permanent ditch checks.

7. The bottom and banks of ditches with grades between eight and ten percent shall be paved or otherwise stabilized as approved by the Village Engineer.
8. Whenever practicable, all areas of the property must be provided an overland flow path that will pass the 100-year flow at a stage at least one foot below foundation grades in the vicinity of the flow path. Overland flow paths designed for flows in excess of the minor drainage system capacity shall be provided in drainage easements.

## **SECTION 6 - ROADWAY CONSTRUCTION**

### **6.1 INTRODUCTION**

- A. All developments, regardless of size within the Village limits shall include provisions for the construction of roadways and appurtenant construction to serve each parcel of property within the development. Where more than one building, other than an accessory building is located or planned on one parcel of property, the proposed construction shall also include access roadways as required to serve each such building.
- B. The design of all roadways proposed for construction or as independent projects under the control of the Village, shall meet the technical requirements of this Section and the (WDOT) "Standard Specifications."

### **6.2 STREET CLASSIFICATION**

- A. Certain variables dependent on the functional classification of the street in question. For the purposes of these standards, all streets will be classified as shown in Figures A.6-1, A.6-2 and A.6-3. appended to this section.
- B. In developments where more than one building is located or planned on one parcel of property and a roadway is provided to serve such buildings, that roadway shall be classified as residential unless otherwise established by the Village Engineer.

### **6.3 GEOMETRICS**

Roadway geometries shall be as set out in Figures A.6-2 and A.6-3.

### **6.4 ROADWAY EXCAVATION**

- A. Topsoil shall be stripped from all proposed roadway areas. The roads shall then be constructed to the lines and grades as shown on the construction plans.
- B. No construction required by this Section shall be permitted after November 1 without written authorization of the Village Engineer.
- C. In new construction, asphaltic pavement surface course shall be placed no later than three years and no earlier than one year from the time in which the asphaltic pavement base course is placed, without written authorization by the Village Engineer.

### **6.5 SUBGRADE**

- A. The roadway shall be constructed to within +/-0.10 feet of the proposed subgrade elevation with the average subgrade within +/-0.02 feet of the proposed subgrade elevation. Certification that road subgrade

construction conforms to the required tolerances shall be presented to and approved by the Village Engineer prior to placing crushed aggregate base course. No traffic will be allowed on the subgrade.

- B. Roadways shall be proof-rolled prior to construction of the base course. A fully loaded truck shall be provided to drive slowly over the area to be inspected. Areas which show deflections greater than one inch shall be repaired and pass proof-rolling tests before construction may proceed. The Village Engineer shall be present for and should be notified 24 hours prior to proof-rolling.
- C. Areas of roadway subgrade not passing proof-rolling tests shall be stabilized by alternative methods approved by the Village Engineer prior to placing base course materials. Excavation below subgrade and backfill with material as specified in Section 4.6.B.5 or the use of geotextile fabric may be required.

## **6.6 SUB-BASE**

Sub-base construction required under this section shall be crushed stone or crushed gravel complying with the applicable provisions of the (WDOT) "Standard Specifications," Gradation No.1 unless approved by the Village Engineer.

## **6.7 BASE COURSE**

Base course construction required under this Section may be either bituminous base course or crushed stone or crushed gravel in accordance with Figures A.6-1 and A.6-2. Materials shall comply the applicable provision of the (WDOT) "Standard Specifications," Gradation No. 1 in the lower six inches of base course and Gradation No.2 in the remainder of the base course. Roadways shall be proof-rolled prior to construction of the binder course or pavement section. A fully loaded truck shall be provided to drive slowly over the area to be inspected. Areas which show deflections greater than one inch shall be repaired and pass proof-rolling tests before construction may proceed. The Village Engineer shall be present for and should be notified 24 hours prior to proof-rolling. Certification that the road base course construction conforms to the required slopes and grades shall be presented to and approved by the Village Engineer within 72 hours of the placement of asphaltic pavement base course.

## **6.8 PAVEMENT AND SURFACE COURSES**

- A. Pavement construction required under this Section may be either Hot Mix Asphaltic pavement or Portland Cement Concrete pavement in accordance with Figures A.6-1 and A.6-4A and B. Materials shall comply with Section 407 of the (WDOT) "Supplemental Specifications", most current edition. For priming asphaltic and other stabilized surfaces, comply with the applicable provisions of the (WDOT) "Standard Specifications".
- B. Hot Mix Asphalt pavement, Type E-0.3 shall be used on all residential streets. Hot Mix Asphalt pavement, Type E-1 shall be used on all major residential streets and minor commercial streets. Hot Mix Asphalt pavement, Type E-3 shall be used on all industrial and major commercial streets.

## **6.9 COMBINATION CONCRETE CURB AND GUTTER**

Curb and gutter construction, where applicable, shall comply with the (WDOT) "Standard Specifications", and conform to a 30-inch Type D or Type L concrete curb and gutter, shown in the (WDOT) Standard Details. Tie bars are required for all construction joints in concrete pavements.

## **6.10 STANDARD DESIGN METHOD FOR PAVEMENTS**

When, in the opinion of the Village Engineer, the volume and composition of the traffic anticipated to be carried by the pavement can be estimated within reasonable limits and, in all cases, where the roadway is designed as a four or more lane facility, the structural design for pavements shall be based on the latest revision of the (WDOT) Facilities Development Manual. However, in no case shall the design result in a pavement of lesser strength than those shown in Figure A.6-1.

## **6.11 SPECIAL REQUIREMENTS FOR UNDERGROUND UTILITIES**

### **A. Structure Adjustment.**

1. Where finished grade or alignment for existing underground structures, such as inlet basins, catch basins, manholes or valve vaults is affected by proposed work, the project drawings shall provide for the adjustment of such structures as required.
2. Where a project is to be constructed under two or more construction contracts, one or more of which includes the construction of pavement, the contract documents for those contracts including paving work shall provide for the adjustment of underground structures that may be constructed under other contracts as may be required to fit the proposed pavement.

### **B. Utility Crossing Protection**

1. For new construction or when required by the Village or the Village Engineer, all concrete sidewalk, curb, gutter and driveways over excavated areas or utility trenches shall be reinforced with a minimum of two No. 4 bars, 12-inches on center for a length of 20 feet.

**Figure A.6-1: Street Classifications and Pavement Requirements**

<b><u>STREET CLASSIFICATION</u></b>	<b><u>MINIMUM PAVEMENT REQUIREMENTS</u></b>
<u>Residential / Cul-De-Sac</u>	
Asphalt Pavement	4-inch Hot Mix Asphalt (Type E-0.3) 1.75-inch 9.0 mm Surface Course 2.25-inch 12.5 mm Binder Course 12-inch Aggregate Base (3/4-inch Dense Grade)
<u>Major Residential / Minor Commercial</u>	
Asphalt Pavement	4.5-inch Hot Mix Asphalt (Type E-1) 2.0-inch 12.5 mm Surface Course 2.5-inch 19.0 mm Binder Course 12-inch Aggregate Base (3/4-inch Dense Grade)
<u>Industrial</u>	
Asphalt Pavement	8-inch Asphalt Concrete Pavement (Type E-3) 2-inch 12.5 mm Surface Course 2-inch 19.0 mm Binder Course 4-inch Asphaltic Base 12-inch Aggregate Base (3/4-inch Dense Grade)
Concrete Pavement	8-inch Concrete Pavement 10-inch Aggregate Base (3/4-inch Dense Grade)
<u>Major Commercial</u>	
Asphalt Pavement	8-inch Asphalt Concrete Pavement (Type E-3) 2-inch 12.5 mm Surface Course 2-inch 19.0 mm Binder Course 6-inch Asphaltic Base 12-inch Aggregate Base (3/4-inch Dense Grade)
Concrete Pavement	8-inch Concrete Pavement 10-inch Aggregate Base (3/4-inch Dense Grade)

**Figure A.6-2: Rural Street Geometric Criteria**

<u>ROADWAY CLASSIFICATION</u>	<u>MAJOR COMMERCIAL</u>	<u>INDUSTRIAL</u>	<u>MINOR COMMERCIAL/ MAJOR RESIDENTIAL</u>	<u>RESIDENTIAL</u>
Right-of-way width	80-120 ft.	66-80 ft.	66-80 ft.	66 ft.
Roadway width (1)	24-76 ft.	24 ft.	24 ft.	22 ft.
Shoulder width (7)	10ft. (8ft. paved)	8ft. (3 ft. paved)	6ft. (3ft. paved)	5 ft.
Minimum ditch depth (2)	2.5 ft.	2.5 ft.	2.5 ft.	2 ft.
Number of traffic lanes (6)	2-4	2	2	2
Minimum cul-de-sac pavement radius (3)(9)	N/A	58 ft.	N/A	53 ft.
Maximum cul-de-sac length (4)	N/A	1000 ft.	N/A	800 ft.
Minimum sight distance	275 ft.	275 ft.	225 ft.	150 ft.
Maximum grade (8)	6%	6%	8%	10%
Design speed	40 mph	35 mph	30 mph	25 mph
Minimum center line Radius	500 ft.	500 ft.	350 ft.	150 ft.
Return radius	60 ft.	60 ft.	40 ft.	25 ft.
Crown	2.0%	2.0%	2.0%	2.0%
Shoulder Slope (10)	4.0%	4.0%	4.0%	4.0%

- (1) Dimensions are measured from outside edge of lane to outside edge
- (2) As measured from centerline evaluation
- (3) Cul-de-sac R.O.W. radius shall be 75 feet for all rural pavements
- (4) The combined length of the street and diameter of the cul-de-sac
- (5) A tangent of at least 100 ft. shall be introduced between reverse curves on major and secondary streets
- (6) Four lanes required for projected traffic volumes over 13,000 ADT.
- (7) Roadways with paved shoulders require pavement markings.
- (8) Minimum roadway tangent grades and ditch grades shall be 0.50%
- (9) Pavement radius includes paved shoulder.
- (10) Paved shoulders slope shall match pavement cross slope
- (11) Design in accordance with criteria and standards as set forth in the current version of "A Policy on Geometric Design of Highways and Streets, AASHTO, and as required by the Village Board.

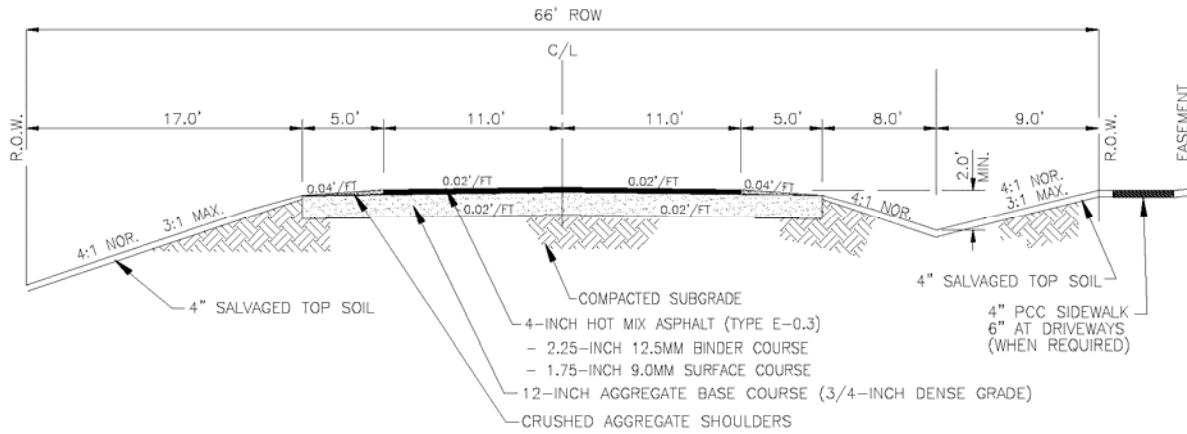
**Figure A.6-3: Urban Street Geometric Criteria**

<u>ROADWAY CLASSIFICATION</u>	<u>MAJOR COMMERCIAL</u>	<u>INDUSTRIAL</u>	<u>MINOR COMMERCIAL/ MAJOR RESIDENTIAL</u>	<u>RESIDENTIAL</u>
Right-of-way width	80-110 ft.	66-80 ft.	66-80 ft.	66 ft.
Roadway width (1)	48-80 ft.	36-48 ft.	36-48 ft.	36ft.
Sidewalk(5)	6 ft.	5 ft.	5ft.	N/A
Curb Type	30" – Type D	30" – Type D	30" – Type D	30" Type D
Number of traffic lanes (6)	2-4	2	2	2
Lane Width	12 ft.	12 ft.	12 ft.	11 ft.
Minimum cul-de-sac pavement radius (2)	N/A	58 ft.	N/A	53 ft.
Maximum cul-de-sac length (3)	N/A	1000 ft.	N/A	800 ft.
Minimum sight distance	275 ft.	275 ft.	225 ft.	150 ft.
Maximum grade	6%	6%	8%	10%
Minimum grade	0.5 %	0.5%	0.5%	0.5%
Design speed	40 mph	35 mph	30 mph	25 mph
Minimum center line Radius (4)	500 ft.	500 ft.	350 ft.	150 ft.
Return radius	40 ft.	40 ft.	25 ft.	15 ft.
Crown	2.0%	2.0%	2.0%	2.0%
Shoulder Slope (10)	4.0%	4.0%	4.0%	4.0%

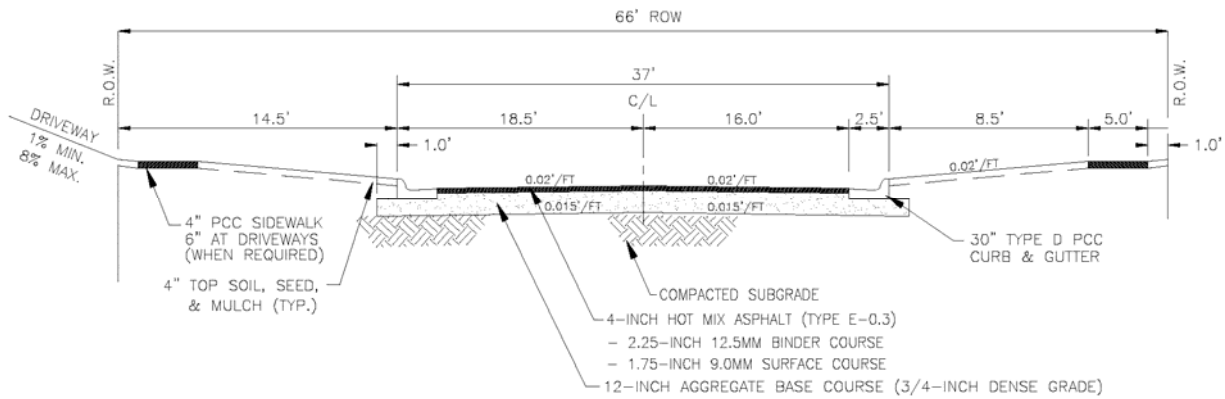
- (1) Dimensions are measured face to face of curb
- (2) Cul-de-sac R.O.W. radius shall be 75 feet, except a 65 ft. radius will be allowed on residential streets with urban pavements.
- (3) The combined length of the street and diameter of the cul-de-sac right of way.
- (4) A tangent of at least 100 ft. shall be introduced between reverse curves on major and secondary streets.
- (5) Sidewalk shall be placed in public right-of-way, 1-foot from property line, when required, unless otherwise approved by the Village.
- (6) Four lanes required for projection traffic volumes over 13,000 ADT.
- (7) Design in accordance with criteria and standards as set forth in the current version of "A Policy on Geometric Design of Highways and Street, AASHTO, and as required by the Village Board.



**Figure A.6-4A- Minor Residential Street Cross Section – Rural (No Scale)**



**Figure A.6-4B- Minor Residential Street Cross Section – Urban (No Scale)**



## APPENDIX B - THE CONSERVATION SUBDIVISION DESIGN PROCESS

### 1.0. GENERAL.

Conservation subdivisions should be designed around the open space. That is, the areas for open space preservation should be set aside before the streets and lots are laid out. The design process for conservation subdivisions takes place in three basic steps:

- A. Identification and analysis of existing conditions, or site analysis;
- B. Delineation of preservation areas;
- C. Layout of dwelling locations and street and lot pattern.

#### 1.1 STEP ONE: SITE ANALYSIS

- A. The design of a conservation subdivision around the open space first requires a proper site analysis. The site analysis should identify existing features that determine the landscape character of a site and analyze those features to determine the desirability of preserving them. A site analysis should also identify features that present problems that must be considered and overcome in the design.
- B. The inventory of existing conditions should include all natural and man-made features of a site. Some of these will be natural areas protected by law, such as floodplains, wetlands, shoreland areas, and water bodies. Other areas that are developable, but contain certain features that may lend character to the rural landscape, should also be identified. Such areas could include hedgerows along an abutting road or dividing two fields; a healthy stand of trees atop a rise in terrain; diverse woodlands; wild flower meadows; fallow farm fields; wildlife habitats; areas that afford good views; historic buildings or ruins; fencerows; and even lone specimen trees. Problem areas that must be accommodated in the design may include such features as power line rights-of-way, transmission towers, utility easements, and drainageways.
- C. It should be noted that a site analysis completed for the sketch-plan layout of a conservation subdivision is not usually as technically comprehensive as those required for engineered preliminary plats. Although the engineering constraints on a site should be generally understood and taken into account, the site analysis for the purposes of designing a sketch plan for conservation subdivision layout is intended primarily to identify landscape character, preservation areas, and building areas. While some of the elements required for sketch plans and typical preliminary plans will be the same, topography, for instance, the level of detail and accuracy required for documenting conditions for engineering purposes is not needed at the sketch-plan level. The elements of a site analysis for the purposes of conservation subdivision design would supplement and precede the site information normally required for conventional subdivision. When the approval process moves on to the preliminary-plat stage, complete documentation and analysis oriented toward proper engineering practices would then be needed. The conservation subdivision layout would then be adjusted, if necessary, to accommodate engineering considerations.

D. A good site analysis done for the purposes of conservation subdivision sketch-plan layout will include field investigations and should, at a minimum, consist of a map, or set of maps, showing the following:

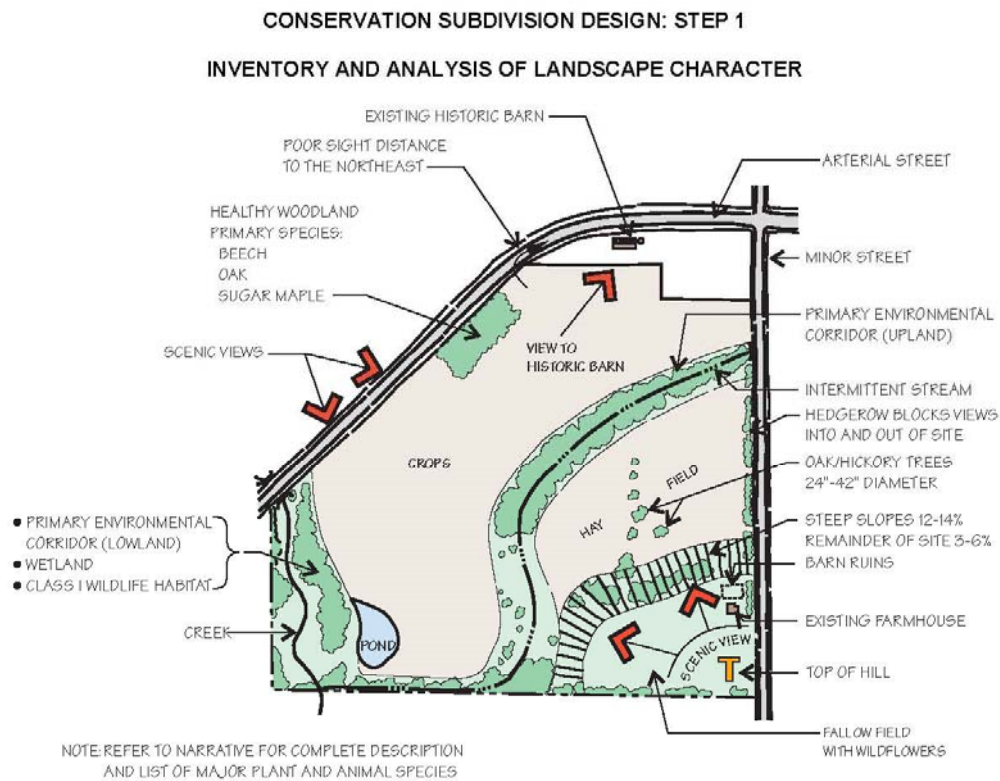
1. A topographic analysis identifying slopes over 12 percent or greater and under two percent. The topographic map should have a scale of one inch equals 100 feet or more, with a vertical contour interval of two feet or less. Hilltops and ridge lines should be highlighted.
2. An analysis of drainage patterns. The management of stormwater runoff from a site depends largely upon the existing drainage patterns which, for greatest economy and site preservation, generally should not be altered. Onsite drainage patterns are part of a larger drainage network and connect to the drainage patterns of adjacent sites. The role a particular site plays in the overall watershed should be recognized.
3. A vegetation analysis, identifying woodlands, hedgerows, lone specimen trees, grasslands, meadows, pastures, and active or fallow farm fields. Vegetation should be identified as evergreen or deciduous.

The health and condition of each vegetative type should be identified. Predominant species in hedgerows and woodlands should be identified. Specimen trees should be identified by species, size, and health. Unique or endangered plant species should be noted.

4. A delineation of soil types and identification of selected soil characteristics, as provided by the information in the regional soil survey completed for the Regional Planning Commission by the U. S. Soil Conservation Service (now the Natural Resources Conservation Service (NRCS)). Such characteristics would include, for example, suitability of soils for crops, pasture, woodland, wildlife habitat, and recreation, as well as for building foundations, roadways, and onsite sewage-disposal systems. Prime agricultural soils and alluvial floodplain soils should be noted.
5. Shoreland protection areas, including the minimum building setback from the ordinary high- water mark of navigable waters pursuant to Chapter 36.
6. The 100-year recurrence interval floodplain boundaries, and lakes, ponds, streams, and wetlands.
7. Boundaries and characteristics of primary and secondary environmental corridors and isolated natural resource areas, as identified in the adopted regional plans or local comprehensive plans.
8. Wildlife habitat, whether in fields, wetlands, or woodlands. Predominant species of birds, mammals, amphibians, fish, and reptiles should be identified when possible. The presence of rare or endangered species should be noted.
9. Historic or cultural features, including ruins and stone fencerows.
10. Other existing buildings and structures. All buildings in a farm complex should be located and identified as to their use, as well as the locations of existing wells and onsite sewage-disposal systems.
11. Scenic vistas, both into the site from adjacent roads and outward from the site.

12. Classifications of existing streets and highways adjacent to the development parcel, as well as especially desirable or undesirable points of entry into the parcel. Street connections required by the local official map should be noted.
  13. Existing physical conditions surrounding the development parcel within 200 feet. These might include such notes as “adjacent three-acre housing,” “connection to regional trail,” or “view to historic barn.” The size and extent of existing adjacent open space areas should be noted, as well as any further open space connections these spaces may have.
  14. Future area-wide plans that affect the site should also be taken into account. These could include, among others, plans for future parks; open space, trail, and bikeway systems; agricultural preservation areas; arterial street networks; stormwater management systems and other utilities; and general land use plans.
- E. Figure B.1 is an example of a typical site analysis. This is often accompanied by a written narrative that further explains the existing conditions on the site.

**Figure B.1**



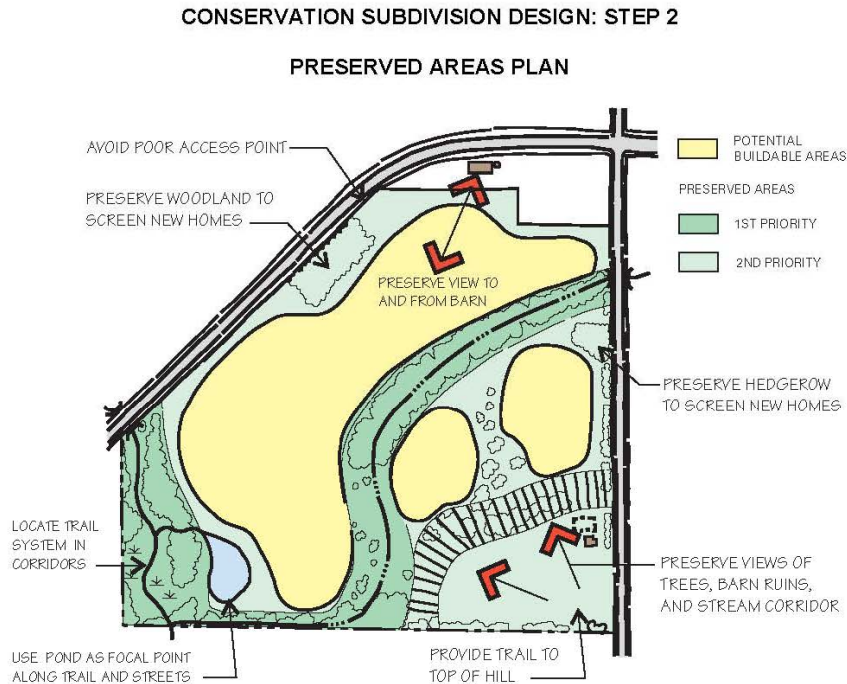
A site analysis for the purpose of conservation subdivision design would supplement and precede the engineering information normally required for a conventional subdivision. When the approval process moves to the preliminary plat stage, the conservation subdivision layout would then be adjusted to accommodate engineering considerations.

Source: SEWRPC.

## 1.2 STEP TWO: DELINEATION OF PRESERVATION AREAS

- A. After determining the existing conditions on a site, the next step is to determine which areas should be preserved, as shown in Figure B.2.
- B. Areas of first and second priority for preservation should be identified. Areas of first priority will include two types of areas: those protected through State and Federal regulation, such as floodplains, wetlands, and shorelands, and those connecting to larger municipal, county, or regional park and greenway systems, such as primary environmental corridors. The more connected areas of open space are, the more valuable they become. The concept of connectedness is extremely important when trying to preserve meaningful open space.
  - 1. Fragmented open space areas lead to disrupted wildlife migration paths, nonfunctional wildlife corridors, inefficient farming operations, and piecemeal trail systems. Areas of disconnected open space preserved on a variety of development parcels, while valuable to some degree, can never have the same impact on preservation of landscape character as continuous open space does.
  - 2. When areas of open space in conservation subdivision developments on adjacent parcels abut each other, the impact on landscape character is greater than if they are separated by visible development.
  - 3. The goal of connectedness in open space should always be kept in mind, not only in terms of the importance of connecting onsite open space with offsite open space, but also in terms of connecting all onsite open space as much as possible. While the opportunity to connect areas of onsite open space with adjacent offsite areas is not always available, areas of open space within the site can and should be connected.
- C. After designating first priority areas for preservation, regulated environmentally constrained areas and areas that provide connections to offsite open space, areas of second priority are added. These would include other developable areas with natural features that have been identified as contributing to the particular rural landscape character of the site, as seen from adjacent roads and other public ways, as well as from within the site. Some judgments may have to be made at this stage as to the desirability of preserving certain areas of marginal value. For example, a hedgerow with weak-wooded or diseased trees may not be desirable for preservation.

**Figure B.2.**



Areas of first and second priority for preservation should be identified and preservation areas should be connected.

Source: SEWRPC.

D. Not all the open space will be environmentally constrained land, nor should it be. On parcels that have a great deal of environmentally constrained land, not all of it should be accepted as meeting the open space requirement. On parcels with few constraints, much of the open space will be in well-drained upland areas that would be considered buildable. Decisions would have to be made as to which portions of these areas should be used for lots and which should be saved for open space. These decisions should be based on the overriding objective of preserving rural landscape character.

E. In the process of determining the preservation areas, the areas available for buildings, streets and lots are, by default, also identified. These are the “left over” areas. This process is the opposite of that often used in the design of a conventional subdivision, where the leftover areas are the areas considered unsuitable for building. Often the areas with the most attractive natural amenities are set aside first to be included in a few prime lots that can be sold at a premium price.

### 1.3 STEP THREE: CONCEPTUAL DELINEATION OF STREET AND LOT LAYOUT (SKETCH PLAN)

A. When preservation areas are set aside, their outlines give shape to the building areas. On many development parcels, the areas available for building will be larger than the area needed to accommodate the permitted number of lots. Thus, the third step in the conservation subdivision design process is to determine more specifically the preferred locations of building lots and how best to provide access to them with the streets (see Figure B.3).

- B. The street and lot layout at this stage in the design process is conceptual only. Because of the large variety of street layouts that are possible through the flexibility permitted by conservation subdivision regulations, agreement on the general acceptability of a plan should be reached before the plan is more precisely detailed. While general municipal engineering principles should be followed, no detailed site engineering is done at this stage, although all zoning and subdivision regulations should be met.
- C. It is beneficial for both the developer and the municipality to reach a consensus on a conceptual sketch plan before the developer incurs the costs of preliminary engineering. It is during review of the sketch plan that design changes can be made at little cost to the developer. Thus, before the preparation of preliminary plans is initiated, both the developer and the municipality should have agreed upon a conceptual layout.
- D. The result of this process will be that streets and houses blend into the landscape in a natural way that protects the rural character of the site, rather than being forced onto the landscape in a form determined by rigid lot sizes and the configuration of parcel boundaries, as is often the case in conventional subdivision design and development.

**Figure B.3.**



After areas for preservation are identified, specific locations for building lots and streets are determined.

Source: SEWRPC.

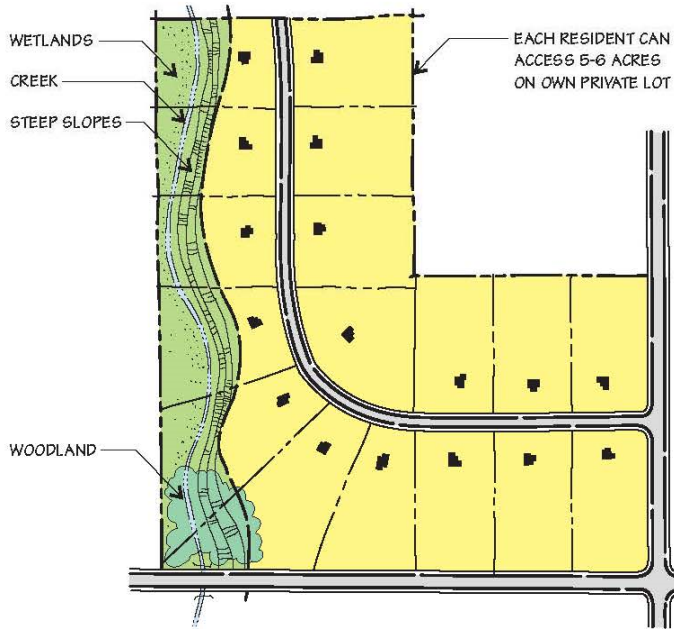
## **2.0 EXAMPLES OF CONSERVATION SUBDIVISION DESIGNS**

Hypothetical examples of conservation subdivision designs, contrasted with conventional designs for the same site, are presented in Figures B.4, B.5 and B.7. Additional examples of conservation subdivision designs, along with means for implementing the conservation subdivision design concept, are presented in SEWRPC Planning Guide No.7, Rural Cluster Development, 1996 and the updates thereto.



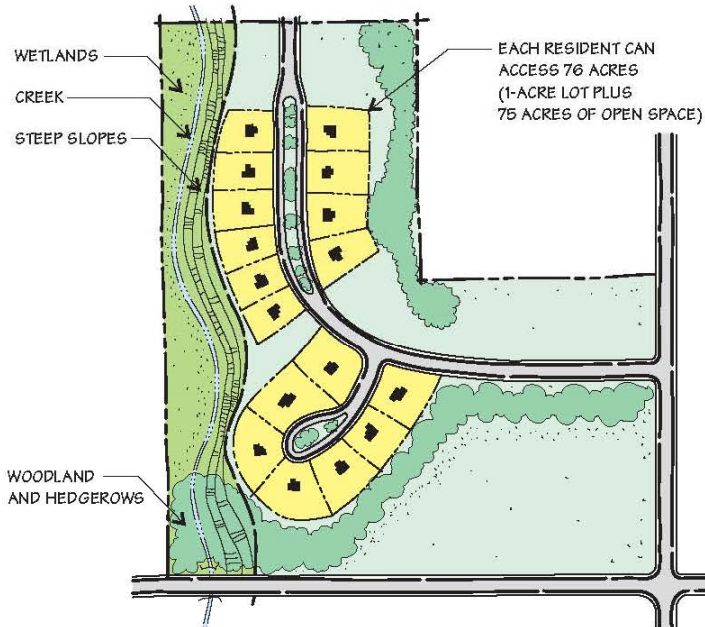
**Figure B.4.**

CONVENTIONAL SUBDIVISION DESIGN



Acres: 104  
Lots: 17  
Density: 1 Dwelling Unit / 6 Acres  
Average Lot Size: 5 Acres  
Common Open Space: 0%

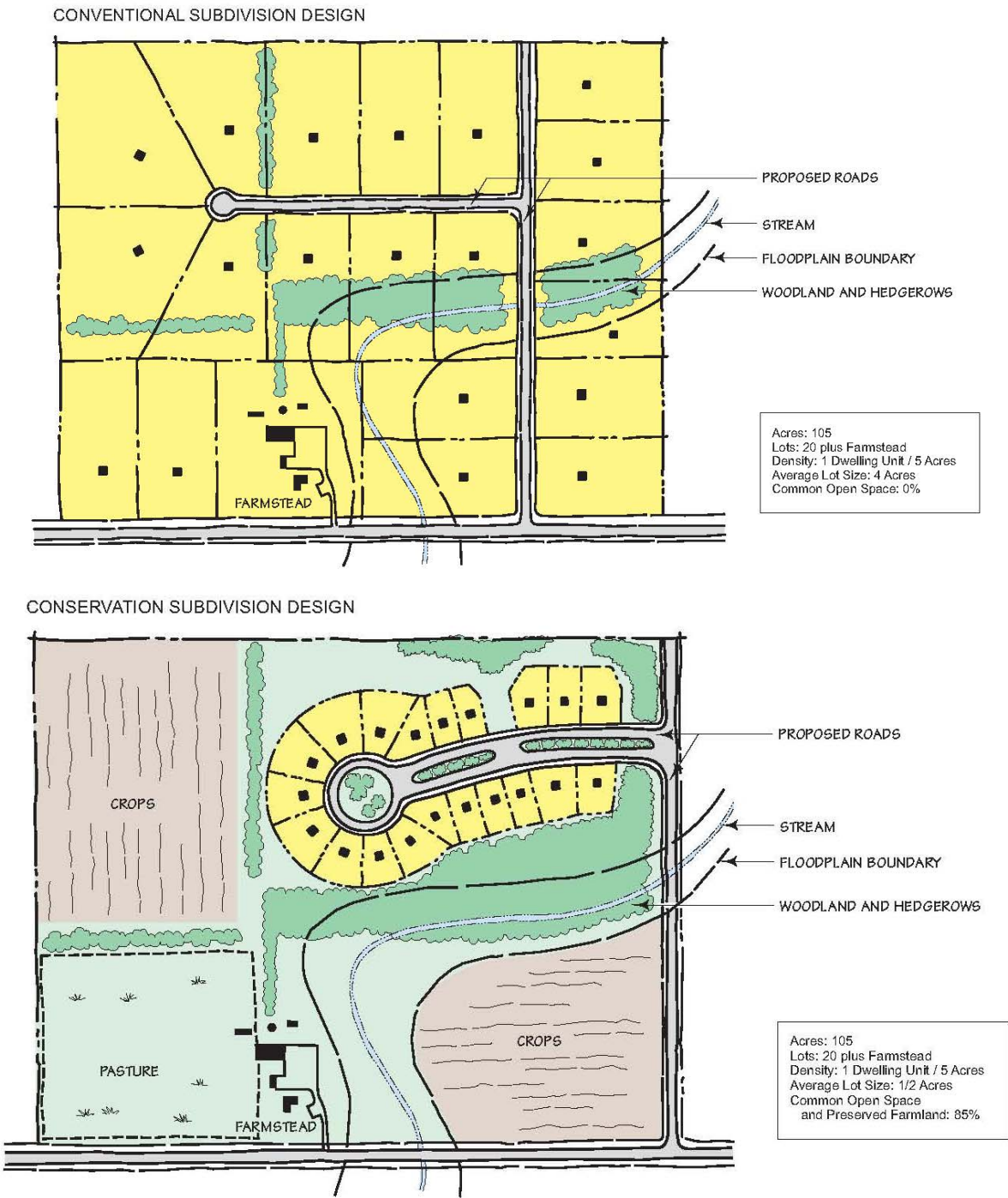
CONSERVATION SUBDIVISION DESIGN



Acres: 104  
Lots: 17  
Density: 1 Dwelling Unit / 6 Acres  
Average Lot Size: 1 Acre  
Common Open Space: 75%

Through a reduction in lot size, open space can be created without losing density.

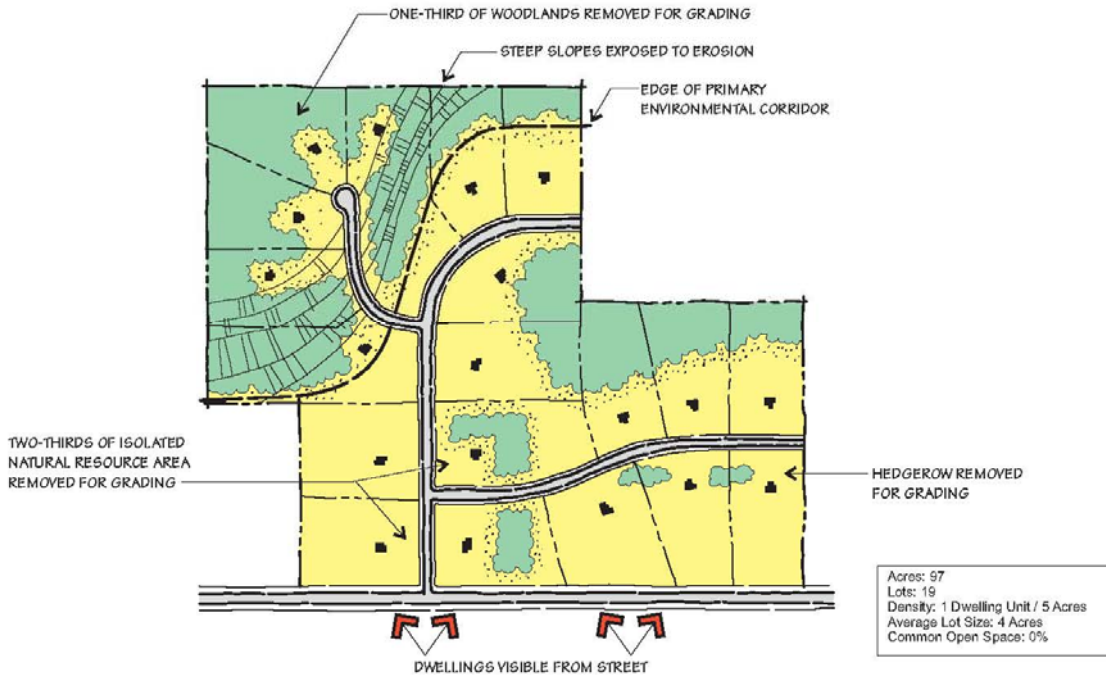
**Figure B.5.**



Conservation subdivision development can help preserve farming activities.

**Figure B.6.**

CONVENTIONAL SUBDIVISION DESIGN



CONSERVATION SUBDIVISION DESIGN



Conservation subdivisions can preserve environmental features and views.

Source: SEWRPC.

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