

## CHAPTER 53

### SUBDIVISION AND PLATTING

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#### 3.01 **ESTABLISHMENT.**

- (a) **AUTHORITY.** This ordinance is adopted under the authority granted by Chapters 61 and 236 of the Wisconsin Statutes and amendments thereto.
- (b) **PURPOSE.** The purpose of this Chapter is to protect and provide for the public health, safety, and general welfare of the Village; to guide the future logical growth and development of the Village, in accordance with adopted Comprehensive Plan; to provide for adequate light, air and privacy, to secure safety from fire, flood, and other danger; to protect the character and the social and economic stability of all parts of the Village and to encourage the orderly and beneficial development and redevelopment of the Village; to protect and conserve the value of land throughout the Village and the value of buildings and improvements upon the land, and to minimize the conflicts among the uses of land and buildings; to guide public and private policy and action in order to provide adequate and efficient transportation, water, sewerage, schools, parks, playgrounds, recreation, and other public facilities; to provide for proper location and width of street and building lines, pedestrian, and bicycle facilities; to establish reasonable standards of design and procedures for land divisions in order to further the orderly layout and use of land; and to insure proper legal descriptions and monumenting of subdivided land; to insure that public facilities are available and will have a sufficient capacity to serve the proposed land division; and, to prevent and control erosion, sedimentation, and other pollution of air, streams, and ponds; to insure the

adequacy of stormwater management facilities; to safeguard potable water supplies; and to encourage the wise use and management of natural resources throughout the Village.

### **53.02 DEFINITIONS**

- (a) **DEFINITIONS.** The following definitions shall apply to this Chapter:
- (1) **“Act or Action”** shall, in the context of the Village Board or Village Planning and Zoning Commission's review of a preliminary or final subdivision or certified survey map, mean approval, conditional approval, denial, or a request for a modification, or for additional study, field inspections or documentation.
  - (2) **“Alley”** shall mean a public right-of-way that normally affords a secondary means of vehicular access to abutting property.
  - (3) **“Area Development Plan”** shall mean a map approved by the Village Board that shows future streets on properties in the vicinity of a proposed land division.
  - (4) **“Arterial Street”** shall mean a street that provides for the movement of relatively heavy traffic to, from, or within the Village. It has a secondary function of providing access to abutting land.
  - (5) **“Association”** shall mean all condominium unit owners acting as a group, either through a non-stock, non-profit corporation, or an unincorporated association in accordance with its by-laws and declaration.
  - (6) **“Block”** shall mean a parcel, lot, or group of lots existing within well defined and fixed boundaries, usually being an area surrounded by streets or other physical barriers, and having an assigned number, letter, or other name through which it may be identified.
  - (7) **“Buildable Area”** shall mean the area of a lot remaining after the building setback requirements have been met and excluding the unbuildable areas as determined by this ordinance and the Village Planning and Zoning Commission. The buildable area must be contiguous and not separated by environmental features, streets, or other similar features.
  - (8) **“Building Setback Line”** shall mean the distance from the boundaries of a lot within which structure(s) shall not be erected.
  - (9) **“Certified Survey Map”** shall mean a map of a division of land prepared in accordance with Chapter 236, Wisconsin Statutes, and the terms of this ordinance. A certified survey map may be referred to as a CSM.

- (10) **“Channel”** shall mean a natural or artificial watercourse of perceptible extent with definite bed and banks to conform and conduct continuously or periodically flowing water. Channel flow thus is that water which is flowing within the limits of a defined channel.
- (11) **“Collector Street”** shall mean a street that collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It generally provides access to abutting property.
- (12) **“Commission”** shall mean the Planning and Zoning Commission created by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes.
- (13) **“Comprehensive Plan”** shall mean the most recently adopted official guide for the physical, social, and economic growth of the Village properly enacted or adopted according to Section 66.1001 of the Wisconsin Statutes.
- (14) **“Conditional Approval”** shall mean approval of a plat by the Village Planning and Zoning Commission or Village Board subject to the plat meeting certain specified requirements as determined by the Village Planning and Zoning Commission or Village Board.
- (15) **“Condominium Development”** shall mean a property subject to a condominium declaration established under Chapter 703 Condominiums, Wisconsin State Statutes.
- (16) **“Crosswalk”** shall mean a public right-of-way traversing a block or street for the purpose of providing pedestrian access.
- (17) **“Contiguous”** shall mean next to, abutting, or touching and having a portion that is coterminous.
- (18) **“Cul-de-Sac”** shall mean a short minor street having one end open to motor traffic and the other end terminated by a vehicular turnaround.
- (19) **“Day or Days”** shall mean calendar days.
- (20) **“Dead-End Street”** shall mean a street having only one outlet for vehicular traffic and no vehicular turnaround.
- (21) **“Detention Pond”** shall mean a permanent man-made pond or pool used for the temporary storage of stormwater runoff and which provides for the controlled release of such waters.
- (22) **“Developers Agreement”** shall mean an agreement by a subdivider with the Village of Pulaski that clearly establishes the subdivider’s responsibility regarding project financing and phasing, the provision of public and private facilities, subdivision improvements and any other mutually agreed to terms and requirements.

- (23) **“Development”** shall mean the act of constructing buildings or installing site improvements, such as grading, clearing, ditching installing utilities or any other activity necessary prior to construction.
- (24) **“Drainage Easement”** shall mean land required for the installation of stormwater sewers or drainage ditches and/or required for the preservation or maintenance of a natural stream or watercourse or other drainage facility.
- (25) **“Easement”** shall mean the quantity of land set aside or over which a liberty, privilege, or advantage in land without profit, existing distinct from the ownership of the land, is granted to the public, utility, or some particular person, corporation, or part of the public for limited right of use.
- (26) **“Environmentally Sensitive Area (ESA)”** the lands identified on a final plat that are regulated by the most current iteration of the Brown County Subdivision and Platting regulations and/or the Brown County Sewage Plan.
- (27) **“Extraterritorial Plat Approval Jurisdiction”** shall mean the unincorporated area within one and one-half (1-1/2) miles of corporate municipal boundary of the Village or three (3) miles of the corporate municipal boundaries of the Village where it maintains approval authority over land divisions.
- (28) **“Final Plat”** shall mean the map or drawing of a subdivision prepared in compliance with the provisions of Chapter 236, Wisconsin Statutes, the terms of this ordinance and any other applicable ordinances.
- (29) **“Frontage”** shall mean a length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.
- (30) **“Frontage Street”**. A minor street auxiliary to and located on the side of an arterial street or other thoroughfare for control of access and for service to the abutting development.
- (31) **“Gradient”** shall mean the slope of land, road, street, or other public way specified in percent (%).
- (32) **“Grading Plan”** shall mean a drawing of a proposed area with plans and specifications for grading.
- (33) **“High Water Elevation”** shall mean the recorded average of all the high water elevations during the period of record for a flowage or other body of water.
- (34) **“Improvement, Public”** shall mean any sanitary sewer, storm sewer, drainage ditch, stormwater management facility, water main, roadway, parkway, sidewalk, pedestrian way, planting strip, off-street parking area or other facility for which the local municipality may ultimately assume the responsibility for maintenance and operation.

- (35) **“Irrevocable Letter of Credit”** shall mean a guarantee issued by a bank or other lending agency stating that a certain level of funds are available to the Village to pay for improvement costs specified in an approved developers agreement.
- (36) **“Land Division”** shall mean the act of creating two or more separately described parcels, at least one of which is forty (40) acres or less in size, from a single parcel of land by the owner thereof or his agent.
- (37) **“Land Division Document”** shall mean a preliminary, final, or recorded subdivision plat, and certified survey map.
- (38) **“Local Street”** shall mean a street designed for low speed travel and generally low traffic volumes which provides land access from neighborhoods and minor activities to the collector and arterial systems.
- (39) **“Local Unit”** shall mean the Village as well as the Counties, villages, and cities.
- (40) **“Lot”** shall mean a fractional part of a subdivision or certified survey map having an assigned number through which it may be identified and meeting the requirements of this ordinance for a building site.
- (41) **“Lot Area”** shall mean the area contained within the property lines of the individual parcels of land as shown on a plat, excluding any area within a street right-of -way but including the area of any easement.
- (42) **“Lot, Corner (Corner Lot)”** shall mean a lot abutting intersecting streets at their intersection.
- (43) **“Lot Equivalent”** shall mean an area of land shown on a condominium plat document encompassing an individual condominium unit, or a building or part of a building, having two or more units, and also encompassing adjoining yard areas that will be associated with that unit, or set of units, in an occupancy and/or appearance sense in a manner equivalent to a lot for a comparable non-condominium development.
- (44) **“Lot, Reversed Corner (Reversed Corner Lot)”** shall mean a corner lot which is orientated so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (45) **“Lot, Through (Through Lot)”** shall mean a lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a through lot, both street lines shall be deemed front lot lines. Also referred to as a double-frontage lot.
- (46) **“Lot Lines”** shall mean the peripheral boundaries of a lot as defined herein.

- (47) **“Lot Width”** shall mean the horizontal distance between the side lot lines of a lot, measured at the narrowest width within the first thirty (30) feet of lot depth immediately in back of the front yard setback line.
- (48) **“Major Thoroughfare”** shall mean a street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways and other highways and parkways, as well as arterial streets.
- (49) **“Mean Sea Level Datum”** shall mean a 1929 adjustment, as established by the U.S. Coast Guard and Geodetic Survey.
- (50) **“Minor Subdivision”** shall mean the division of land by the owner or owner’s agent resulting in the creation of not more than four (4) parcels.
- (51) **“Municipality”** shall mean all units with local self-government.
- (52) **“Official Map”** shall mean the official map of the Village or county by law showing thereon streets, highways, parkways, parks, schools, and other public facilities as provided by Sections 62.23 (6), Wisconsin Statutes.
- (53) **“Outlot”** shall mean a parcel of land other than a lot, which does not meet the requirements of a lot at the time of platting.
- (54) **“Owner or Owners”** shall mean a natural person, firm, association, partnership, private corporation, public or quasi-public Corporation, or combination of these.
- (55) **“Parcel”** shall mean a continuous acreage of land described in a single description in a deed or one of a number of lots or outlots on a plat, separately owned or capable of being separately conveyed.
- (56) **“Pedestrian Pathway”** shall mean a public way, usually running at right angles to streets, which is intended for the convenience of pedestrians and bicyclists only; it may also provide public right-of-way for utilities.
- (57) **“Performance Bond”** shall mean a bond guaranteeing performance of a contract or obligation through possible forfeiture of bond if said contract or obligation is unfulfilled by the subdivider.
- (58) **“Planned Unit Development”** shall mean a development guided by a total design plan in which one or more of the zoning or subdivision regulations, other than use regulations, may be waived or varied to allow flexibility and creativity in site and building design and location, in accordance with general guidelines.
- (59) **“Planning and Zoning Commission”** shall mean the officially constituted Village of Pulaski body whose duties include administration of the Village subdivision regulations and may also be referred to as “planning commission” or “plan commission”.
- (60) **“Plat”** shall mean a map of a subdivision.

- (61) **“Preliminary Plat”** shall mean a map showing the salient features of a proposed subdivision submitted to the Planning and Zoning Commission for purposes of preliminary consideration.
- (62) **“Pre-application”** shall mean a required meeting with Village staff to review a concept plan and provide input in to next steps or issues.
- (63) **“Public Utility”** shall mean any corporation, company, association, sanitary district, or municipality that may own, or operate any plant or equipment for the conveyance of telephone messages, or for the production, transmission, delivery, or furnishing of heat, electricity, gas, water, cable television, sewer, or any other service deemed to be in the public interest, shall be deemed a public utility.
- (64) **“Replat”** shall mean the changing of the boundaries of a recorded subdivision plat or part thereof.
- (65) **“Restrictive Covenant”** shall mean the written stipulations on the face of the plat regarding development that the landowner must abide by.
- (66) **“Retention Pond”** shall mean a permanent man-made pond or pool designed to collect and prevent the release of a given volume of stormwater by complete on-site storage.
- (67) **“Reviewing Agency”** shall mean any agency, which is entitled to review and make recommendations concerning a subdivision prior to the Board action.
- (68) **“Right-of-way”** shall mean a strip of land occupied or intended to be occupied for a special use, dedicated to the public by the maker of the plat on which such right-of-way and providing safe and orderly points of access at fairly uniformly spaced intervals.
- (69) **“Roadway”** shall mean a surfaced curb to curb or paved portion of a street available for vehicular traffic movement and parking.
- (70) **“Sidewalk”** shall mean that portion of a street or crosswalk, paved or otherwise surfaced, intended for pedestrian use only.
- (71) **“State Plat”** shall mean a map of a division of land prepared in accordance with Chapter 236 Wisconsin Statutes and the terms of this Ordinance where:
- a. The act of division creates five (5) or more lots each one and one half (1.5) acres or less in area; or;
  - b. Five (5) or more lots each one and one half (1.5) acres or less in area are created by successive divisions within a period of five (5) years.
- (72) **“Stormwater”** shall mean the flow of surface water that results from precipitation.

- (73) **“Stormwater Management Facilities”** shall mean any technique, apparatus, or facility that controls or manages the path, storage, or rate of release of stormwater runoff. Such facilities may include storm sewers, drainage easements, retention or detention ponds, drainage channels, ditches, drainage swales, inlet or outlet structures, or other similar facilities.
- (74) **“Street” shall mean** and include all access ways in common use, such as streets, roads, lanes, highways, avenues, boulevards, alleys, parkways, viaducts, circles, courts, and cul-de-sacs, and includes all of the land lying between the right-of-way lines as delineated on a plat showing such streets whether improved or unimproved, and whether dedicated for public use or held in trust, under the terms of a reservation; but shall not include those access ways, such as easements and rights-of-way intended for solely limited utility purposes, such as for electric power lines, gas lines, telephone lines, water lines, or drainage and sanitary sewers.
- (75) **“Street, Half”** shall mean a street bordering one (1) or more property lines of a tract of land in which the subdividers allocated a part of the ultimate right-of-way width. Building permits shall not be issued for parcels with frontage only on half streets.
- (76) **“Structure”** shall mean anything constructed or erected on the ground (to include all types of buildings, attachments to buildings, parking lots, fences, and berms).
- (77) **“Subdivider”** shall mean any individual, firm, association, syndicate, partnership, corporation, guardian, attorney, trust or any other legal entity commencing proceedings under the regulations of this chapter to create a subdivision of land hereunder for himself or for another or for others.
- (78) **“Subdivision”** shall mean any division of a lot by the owner thereof, or his/her agent, for the purpose of sale, lease, or building development where:
- a. The act of division creates five (5) or more parcels or building sites of forty (40) acres or less in area; or
  - b. Five (5) or more parcels or building sites of forty (40) acres each or less in area are created by successive divisions within a period of five (5) years.
- (79) **“Surveyor”** shall mean a land surveyor duly registered in the State of Wisconsin.
- (80) **“Tax Parcel Number”** shall mean the identification number assigned to real estate in Brown, Oconto, and Shawano Counties for taxation purposes.
- (81) **“Thoroughfare”** shall mean a street with a high degree of continuity, including collectors, major arterials, limited access highways, and freeways.



- (82) **“Village”** shall mean the Village of Pulaski, Brown, Oconto, and Shawano Counties, Wisconsin
- (83) **“Village Board”** shall mean the governing body of the Village of Pulaski.
- (84) **“Unbuildable Area”** shall mean the area within a lot which is identified by the Planning and Zoning Commission as an area not able to be used for building purposes and not able to be calculated as a buildable area.
- (85) **“Undeveloped Land”** shall mean the land in parcels or tracts sufficiently large for future subdivision, which is presently in agriculture, woodland, or other non-intensive use.
- (86) **“Unit, Condominium”** shall mean a part of a condominium intended for any type of independent use, including one or more cubicles of air at one or more levels of space or one or more rooms or enclosed spaces located on one or more floors in a building.
- (87) **“Utility Easement”** shall mean an easement to place, replace, maintain, or move utility facilities, such as telephone, water, sewer, gas, cable television, etc.
- (88) **“Urban Cross Section Street”** shall mean a street that provides access to lots served by public sewer and water and contains a curb and/or gutter.
- (89) **“Variance”** shall mean a departure from the terms of the subdivision ordinance as applied to a specific structure or parcel of land, which the Village Planning and Zoning Commission may provide a recommendation to the Village Board, pursuant to the requirements within this Ordinance.
- (90) **“Wetlands” shall mean a** wetland is an area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophilic vegetation and which has soils indicative of wet conditions. A wetland delineation is established by, or approved by the Wisconsin Department of Natural Resources and/or the U.S. Army Corps of Engineers.

### **53.03 GENERAL PROVISIONS**

- (a) **SUBDIVISION IMPROVEMENTS.** The Subdivider, or his or her agent shall furnish and install the subdivision improvements set forth in Section 53.06. The required improvements are to be furnished and installed at the sole expense of the Subdivider, unless specified differently within this ordinance or in an approved Developer's Agreement between the Village and the Subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Village.

- (b) **FINANCING.** As a condition of preliminary plat approval or CSM that contains a public dedication, the Subdivider shall submit along with the Development Agreement an irrevocable letter of credit, performance bond, or cash escrow agreement, in an amount to be equal to 125% of the bid package cost for the required improvements, naming the Village of Pulaski as beneficiary to assure the following:
- (1) The Subdivider shall pay for the cost of all improvements required in the Subdivision. However, in the case of an improvement, the cost of which would by general policy be assessed only in part to the improved property and the remaining cost paid out of general tax levy, provision may be made for payment of a portion of the cost by the Subdivider and the remaining portion of the cost by the Village. If any improvement installed within the subdivision will be of substantial benefit to land beyond the boundaries of the subdivision, provision may be made for causing a portion of the cost of the improvement, representing the benefit to such land, to be assessed against the same and in such case the Subdivider will be required only to pay for such portion of the whole cost of said improvement as will represent the benefit to the property within the subdivision.
  - (2) Assessments for improvements installed within the subdivision to benefit lands outside the existing Village boundaries shall be deferred until such time that said lands are annexed into the Village.
- (c) **VILLAGE COSTS.** In addition to the cost of the required subdivision improvements, the Subdivider shall also be responsible for the payment for all costs incurred by the Village for review and inspection including, but not limited to preparation and review of plans and specifications by the Village Engineer, Planner, and/or Attorney, as well as other contracted costs of a similar nature.
- (d) **NON-LIABILITY.** The Village does not guarantee, warrant, or represent that only those areas designated as floodplains will be subject to periodic inundation, and thereby asserts that there is no liability on the part of the Village Board, its agencies or employees, for sanitation problems, structural damages, or any other losses that may occur as a result of reliance upon, and conformance with, this ordinance.
- (e) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations, or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this ordinance shall govern.
- (f) **INTERPRETATION.** In their interpretation and application, the provisions of this ordinance 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.

- (g) **JURISDICTION.** Jurisdiction of these regulations shall include all land and waters within the Village of Pulaski, Wisconsin.
- (h) **LAND SUITABILITY.** No land shall be divided or subdivided for a use which is held unsuitable by the Village Board for reason of flooding or potential flooding, adverse soil or rock formations, severe erosion potential, unfavorable topography, drainage, inadequate water or sewage disposal capabilities, or any other condition likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision plat, certified survey map, or of the community. Except as provided herein, the Village Board shall determine such unsuitability at the time the preliminary subdivision plat or certified survey map is considered for approval.
- (1) When a proposed subdivision plat or certified survey map is located in an area where flooding or potential flooding may be a hazard, the Village Board may require that the subdivider determine the floodway and floodplain boundaries for the proposed plat or map. Floodplain boundaries, as determined by a licensed surveyor or engineer shall be reviewed and approved by the Wisconsin Department of Natural Resources.
  - (2) The development shall be in accordance with the floodplain management standards of the Floodplain-Shoreland Management Section, Wisconsin Department of Natural Resources, and the Village of Pulaski Floodplain, Shoreland and Wetland Zoning Ordinance.
  - (3) 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 not suitable for the proposed use and afford the subdivider an opportunity to present evidence and the means of overcoming such suitability, if he/she so desires, at a meeting of the Board. Thereafter, the Board may affirm, modify, or withdraw its determination of unsuitability.
  - (4) The subdivider may, as a part of the preliminary plat or certified survey map procedure, request a determination of land suitability by the Village Board, provided that the subdivider shall provide all necessary maps, data, and information for such a determination to be made.
  - (5) Each proposed subdivision plat or certified survey map shall be in compliance with the Village of Pulaski Comprehensive Plan, Zoning Ordinance, Official Map, and all other local, county, state, and federal regulations.
- (i) **LAND DIVISIONS NOT COVERED BY THIS ORDINANCE.** The provisions of Chapter 236 Wis. Stats and. this Ordinance shall apply to all land divisions, except:
- (1) Transfers of interest in land by will or pursuant to court order.
  - (2) Leases for a term not to exceed 10 years, mortgages, or easements involving five (5) parcels or less.

- (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 or other applicable laws and ordinances.
  - (4) A division of land resulting in parcels more than 40 acres in area.
  - (5) Cemetery Plats pursuant to sec. 157.07, Stats., and Assessor's Plat pursuant to sec. 70.27 Stats.
  - (6) Conversion of the form of ownership of existing buildings into condominiums or cooperatives.
- (j) **RE-SUBDIVISION OF RECORDED LAND DIVISIONS.** Any re-subdivision of a recorded land division that ultimately results in the creation of five (5) or more lots, parcels, or building sites from the same original parcel shall be considered to be a subdivision and shall be accomplished by a subdivision plat and not additional certified survey maps.
- (k) **COMPLIANCE WITH ORDINANCES, STATUTES, REGULATIONS AND PLANS.** Any person dividing land which results in a subdivision shall prepare a plat of the subdivision, or which results in a minor land division shall prepare a certified survey map, in accordance with the requirements of this Ordinance and:
- (1) The provisions of Chapter 236.34, Wis. Stats.
  - (2) The provisions of Chapter 21, Brown County Code of Ordinances
  - (3) All other applicable Village, County, and State ordinances and regulations.
  - (4) The Village of Pulaski Comprehensive Plan.
  - (5) The Village of Pulaski Official Map.
- (l) **VIOLATIONS.** It shall be unlawful to divide, convey, record, or monument any land in violation of this Ordinance or the Wisconsin Statutes. The Village may institute appropriate action or proceedings to enjoin violations of this Ordinance as specified in Section 53.15 of this ordinance.

#### **53.04 REVIEW FEES**

- (a) **Preliminary Plat.** The subdivider shall submit to the Village all fees based upon the fee schedule from time to time adopted by the Village Board. Fees shall be submitted at the time of first application to the Village to assist in defraying the costs of necessary inspections and review of the preliminary plat.
- (b) **Certified Survey Map.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of first application to the Village to assist in defraying the costs of necessary inspections and review of the certified survey map.

- (c) **Planned Unit Development.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of first application to the Village to assist in defraying the costs of necessary inspections and review of the planned unit development.
- (d) **Variance.** The subdivider shall submit to the Village all fees based upon the fee schedule adopted by the Village Board. Fees shall be submitted at the time of application to the Village for each variance request from the Village of Pulaski Subdivision Ordinance to assist in defraying the costs involved in such an application.

### **53.05 DEDICATIONS AND RESERVATIONS**

#### **(a) STREETS AND PUBLIC WAYS.**

- (1) Whenever a parcel of land to be divided under this ordinance contains all, or in part, a proposed street, highway, stormwater management facility, public access to navigable lakes or streams, or other public way, access, or easement which has been designated in a comprehensive plan as defined in this Ordinance, an official map adopted under Section 62.23, Wis. Stats., or as required in Section 236.16(3) Wis. Stats., such public way, access, or easement shall be made a part of the plat and dedicated or reserved by the subdivider in the location and dimensions indicated by the subdivider after proper determination of its necessity by the Village Board or its designee and/or the appropriate body or public agency involved in the acquisition and/or use of each site.
- (2) Prior to acceptance of any streets or public ways by the Village, the Village Engineer shall certify to the Village that all of the following conditions are met with respect to each facility:
  - a. The street or public way is functioning properly in accordance with the plans and specifications of the Village.
  - b. Any necessary maintenance, including application of first lift of asphalt or other Village-approved surface material is completed.

#### **(b) STORMWATER MANAGEMENT FACILITIES.**

- (1) The dedication of any lands and/or facilities shown on a plat of a subdivision or certified survey map within the Village for stormwater management facilities as "Dedicated to the Public for Stormwater Management Purposes" shall not be accepted by the Village until at least 80 percent of the lots shown on the subdivision plat or CSM have been sold, unless an earlier date is agreed to by the Village of Pulaski.

- (2) Prior to acceptance of any lands and/or stormwater management facilities by the Village, the Village Engineer shall certify to the Village that all of the following conditions are met with respect to each facility:
- a. The stormwater management facility is functioning properly in accordance with the plans and specifications of the Village.
  - b. Any required plantings are adequate, well-established, and reasonably free of invasive species.
  - c. Any necessary maintenance, including removal of construction sediment, has been properly performed.
- (c) **RESERVATION OF LANDS FOR PARK, OPEN SPACE, SCHOOL OR PUBLIC SITES.** Whenever a parcel of land to be divided as a subdivision or a land division contains all, or in part, a site for a park or open space use, or a school or other public site, which has been designated in a comprehensive plan as defined in this Ordinance or an official map adopted under Section 62.23, Wis. Stats., such park, open space, school, or public site shall be made a part of the plat. The subdivider shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement for acquisition by the public agency having jurisdiction.
- (d) **ENVIRONMENTALLY SENSITIVE AREAS (ESAs).** Whenever a tract of land to be subdivided includes any part of identified Environmentally Sensitive Areas (ESA) as defined in the most recent iteration of the Brown County Sewage Plan, such areas shall be shown on the plat.
- (e) **LANDS BETWEEN MEANDER LINE AND WATER'S EDGE.** The lands lying between the meander line established in accordance with Section 236.20(2)(g), Wis. Stats., and the water's edge, and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a lake or stream. This requirement applies not only to lands proposed to be subdivided, but also to all lands under option to the subdivider or in which he or she holds any interest and which are contiguous to the lands proposed to be subdivided and which abut a lake or stream.
- (f) **RESTRICTIONS FOR PUBLIC BENEFIT.**
- (1) Any restrictions placed on platted land by covenant, grant of easement, or in any other manner, which were required by the Village, or public utility, or which name the Village as grantee, promisee, or beneficiary, vest in the Village the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in land subject to the restriction. Such restrictions shall include obligations to pay maintenance assessments for commonly held open space property, stormwater management, erosion control measures, and other improvements. The restriction may be released or waived in writing by the Village.

- (2) The Village Board reserves the right to require conservation easements for future public access across or through dedicated public lands for the purposes of sound engineering, planning, maintenance, or development purposes.

### **53.06 SUBDIVISION IMPROVEMENTS**

- (a) **REQUIRED IMPROVEMENTS.** The Subdivider, or his or her agent shall furnish and install the improvements specified in this Section at the sole expense of the Subdivider, unless specified differently within this ordinance or in an approved Developer's Agreement between the Village and the Subdivider. The required improvements are to be installed in accordance with plans, standards, specifications, and scheduling approved by the Village.
- (b) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats. (Pursuant to Section 236.15(l)(11), Wis. Stats., the Village which is required to approve the subdivision under Section 236.10, Wis. Stats., may waive the placing of monuments for a reasonable time on condition that the subdivider executes a performance bond to ensure that he or she will place the monuments within the time required.)
- (c) **MOTOR VEHICLE CIRCULATION.** Motor vehicle circulation shall be designed to minimize conflicts with pedestrians and bicycles. Features such as curb extensions, roundabouts, short medians and other traffic calming techniques may be used to encourage slow traffic speeds.
  - (1) Street Hierarchy. Each street within a development shall be classified according to the following:
    - a. Freeways: Freeways are fully controlled access highways that have no at-grade intersections or driveway connections.
    - b. Arterials. Principal and minor arterials carry longer-distance traffic flows between activity centers. These facilities are the backbone of a highway system and are designed to provide a very high amount of mobility and very little access.
    - c. Collectors. Collectors link local streets with the arterial street system. These facilities collect traffic in local areas, serve as local through routes, and directly serve abutting land uses.
    - d. Locals. Local roads and streets are used for short trips. Their primary function is to provide access to abutting land uses, and traffic volumes and speeds are relatively low.

- e. Alleys. These streets provide secondary access to residential properties where street frontages are narrow, where the street is designed with a narrow width to provide limited on-street parking, or where alley access development is desired to increase residential densities. Alleys may also provide delivery access or alternate parking access to commercial properties.
- (2) Street Layout. Well-connected street patterns that take into account the natural landscape should be developed to maximize connectivity and accessibility wherever feasible and shall include the following:
- a. Alignment and visibility: Clear visibility, measured along the centerline, shall be provided for at least 400 feet on major streets, 350 feet on collector streets, and 250 feet on minor streets.
  - b. Minimum radii or curvature on the centerline: shall be 300 feet on arterial streets, 200 feet on collector streets, and 100 feet on local streets.
  - c. Local streets may terminate other than at other streets when geographic or environmental conditions necessitate the creation of a cul-de-sac. Cul-de-sacs should maintain a connection to the pedestrian and bicycle path network at the terminus in order to maintain an effective pedestrian and bicycle circulation network.
- (d) **GRADING AND SURFACING**
- (1) The subdivider shall finish grade all shoulders and ditches, and install all necessary culverts and other storm and surface water drainage structures or systems to effect positive drainage away from buildings and service facilities and to prevent erosion and sedimentation.
  - (2) The subdivider shall grade the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village. After the installation of all utility and storm water drainage improvements, the subdivider shall surface all roadways and streets proposed to be dedicated with the first lift of asphalt or surface material approved by the Village before building permits may be issued.
  - (3) The subdivider shall provide the final lift of asphalt or surface materials approved by the Village, or provide funds in escrow for the Village to provide the final lift, when 80 percent of the lots in the subdivision are improved or within three years of final plat approval, whichever comes first. The Village Board at its discretion may extend the timeline for an additional period not to exceed one year.



- (e) **PEDESTRIAN GUIDELINES.** Sidewalks shall be constructed with all new streets and shall meet the design standards of this Chapter.
- (f) **BICYCLE CIRCULATION.** Bicycle circulation shall be accommodated on streets and/or on dedicated bicycle paths. Where feasible, any existing bicycle routes through the site shall be preserved and enhanced. Facilities for bicycle travel may include off-street bicycle paths (generally shared with pedestrians and other non motorized users), shared on-street driving/bicycle lanes, and striped bicycle lanes on streets. Designated lane signs shall be placed beside the road where bicycle lanes are present, and "bike lane" shall be painted within the lanes to ensure that people understand the lanes are to be used only by bicyclists. The Village of Pulaski Comprehensive Plan, Village of Pulaski Park and Outdoor Recreation Plan, and County Bicycle and Pedestrian Plans shall be consulted for guidance.
- (g) **STREET LAMPS.** The subdivider shall provide, pay for, and provide for the installation of street, pedestrianway, and bikeway lighting systems, where appropriate, within the area being developed, upon consultation with the appropriate electric utility and as approved by the Village Engineer, prior to acceptance of the subdivision or submit a cash escrow with the Village in lieu thereof.
- (h) **STREET SIGNS.** The subdivider shall pay for the purchase and installation of all street name signs, temporary dead end barricades and signs, no parking signs, and traffic control signs as required by Village standards, prior to acceptance of the subdivision or submit cash escrow with the Village in lieu thereof.
- (i) **STREET TREES.** A minimum of two deciduous canopy trees (minimum 1½" dbh) from a list of Village-approved trees per lot shall be required. As determined by the Village, where lot dimensions or layout make two trees impractical, only one tree shall be required. Trees shall be planted immediately following home construction, but prior to issuance of occupancy permit unless otherwise dictated by weather conditions and/or planting season. Trees should preferably be located between the sidewalk and the curb, within the landscaped area of a boulevard, or in tree wells installed in pavement or concrete. If placement of street trees within the right-of-way will interfere with utility lines, trees may be planted within the front yard setback adjacent to the sidewalk. The subdivider shall pay for the purchase and installation of the street tree(s) or provide for their purchase and installation by the Village in a dedicated escrow account. Property owner is responsible for ongoing maintenance of street trees.

(j) **SANITARY SEWAGE DISPOSAL FACILITIES.**

- (1) The subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate public sanitary sewerage service available to each lot within the subdivision. Such construction may include, where necessary, sanitary pumping stations, sanitary pressure mains, and sanitary interceptor mains, the cost of which shall be prorated on the basis of percent of service area within the subdivision and the excess cost either borne by the Village or assessed against the total tributary drainage area.
- (2) The size, type, and installation of all sanitary sewerage facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The Village may require the installation and capping of sewer laterals for future connection.
- (3) Sewage laterals shall extend a minimum of one foot beyond the recorded utility easement with tracer wire to avoid disrupting other existing utility lines at the time of connection.

(k) **PUBLIC WATER SUPPLY FACILITIES.**

- (1) The subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the subdivision. If larger sized water mains are required to serve additional areas of the Village, the additional cost of such mains over and above the cost of those serving the proposed development shall be borne by the Village or assessed against the total area served. If municipal water service is not available, the subdivider shall make provisions for adequate private water systems as specified by applicable State and County regulations.
- (2) The size, type, and installation of all public water supply facilities proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village. The water system shall be looped wherever possible. The Village may require the installation and capping of water mains for future connection.
- (3) Water laterals shall extend a minimum of one foot beyond the recorded utility easement with tracer wire to avoid disrupting other existing utility lines at the time of connection.

- (l) **STORM WATER MANAGEMENT AND EROSION CONTROL FACILITIES.** The subdivider shall construct stormwater management facilities and maintain erosion control facilities in such a manner consistent with the Village's adopted stormwater management plan and ordinance and as specified by applicable State and County regulations.

(m) **OTHER UTILITIES.**

(1) Underground Requirements

- a. All new electric distribution lines, all new telephone lines from which individual lots are served, community antenna television cables and services, fiber optic cables, and gas utility services shall be underground unless the Village shall find upon study that:
- b. The placing of such facilities underground would not be compatible with the development, or
- c. Location, topography, soil, wetland, solid rock, boulders, stand of trees, rows of trees, hedges or other physical conditions would make underground installation unreasonable or impractical.
- d. Associated equipment and facilities such as, but not limited to, pad mounted transformers, pad mounted sectionalizing switches and pedestal terminal boxes, may be located above ground, provided that they are located in an inconspicuous manner, screened from public view and fit into the development plans for the subdivision.
- e. The subdivider or his or her agent shall furnish proof to the Village that such arrangements as may be required under the applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to the approval of the final plat, development plan or certified survey map.
- f. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed.

(2) Easement Locations

- a. Perpetual, unobstructed easements in the front yard, or as otherwise determined by the respective utility, of subdivisions and land divisions shall be provided for utilities (private and municipal) where necessary. Such easements shall be at least twelve (12) feet wide and shall be designated as "*Utility Easements*" on the plat or certified survey map. Proper coordination shall be established between the subdivider and the applicable utility companies for the establishment of utility easements along adjoining properties.

- b. Where topographical or other conditions are such to make impractical the inclusion of utilities within the front yard, where necessary, perpetual, unobstructed easements at least twelve (12) feet wide shall be provided along each adjoining rear lot lines and shall be designated as "*Utility Easements*" on the plat or certified survey map.

(n) **CONSTRUCTION COMPLETION SCHEDULE.**

- (1) Construction shall begin within 6-months following Village of Pulaski approval of the final plat.
- (2) The required subdivision improvements shall be completed within a 2-year period following Village approval of the final plat.
- (3) If the required improvements are not completed within the 2-year period following Village approval of the final plat, all amounts held under the escrow agreement, irrevocable letter of credit, or performance bond shall be turned over and delivered to the Village and applied to the cost of the required improvements, and engineering, administrative, legal or other associated costs born by the Village. Any balance remaining after such expenses have been paid shall be returned to the subdivider. The Village Board at its discretion may extend the timeline for an additional period not to exceed 2 years.

### **53.07 CONSTRUCTION PROCEDURE**

- (a) **CONSTRUCTION PLANS AND SPECIFICATIONS.** Construction plans for the required improvements conforming in all respects with the standards of the Village Engineer or Village Board and the ordinances of the Village shall be prepared at the subdivider expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for review and approval and to determine an estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required. Immediately following approval of the preliminary plat by the Village Board, or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished to the Village for the following public improvements:
- (1) Street plans and profiles showing existing and proposed grades, elevations, names, and cross sections of required improvements.
  - (2) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.

- (3) Storm sewer and open channel plans and profiles showing the locations, grades, sizes, cross sections, elevations, culvert sizes, retention ponds, and materials of required facilities.
  - (4) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
  - (5) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation.
  - (6) Planting plans showing the locations, species, and time of planting of any required grasses and ground cover.
  - (7) Corner elevations for every proposed lot and outlot, prior to issuance of building permit.
  - (8) Additional special plans or information as required by Village Planning and Zoning Commission, Village Board, or Village staff.
- (b) **ACTION BY THE VILLAGE ENGINEER.** The Village Engineer shall review or cause to be reviewed the plans and specification for conformance with the requirements of this ordinance and other pertinent Village design standards. If the Village Engineer rejects the plans and specifications, the Village Engineer shall notify the owner or owner's agent, who shall modify the plans or specifications or both accordingly. If the plans and specifications are corrected, the Village Engineer shall approve the plans and specifications for transmittal to the Village Board. The Village Board shall approve the plans and specifications before the improvements are installed.
- (c) **CONSTRUCTION AND INSPECTION.**
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Engineer upon receipt of all necessary permits and in accordance with the construction methods of this Ordinance and any other Village-approved standards.
  - (2) Construction and provision of all improvements shall begin and be complete in accordance with the timelines provided in Section 53.09.
  - (3) During the course of construction, the Village Engineer or designee shall make such inspections, as he/she deems necessary to insure compliance with the plans and specifications as approved. The owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
  - (4) Contractors shall provide a warranty for improvements for a minimum of two (2) years from substantial completion.

- (d) **AS-BUILT PLANS.** After completion of all public improvements and prior to final acceptance of said improvements, the subdivider shall make or cause to be made a map showing the actual location of all drain tiles, valves, manholes, hydrants, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. This map shall be on paper, shall bear the signature and seal of a professional engineer registered in Wisconsin. A digital scanned version of the map shall also be made available to the Village in a format of the Village's choosing. The presentation of the map and digital file shall be a condition of final acceptance of the improvements and release of letter of credit, performance bond, or remaining escrow, assuring their completion.

### **53.08 DESIGN STANDARDS**

- (a) **CONFORMITY WITH THE COMPREHENSIVE PLAN, MASTER DEVELOPMENT PLAN, PLAN FOR PARKS AND OPEN SPACE, TRANSPORTATION PLAN, UTILITY PLANS AND THE OFFICIAL MAP.** All proposed development shall conform to the Comprehensive Plan, Parks and Recreation Plan, Stormwater Management Plan, Transportation Plan, Utility Plans, the Official Map, and any other applicable plans or ordinances of the Village as they relate to utilities and transportation facilities. The classification and location of all streets shall conform to the Official Map and shall be considered in their relationship to existing and planned streets, to topographic conditions, to natural features, to public convenience and safety, and in their appropriate location to the proposed uses of the land to be served.
- (b) **RELATIONSHIP TO EXISTING AND FUTURE DEVELOPMENT.**
- (1) The arrangement of new streets shall make provision for the continuation of existing streets to adjoining areas.
  - (2) Where adjoining areas are not subdivided or developed and the Comprehensive Plan or Official Map indicate development is desired, the arrangement of streets in the proposed development shall provide for proper projection of streets to the boundary of the proposed development.
  - (3) All new developments shall provide for future street connections to adjoining parcels, as appropriate.
- (c) **ACCESS.**
- (1) Every lot or parcel created shall front on a public street, excluding alleys.
  - (2) Streets.
    - a. All streets shall meet the adopted minimum design standards for Village streets required by the Village of Pulaski. Additionally, all streets shall be developed in a manner consistent with Table 1.

- b. Streets shall be designed by an engineer licensed in the State of Wisconsin to the standards required by the Village of Pulaski and shall follow the construction procedures for streets identified in Sections 53.09 and 53.10 of this Ordinance.

<b>Table 1: Street Standards</b>						
<b>Street Type</b>	<b>Right-of-Way Width**</b>	<b>Pavement Width (Curb Face to Curb Face)</b>	<b>Driving Lane Width</b>	<b>Parking Area</b>		
				<b>On-Street Parking</b>	<b>Defined By Curbs?</b>	<b>Sidewalks</b>
<b>Arterials</b>	70 feet	36 feet	12 – 14 foot travel lane	Limited	Yes	Both Sides
<b>Collectors</b>	60 feet	34 feet	11 - 12 foot travel lane	Both Sides	Yes	Both Sides
<b>Local Streets</b>						
Parking on both sides	60 feet	32 feet	10 - 12 foot travel lane	Both Sides	Yes	Both Sides
<b>Alleys</b>	16 feet	12 feet	---	---	---	---
<b>Cul-De-Sacs</b>	60 feet	28 feet	10 - 12 foot travel lane	Both Sides	Yes	Both Sides
Bulb	130 feet	50 foot radius	travel lane and 1,000 foot maximum length			

- (d) **TEMPORARY ROADWAY TERMINATION.** Where a street is terminated temporarily at the edge of a development and the street is longer than one hundred feet, a temporary turn-around shall be provided by one of the following methods:
  - (1) If the subdivider owns the adjacent land, a temporary turn around can be provided through a restriction (temporary easement) on said land. Such a turn around shall be constructed to Village standards.
  - (2) The subdivider may provide the required turn around on the last lots fronting on the temporary dead end street through the use of a temporary easement running to the Village. Such a turn around shall be constructed to Village standards.
- (e) **RESERVE STRIPS.** There shall be no reserve strips controlling access to streets except where control of such strips is placed in the Village under conditions approved by the Village.
- (f) **HALF STREETS.** Where an existing dedicated or platted half street is adjacent to a parcel being subdivided, the other half of the street shall be dedicated by the subdivider. Building permits may not be issued for lots with primary frontage on a half street. Half streets may not be utilized in calculating required frontage.
- (g) **STREET JOGS.** Street jogs with centerline offsets of less than 200 feet shall not be allowed. Along collectors and arterials, offsets of less than 600 feet shall not be allowed.
- (h) **INTERSECTIONS.**
  - (1) Intersections shall be laid out so that the angle of the intersection is nearly as possible a right angle.
  - (2) No street shall intersect another at less than a 75-degree angle.
  - (3) Intersections along arterial streets shall be held to a minimum, and whenever feasible, the minimum distance between intersections on arterial streets shall be fifteen hundred (1500) feet.
- (i) **RESTRICTION OF ACCESS (PROTECTION OF ARTERIAL STREETS AND HIGHWAYS).** Whenever a proposed subdivision contains or is adjacent to an existing or officially mapped arterial street or highway, adequate protection of residential property, limitation of access and the separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line.
- (j) **SIDEWALKS.**
  - (1) Sidewalks shall be constructed on all streets that provide primary access to lots, including cul-de-sacs, in accordance with the widths listed in Table 2.



- (2) Eighteen (18) foot easements with a sidewalk not less than ten (10) feet, shall be placed between subdivisions and between cul-de-sacs within the same subdivision for the purposes of constructing bicycle and pedestrian facilities to enable residents to conveniently walk and bike throughout their neighborhood, wherever practicable.

**Table 2: Minimum Sidewalk Widths**

Street Function	Minimum Sidewalk Width
Arterial or Collector	6'
Local	5'
Easements between subdivisions	10'
Easements between cul-de-sacs	10'

- (3) Sidewalks shall be installed along all street frontages prior to the issuance of any building permits.
- (4) Disabled Accessibility. Sidewalks shall comply with the applicable requirements of the Americans with Disabilities Act.
- (5) Crosswalks. Intersections of sidewalks with streets shall be designed with clearly defined edges. As appropriate, the Village may require well-lit and clearly marked crosswalks with contrasting paving materials at the edges or with striping.
- (6) Easements. Easements not less than eighteen (18) feet in width, with a sidewalk not less than ten (10) feet shall be provided near the center and entirely across any block 900 feet or more in length or elsewhere deemed essential by the Village to provide convenient pedestrian circulation or access to parks, schools, shopping centers, churches, transportation facilities, and other public destinations.
- (7) Terraces between the sidewalk and curb shall be of sufficient width to provide for safe and comfortable pedestrian activities and adequate snow removal storage areas.
- (8) Exceptions. The Village will consider the construction of a sidewalk on only one side of the street where the right-of-way has very severe topographic or environmental constraints or where there is existing development or mature landscaping.

- (k) **LAND DIVISION ABUTTING RAILROAD, TRAIL CORRIDOR OR LIMITED ACCESS HIGHWAY.** Where a subdivision or certified survey map borders on or contains a railroad right-of-way, off-street trail corridor, or limited access highway right-of-way, the Village Board may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land. Such distances shall be determined with regard for the requirements of approach grades and future grade separations.
- (l) **STREET NAMES.**
- (1) A proposed street that is in alignment with or extends an existing named street shall bear the name of the existing street.
  - (2) In no case shall a proposed name of a street duplicate the name of an existing street within the county the street is located within.
  - (3) The use of the suffix "street", "avenue", "boulevard", "drive", "place" "court" or similar description shall not be distinction sufficient to constitute compliance with this subsection.
  - (4) The Village Board reserves the right to approve or disapprove of any proposed new street names.
- (m) **ADDRESSES.** All new lots shall be numbered in accordance with the uniform house number system adopted by the Village Board. Street numbers shall be assigned prior to approval or as a condition of approval of the final plat by the Village Board.
- (n) **CUL-DE-SAC STREETS.**
- (1) The use of cul-de-sac streets shall be limited to portions of developments, which, due to unusual topographical, environmental, or other particular conditions, may better be served by cul-de-sacs than by continuous streets.
  - (2) Every attempt shall be made to provide for pedestrian connections at the terminus of a cul-de-sac.
  - (3) All cul-de-sac streets shall terminate in a circular turn around meeting dimension standards in Table 1.
  - (4) Cul-de-sacs shall not exceed 1,000 feet in length and shall be measured along the centerline from the center of turnaround to the edge of the right-of-way of the intersecting street that provides external access to the development.
- (o) **GRADES.** Pedestrianways shall have a maximum grade of 8%. Changes in street grades shall provide such sight distances as the Village Engineer determines are required. Street grades shall be established to avoid, wherever possible, excessive grading, removal of ground cover and trees and leveling of topography.

(p) **DITCHES.**

- (1) Driveways shall contain a maximum 3:1 (3 foot horizontal : 1 foot vertical) slope as the driveway transitions to the culvert and ditch.
- (2) All culverts running underneath driveways shall have endwalls to maintain the maximum 3:1 slope
- (3) Ditches and culverts shall be sized to efficiently convey stormwater and contain a minimum one percent grade.
- (4) Ditches and culverts shall contain a minimum one percent grade and culverts shall have a minimum diameter of eighteen (18) inches, contingent upon Village approval.
- (5) All ditches shall be kept free of any grading activities and clear of any obstructions, including decorative stone, monuments, landscaping, etc, that may present a safety hazard to pedestrians, bicyclists, or motorists; or that may present an obstruction to the efficient flow of stormwater.

(q) **DRIVEWAYS.**

- (1) Driveways shall be a minimum of fifty (50) feet from centerline of the intersection of any road rights-of-way, excluding alleys.
- (2) Driveways with access to urban cross-section streets shall provide for the continuation of the sidewalk network within the concrete driveway apron.

(r) **PEDESTRIANWAYS AND BIKEWAYS.**

- (1) In the design of the plat, the subdivider shall make provisions for pedestrianways and bikeways for transport and recreation as required by the Village. Where it is deemed necessary by the Village, walks and paths away from streets in common areas shall be lighted for safety and to permit visual surveillance.
- (2) Access shall be made available to State Recreational Trails at distances not to exceed one per half mile. Existing street crossings shall be considered as existing access points and may be considered when determining additional access.

(s) **BLOCKS.**

- (1) The lengths, widths, and shapes of blocks shall be compatible with the comprehensive plan, zoning requirements, need for convenient pedestrian, bike and vehicle access, control and safety of street traffic, bicyclists and pedestrians, and the limitations and opportunities of topography. Blocks in residential areas shall not be less than two hundred (200) feet wide between street lines nor greater than one thousand five hundred (1,500) feet in length unless dictated by exceptional topography or other limiting factors of good design.
- (2) Block layout shall promote the development of a well-connected street network, however they may vary in size and shape to allow for topographical or environmental constraints.

- (3) Blocks shall be of sufficient width to provide for two (2) tiers of lots of appropriate depth, except where required to separate residential development from through traffic.
- (4) Easements not less than eighteen (18) feet in width, with a sidewalk not less than 10 feet in width, shall be established near the center and entirely across any block nine hundred (900) feet or more in length, or elsewhere deemed essential, in the opinion of the Village Board, to provide convenient pedestrian and bicycle circulation.

(t) **LOTS.**

- (1) Lot dimensions shall conform to the requirements and amendments to the Village of Pulaski Zoning Ordinance.
- (2) Side lot lines shall be right angles to straight lines or radial to curved street lines on which the lots face whenever possible.
- (3) Corner lots shall have sufficient width to permit adequate building setbacks from side streets to conform to the Zoning Code.(4) Every lot shall front or abut on a public street, not including alleys, freeways, or half-streets.
- (5) Lot lines shall not cross municipal or county boundary lines.
- (6) Double frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
- (7) Residential lots fronting or backing on arterial streets shall be platted with extra depth.

(u) **BUILDING SETBACK LINES.**

- (1) Setback lines shall conform to the requirements and amendments to the Village of Pulaski Zoning Ordinance.
- (2) Where lots abut navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, marinas, boathouses, and similar uses shall not be less than one hundred (100) feet from the ordinary high water line as measured on a horizontal plane.
- (3) Where lots abut non-navigable waters as determined by the Wisconsin Department of Natural Resources, building setback lines for all buildings and structures except piers, boathouses, and similar uses shall not be less than twenty-five (25) feet from the ordinary high water line as measured on a horizontal plane.
- (4) The Brown County Sewer Service Area Environmentally Sensitive Area setbacks shall be complied with.

- (v) **TREATMENT OF RAILROAD OR STATE RECREATIONAL TRAIL RIGHTS-OF-WAY.** Whenever the proposed subdivision contains or is adjacent to a railroad or State Recreational Trail right of way, the subdivider shall proceed as follows:
- (1) In residential districts a buffer strip at least thirty (30) feet in depth, in addition to the normal lot depth required, shall be provided adjacent to the right of way. This strip shall be a part of the platted lots, but the following restriction shall be written on the plat:  
"This strip reserved for the planting of trees or shrubs by the owner. The building of structures hereon is prohibited, and this strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner."
  - (2) The Village may require a street approximately parallel to and on each side of such right-of-way at a distance suitable for the appropriate use of the intervening land.

### **53.09 SURVEY AND DATA SUBMISSION REQUIREMENTS.**

- (a) **PRE-SUBMITTAL MEETING.** Prior to the submittal of a preliminary plat, the developer shall contact the Village Clerk to meet with the appropriate village staff to discuss the proposed plat. The meeting is intended to identify potential problems and methods to alleviate them and to encourage a cooperative effort between the developer and the village. A pre-submittal meeting to review a land division other than a plat is available, but is not required.
- (b) **CONCEPTUAL PLAN AND MEETING.** A conceptual plan of the proposed plat shall be submitted to the Village Clerk, who shall then distribute the conceptual plan to the pertinent Village staff. The Village will contact the developer to set up a meeting to review the conceptual plan. There shall be no fee for the Village's review of a conceptual plan. The conceptual plan shall identify:
  - (1) Property boundaries,
  - (2) Proposed roads, lots, and any proposed dedications;
  - (3) Slopes at or exceeding 12%;
  - (4) General soil conditions;
  - (5) Site characteristics, including: wetlands, floodplains, erosion hazard areas, drainageways, rock outcroppings, and vegetation;
  - (6) All contiguous property owned or controlled by the subdivider;
  - (7) Existing buildings and easements;
  - (8) Current and proposed zoning;
  - (9) Proposed uses of the property.

- (c) **VILLAGE REVIEW LETTER.** Following the conceptual plan review meeting, Village staff shall provide a response in writing to the developer regarding issues discussed at the review meeting and the next steps in the process.
- (d) **PRELIMINARY PLAT.** A preliminary plat shall be prepared for all subdivisions and shall be based upon a survey by a land surveyor registered in this State. The plat shall be submitted at a scale of not more than 100 feet to 1 inch, shall conform to any standards and specifications set forth in Chapter 236, Wis. Stats., shall utilize the appropriate County Coordinate Monumentation System and shall show correctly on its face the following information:
  - (1) Title of the proposed subdivision.
  - (2) Location of the proposed subdivision by government lot, quarter section, section, township, range, and county.
  - (3) Date, graphic scale, and north arrow.
  - (4) Name and address of the owner, subdivider, authorized agent, and land surveyor preparing the plat.
  - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider, even if only a portion of said area is proposed for immediate development. The Village may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and undue hardship would result from strict application thereof.
  - (6) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the County Coordinate Monumentation System within which the plat is located, and the total acreage encompassed.
  - (7) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
  - (8) Location, right-of-way width, and names of any existing or proposed streets, alleys, or other public ways, easements, railroad and utility rights-of-way, and all section or quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
  - (9) Location of existing property lines, structures, streams and watercourses, lakes, wetlands, slopes 12 percent or greater, Environmentally Sensitive Areas as defined by the Brown County Sewage Plan and other similar significant features within the parcel being subdivided.
  - (10) Water elevations of adjoining lakes, ponds, streams, and flow-ages at the date of the survey, and approximate high and low water elevations.
  - (11) Type, width, and elevation of any existing street pavements with-in the exterior boundaries of the plat or immediately adjacent thereto with any legally established centerline elevations.

- (12) Contours within the exterior boundaries of the plat and extending to the centerline of adjacent public streets at vertical intervals of not more than 2 feet.
- (13) Location and approximate dimensions of any sites to be dedicated or reserved for parks, open space, public access, drainageways, schools, or other public uses.
- (14) Approximate dimensions of all lots, and proposed lot and block numbers.
- (15) Floodplains, wetlands, and any proposed lake and stream access.
- (16) Proposed preliminary locations for stormwater management facilities, if any.
- (17) Where the Village finds that the proposed development should provide for future street connections to nearby properties, the Village may require an Area Development Plan be created by the subdivider and approved by the Village of Pulaski.
- (18) Signature and seal of surveyor
- (19) Where the Village finds that it requires additional information relative to a particular problem presented by a proposed development to review the preliminary plat, it shall have the authority to request such information from the subdivider.

(e) **PRELIMINARY PLAT SUBMITTAL PROCEDURE.**

- (1) Subdivider Submittals: Prior to submitting a final plat for approval, the subdivider shall submit to the Village and to those agencies having the authority to object to plats under Chapter 236 Wis. Stats., a preliminary plat and a letter of application for Village approval. The preliminary plat shall be prepared in accordance with this Ordinance, and the subdivider shall submit twelve (12) copies of the plat and all other fees, plans and specifications required in this Ordinance, to the Village Clerk a minimum of two weeks prior to the Planning and Zoning Commission meeting at which it is to be considered. Any proposed restrictive covenants for the land involved shall also be submitted.
- (2) Within 90 days of the date of filing the preliminary plat, the Village Board, shall take action to approve, approve conditionally, or reject the preliminary plat, unless the time is extended by written agreement with the subdivider, based on its determination of conformance with the provisions of this Ordinance and the Village of Pulaski Comprehensive Plan. A letter shall thereupon be returned to the subdivider with the date and action endorsed thereon; and, if approved conditionally or rejected, stating forth the conditions of approval or the reasons for rejection. If approved, a condition of approval shall be that the subdivider enters into a developers agreement as identified in Section 1.12(5) of this ordinance.

- (3) Failure of the Village Board to act within 90 days of the date of filing, or agreed extension thereof, constitutes an approval of the preliminary plat.
  - (4) Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, except that if the final plat is submitted within 6 months of the preliminary plat approval and conforms substantially to the preliminary plat as approved, including any conditions of that approval and to any local plans and ordinances adopted as authorized by law, as indicated in Section 236.11(l)(b), Wis. Stats., the final plat is entitled to approval.
- (f) **ADDRESSING.** In order to ensure timely emergency response, addresses shall be assigned as part of the final subdivision plat. Land divisions that create new streets shall also have addresses assigned whenever possible. The subdivider shall contact the agency responsible for assigning addresses in the Village to determine the addresses for each proposed lot.
- (g) **DEVELOPER'S AGREEMENT.** As a condition of approval of a final plat, the subdivider shall enter into a developer's agreement with the Village including, but not limited to, the subdivider's responsibility for street construction, utility construction, landscaping, erosion control, surface and stormwater facilities, flood control, pollution or contamination of the environment, street appurtenances such as signage, fire protection, and easements, consistent with Village policies. This agreement shall provide for time limits and security for performance and penalties for non-compliance.
- (h) **FINAL PLAT.** A final plat prepared by a land surveyor registered in this State is required for all subdivisions. It shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20, Wis. Stats., and that section is hereby adopted by reference. Where the Village finds that it requires additional information or plat data relative to a particular problem presented by a proposed development to review the final plat, it shall have the authority to request such information from the subdivider.
- (i) **FINAL PLAT SUBMITTAL PROCEDURE.**
- (1) The subdivider shall prepare a final plat in accordance with this Ordinance and applicable state statutes and administrative codes, for transmittal to the Village and appropriate state and county agencies, within 6 months of preliminary plat approval, unless the Village Board waives this requirement in writing. The final plat shall be accompanied by detailed construction plans of all improvements and the developers agreement as required by Section 1.12(5) of this Ordinance. No construction related to the subdivision shall be commenced until the developers agreement is signed and the Village has approved the final plat.



- (2) If the final plat is not submitted within 6 months of the Village of Pulaski approval of the preliminary plat, the Village may refuse to approve the final plat or may require resubmission as a preliminary plat.
- (3) The final plat may constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
- (4) Twelve (12) copies of the final plat, along with any required fees, plans, and specifications as required by the Village shall be presented to the Village Clerk a minimum of two weeks prior to the Planning and Zoning Commission meeting at which it is to be considered and shall be accepted or rejected by the Planning and Zoning Commission and the Village Board within 60 days of its submission, unless the time is extended by an agreement with the subdivider. If the plat is rejected, the reasons shall be submitted in written form to the agencies having objecting authority and the subdivider.
- (5) Failure of the Village Board to approve, approve conditionally, or reject the final plat within 60 days of submittal to the Village Clerk, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved, and, upon demand, a certificate to that effect shall be made on the face of the plat by the authority which has failed to act.
- (6) Approved final plats shall be recorded with the County Register of Deeds in which it is located in accordance with requirements of Section 236.25, Wis. Stats., before lots may be sold. No building permits may be issued by the Village until all improvements specified in the developers agreement have been completed or otherwise agreed to.

(j) **CERTIFIED SURVEY MAP.**

- (1) A certified survey map prepared by a land surveyor registered in Wisconsin is required for all land divisions that do not meet the definition of a subdivision, less than forty (40) acres in size.
- (2) The certified survey map shall comply in all respects with this Ordinance and the standards and specifications of Section 236.20(3)(a), (b), (d), (e); 236.20(4)(a), (b), (c); 236.21(1), and 236.34, Wis. Stats., and that section is hereby adopted by reference.
- (3) The certified survey map shall comply with the design standards set forth in Section 53.11 and the land suitability Section 53.07 of this ordinance. All lot, parcel, or building site calculations are to exclude any dedications, right-of-way easements, or reservations.

(k) **CERTIFIED SURVEY MAP SUBMITTAL PROCEDURES.**

- (1) The certified survey map, with twelve (12) copies, along with any required fees, plans, and specifications as required by the Village, shall be submitted by the subdivider or his/her agent to the Pulaski Village Clerk a minimum of two weeks prior to the regularly scheduled Planning and Zoning Commission meeting at which it is to be considered. It shall include on its face in addition to the information required by Section 236.34, Wis. Stats., the following:
  - a. Name of the owner.
  - b. Date of survey.
  - c. Graphic scale and north arrow
  - d. All existing buildings, and other developed features on the parcel.
  - e. Locations, widths of rights-of-way and easements, and names of adjoining streets, highways, railroads, utilities, parks, cemeteries, subdivisions.
  - f. Any applicable use or access restrictions and covenants.
  - g. All floodplains, wetlands, navigable ponds, streams, lakes, flowages, wetlands, Environmentally Sensitive Areas or erosion hazard boundaries.
  - h. Distances and bearings referenced to a line and a corner of the appropriate County Coordinate System.
  - i. Owner's and mortgagee's certification of dedication of streets and other public areas prepared in accordance with Sections 236.21(2) and 236.34(1)(e), Wis. Stats.
  - j. Where the Village finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request such information from the subdivider.
- (2) The subdivider shall indicate to the Village the current and proposed zoning of the proposed new lots.
- (3) The Village Board shall, within 90 calendar days from the date of filing of the map (unless the time is extended by agreement with the subdivider), approve, approve conditionally, or reject the certified survey map based on a determination of conformance with the provisions of this Ordinance, the Village of Pulaski Comprehensive Plan, and any other applicable local, county or state codes and statutes. If the map is rejected, the reasons shall be stated in written form and submitted to the subdivider or his agent. If the map is approved, the Village shall so certify on the face of the original map and return the map to the subdivider or his agent.

### **53.09 PLANNED UNIT DEVELOPMENT**

- (a) **PURPOSE AND INTENT.** The purposes of this Section are to encourage and promote flexibility, ingenuity, and efficiency in the land development process, to allow maximum utilization of land, and to provide for variety and compatibility among housing types, non-residential uses and the natural environment. Projects proposed under this Section are to be planned and designed as a unit, be compatible with the local environment and neighboring properties and uses, and shall not conflict with other laws or the overall public interest. Developments included under this Section include, but are not limited to conservation by design developments, condominium developments, and traditional neighborhood design or mixed-use developments. A planned unit development shall be considered a subdivision of land, and the submittal, conceptual plan requirements, and approval shall follow the process identified in Section 53.12 of this Ordinance. Objectives include:
- (1) To encourage subdividers to use creative and imaginative approaches in the design and overall land development process;
  - (2) To promote a land development process that enhances energy efficiency and is sensitive to the demands and economics of the local real estate market;
  - (3) To encourage the integration of compatible residential and non-residential uses rather than their segregation;
  - (4) To encourage the provision of recreational facilities, open space, and buffer yards in conjunction with residential and non-residential development;
  - 5) To provide an enjoyable living environment by preserving existing topography, stands of trees, surface waters, floodplains, wetlands, and similar natural assets and landforms;
  - (6) To encourage a variety of living environments and a pleasing blend of housing types;
  - (7) To encourage a uniqueness in architectural design;
  - (8) To promote greater efficiency in providing public and utility services, and;
  - (9) Development shall be planned, reviewed, and carried out in conformance with all municipal, state, and other laws and regulations. However, in interpreting and applying the provisions of this Section, it shall take precedence and be controlling when there is conflict between it and any other sections of this Ordinance.

(b) **SUBMITTAL REQUIREMENTS.** Planned Unit Developments shall be considered subdivisions of land and submittal and conceptual plan requirements shall follow the same approval procedures as required for conventional subdivisions (Section 53.12), and the following information shall be provided:

- (1) A written statement of intent containing the major planning assumptions and objectives of the proposed development and its concept and the benefits that will accrue from it to the community at large, as well as to its residents;
- (2) All contemplated land uses within the tract on the sketch or preliminary plan;
- (3) Gross densities of each use;
- (4) Proposed location of all principal and anticipated accessory structures and associated parking areas;
- (5) Proposed circulation systems (pedestrian, bicycle, auto) by type, and how systems correlate with existing networks outside of site,
- (6) Identification of ownership, maintenance, and liability responsibilities for open space areas, stormwater management facilities, public dedications, outlots; and,
- (7) Any other plans and supporting information deemed necessary by the Village.

(c) **DESIGN.**

- (1) The subdivider, in the design of a planned unit development, shall give consideration to the reservation of suitable sites of adequate area for future school, park/playground, and other public uses. If such areas are designated on the Village of Pulaski Comprehensive Plan, Park Plan, or official map prepared under Section 62.23, Wis. Stats., they shall be made part of the development.
- (2) Environmentally sensitive areas, or land with unsafe or hazardous conditions such as open quarries, unconsolidated fill, floodways, or steep slopes shall not be developed unless the development provides for adequate safeguards which are approved by the Village.
- (3) The site shall be planned to provide for adequate landscaping, pedestrian movement between dwelling units, common open space, and parking areas. Prior to approval of the final plat or development plan, a written agreement must be executed between the subdivider and the Village which sets forth exactly what improvements are going to be installed. The subdivider shall present plans and specifications for improvements to the Village. In addition, the financial guarantees as set forth in Section 53.09(1) of this Ordinance shall apply hereunder.

### **53.10 VARIANCES.**

- (a) **VARIANCES.** Where the Planning and Zoning Commission finds that unreasonable hardships or particular difficulties based upon the physical characteristics of the property may result from strict compliance with these regulations, it may recommend to the Village Board variances to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this chapter. The Planning and Zoning Commission shall not recommend variances to the regulations of this chapter to the Village Board unless it makes findings based upon the evidence presented to it in each specific case based upon the following conditions:
- (1) The granting of the variance will not be detrimental to the public safety, health, or welfare, or injurious to other property or improvements in the neighborhood in which the property is located.
  - (2) The conditions upon which the request for a variance is based are unique to the property for which the variation is sought and are not applicable, generally to other property.
  - (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, an unreasonable hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of the regulations were carried out.
  - (4) The variance will not in any manner vary the provisions of the other Village ordinances, or the Official Map.
- (b) **FINDINGS.** The Village Board shall not approve variances to the regulations of this chapter unless it makes findings based upon the evidence presented to it in each specific case based upon conditions identified in Section 53.14(1).
- (c) **BASIS FOR VARIANCE.** Any variance granted hereunder shall be entered in the minutes of the Village Board, setting forth the reasons which, in the opinion of the Village Board, justify the variance.
- (d) **CONDITIONS.** In approving variances, the Village Board may require such conditions, as will in its judgment, secure substantially the objectives of the standards or requirements of these regulations.
- (e) A petition for any such variance shall be submitted in writing to the Village Zoning Administrator, by the subdivider, at the time when the preliminary plat or certified survey map is filed for consideration of the Planning and Zoning Commission. The petition shall state fully the grounds for the application and the facts relied upon by the petitioner.
- (f) When a subdivision is created in violation of this Ordinance, the Village may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent.

### 53.11 IMPACT FEES

(a) **DEFINITIONS.** The following words, terms and phrases, when used in this division, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

- (1) **"Building Permit"** shall mean any permit required for new construction and additions of residential dwelling units or of any commercial business establishments, parking lots or other nonresidential uses. The term "building permit," as used herein, shall not be deemed to include permits required for remodeling, rehabilitation, or other improvements to an existing structure, or rebuilding a damaged or destroyed structure, provided no increase in floor area or number of dwelling units results therefrom
- (2) **"Building"** see "Structure".
- (3) **"Comprehensive Plan"** shall mean the adopted Village of Pulaski Comprehensive Plan or Master Plan, including any subsequent changes or amendments thereto
- (4) **"Cost"** shall mean the capital cost to construct, expand or improve public facilities, including the cost of land, and including legal, engineering and design costs to construct, expand or improve public facilities, except that not more than 10% of capital costs may consist of legal, engineering and design costs unless the City can demonstrate that its legal, engineering and design costs which relate directly to the public improvement for which the impact fees were imposed exceed 10% of capital costs. "Costs" do not include other non-capital costs to construct, expand or improve public facilities or the costs of equipment to construct, expand or improve public facilities.
- (5) **"Developer"** shall mean a person or other entity that constructs or creates development within the Village.
- (6) **"Development"** shall mean the construction or modification of improvements to improved or unimproved real property that creates additional residential dwelling units or that results in nonresidential uses that create a need for new, expanded or improved public facilities within the Village.
- (7) **"Development Impact Fee Zones"** shall mean geographically defined areas of the Village that have been designated by the Village Board as areas in which development has created or may create the need for capital improvements be funded in whole or in part by impact fees. The areas may be referenced in the Comprehensive Plan and shall be shown on a Development Impact Fee Zones Map.
- (8) **"Floor Area"** shall mean the total floor area of buildings allowed on a given lot, based upon approved land division or subdivision

- (9) **“Impact Fee”** shall mean a fee established under the provisions of this Section on the basis and for the purposes set forth herein to be collected at the time a building permit is issued and calculated based upon the costs of facilities in proportion to development creating the need for such facilities.
- (10) **“Mixed Use Development”** shall mean use of land involving both residential and nonresidential development.
- (11) **“Needs Assessment”** shall mean the assessment of needs required by Sec. 66.0617(4), Wis. Stats.
- (12) **“Net Developed Area”** shall mean the total area of a parcel, Subdivision Plat or certified survey map that remains privately owned after public lands, such as street rights-of-way, parks, greenways and detention basins, have been dedicated at the time of Development or Redevelopment
- (13) **“Non-residential Development”** shall mean any use of land for primarily industrial or commercial purposes, or which does not fall within the definition of residential development.
- (14) **“Parks Committee”** shall mean the Village of Pulaski Parks Committee.
- (15) **“Plat”** See Subdivision Plat
- (16) **“Public Facilities”** shall mean any or all of the following capital improvements:
- (a) Parks, playgrounds and land for athletic fields;
  - (b) Highways and other transportation facilities and traffic control devices, including such ancillary facilities as sidewalks, street lighting, curbs, gutters, intersection improvements, traffic signalization, signage, street trees and landscaping;
  - (c) Sanitary sewers and sewage collection facilities;
  - (d) Water pumping, storage, distribution and supply facilities;
  - (e) Storm sewers, drains, and drainage retention facilities
  - (f) Police and law enforcement facilities;
  - (g) Fire protection and emergency medical facilities;
  - (h) Libraries;
  - (i) Other necessary governmental services which require public facilities in the Village as a whole or in designated development impact fee zones. The costs of such public facilities shall include acquisition of land, construction, improvements, capital equipment, and installing of same and all other work auxiliary thereto, including administrative, engineering, architectural, and legal work performed in connection with a public facilities project.
- (17) **“Public Facilities Project”** shall mean a project involving the construction or remodeling of a Public Facility.

- (18) **"Residential Development"** shall mean use of land for the creation of new residential dwelling units for the primary purpose of housing accommodations.
- (19) **"Site"** shall mean a parcel, lot, or contiguous group of lots in a single ownership or under single control, considered a unit for purposes of development.
- (20) **"Structure"** shall mean any manmade object with form, shape and utility, either permanently or temporarily attached to, placed upon or set into the ground, stream bed or lake bed, including, but not limited to, roofed and walled buildings, gas or liquid storage tanks, bridges, dams and culverts.
- (21) **"Subdivision"** shall have the meaning given in Sec. 236.02(12), Wis. Stats.
- (22) **"Subdivision Plat"** shall mean a preliminary or final plat of a subdivision showing the salient features of a proposed subdivision and which is submitted to an approving authority for purposes of preliminary or final plat consideration. As sometimes used herein, it shall also include an approved land division or certified survey map.

(b) **PURPOSE AND AUTHORITY**

- (1) Purpose. The purpose of Section. 53.11 is to create a mechanism for the provision of capital costs for the construction, expansion and improvement of public facilities necessary to serve land development, including the cost of land, legal, engineering and design costs. Accordingly, there are hereby imposed the impact fees in this division in compliance with the requirements of Wis. Stats. § 66.0617. Section 53.11 is intended to facilitate adequate provision for specified public facilities and to coordinate land dedication and financing of those public facilities imposed on developers as outlined in other chapters of this Code and the adopted comprehensive plan and official map of the village.
- (2) Authority. The authority for this Section is provided by Sec. 66.0617, Wis. Stats. The provisions of this Section shall not be construed to limit the power of the Village to adopt any ordinance pursuant to any other source of local authority or to utilize any other methods or powers otherwise available for accomplishing the purposes set forth herein, either in lieu of or in conjunction with this Section.



(c) **APPLICABILITY OF IMPACT FEE.** This Section shall be uniformly applicable to development which occurs, after the effective date of this Ordinance or any amendment thereto, within the Village. Pursuant to Section 66.0617(5), different impact fees may be imposed on different types of land development and may impose impact fees on development in a particular zone or subarea that differ from impact fees imposed on similar development in other zones or subareas within the Village.

(d) **IMPACT FEES.**

- (1) Policy. In response to new and future development and population generating demands for new Village parks and park infrastructure, there is hereby established a Village-wide Park Impact Fee as the mechanism to equitably require all developments to pay for the parks related costs that are necessary to accommodate that development.
- (2) Needs Assessment. For the purposes of the Impact Fees imposed under this subsection, a Needs Assessment has been prepared on a village-wide basis to establish the rationale and basis for the impact fees created under this Subsection also taking into consideration the effect of such fees on low income housing. The Sec. 66.0617, Stats., Needs Assessment is available for inspection at the Office of the Village Clerk.
- (3) Establishment. Any developer creating or constructing additional residential dwelling units within the Village shall pay a fee to the Village based on an Impact Fee Schedule adopted from time to time by resolution of the Village Board, which fee shall provide for the capital costs necessary to accommodate the development with regard to public facilities.
- (4) Exemptions. The Impact Fee Schedule established hereunder may provide for an exemption from, or a reduction in the amount of, impact fees on land development that provides low-cost housing, except that no amount of an impact fee for which an exemption or reduction is provided under this subsection may be shifted to any other development in the land development in which the low-cost housing is located or to any other land development in the municipality.
- (5) Payment of Impact Fees. All impact fees hereunder shall be paid to the Village, in full, before the issuance of any building permit for the development.
- (6) Publication. The Impact Fee Schedule established under subsection (3) shall be published and made available to the public.

(e) **IMPACT FEE ADMINISTRATION.**

- (1) Segregated Account. All impact fees collected by the Village shall be placed and held in a separate, segregated interest-bearing account and shall be accounted for separately from other funds of the Village.
- (2) Project List. The Village Board shall establish and annually review and update a list of projects for which the impact fees collected hereunder are eligible taking into consideration the criteria and project requirements established under Sec. 66.0617, Stats.
- (3) Expenditure of Fees. The impact fees collected under these provisions shall be expended by the Village for park related improvements within eight (8) years after the date were collected hereunder.
- (4) Fee Refund. Except as provided in this subsection, impact fees that are not used within eight (8) years after they are collected to pay the capital costs for which they were imposed shall be refunded to the payer of fees for the property with respect to which the impact fees were imposed, along with any interest that has accumulated thereon. Under extenuating circumstances, the Village may extend the impact fee expenditure period to 10 years upon adoption of a resolution specifying the extenuating circumstance that led to the need for expanding the impact fee use period.
- (5) Annual Report. The village treasurer shall provide an annual report to the Village Board detailing all deposits, withdrawals and fund balances in the Impact Fee Segregated Account. The purpose of the annual report is to provide the Village Board with information necessary to determine that all funds collected are spent within a reasonable amount of time for the purposes intended and that the amount of the fees being imposed continues to represent an equitable and reasonable apportionment of the cost of public facilities for land development.

(f) **REFUNDS.**

- (1) Claim for Refund. The current owner of a property on which an impact fee has been paid may apply for a refund of such fee if
  - (a) The Village has failed to provide a public facility serving such property within eight (8) years from the date of payment of the impact fee, as prescribed in Wis. Stat. § 66.0617(9), or
  - (b) The building permit for which the impact fee has been paid has lapsed for non-commencement of construction; or
  - (c) The project for which a building permit has been issued has been altered in a manner which has resulted in a decrease in the amount of the impact fee due; or

- (2) Notice of Claim for Refund. A written Notice of Claim for Refund must be filed with the Village Clerk within one (1) year of the event giving rise to the claim. Failure to do so as provided herein shall be considered a waiver of the right to claim a refund under this chapter.
- (3) Village Board Review. Within ten (10) business days of the filing date of a claim for refund, the Village Treasure shall forward a copy of the claim for refund to the Village Board for review. The Village Board shall have ninety (90) days to review the claim and determine if a refund is warranted. The Village Board shall adopt a written decision denying, approving, or approving in part the claim for refund. In the event the Village Board fails to act on the claim for refund within ninety (90) days, the claim for refund shall be deemed to have been approved.
- (4) Payment of Approved Refund. Any refund approved hereunder shall be paid to the claimant within sixty (60) days after such claim has been approved or deemed to have been approved.
- (5) Review by Circuit Court. If the claimant wishes to appeal the decision of the Village Board, the claimant must commence an action by certiorari in the Brown County Circuit Court seeking review of the Village Board's decision within thirty (30) days after the date on which the Village Board adopted the decision with respect to the claim for refund.

(g) **APPEALS.**

- (1) Notice of Appeal. Any developer upon whom an impact fee has been imposed may contest the amount, collection or use of the impact fee by filing a Notice of Appeal to the Office of the Village Clerk. The Notice of Appeal shall be filed with the Executive Secretary of the Board of Public Works within thirty (30) days of the date of the determination therein appealed. The Notice of Appeal shall state in detail the relief sought by the developer and any legal or factual basis for the relief requested; and shall include all supporting documentation upon which the developer relies in making the appeal.
- (2) Payment of Assessed Fee. As a condition of the appeal, the developer shall deposit with the Village the assessed impact fee being appealed.
- (3) Issuance of Building Permits Pending Appeal. If the Notice of Appeal is
- (4) accompanied by the payment of the impact fee being appealed, and all other requirements have been satisfied, the building permit may be issued or the final plat may be approved. The filing of an appeal shall not stay the collection of the impact fee due.

- (4) Appeal to Be Heard by Board of Appeals. Within Seven (7) business days of the date of filing of the Notice of Appeal and the payment of the Impact Fee being appealed, the Village Clerk shall forward a copy of the Notice of Appeal to the members of the Board of Appeals. A hearing on the Notice of Appeal shall be scheduled within thirty (30) business days of receipt of the Notice of Appeal by the Board of Appeals.
- (5) Hearing Procedure. The developer shall present the basis and reason for its appeal. The Village shall thereafter present its response. Upon the conclusion of testimony and the presentation of evidence, the Board of Appeals shall deliberate and present its findings and decision.
- (6) Review by Circuit Court. If the developer wishes to appeal the decision of the Board of Appeals, the developer must commence an action by certiorari in the Brown County Circuit Court seeking review of the Board's decision within thirty (30) days after the date on which the Board adopted the decision.

### **53.12 (Reserved)**

### **53.13 ENFORCEMENT, PENALTIES AND REMEDIES**

- (a) **ZONING ADMINISTRATOR AUTHORITY.** The Village of Pulaski Zoning Administrator or such designee as authorized by the Village Board shall have primary responsibility for enforcing the chapter. No building permit shall be issued for construction on any lot until the final plat for the subdivision has been duly recorded, or a certified survey map is recorded and all conditions of approval are met.
- (b) **PENALTIES.** Any person who fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 and the costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the county jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense. In addition, the remedies provided by Sec. 236.30, 236.31, 236.32, and 236.335, Wis. Stats., shall be available to the Village.
- (c) **REMEDIES.** When a subdivision is created in violation of this Ordinance, the Village may order an assessor's plat to be made under Section 70.27 Wisconsin Statutes, at the expense of the subdivider or his/her agent. **(Ord. #476-08)**