

## ORDINANCE 2025-01

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**AN ORDINANCE TO REPEAL AND RECREATE CHAPTER 12 ENTITLED "LAND DIVISION AND DEVELOPMENT ORDINANCE" OF THE VILLAGE OF LISBON MUNICIPAL CODE**

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**WHEREAS**, the Village of Lisbon was incorporated from the Town of Lisbon on February 13, 2023; and

**WHEREAS**, the former Town of Lisbon adopted a land division and development ordinance for the former Town of Lisbon on August 31, 2010, and has amended it from time to time since then; and

**WHEREAS**, the Village of Lisbon regulates land division and development in the Village in Chapter 12 "Land Division and Development Ordinance" of the Village of Lisbon Municipal Code; and

**WHEREAS**, Village Staff have reviewed the Village of Lisbon Land Division and Development Ordinance and believe it to be in the best interest of the Village of Lisbon to make certain revisions to the same by repealing and recreating the entire Village Land Division and Development Ordinance and have prepared a draft of such revisions; and

**WHEREAS**, the Village Board and Village Plan Commission held a duly noticed joint public hearing on February 26, 2025 to consider the proposed revisions; and

**WHEREAS**, a class II public notice for that public hearing was published in the Waukesha Freeman on February 12, 2025 and February 19, 2025, pursuant to Wisconsin Statutes Section 236.45(4); and

**WHEREAS**, pursuant to Wisconsin Statutes Section 236.45(4), following the February 26, 2025 public hearing, the Village Plan Commission considered all the testimony and information presented at the public hearing and made a recommendation for the Village Board to adopt the revisions to the Village of Lisbon Land Division and Development Control Ordinance; and

**WHEREAS**, the Village Board finds that these revisions to Chapter 12 of the Village of Lisbon Municipal Code will be a benefit to the health, general welfare, and safety of Village of Lisbon residents; and

**WHEREAS**, the Village Board of the Village of Lisbon having determined that all procedural requirements and notice requirements have been satisfied, having given the matter due consideration, and having based its determination on the effect of the granting of such

amendment on the health, safety and welfare of the community, hereby determine that the amendment will not violate the spirit or intent of the Land Division Ordinance for the Village of Lisbon, will not be contrary to the public health, safety or general welfare of the Village of Lisbon, and the amendment is consistent with the Village of Lisbon Comprehensive Plan.

**NOW, THEREFORE,** the Village Board of the Village of Lisbon, Waukesha County Wisconsin, DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION 1:** Chapter 12 of the Village of Lisbon Municipal Code entitled "Land Division and Development Ordinance" is hereby repealed and recreated as shown in Exhibit A, which is attached hereto and incorporated herein by reference.

**SECTION 2: CONTINUATION OF EXISTING PROVISIONS.** The provisions of this ordinance, to the extent that they are substantively the same as those of the ordinances in force immediately prior to the enactment of this ordinance, are intended as a continuation of such ordinances and not as new enactments, and the effectiveness of such provisions shall date from the date of adoption of the prior ordinances. In addition, the adoption of this ordinance shall not affect the following ordinances, rights, and obligations, which are hereby expressly saved from repeal:

- a. Any action, prosecution or proceeding brought for the enforcement of any right or liability established, accrued or incurred under any legislative provision prior to the effective date of this ordinance for the time that such provision was in effect, and the repeal of any such provisions is stayed pending the final resolution of such actions, including appeals.
- b. Any offense or act committed or done before the effective date of this ordinance in violation of any legislative provision or any penalty, punishment or forfeiture which may result therefrom.
- c. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this ordinance brought pursuant to any legislative provision.

**SECTION 3: SEVERABILITY.** The several sections and provisions of this Ordinance are declared to be severable. If any section or provision thereof shall be declared by a court of competent jurisdiction to be invalid, unlawful, or unenforceable, such declaration shall apply only to the specific section(s) or portion(s) thereof directly specified in said declaration, and shall not affect the validity of any other provisions, sections, or portions of the Ordinance, which shall remain in full force and effect. Any other Ordinances whose terms are in conflict with the provisions of this Ordinance are hereby repealed as to those terms that conflict.

**SECTION 4: EFFECTIVE DATE.** This Ordinance shall take effect immediately upon passage and posting or publication as provided by law.

**PASSED AND ADOPTED** by a majority vote of Village Board of the Village of Lisbon, Waukesha County, Wisconsin on March 12, 2025.

VILLAGE BOARD, VILLAGE OF LISBON  
WAUKESHA COUNTY, WISCONSIN

BY: \_\_\_\_\_



JOSEPH OSTERMAN, President

ATTEST:

BY: \_\_\_\_\_



ELISA CAPPOZZO KATCH, Clerk



Published and/or posted this 13<sup>th</sup> day of March, 20 25.



# **CHAPTER 12**

## **LAND DIVISION AND**

## **DEVELOPMENT ORDINANCE**

Adopted: 2010-08-31

Revised: 2017-08-14

Revised:

2024-02-12

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## **SECTION 1.00 INTRODUCTION**

### **1.01 AUTHORITY**

These regulations are adopted under the authority granted by Section 236.45 and Chapter 703 of the Wisconsin Statutes. Therefore, the Village Board of the Village of Lisbon does ordain as follows:

### **1.02 PURPOSE**

The purpose of this Ordinance is to regulate and control the division and development of land within the jurisdiction of the Village of Lisbon in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Village of Lisbon and its environs.

### **1.03 INTENT**

It is the general intent of this Ordinance to regulate the division and development of land so as to:

- a) Obtain the wise use, conservation, protection and proper development of the Village of Lisbon's soil, water, wetland, woodland and wildlife resources and attain a proper adjustment of land use and development to the supporting and sustaining natural resource base;
- b) Lessen congestion in the streets and highways;
- c) Further the orderly layout and appropriate use of land;
- d) Secure safety from fire, panic and other dangers;
- e) Provide adequate light and air;
- f) Facilitate adequate provision of housing, transportation, water supply, storm water control, wastewater treatment, schools, parks, playgrounds and other public facilities and services;
- g) Secure safety from flooding, water pollution, disease and other hazards;
- h) Prevent flood damage to persons and property and minimize expenditures for flood relief and flood control projects;
- i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
- j) Preserve natural vegetation and cover and promote the natural beauty of the Village of Lisbon and preserve the natural physical features of each development site;
- k) Restrict building sites in areas covered by poor soils or in other areas poorly suited for development;
- l) Facilitate the further division of larger tracts into smaller parcels of land;
- m) Ensure adequate legal description and proper survey monumentation of subdivided land;

- n) Provide for the administration and enforcement of this Ordinance;
- o) Provide penalties for its violation;
- p) Implement those municipal, county, watershed or regional comprehensive plans or their components adopted by the Village of Lisbon and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county and local comprehensive plans, adopted plan components, Zoning Ordinance and Building Code of the Village of Lisbon;
- q) Preserve historical improvements on each development site such as old silos, stone farm walls, etc.;
- r) Provide for staged development of all division of land within the Village of Lisbon so that the Village of Lisbon is able to provide for adequate governmental services to the residents;
- s) Prevent the overcrowding of land; and
- t) Avoid undue concentration of population.

#### **1.04 ABROGATION AND GREATER RESTRICTIONS**

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

#### **1.05 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 of Lisbon and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

#### **1.06 TITLE**

This Ordinance shall be known as, referred to, or cited as the "LAND DIVISION AND DEVELOPMENT ORDINANCE".

## **SECTION 2.00 GENERAL PROVISIONS**

### **2.01 JURISDICTION**

Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Lisbon. The provisions of this Ordinance as it applies to divisions of tracts of land into less than 5 parcels shall not apply to:

- a) Transfers of interests in land by Will or pursuant to Court order, if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes and meet all specifications required by these regulations, the zoning ordinances, or other applicable laws or ordinances.
- b) Leases for a term not to exceed 10 years, mortgages or easements.
- c) 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 and meet all specifications required by these regulations, the Zoning Ordinances, or other applicable laws or ordinances.
- d) Cemetery plats made under Wisconsin Statutes 157.07.

### **2.02 COMPLIANCE**

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

- a) Chapters 236, 80, and 703 of the Wisconsin Statutes as applicable.
- b) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the street and highway system, if the land owned or controlled by the subdivider abuts a state trunk highway or connecting street, and all provisions of Trans 233.
- c) Rules of the Wisconsin Department of Natural Resources, setting water quality standards, preventing and abating pollution, and regulating development within floodland, wetland and shoreland areas, and regulating septic systems.
- d) Duly approved Comprehensive Development Plan or plan components of the Village of Lisbon including zoning ordinances, outdoor recreation plans specifically "Long Range Plan for Parks and Open Spaces", sewer service ordinance, the Established Street and Highway Width Map of Waukesha County, the rules of the Waukesha County Department of Transportation establishing regulations for access to and work within County highway rights-of-way, Ordinance No. 146-56, and all other applicable County and Village Ordinances.



- e) Comprehensive plans or components of such plans prepared by state, regional, county or municipal agencies duly adopted by the Village Board.
- f) A Developer's Agreement between the Village of Lisbon and the developer, subdivider and/or owner, and reviewed by staff and the Plan Commission, and approved by the Village Board.
- g) The Village of Lisbon Floodplain Ordinance, Shoreland Overlay District Ordinance, and Shoreland-Wetland Zoning Ordinance.
- h) The Waukesha County Storm Water Management and Erosion Control Ordinance.
- i) The Waukesha County Code of Ordinances regarding Regulation of Private Sewage Systems, Ordinance No. 151-34, which regulates all land to be divided which is not served by public sewer and provisions for such services have not been made.
- j) The Village of Lisbon Land Division Review Checklist, as adopted by the Village Board of the Village of Lisbon by separate Resolution, including any amendments that may be made thereto from time to time, and which is attached hereto and incorporated herein.
- k) A soil test must be submitted for every lot in every land division.
- l) Design and construction as established by Village ordinance.
- m) That public sanitary sewer is being provided to each lot, if applicable.
- n) The applicable building codes.
- o) The Village of Lisbon's Official Map.
- p) Applicability to condominiums. This chapter is expressly applicable to Condominium Developments within the Village 's jurisdiction, pursuant to **§703.27(1)**, Wis. Stats. For purposes of this chapter, a Condominium unit and any associated limited common elements shall be deemed to be equivalent to a Lot or Parcel created by the act of Land Division.
  - (1) The Village Board hereby finds that certain issues arise in condominium plats that require limited applicability of this chapter to such developments. The State Legislature has recognized that Land Division ordinances may apply to condominiums, but that subdivision ordinances shall not impose burdens upon condominiums that are different from those imposed on other property of a similar character not subject to a declaration of condominium.
  - (2) The factor that makes this chapter applicable to a condominium development is the creation of multiple, distinct property entities at or near the ground surface, subject to property taxation as separate "Parcels" with each property entity having different ownership and management. The Village determines that this factor makes a Condominium Development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary ownership, management and control.
  - (3) Thus, the Village Board hereby finds that new condominium developments can place impacts on community resources in the same manner as other new developments

that are characterized by Division of Land into Lots. These impacts include:

- A) Additional population density;
  - B) Possibility of use of particular land in a manner unsuitable to the land's characteristics;
  - C) Additional demands upon Village area parks, recreation programs and areas, utility facilities and schools;
  - D) Additional traffic and street use.
- (4) Portions of chapter applicable to Condominium Plats. The following Sections of this chapter shall apply to Condominium Plats:
- A) Section 2.06, relating to land suitability and construction practices;
  - B) Section 3.01 and Section 4, relating to Preliminary Plat approval. The technical requirements for Preliminary Plats set forth in § 4.02 shall not apply, since Condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
  - C) Section 10, relating to fees for review;
  - D) Sections 2.03 and 7 through 9, relating to required improvements, design standards for required improvements, and dedication requirements;
  - E) Sections 2.05, 2.08, 2.09, and 2.10, relating to waivers, variances, penalties and violations;
  - F) Chapter 13, relating to impact fees.

## **2.03 DEDICATION AND RESERVATION OF LANDS**

- a) Streets, Highways, Drainageways and Floodplain: Whenever a tract of land to be divided or developed within the jurisdiction of this Ordinance encompasses all or any part of a street, drainageway, floodplain or other public way which has been designated on a duly adopted Village or regional comprehensive plan or plan component, or is in any way determined to be such by the Plan Commission or Village Board, said public way shall be dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in Section 7.00 of this Ordinance.
- b) Parks and parkways. Whenever a tract of land to be divided within the Village encompasses all or any part of a park or parkway which has been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said park or parkway shall be made a part of that plat or certified survey map by the developer in the locations indicated on said plan and in accordance with the procedures set forth in this chapter.
- c) Dedication of land and provision of improvements or payment of fee for park purposes.
  - (1) The developer shall designate on every new preliminary plat or certified survey

map an area of land suitable for park or playground purposes and shall dedicate said land to the public. The amount of land to be provided shall be 0.045 acre per dwelling unit to be developed in that plat. The Village reserves the right to select those lands within the plat it considers best suited to meeting the recreational needs of the Village, provided that such selection does not violate other provisions of this section. However, where such official plans call for a larger parcel of land than would be set aside if the above standard were applied, the developer, in lieu of dedicating the land in excess of 0.045 acre for every dwelling unit, shall reserve said excess land for acquisition by the Village for a period not to exceed three years.

(2) Proportionate payment in lieu of dedication.

(a) If the Village Plan Commission has determined that such parkland dedication is not feasible or compatible with development of the community, the developer shall in lieu thereof pay to the Village a fee, as from time to time established by resolution or ordinance of Village Board, to defray the impact that the additional residences will place on the park system.

(b) Such fees shall be placed in a nonlapsing fund and shall be used exclusively for immediate or future site acquisitions or for capital improvements of parks and recreational areas. Such fees shall apply to each new dwelling unit created by subdivision, certified survey map or planned unit development.

(c) Where the development results in the creation of not more than one additional unit or parcel of land, payment shall be required only for the additional unit.

(d) Payment shall be in a lump sum paid at the time of final approval of the plat or certified survey map.

(e) Where a lot or parcel for which payment has once been made is further divided, payment shall be required for the additional lots or parcels created.

(f) The required payment shall be made before the signing of the final plat or certified survey map by the Village Clerk.

## **2.04 IMPROVEMENTS**

Before final approval of any land division or development located within the jurisdictional limits of this Ordinance, the subdivider shall install improvements as hereinafter provided or provide guarantees for said installation. The subdivider shall, before commencing with any improvements, enter into a Developer's Agreement with the Village of Lisbon agreeing to install the required improvements and shall file with said agreement security meeting the approval of the Village Attorney in an amount equal to the estimated construction cost of the improvements and fees, plus an additional 20 percent of said cost and the fees, said estimate to be made by the Village Engineer, as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than the date or dates provided in the agreement and as a further guarantee that all obligations for work on the development are satisfied. In addition:

- a) Contracts and contract specifications for the construction of improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the Village Engineer.
- b) Governmental units or utility companies to which these provisions apply may file, in lieu of said agreement and letter of credit, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this Ordinance. Before final approval of any land division within the Village of Lisbon, the subdivider shall install survey monuments placed in accordance with requirements of Chapter 236.15 of the Wisconsin Statutes, which is hereby adopted by reference, and as may be required by the Village Engineer. The Village Board may waive the placing of monuments, required under Section 236.15(b), (c) and (d) for a reasonable time on the condition that the subdivider execute cash or a letter of credit to ensure the placing of such monuments within the required time limits established by the Village of Lisbon.

## **2.05 WAIVERS**

- A. Waiver or modification of provisions. A petitioner may request that the Village waive or modify enforcement of one or more provision(s) of this chapter, except as to matters further described in Subsections **B**, **C**, **D** and **E** below, as follows:
  - (1) Written request. The petitioner shall submit a written request for a waiver or modification to the Village Clerk. In the written request for the waiver or modification, the petitioner shall specify the specific provision that the petitioner requests the Village to waive or modify and the petitioner's reasons for requesting the same.
  - (2) Referral to Village Plan Commission. Upon receipt of a written request for a waiver or modification, the Village Clerk shall, within a reasonable time, place the matter on a Village Plan Commission agenda for review and action.
  - (3) Considerations. The Village Plan Commission shall make a determination which shall include consideration, but not necessarily an affirmative finding, of the following factors:
    - (a) Whether the request for a waiver or modification, if granted, would be consistent with the general intent of this chapter.
    - (b) Whether the request for a waiver or modification, if granted, would adversely affect

property owners in the surrounding area.

- (c) Whether the request for a waiver or modification, if granted, would benefit the petitioner's project in a way that is not inconsistent with the Village's interests.
  - (d) Whether the petitioner is in full compliance with applicable ordinances and agreements with the Village.
  - (e) Whether, instead of granting the request for a waiver or modification, the chapter itself should be changed to accommodate the kind of situation present by the petitioner.
- (4) Grant or denial of request for a waiver or modification. After considering the above-listed factors and any other factors that may be relevant to the matter, the Village Plan Commission shall determine whether it is objectively reasonable to grant the request for a waiver or modification by a two-thirds vote of the members present. A waiver or modification may be granted without making an affirmative finding concerning any one or more of the above-listed factors if, on the whole, it is objectively reasonable to do so.
- (5) Past noncompliance not waived. A waiver or modification that is granted pursuant to a written request as described in this section shall not waive any fines, forfeitures or other penalties that may have accrued due to violations of this chapter that took place prior to the date of the request being granted, unless specifically stated otherwise in the decision of the Village Plan Commission.
- B. Monument deferral. The Village Board may defer the placing of monuments, required under **§ 236.15(1)(b)**, (c) and (d), Wis. Stats., for a reasonable time on condition that the owner provide the Village Clerk with cash escrow or a letter of credit, in an amount specified by the Village Board, to ensure the placing of such monuments within the required time limits established by the Village Board.
- C. Remnant parcels. Remnant parcels that are larger than 40 acres in size and are not intended for development may be excluded from a plat or certified survey map by the Village Board, upon recommendation of the Plan Commission.
- D. Flag lots. The Village Board may allow flag lots upon the recommendation of the Plan Commission if the applicant submits documentation that said flag lot does not impact the orderly and reasonable development of the adjacent parcels or public streets. The applicant must also show the physical features of the site and adjacent properties, such as wetlands, steep topography, drainage, or watercourses, which prohibit development with public streets and that the flag lot does not conflict with the Village of Lisbon's Official Map.
- E. Floodplain limits and delineation of wetlands and shoreland/wetlands. A request for a waiver or modification to the requirements that a preliminary plat, final plat, or certified survey map show floodplain limit contour lines, or that wetlands and shoreland/wetlands be staked in the field, shall be subject to the procedures described in Subsection **A** above, but such waiver or modification shall not be granted unless the following additional findings of fact are made:
- (1) The land division documents must clearly show that, due to topography or the size of the lots or related reasons, precise description of the floodplain limits and/or precise delineation and field staking of the wetlands and shoreland/wetlands is clearly unnecessary because there is

clearly sufficient nonwetland and nonshoreland area within each of the lots that is created for the property to be used for a permitted use in the zoning district in which it is located.

- (2) A note must be shown on the preliminary plat, final plat and/or certified survey map, whichever is applicable, in a form that is subject to the approval of the Plan Commission stating that the floodplain limits are not shown and stating that the wetlands and shoreland/wetlands have not been delineated or staked in the field pursuant to a waiver or modification granted by the Plan Commission.
- (3) The developer shall assume all risks associated with the grant of a waiver or modification to the requirements of this chapter related to floodplain limits and/or delineation and field staking of wetlands and shoreland/wetlands, including but not limited to the risk that as a result of the waiver or modification a lot may be created that is later found to be unusable for any permitted purpose in the zoning district in which it is located. By requesting the waiver or modification, the developer agrees to accept those risks, on behalf of the developer and on behalf of all future owners of the property. In addition, a note shall be shown on the face of the preliminary plat, final plat, or certified survey map, whichever is applicable, in a form that is subject to the approval of the Village Board, noting the property owner's acceptance of said risks.

## **2.06 LAND SUITABILITY**

No land shall be divided or developed which is determined to be unsuitable for the proposed use by the Plan Commission for reason of flooding, inadequate drainage, severe erosion potential, adverse soil or rock formation, unfavorable topography, inadequate water or sewage disposal capabilities, or any other feature or condition likely to be harmful to the health, safety or welfare of the future residents of the proposed subdivision, abutting properties, or of the Village of Lisbon. Lands that are unsuitable for development may be platted as outlots and identified as such on the plat. In addition:

- a) Lots. The buildable area of each lot shall be at least 50 percent of the required lot area in for the zoning district where the building site is to be located.
- b) Floodlands. Each lot shall have at least 50 percent of its required lot area above an elevation at least two feet above the elevation of the 100-year reoccurrence interval flood, or where such data is not available, five feet above the minimum flood of record.
- c) Lands made, altered or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption sewerage disposal systems as compaction or other adverse conditions may be present, unless the overall site and each individual building site is properly evaluated and approved for division by the Waukesha County Environmental Health Division.
- d) Lands made, altered or filled with earth within the preceding seven years shall not be divided or developed into building sites that are to be served by on site soil absorption sewerage disposal systems.
- e) Lands having a slope of 12 percent or more shall be maintained in permanent open space use. No lot shall have more than 50 percent of its minimum required area in slopes of 10 percent or greater. A waiver may be granted for a roadway if necessary to complete a street pattern.

- f) Sound engineering practices shall be utilized when dividing or developing lands into building sites to be served by onsite soil absorption sewage disposal systems and that have bedrock within six feet of the natural undisturbed surface.
- g) Sound engineering practices shall be utilized when dividing or developing lands into building sites to be served by onsite soil absorption sewage disposal systems and that have groundwater within six feet of the natural undisturbed surface.
- h) Sound engineering practices that comply with all Federal, State, County and local laws, ordinances, codes, rules and regulations, shall be utilized when dividing or developing lands into building sites to be served by onsite soil absorption sewage disposal systems that are drained by farm drainage tile or farm ditch systems. In addition, adequate home sites shall be located outside of the drain tile area.
- i) Spite strips may not be created by any division of land.
- j) Wetlands. Development within a wetland is prohibited and a 75-foot building setback from the wetland boundary line shall be provided.
- k) Ordinary high water mark (OHWM). A building setback of 75 feet shall be provided from the OHWM.
- l) Remnants less than 20 acres must be a part of the plat or map. Any remnant 20 acres or larger must be a part of the map or plat unless waived as provided herein. The subdivider must provide proof that any remnant in excess of 20 acres not shown on a plat or map is able to support a soil absorption sewer disposal system.

The Plan Commission, in applying the provisions of this Section, shall recite, in writing, the particular facts upon which it bases its conclusion that the land is unsuitable for development or division and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if so desired. Thereafter the Plan Commission may affirm, modify or withdraw its determination of unsuitability.

## **2.07 COVENANTS**

The Plan Commission or Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed division or development and otherwise protect the proposed development. The Village Attorney shall review all covenants and shall approve covenants as to form.

## **2.08 VIOLATIONS**

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

## **2.09 PENALTIES AND REMEDIES**

Any person, firm or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100.00 nor more than \$1,000.00, in addition to the costs of prosecution for each offense, and the penalty for default of payment of such forfeiture and costs shall be imprisoned in County Jail. Each day a violation exists or continues shall constitute a separate offense until the person, firm or corporation comes into compliance with this Ordinance. In addition, the remedies provided by Sections 236.30 and 236.31 of the Wisconsin Statutes shall be available to the Village. Violations and concomitant penalties shall include and the same are hereby adopted:

- a) Recordation improperly made carries penalties as provided for in Section 236.30, Wisconsin Statutes.
- b) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31, Wisconsin Statutes.
- c) Monuments disturbed or not placed carries penalties as provided for in Section 236.32, Wisconsin Statutes.

An assessor's plat made under Section 70.27, Wisconsin Statutes, may be ordered as a remedy by the Village of Lisbon, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

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

Any penalties not paid shall be special charges against the real estate involved and may be so assessed and collected by the Village of Lisbon under Section 66.60, Wisconsin Statutes.

## **2.10 APPEALS**

Any person aggrieved by an objection to a division or development or a failure to approve a division or development may appeal such objection or failure to approve as provided in Section 236.13(5), Wisconsin Statutes, within 30 days of notification of the rejection of the division or development. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. In its review, the Court may make a determination to remand the matter back to the Village of Lisbon for further review and action if it finds that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.



## SECTION 3.00 LAND DIVISION PROCEDURES

### 3.01 PRE-FILING CONFERENCE

Prior to filing a formal plan for the approval of a land division or development, the subdivider shall submit a conceptual plan for review and comment and consult with staff in order to obtain their advice and assistance. This consultation is not formal, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive development plan, plan component, neighborhood plans and duly adopted plan implementation devices of the Village of Lisbon and to otherwise assist the subdivider in planning the development. In so doing, both the subdivider and the Village of Lisbon may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider may also gain a better understanding of the subsequent required procedures.

### 3.02 SUBDIVISIONS

- a) Preliminary Plat Filing. Before submitting a Final Plat for approval, the subdivider shall prepare and submit a Preliminary Plat. The Preliminary Plat shall be prepared and filed in accordance with this Ordinance and Chapter 236, Wisconsin Statutes. The subdivider shall utilize the Waukesha County Department of Parks and Land Use as the forwarding agency for the plat. The subdivider shall also submit 16 copies of the preliminary plat to the Village Clerk at least 30 days prior to the Plan Commission meeting to allow time for review of the plat.
- b) Preliminary Plat Review.
  - (1) The Plan Commission shall review the Preliminary Plat for conformance with:
    - A) The provisions of Chapter 236, Wis Stats.
    - B) This Ordinance.
    - C) Any local Master Plan adopted under State Statutes.
    - D) Any official map adopted under State Statutes.
    - E) Any local rules and regulations.
    - F) Any comprehensive development plan or plan component.
    - G) Any neighborhood plans.
  - (2) Subject to time limit set forth in chapter 236.11 (1) in Wis Stats. The Plan Commission shall not recommend approval and the Village Board shall not approve such preliminary plat until the **Village's** professional staff, including the Village Engineer, has examined the plat and filed a written report with the Plan Commission and Village Board concerning the proposed plat. The subdivider shall be required to furnish all technical data and other information required by all approving authorities under the provision of chapter 236 of the Wisconsin State Statutes and as required by the **Village's** professional staff in accordance with this ordinance and all other Village ordinances at the **subdivider's** own cost and expense to be billed in accordance with the appropriate Village ordinance.

- (3) The Plan Commission shall, within 90 days of the date of filing of a Preliminary Plat, recommend approval, approval conditionally or rejection of such plat to the Village Board unless the time is extended by agreement in writing with the subdivider. The subdivider shall be notified in writing of any conditions of approval, or the reasons for rejection.
- (4) The Village Board shall consider the recommendation of the plan commission if any and within 90 days of the date of the filing of a Preliminary Plat approve, approve conditionally or reject such plat unless the time is extended by agreement in writing with the subdivider. The subdivider shall be notified in writing of any conditions of approval, or the reasons for rejection.
- (5) Failure of the Village Board to act within 90 days shall constitute an approval of the Preliminary Plat as filed.
- (6) 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 three (3) years of the Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as indicated in Section 236.11(1)(b), Wisconsin Statutes, and all conditions imposed as part of the Preliminary Plat approval have been satisfied, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Plan Commission and the Village Board at the time of its submission.
- (7) Objections must be satisfied. The Preliminary Plat shall not be finally approved or deemed finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and Village Board have been satisfied.
- c) This Ordinance and Chapter 236 of the Wisconsin Statutes. The Final Plat shall be forwarded to the Village Clerk by the Waukesha County Department of Parks and Land Use within the timeframe stipulated in Section 236 of the Wisconsin State Statutes. The Village Clerk shall forward the Final Plat to the Plan Commission.
- d) Final Plat Review.
  - (1) The Plan Commission shall review the Final Plat for conformance with:
    - a) The approved Preliminary Plat.
    - b) Any conditions of approval of the Preliminary Plat.
    - c) The provisions of Chapter 236, Wisconsin Statutes.
    - d) This Ordinance.

- e) Any local Master Plan adopted under State Statutes.
  - f) Any official map adopted under State Statutes.
  - g) Any local rules and regulations.
  - h) Any comprehensive development plan or plan component.
  - i) Any neighborhood plans.
- 2) The Plan Commission shall within 60 days of submission of the Final Plat recommend approval, approval conditionally or rejection of such plat to the Village Board unless the time is extended by agreement in writing with the subdivider.
  - 3) The Village Board shall consider the recommendation of the plan commission if any and within 60 days of the date of submission of the Final Plat approve, approve conditionally or reject such Final Plat unless the time is extended by agreement in writing with the subdivider. Reasons for rejection shall be stated in the minutes of the Board meeting and a copy thereof of a written statement of such reasons shall be supplied to the subdivider.
  - 4) Failure of the Village Board to take action on the plat within 60 days, the time having not been extended and no unsatisfied objections having been filed and no unsatisfied conditions of the Preliminary Plat approval, the Final Plat shall be deemed approved.
  - 5) Miscellaneous Provisions.
    - a) Submission. If the Final Plat is not submitted within 36 months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat unless otherwise provided for in the Developer's Agreement by means of a phase development timetable.
    - b) Partial Platting. If permitted by the Village Board, the approved Preliminary Plat may be finally platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the subdivider proposes to record at one time, however, it is required that each such phase be final platted and be designated as a "phase" of the approved Preliminary Plat. Subsequent phases of the Final Plat shall be filed in accordance with the schedule set forth in the Developer's Agreement as adopted or amended by the Village Board.
    - c) Recordation. After the Final Plat has been approved by the Village Board and the Developer's agreement has been reviewed by staff, the Plan Commission and the Village Board, and approved by the Village Board, and the required improvements are either installed, or at a minimum the roadways are paved with the first lift of asphalt and all roadside ditches are at final grade, top soiled and seeded, the Village Clerk shall cause the certificate inscribed upon the Final Plat attesting that such approval to be duly executed and the Final Plat recorded with the Waukesha County Register of Deeds.

- d) Duplicate Plat. An identical reproducible copy of the plat along with the recording data shall be placed on file with the Village Clerk. An electronic version of the plat shall be submitted to be placed on file with the Village Clerk.
- (6) Objections must be satisfied. The Final Plat shall not be finally approved or deemed finally approved until all objections of all objecting and approving authorities and all conditions of the Plan Commission and Village Board have been satisfied.

### **3.03 MINOR LAND DIVISIONS (CERTIFIED SURVEY MAPS)**

- a) Certified Survey Map Filing.
  - 1) Any division of land other than a subdivision, condominium plat, replat or assessor's plat as defined in this Ordinance shall be divided by the subdivider by use of a Certified Survey Map. The Certified Survey Map shall be prepared by a registered land surveyor and filed in accordance with this Ordinance and Chapter 236, Wisconsin Statutes, and submitted for consideration by the Plan Commission and Village Board. Once the fifth and subsequent lots are divided from the parent parcel within five years of the initial division from the parent parcel of land, those subsequent land divisions are subject to the requirements of Section 8.14 of this Ordinance.
  - 2) Sixteen copies and the original of the final certified survey map shall be submitted to the Village Clerk after preliminary review of the final certified survey map by the Village Planner and Village Engineer. The Village Plan Commission shall refer the final certified survey map with its recommendations to the Village Board within 90 days of its initial submission to the Village Clerk unless the time is extended by the developer or agent. The Village Board shall approve or reject the final certified survey map within 90 days of its submission to the Village Clerk unless the time is extended by agreement with the developer or agent. If the final certified survey map is approved, a motion to that effect shall be adopted by the Village Board and certified by the Village Clerk on the original of the final certified survey map after paying all necessary fees. The map shall then be recorded in the office of the Waukesha County Register of Deeds
  - 3) The Village Clerk shall, as soon as practicable, transmit the copies of the Certified Survey Map to the Plan Commission and Village Board.
  - 4) The Village Clerk shall transmit a copy of the Certified Survey Map to all affected boards, commissions, departments, and staff for their review and recommendation concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission and Village Board prior to the meeting at which the map is to be discussed. The Village Board shall not approve such Certified Survey Map until the Village's professional staff, including the Village Engineer, has examined the map and filed a written report with the Plan Commission and Village Board concerning the proposed Certified Survey Map. The subdivider shall be required to furnish all technical data and other information required by all approving authorities under the provision of chapter 236 of the Wisconsin State Statutes and as required by the Village's professional staff in accordance

with this ordinance and all other Village ordinances at the **subdivider's** own cost and expense to be billed in accordance with the appropriate Village ordinance.

b) Certified Survey Map Review.

- (1) The Plan Commission shall review the Certified Survey Map for conformance with:
  - A) The provisions of Chapter 236, Wisconsin Statutes.
  - B) This Ordinance.
  - C) Any local Master Plan adopted under State Statutes.
  - D) Any official map adopted under State Statute.
  - E) Any local rules and regulations.
  - F) Any comprehensive development plan or plan component.
  - G) Any neighborhood plans.
- (2) The Plan Commission must within 90 days of the date of filing a Certified Survey Map recommend approval, approval conditionally or rejection of such Certified Survey Map to the Village Board unless the time is extended by agreement with the subdivider.
- (3) The Village Board must within 90 days of the date of the filing of a Certified Survey Map approve, approve conditionally or reject such Certified Survey Map unless the time is extended by agreement with the subdivider.
- (4) If the Certified Survey Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider.
- (5) Upon satisfaction of all conditions of approval, the original Certified Survey Map document shall be submitted for signature by the required Village officials. No signature shall be affixed to the Certified Survey Map until the Village is in receipt of all applicable fees and a copy of the map. The original map is then returned to the subdivider for recordation.
- (6) The subdivider shall record the map with the Waukesha County Register of Deeds within one year of its approval by the Village Board. If the subdivider fails to record the map within one year, the previously approved map is hereby rejected and the subdivider must recommence the entire procedure in this Ordinance unless an extension of time to file has been granted by the Village Board.
- (7) Duplicate Certified Survey Map. An identical reproduction copy of the Certified Survey Map along with the recording data shall be placed on file with the Village Clerk.

### **3.04 REPLAT**

When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Section 3.02 above. The Village Clerk shall schedule a public hearing before the Plan Commission when a Preliminary Plat of a replat of lands within the Village of Lisbon is filed, and shall cause notices of the proposed replat and public hearing to be mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 300 feet of the exterior boundaries of the proposed replat.

## **SECTION 4.00 PRELIMINARY PLAT**

### **4.01 GENERAL**

A Preliminary Plat shall be required for all subdivisions, shall be based upon a survey by a registered land surveyor, shall comply in all respects with the requirements of Chapter 236, Wisconsin Statutes, shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00, as applicable, of this Ordinance and the plat shall clearly and correctly on its face show the following information:

- a) Title or name under which the proposed subdivision is to be recorded. Subdivision names to specifically include "Lisbon" or another word that relates to the heritage of the site or the Lisbon community. Such title shall not be the same or similar to a previously approved and recorded plat in Waukesha County, unless it is an addition by the same owner to a previously recorded plat and is so stated on the plat;
- b) Property location of the proposed subdivision by: Government lot, quarter section, section, township, range, county and state;
- c) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section oriented on the sheet in the same direction as the main drawing;
- d) Date, graphic scale and north arrow. The scale shall not be more than 100 feet to one inch;
- e) Names and addresses of the owner, subdivider and land surveyor preparing the plat;
- f) Entire area contiguous to the proposed plat owned or controlled by the subdivider and/or owner shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- g) Date of preparation, including revision dates on all pages.

### **4.02 PLAT DATA**

All Preliminary Plats shall show the following:

- a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
- b) Existing and proposed topographic contours of not more than two-foot intervals of the lands to be subdivided and such other adjoining lands as may be necessary to determine adequate drainage for the proposed land division as determined by the Village Engineer. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1988 (mean sea level);

- c) Water elevations of adjoining lakes, water courses, rivers, and streams at the date of the survey and approximate high and low water elevations, all referred to mean sea level (1988) datum;
- d) Floodplain limits and the contour line lying a vertical distance of two feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five feet above the elevation of the maximum flood of record;
- e) Location, right-of-way width and names of all existing and platted streets, alleys or other public right of ways, easements, parks, cemeteries, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
- f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level (1988) datum;
- g) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;
- h) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;
- i) Locations of all existing property boundary lines, buildings and structures, drives, ditches, wetlands, steep slopes, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks, bridges, fence lines, drainage easements, natural drainage areas, landfills and other similar significant natural or man-made features within the tract being subdivided or immediately adjacent thereto;
- j) Location, width, approximate grades, and names of all proposed streets and public rights-of-way such as alleys, highways, easements for drainage and other public utilities;
- k) Approximate dimensions of all lots together with proposed lot and block numbers; location and approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainage ways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring platting;
- l) Approximate curve radius, point of curvature, point of tangency, point of intersection, tangent length, length of curvature, chord length, and deflection angle;
- m) Existing zoning on and adjacent to the proposed subdivision;
- n) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access;



- o) Any proposed lake and stream improvement or relocation;
- p) Soil type, slope and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service;
- q) Location of soil boring tests, where required by the Wisconsin Administrative Code, made to a depth of six feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per three acres shall be made initially. The results of such tests shall be submitted along with the Preliminary Plat;
- r) Location of soil percolation tests where required by the Wisconsin Administrative Code, conducted in accordance with the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per three acres or one test per lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat. Where mound systems are proposed, information required by the Wisconsin Administrative Code shall be submitted and may be required to be shown on the plat.
- s) If the subdivision borders any stream, water course or river, the distances and bearings of a meander line established not less than 20 feet back from the ordinary high-water mark of the stream, water course or river.
- t) Proposed building lines.
- u) Approximate dimensions of area of lots. Calculations in a tabular format which accurately state the following:
  - 1) Area in acres of the development.
  - 2) Average lot size.
  - 3) Overall development density factor.
  - 4) Minimum lot requirements per Village Zoning District(s).
  - 5) Approximate length of new roadways.
  - 6) Areas to be used for open space and storm water management.
- v) Additional information as requested by the Plan Commission or Village Board to verify ownership, clarify questions raised during the approval procedure, address concerns raised by neighbors or members of the Plan Commission or Village Board and any other information the Village Engineer, other Village professional staff, the Plan Commission or Village Board deems necessary to reach a decision on the Preliminary Plat. Failure to provide the requested additional information may be grounds for denial of the Preliminary Plat.

#### **4.03 STREET PLANS AND PROFILES**

The Plan Commission, upon recommendation of the Village Engineer, may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, storm sewer plans and profiles showing the location, grades, sizes, cross-sections, elevations and materials of required facilities, where applicable, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon mean sea level (1988) datum, and plans and profiles shall meet the approval of the Village Engineer.

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

**4.05 SOIL AND WATER CONSERVATION.** The Plan Commission, upon determining from a review of the Preliminary Plat by the Village Engineer that the soil, slope, vegetation and drainage characteristics of the site are such as to require substantial cutting, clearing, grading and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Village Board.

**4.06 AFFIDAVIT.** The surveyor preparing the Preliminary Plat shall certify on the face of the Plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

## **SECTION 5.00 FINAL PLAT**

**5.01 GENERAL.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Chapter 236, Wisconsin Statutes, which is hereby adopted by reference, and the Final Plat shall be submitted to the Village within 36 months of the approval of the preliminary plat.

**5.02 ADDITIONAL INFORMATION.** The Plat shall show correctly on its face, in addition to the information required by Chapter 236, Wisconsin Statutes, and Sections 4.01, 4.02, 7.00 and 8.00 of this Ordinance, the following:

- a) Exact length and bearing of the centerline of all streets;
- b) Exact street width along the line of any obliquely intersecting street;
- c) Railroad rights-of-way within and abutting the plat;
- d) Setbacks or building lines greater than those required by the Village ordinances, if deemed necessary by the Plan Commission;
- e) Utility and/or drainage easements;
- f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat;
- g) Special restrictions required by the Plan Commission relating to access control along public ways, delineation of floodland limits or to the provision of planting strips.
- h) Blocks, if designated, shall be consecutively numbered or lettered in alphabetical order. The blocks in numbered additions to subdivisions bearing the same name shall be numbered or lettered consecutively through the several additions. The exact length and bearing of the boundary lines of all blocks shall be shown.
- i) Lots in each block shall be consecutively numbered. Outlots, if approved, shall be numbered within each block. The square footage of each lot and outlot shall be shown on the plat and in addition thereto the plat shall show the exact acreage for each lot or outlot to the nearest 1/100<sup>th</sup> acre, such indicator to be located within the boundary of each lot or outlot on the plat.
- j) Meander lines by distance and bearings shall be shown with the distance the point of intersection of such meander lines with lot lines and ordinary high-water mark also shown.
- k) Driveways with preplanned location shall be shown on the plat.
- l) Septic systems shall be completely located on the lot they are to serve and shall be shown on the plat.

- m) Lots to be served by joint wells, along with the easements providing for said service, shall be shown on the plat. A joint well agreement shall be recorded.
- n) Restrictive covenants, deed restrictions, and easements for the proposed subdivision shall be filed with the final plat.
- o) The **Developer's** Agreement shall be reviewed by the professional staff and the Plan Commission, and approved by the Village Board, filed with the final plat, and recorded in the Waukesha County Register of Deeds office.

**5.03 DEED RESTRICTIONS.** The Plan Commission or Village Board may require that deed restrictions be filed with the Final Plat.

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

- a) Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in 10,000, or in azimuth, four seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure is obtained. When a satisfactory closure of the field measurements has been obtained, the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- b) All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks is close an error for any interior line of the plat greater than the ratio of one part in 5,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.
- c) The Plan Commission and Village Board shall receive the results of the Village Engineer's examination prior to the Village Board approving the Final Plat.

**5.05 SURVEYING AND MONUMENTING.** All Final Plats shall meet the surveying and monumenting requirements of Chapter 236, Wisconsin Statutes.

**5.06 STATE PLANE COORDINATE SYSTEM.** Where the Plat is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Village of Lisbon, Waukesha County or the Southeastern Wisconsin Regional Planning Commission, the Plat shall be tied directly to one or more of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village of Lisbon's control survey.

**5.07 CERTIFICATES.** All Final Plats shall provide all of the affidavits and certificates required by Chapter 236, Wisconsin Statutes, shall be lettered or printed legibly with black durable ink or typed legibly; and, in addition, the surveyor shall certify that he or she has fully complied with all of the provisions of this Ordinance.

**5.08 RECORDATION.** The Final Plat shall only be recorded with the Waukesha County Register of Deeds after the certificates of the Wisconsin Department of Development, of the Village Board, of the Plan Commission, of the surveyor, and those certificates required by Chapter 236, Wisconsin Statutes, are placed on the face of the Plat. Failure to record said Final Plat in accordance with State Statutes, may require the subdivider to have to recommence the entire procedure in this Ordinance at the option of the Village Board. State Statutes requires a plat to be recorded within twelve months of the last approval and within 36 months of the first approval.

**5.09 DUPLICATE PLAT TO BE FILED.** An identical reproducible copy shall be placed on file with the Village. An electronic version of the plat shall be submitted to be placed on file with the Village Clerk.

**5.10 HOUSE NUMBERS ASSIGNED.** The Village Engineer shall place upon a copy of the Final Plat on each lot shown on said plat the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances. The Village Engineer shall provide a copy of legal house number assignments on the plat to the building inspector and the Village Clerk.

## **SECTION 6.00 CERTIFIED SURVEY MAPS**

**6.01 GENERAL.** A certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respects with the requirements of Section 236.34, Wisconsin Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in Sections 7.00 and 8.00, as applicable, of this Ordinance.

**6.02 ADDITIONAL INFORMATION.** The map shall show correctly on its face, in addition to the information required by Section 236.34, Wisconsin Statutes, all information required by Sections 4.01, 4.02 and 5.02 of this Ordinance and the following:

- a. All existing buildings and structures, streams and watercourses, drainage ditches, drainage easements, marshes, wooded areas, railroad tracks, and other features pertinent to proper land division.
- b. Deed restrictions as required by the Plan Commission and/or the Village Board.

**6.03 STATE PLANE COORDINATE SYSTEM.** Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Village of Lisbon, Waukesha County or the Southeastern Wisconsin Regional Planning Commission, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distance and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village of Lisbon's control survey.

**6.04 CERTIFICATES.** The surveyor shall certify on the face of the map that he or she has fully complied with all the provisions of this Ordinance and Chapter 236. The Village Board and Plan Commission, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.

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

**6.05 RECORDATION.** The Certified Survey Map shall only be recorded with the Waukesha County Register of Deeds after the certificates of the Village Board, Plan Commission and the surveyor are placed on the face of the map.

**6.06 DUPLICATE PLAT TO BE FILED.** An identical reproducible copy along with recording data shall be placed on file with the Village Engineer.

**6.07 HOUSE NUMBERS ASSIGNED.** The Village Engineer shall place upon a copy of the map on each lot shown on said map the correct legal house number assigned to that lot in conformity with the grid system in effect in Waukesha County and any local ordinances.

## SECTION 7.00 DESIGN STANDARDS

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

- a) Arterial or major streets, as hereafter defined, shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- b) Collector streets, as hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets to which they connect.
- c) Minor streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm (drainage) and sanitary sewerage systems, and to require the minimum street area necessary to provide for safe and convenient access to abutting property.
- d) Proposed streets shall extend to the boundary lines of the tract being divided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the development or for the advantageous development of the adjacent tracts.
- e) Arterial Street and Highway Protection (Controlled Access). Whenever the proposed development contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.

- f) Frontage streets shall be designed in relation to the street which it serves and to the existing topography to provide for safe traffic flow and property value presentation.
- g) Stream or lake shores shall have minimum of 60 feet of public access platted to the low watermark at intervals of not more than one-half mile as required by Section 236.16(3), Wisconsin Statutes.
- h) Reserve strips shall not be provided on any division to control access to streets or alleys, and shall be prohibited except where the access control of such strips is placed with the Village of Lisbon under conditions approved by the Plan Commission and accepted by the Village Board.
- i) Street names shall not duplicate or be similar to existing street names elsewhere in the Village of Lisbon. Streets that are continuous of others already in existence and named shall bear the name of the existing street(s). Street names and numbers shall comply with the Village Code of the Village of Lisbon.

## **7.02 LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.**

Whenever the proposed division or development contains or is adjacent to the limited access highway or railroad right-of-way, the design shall provide the following treatment:

- a) When lots within the proposed division or development back upon the right-of-way of an existing or proposed limited access highway or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs; the building of structures hereon is prohibited."
- b) When lots within the proposed division or development front upon the right-of-way of an existing or proposed limited access highway or a railroad, said lots should be platted with extra depth to permit generous distances between the buildings and such traffic ways.
- c) Commercial and industrial properties shall have provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but not less than 150 feet.
- d) Streets parallel to a limited access highway or railroad right-of-way, when intersecting a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
- e) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.



**7.03 STREET AND PEDESTRIAN WAY DESIGN STANDARDS.** The minimum right-of-way and roadway width of all proposed streets shall be as specified by the comprehensive development plan, plan component, official map, neighborhood development study; or jurisdictional highway system plan; or if no width is specified therein, the minimum widths shall be as set by the Village Board. Street sections are for standard arterial streets only. Cross-sections for freeways, expressways and parkways should be based upon detailed engineering studies. In addition:

- a. Cul-de-sac designed as permanent installation and not to be extended at any time shall not be longer than 600 feet in length, except where topographical and particular conditions warrant an extension and will be subject to approval of a waiver and modification to this ordinance, at the sole discretion of the Plan Commission. Configuration shall be in accordance with the typical Village detail drawing.
- b. Streets intended to be extended at a later date as shown on the official road map shall have a temporary "T" turnaround. Configuration shall be in accordance with the typical Village detail drawing. All such streets must be approved by the Plan Commission. A note on the plat or CSM road shall state the road will be extended with a future subdivision of the adjoining parcel.
- c. Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:
  - 1) Arterial highways shall be designed so they will not be overtopped by the 50-year recurrence interval flood.
  - 2) Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.
- d. New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the 100-year recurrence interval flood, as established in the adopted comprehensive watershed plan or flood insurance study prepared by the Federal Emergency Management Agency. Larger permissible flood stage increases may be acceptable for areas having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice floes and other debris. All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources to assure compliance therewith.

- e. Street Grades. Unless necessitated by exceptional topography subject to the approval of the Plan Commission the maximum centerline grade of any street or public way shall not exceed the following:
- 1) Arterial/major streets: Six (6) percent.
  - 2) Collector streets: Six (6) percent.
  - 3) Minor streets and frontage roads: 10 percent.
  - 4) The grade of any street shall in no case exceed 10 percent unless necessitated by exceptional topography and waived as provided herein. The minimum grade of all streets shall be no less than 0.5 percent and such minimum shall not be permitted for long sustained distances. The “Minimum Street Grade” is established for the purpose of providing adequate slope for the associated roadside ditch flow. The standard relationship of the road ditch to the road centerline elevation is shown on the street typical detail made part of this Code. Long sustained distances as used in this section mean a distance in excess of 300 lineal feet. This restriction also applies to side yard swales.
- Street grades shall be established wherever practicable so as to avoid excessive grading, the excessive removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical parabolic curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rates of grade for streets, provided that no curve less than 60 feet in length need be used.
- f. Horizontal Curves. A minimum sight distance with clear visibility, measured along the centerline, shall not be less than the following:
- 1) Arterial/major streets and highways: 300 feet.
  - 2) Collector streets: 200 feet.
  - 3) Minor streets: 100 feet.
- g. Tangents. A tangent at least 100 feet in length shall be provided between curves.
- h. Vertical Curves. All changes in street grades shall be connected by vertical curves of a minimum length equivalent to 30 times the algebraic difference in the rate of grade for arterial/major streets and collector streets and 1/2 of this minimum length for all other streets.
- i. Half Streets. Where an existing dedicated or platted half street is adjacent to the tract being divided or developed, the other half of the street shall be dedicated by the subdivider. The platting of new half streets shall not be permitted.
- j. Boulevard Entrances. Where practicable as determined by the Plan Commission, all developments shall contain a boulevard entrance of at least 50 feet in length for subdivisions containing 20 lots or more, and 40 feet in length for subdivisions containing

less than 20 lots. All boulevards shall have a minimum width of 20 feet and shall include landscaping approved by the Plan Commission. Monument/ground signage shall be included within the median of the boulevard entrance as long as it meets all other village ordinances and does not interfere with the vision triangles on the plat or CSM.

- k. Development Requirements. The Village of Lisbon Village Board hereby establishes development requirements for roadways, culverts, curb and gutter and sidewalks as specified in Attachment 1, entitled "Chapter 3 Streets and Highways" attached hereto and incorporated herein by reference. Compliance with all such development requirements is required. In the event of a conflict between such development requirements, including, but not limited to, any such specifications or procedures, and the requirements of this Chapter, the more restrictive provision shall be required. In the event of a dispute as to which provision is more restrictive, the Village Board shall determine which provision applies, and the Village Board's decision shall be final. Attachment 1 is incorporated herein as though fully set forth in this subsection, and shall not be modified or amended in anyway except in accordance with the amendment procedures that are applicable to this Chapter.

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

- a) The number of streets converging at one intersection shall be reduced to a minimum, preferably not more than two (2).
- b) The number of intersections along major streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1,200 feet.
- c) Property lines at street intersections shall be rounded with a minimum radius of 15 feet or of a greater radius when required by the Plan Commission, or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
- d) Jogs. Minor streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 300 feet of each other, measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the juncture across the major or collector street is continuous; and a jog is avoided

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

- a) The length of blocks in residential areas shall not as a general rule be less than 400 feet nor more than 2,000 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

- b) Pedestrian ways (crosswalks) of not less than 15 feet in width may be required near the center and entirely across any block over 900 feet in length, where deemed essential by the Plan Commission to provide adequate pedestrian circulation or access to schools, parks, playgrounds, shopping centers, churches, transportation facilities, or other community facilities.
- c) The width of blocks shall be wide enough to provide for two (2) tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial uses shall be adequate to provide for service access, such as off-street loading and parking, required by the uses contemplated and the area zoning restrictions for such uses.
- d) Utility easements for electric power and telephone service shall, where practical, be placed on mid-block easements along rear lot lines.

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

- a) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face.
- b) Lot lines shall follow municipal boundary lines rather than cross them.
- c) Double frontage and reverse frontage lots shall be avoided except where necessary to provide separation of residential development from traffic arteries or to overcome specific disadvantages of topography and orientation.
- d) Access. Every lot shall front or abut on a public street. Lots with an access only to private drives or streets shall be permitted only with Plan Commission approval, and subject to the conditions of said approval and the provisions of the zoning ordinance.
- e) Lot width, area and dimensions shall conform to the requirements of the Zoning Ordinance and any other applicable zoning ordinances. Those building sites not served by a public sanitary sewerage system or other approved system shall be sufficient to permit the use of an onsite soil absorption sewage disposal system designed in accordance with the Wisconsin Administrative Code as well as with any applicable local ordinance.

Lots shall be designed with a suitable proportion between width and depth.

Excessive depth in relation to width shall be avoided. Neither long and narrow nor wide and shallow lots are normally desirable. Lots shall be designed so the depth to width ratio does not exceed 2- 1/2 to 1, nor shall the width be less than 150 feet unless a waiver is granted as provided herein. Depth of lots or parcels reserved or laid out for commercial or industrial uses shall be adequate to provide for service access, such as off-street loading and parking, required by the uses contemplated.

- f) Width of lots shall conform to the requirements of the Zoning Ordinance, or other applicable ordinance, and in no case shall a lot be less than 60 feet in width at the building setback line. The width of lots on curves shall be measured at a point of tangency of the setback arc at the mid-point of the curve for the lot.
- g) Corner lots shall be designed to permit full building setbacks from both streets as required by the zoning ordinance requirements.
- h) Lands lying between the meander line and the water's edge and any other lands not suitable for platting which lie between a proposed division or development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream.
- i) Oversized lots are allowed, but where lots are created of a size larger than normal for the area, the Plan Commission may require that the division or development be so designed as to allow for the possible future redivision of such lots into normal sizes compatible with the immediate area.
- j) Residential lots abutting on arterial or major streets and highways shall be platted with sufficient depth to permit adequate separation between buildings and such traffic ways.
- k) Lots at right angles to each other should be avoided.

**7.07 BUILDING AND SETBACK LINES.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Plan Commission.

**7.08 EASEMENTS.** The Plan Commission may require utility easements at least 10 feet in width across lots or centered on rear or side lot lines for electric power, communication and cable television lines, wires, conduits, storm and sanitary sewers and gas, water and other utility lines. All easements for village utilities shall be dedicated to the Village of Lisbon unless otherwise provided.

Where a division or development is traversed by a watercourse, drainageway channel or stream, a storm water easement or drainage right of way conforming substantially with the lines of such water course, and such further width or construction, or both, as will be adequate for the purpose. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by open channels with landscaped banks and of adequate size, width and grade to hydraulically accommodate maximum potential volumes of flow. These design details are subject to review and approval by the Village Engineer.

**7.09 PUBLIC SITES AND OPEN SPACES.** In order that adequate land for open spaces and public uses may be properly located, preserved, developed constructed, remodeled, expanded, and improved as the Village of Lisbon develops; and in order that the cost of providing park lands, recreation lands, playgrounds, trails, schools, open space, or other public sites, facilities, fixtures and equipment necessary to serve the additional individuals brought into the Village of Lisbon may be most equitably apportioned on the basis of the additional need created by the individual development of land, the following provisions are established:

- a) Dedication requirement. Each Land Divider shall be required to dedicate land or pay fees in lieu of land for park and other public uses.
- (1) Public ways. Whenever a tract of land to be divided within the Village encompasses all or any part of a street, highway, trail, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Village Comprehensive Development Plan, Official Map or other duly adopted plan implementation device of the Village, the Subdivider shall plat said public way in the locations and dimensions indicated on said Plan or other plan implementation device. The Village Board shall (with or without a recommendation from the Plan Commission) determine whether said public way should be dedicated to the public or reserved by the Subdivider.
  - (2) Parks, conservancies, and schools. Whenever a tract of land to be divided within the Village encompasses all or part of a park site, open space, conservancy, trail, or other recreation area or school site designated in the Village Comprehensive Development Plan, Official Map or other duly adopted plan implementation device of the Village, the Subdivider shall plat said public sites in the locations and dimensions indicated on said plans, map, or other plan implementation device in accordance with Chapter 13 and Sections 2.03 and 8.14 of this chapter. The Village Board shall (with or without a recommendation from the Plan Commission and/or Park Committee) determine whether said public site should be dedicated to the public or reserved by the Subdivider
- b) Findings
- (1) The Village finds that additional residential development directly produces a need for more open space, recreational facilities, athletic fields, parks, and playgrounds.
  - (2) The Village has been advised that there exist nationally recognized standards for community parkland, recreational space and facilities, and capital investment in athletic fields and parkland. Pursuant to these standards, and with additional input from the public, the Village has created a plan for future park and recreational facilities, and has projected the cost of realizing those facilities. The Village finds that a substantial portion of the capital costs and land acquisition expenses will be incurred by the Village in order to meet the needs created by new Development in the Village.
  - (3) The Village finds that there is a direct causal relationship between additional Development and the need for additional public parks, recreational land, playgrounds, and athletic fields. The extent of the demand for such additional facilities has been reasonably estimated in the Village 's plans, and the dedications or fees imposed under this ordinance are proportional to the impact of the developments.
  - (4) The Village has determined to impose a park impact fee and/or a requirement for land dedication in accordance with the requirements of Wis. Stat. § 66.0617 and Chapter 13 of this Code for land to be developed in the Village.
- c) Fee in lieu of dedication. In areas where land dedication is not desired by the Village, a

fee established pursuant to Chapter 13 of this Code and incorporated in the Village fee schedule times the number of Lots or number of approved Dwelling Units, whichever is greater, shall be required. Where the Land Division does not specify the number of Dwelling Units to be constructed, the land dedication shall be based upon the maximum number of units permitted by the applicable zoning and this chapter.

- d) Collection of fee; security. The fee imposed in Chapter 13 of this Code and referenced in Subsection 7.09(c) above shall be the responsibility of the Developer. As surety, the letter of surety required by the Developer Agreement shall be increased as necessary to cover the balance of outstanding park fees at the time the Developer Agreement and Final Plat are signed by the Village. The Village may make a demand on the surety, including interest, if payment is more than 15 days late. On an annual basis, the surety can be reduced as additional park fees are paid.
- e) Land dedication or fee in lieu of dedication determination. The determination of whether land dedication, fees in lieu of land dedication or a combination thereof will be required shall be at the sole discretion of the Village Board, with the advice of the Park Committee.
- f) General design. In the design of a Land Division, planned unit development, or development project, provision shall be made for suitable sites of adequate area for parks, playgrounds, athletic fields, open spaces, drainage ways, Recreational Trails, conservancy areas, and other public facilities. Such sites are to be shown on the Preliminary Plat and Final Plat or Certified Survey map, and shall comply with the Village of Lisbon Master Plan, Park and Open Space Plan, and any other plan affecting public areas adopted by the Village Board, or components of said plans. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and wildlife communities. The Village may also consider the feasibility of a site providing reasonable access pursuant to applicable ADA standards.

## **SECTION 8.00 REQUIRED IMPROVEMENTS AND INSTALLATIONS**

Before the final plat of a subdivision will be approved, the subdivider will provide and dedicate all required facilities and improvements which must be installed or constructed with the time recommended by the Plan Commission and required by the Village Board, but in no event to exceed two years, or shall provide security and developers agreement.

**8.01 SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of 236.16, Wis Stats and as may be required by the Village Engineer.

**8.02 GRADING.** After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Engineer. The subdivider shall grade the roadbeds in the street rights-of-way to subgrade. Topsoil, mucky soil, peat and unstable material shall be removed below the subgrade of roads and replaced with suitable, sound fill materials.

Cut and filled lands shall be graded to a maximum slope of one to three or the soils angle of repose, whichever is the lesser, and covered with permanent vegetation.

**8.03 STREET AND STORM SEWER CONSTRUCTION.** The subdivider shall install storm sewer, road base, curb and gutter and road surfacing at his/her own expense with a review and inspection conducted by the Village Engineer.

**8.04 RURAL STREET SECTIONS.** When permanent rural street sections have been approved by the Plan Commission for land divisions, the subdivider shall install roadways including finish grade all shoulders and road ditches, install all necessary culverts at intersections and, if required, surface ditch inverts to prevent erosion and sedimentation in accordance with the Village of Lisbon Standard Street Cross Section (refer to exhibit) and approved construction plans.

**8.05 SIDEWALKS.** The Plan Commission may require the subdivider to construct a concrete sidewalk on both sides of all arterial and collector streets and may require the construction of sidewalks on one or both sides of all other streets. The Plan Commission may also require the subdivider to construct a concrete sidewalk on one side of all frontage streets and on both sides of all other through, and/or continuous streets within the subdivision. The Plan Commission may also require the subdivider to construct concrete sidewalks on one or both sides of all dead end or cul-de-sac streets which are in excess of 600 feet in length or which serve two-family developments. The construction of all sidewalks shall be in accordance with plans and standard specifications approved by the Village Engineer.

In addition, wider than standard sidewalks may be required by the Plan Commission in the vicinity of schools, commercial areas and other places of public assemblage, and the Plan Commission may require the construction of sidewalks in locations other than required under the preceding provisions of this code, if such walks are necessary in their opinion for safe and adequate pedestrian circulation.

**8.06 PUBLIC SANITARY SEWERAGE.** When public sanitary sewerage facilities are available to the division or development, the subdivider shall construct sanitary sewerage



facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- a) The Plan Commission may require the installation of sewer laterals to the street lot line.
- b) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- c) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals and sewer appurtenances within the proposed division or development, as well as extending such sanitary sewers, sewer laterals and sewer appurtenances to the proposed development site.

**8.07 STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct storm water drainage facilities, adequate to serve the land division or development which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, water retention or detention structures, outlet structures, culverts, drainage channels, settling basins, and such other facilities necessary to provide adequately for surface water drainage and management according to the established standards of the Village. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designated as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. When culverts are required, corrugated metal or reinforced concrete culverts shall be installed prior to acceptance of a street. Culverts in excess of 18 inches shall be arch culverts. Culverts shall be a minimum of 44 feet long. Refer to Chapter 3, Streets and Highways of the Village Code. In addition:

- a) Drainage facilities shall, if required, include water retention structures and settling basins so as to prevent erosion and sedimentation where such facilities discharge into streams or lakes. The design criteria, the size, type, grades and installation of all storm water drains and sewers and other cross-section, invert and erosion control paving check dams, flumes or other energy dissipating structures and seeding and/or sodding of open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Engineer and the Master Grading Plan and Storm Water Plan. The design shall also comply with NR-151, NR-216, the Waukesha County Storm Water and Erosion Control Ordinance and the Village of Lisbon's Storm Water Ordinance.
- b) All drainage easements shall be graded in such a manner as to confine water flow to easements areas as shown on the plat, and all grading shall be approved by the Village Engineer prior to acceptance of the plat.
- c) The subdivider shall assume the cost of installing all storm water, storm sewer, and drainage facilities within the proposed land division or development.

**8.08 WATER SUPPLY FACILITIES.** When public water supply and distribution facilities are

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

- a) The Plan Commission may require the installation of water laterals to the street lot line.
- b) The size, type and installation of all public water mains proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- c) The subdivider shall assume the cost of installing all water mains, water laterals and appurtenances within the proposed division or development.

**8.09 OTHER UTILITIES.** The subdivider shall cause appropriate utilities such as gas, electrical power, cable television and telephone facilities to be installed in such a manner as to make adequate service available to each lot. No such electrical, cable television or telephone service shall be located on overhead poles unless approved by the Plan Commission. In addition, plans indicating the proposed location of all gas, electrical power and telephone distribution and transmission lines required to service the plat shall be approved by the Village Engineer. Transformer junction boxes, meter points, or similar equipment may be installed upon the ground surface. The Plan Commission may require landscape screening for such above ground equipment.

**8.10 STREET LAMPS.** The Village Board shall require the subdivider to pay for the installation of street lamps, if they are required, along all streets proposed to be dedicated of a design compatible with the neighborhood and type of development proposed for public safety and convenience. Such lamps shall be placed at each major subdivision entrance and connection to a village road and at other locations as may be required by the Plan Commission. All street lamps shall be lit with energy efficient bulbs per the specifications of the Village Engineer.

**8.11 STREET SIGNS.** The subdivider shall pay the cost of the acquisition and installation of required street signs of a design as approved by the Village Engineer at the intersections of all streets proposed to be dedicated and other necessary locations. All new and replacement street signs shall be reflective and incorporate north and west directional information in addition to the street name and a reference to "Lisbon".

**8.12 STREET TREES.** In all subdivisions, the developer shall plant at least one (1) tree from a list of approved species an average of no more than 60 feet of frontage along all streets proposed to be dedicated and outside of the road right-of-way. The tree shall be at least six (6) feet in height and two (2) inches in diameter at breast height (dbh) at the time of installation. Tree planting shall include a variety of trees and be completed in accordance with plans and specifications approved by and at such time as directed by the Plan Commission. The placement and selection of street trees should not hamper or interfere with solar access to natural light and air for nearby lots.

**8.13 SEDIMENT CONTROL.** The subdivider shall plant those grasses, trees and vines, a

species and size specified by the Plan Commission, necessary to prevent soil erosion and sedimentation. In addition:

- a) The Plan Commission may require the subdivider to provide or install certain protection and rehabilitation measures, such as fencing, sloping, seeding, riprap, revetments, jetties, clearing, dredging, snagging, drop structures, brush mats, willow poles and grade stabilization structures.
- b) Tree cutting and shrubbery clearing on water front lots shall not exceed 30 percent of the lot or tract and shall be conducted as to prevent erosion and sedimentation; preserve and improve scenic qualities; and, during foliation, substantially screen any development from stream or lake users.
- c) Paths and trails in wooded and wetland areas shall not exceed ten (10) feet in width unless otherwise approved by the Plan Commission, and shall be so designed and constructed as to result in the least removal and disruption of trees and shrubs and the minimum impairment of natural beauty. Also reference Addendum A.
- d) Earth moving, such as grading, topsoil removal, mineral extraction, stream course changing, road cutting, waterway construction or enlargement, removal of stream or lake bed materials, excavation, channel clearing, ditching, drain tile laying, dredging and lagooning shall be so conducted as to prevent erosion and sedimentation and to least disturb the natural fauna, flora, watercourse, water regimen and topography. (See Sections 9.04 and 9.05 of this Ordinance.) No topsoil may be removed from the site without permission of the Plan Commission.
- e) Review of the conduct of such cutting, clearing and moving may be requested by the County Soil and Water Conservation District Supervisors, the State District Fish and Game managers and the State District Forester by the Village Engineer, or Plan Commission, as they deem appropriate.

## **8.14 FIRE PROTECTION WATER TANK REQUIREMENTS.**

- a. Once the fifth and subsequent lots are divided from the parent parcel within five years of the initial division from the parent parcel of land, those subsequent land divisions are subject to the below requirements.
- b. The Subdivider and any property owner shall provide emergency water reservoirs for fire protection or, where in the opinion of the Plan Commission, the fire protection needs of the subdivision can be better met by use of a tanker vehicle, the Subdivider has the option to pay a fee equivalent to the cost of an installed on-site water storage tank(s), per schedule below, to the Village in-lieu-of providing on-site water storage. Any funds received by the Village under the provision of this section shall be used exclusively for the purchase and maintenance of fire engine or water tender vehicles.
  - 1) Emergency water reservoirs for fire protection purposes within subdivisions shall be provided as follows:
  - 2) Subdivisions from:
  - 3) \*Five to thirty-nine lots: 1 - 10,000 gallon reservoir
  - 4) \*Forty to seventy-nine lots: 2 – 10,000 gallon reservoirs
  - 5) \*Eighty to one hundred and twenty lots: 3 – 10,000 gallon reservoirs
  - 6) One additional tank for each additional forty lots above one hundred and twenty. The location of the tanks shall be specified by the Chief of the Fire Department.
- c. Specifications for the tank and installation shall be as follows:
  - 1) Sand bedding will be used for the base and backfilling around the tank.
  - 2) Any steel tank will be tested per UL-58 standard for tank construction using a 5 to 7 psi pressure test for at least 1 hour. The outside of the tank shall be coated to prohibit corrosion. A two-part coal extended polyurethane coating, 10 to 15 mil thick, or optional 60 mil fiberglass reinforced polyester laminate coating, or equivalent coating pre-approved by the fire department are required.
  - 3) The drafting/suction pipe height above the finished road surface shall be twenty-four inches to the centerline of the elbow fitting of the six-inch pipe. The six-inch elbow will have an adaptor from six-inch pipe thread to six-inch male NST (fire thread). Supplied on the six-inch male NST thread will be a six-inch by six-inch double female swivel adapter with rocker lugs. A rocker lug plug (male thread cap) with chain will be supplied on the end.
  - 4) The drafting pipe shall extend to within twelve inches of the bottom of the tank. The length of the draft pipe shall be kept to a minimum after meeting the requirements of section 3 above. The drafting pipe shall be six inches in diameter and shall terminate with an elbow to accept the six-inch adaptor, hydrant fitting, cap, and chain.
  - 5) A screened four or five-inch vent pipe with the opening facing downward shall be included in all tanks. This shall extend a minimum of 24 inches above the final

roadway surface. A four-inch fill pipe with elbow shall be included on each tank. This shall extend a minimum of 24 inches above the final roadway, as measured at the pipe and include a 2.5-inch Siamese "Y" with caps and chains.

- 6) The maximum distance from the road edge to the drafting pipe shall not exceed nine feet, to enable a fire engine, positioned on the finished road surface, to easily reach the draft pipe with one section of the standard hard suction hose.
- 7) All above ground piping shall be primed and painted red for suction, white for vent, and yellow for fill before the tank is approved for service and filled.
- 8) A "No Parking" sign shall be installed at the location specified by the Fire Department. The sign and installation shall be at the expense of the subdivider.
- 9) Installation shall be made with consideration of the winter temperatures. Steps shall be taken to ensure the piping and water in the tank will not freeze during extended periods of below freezing temperatures.
- 10) Ballast shall be installed with all tanks.

d. Administrative Procedures

The Subdivider or Subdivider's Contractor who is responsible for installation of the Fire Protection Water Tank shall notify the Village Engineer for the purpose of scheduling and performing an inspection of said tank, fittings, bedding and backfill.

The Village Engineer's Staff shall be given 48 hours notification prior to installation of the Fire Protection Water Tank. A representative of the Village Engineer's office must be present at the time the tank is installed.

The cost of the inspection shall be charged at the Village Engineer's standard hourly rate. Payment shall be drawn on the Developer's Letter of Credit which has been posted with the Village of Lisbon prior to commencement of the development construction.

All new or upgraded installations shall require inspection. Once approved and inspected tanks shall be filled by the Fire Department. Water tank inspection data shall be filed with the Village Clerk and the Fire Department.

**8.15 TRAILS.** Pedestrian trails for new subdivisions may be required by the Plan Commission. The surface of the trails shall be asphalt along or near roadways, and gravel, paved, or of a surface otherwise approved by the Plan Commission in other locations. Trails shall be for public use and linked to abutting parcels. Trails shall be maintained by the subdivision association, and lot owners will be special assessed if maintenance is required as determined by the Village Board. Trails may also be utilized for non-motorized purposes such as bicycling. Trails through wetland and floodplain areas shall be avoided and trails through wooded areas shall be allowed, as far as practical, and in all cases, trails through these environmentally sensitive areas shall minimize the removal of trees, shrubs, and other vegetation, create no overall grade change, and preserve the natural beauty of the area. Wood chips may be allowed on paths through wooded areas if approved by the Plan Commission (also reference Addendum A).

**8.16 SUBDIVISION SIGNAGE.** The developer shall install attractive ground/monument signage of masonry construction, preferably including stone obtained locally within the Village of

Lisbon, or other material approved by the Plan Commission. The signage shall be approved by the Sign Code Administrator and the type, number, area, location, height, and maintenance of the signage shall be in accordance with the village's sign ordinance. The subdivider shall include a reference to "Lisbon" on all subdivision entrance signs.

**8.17 STREETS AND HIGHWAYS.** Streets shall be graded and surfaced according to the provisions of this ordinance and Attachment 1 (Chapter 3, Streets and Highways of the Village Code) which is attached hereto and incorporated herein by reference.

## **SECTION 9.00 CONSTRUCTION STANDARDS**

**9.01 COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed division or development until a **Developer's Agreement** has been entered into with the Village, agreeing to install the required improvements and shall file with said agreement, a security, meeting the approval of the Village Attorney, in an amount equal to the estimated construction costs of the improvements and fees, plus an additional 20% of said cost and fees, said estimate to be made by the Village Engineer as a guarantee that such improvements will be completed by the subdivider or his or her subcontractors not later than the date or dates provided in the agreement and as a further guarantee that all obligations for work on the development are satisfied. All fees shall be required as specified in Section 10.00 of this Ordinance and a Letter of Credit or cash deposit will be required along with all additional fees at Final Plat approval.

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

**9.03 PLANS.** The following plans and accompanying construction specifications may be required by the Village Engineer before authorization of construction or installation of improvements:

- a) Grading plans for the entire division or development and such areas surrounding the division or development showing existing and proposed grades at no less than a two- foot interval contour.
- b) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements.
- c) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities, when located within the existing or proposed sanitary sewer service area.
- d) Storm sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
- e) Water main plans and profiles showing the locations, sizes, elevations and materials of required facilities, when located within the existing or proposed sanitary sewer service area.
- f) 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, the time span that soil will be exposed, plans to protect existing vegetation (fences, tree wells, etc.) shall be prepared and such plans shall generally follow the guidelines and standards set forth in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Village Board.
- g) Planting plans showing the locations, age, caliber and species of any required grasses, vines, shrubs and trees.
- h) Plans for curbs, sidewalks, gutters and street sewers, if required by the Plan Commission.

- i) The length and size of all culverts shall be determined by the Village Engineer. The minimum culvert size shall be 15 inches in diameter or equivalent.
- j) The subdivider shall pay the cost of the acquisition and installation of required street signs, culvert posts and guard rails.
- k) All roads shall be surfaced as provided in Figure 1, to a width of 24 feet and to be laid 12 feet on each side of the centerline of such road and as shown on the Village standard road cross section.
- l) The center of the roadbed shall be on the centerline of the land dedicated for road purposes.
- m) The grade of said roadbed shall conform to the approved profiles. On dead end roads, a cul-de-sac easement shall be established and constructed and paved in accordance with Figure 3.
- n) Additional special plans or information as required.

**9.04 EROSION CONTROL.** The subdivider shall cause all grading, excavations, open cuts, side slopes and other land surface disturbances to be so top soiled, mulched, seeded, sodded, fertilized or otherwise prepared, protected and maintained that erosion, siltation, sedimentation and washing are prevented, in accordance with the plans and specifications approved by the Village Engineer. In addition:

- a) Sod shall be laid in strips at those intervals necessary to prevent erosion and at right angles to the direction of drainage.
- b) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
- c) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
- d) Sediment basins shall be installed and maintained at all drainage ways to trap, remove and prevent sediment and debris from being washed outside the area being developed.
- e) Construction practices shall follow the guidelines outlined in any and all ordinances, rules, regulations and publications adopted by separate resolution by the Village Board.

**9.05 EXISTING FLORA.** The subdivider shall make every effort to protect and retain all existing trees – particularly old growth or historic trees, shrubbery, vines and grasses not actually lying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails, unless otherwise approved for removal by the Plan Commission. Such flora is to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands or retaining walls whenever abutting grades are altered. The Plan Commission may require mapping, as it deems necessary, of the existing flora so as to result in the least removal and disruption of trees, shrubs, vines, and grasses and the minimum impairment of natural beauty.

**9.06 INSPECTION.** The subdivider, prior to commencing any work within the division or development, shall make arrangements with the Village Engineer to provide for adequate inspection. The contractor or developer shall provide 72 hours notice to the Village Engineer



prior to the inspection and shall perform a proof roll of the roadway subgrade and aggregate base course. Any area found to be yielding shall be undercut and proof rolled until yielding is corrected. The contractor or developer shall also provide 48 hours notice prior to placement of any asphalt pavement on the site.

**9.07 INSTALLATION OF IMPROVEMENTS.** All improvements in divisions or developments shall be installed by the subdivider according to the following procedure: The subdivider shall cause all construction plans, specifications and cost estimates to be prepared. The plans shall be prepared by a professional engineer registered in Wisconsin.

- a) The Village Engineer shall review or have reviewed the construction plans, specifications and cost estimates for conformance with the requirements of the Village of Lisbon, and shall approve, reject or conditionally approve in writing the proposed construction plans, specifications and cost estimates for conformance with the requirements of the Village of Lisbon.
- b) The subdivider shall supply the Village of Lisbon with cash, or an irrevocable letter of credit approved by the Village Attorney and the Village Board in the amount of estimated cost of improvements and other fees as approved by the Village Engineer. The Village Engineer may from time to time raise the amount of the estimated costs of said improvements. Within 30 days of written notice of said change, the subdivider shall increase the financial guarantee by that amount or any other amount acceptable to the Village Board. Reduction of the financial guarantee for any purpose shall be made only after written approval of the Village Engineer and the Village Board. As the required improvements are installed and accepted, the Village Board may authorize reduction of the financial guarantee in the amount deemed appropriate. No surety bonds will be accepted as financial guarantee.
- c) The subdivider shall supply the Village Board with a list of contractors from whom the subdivider proposes to solicit proposals for the installation of the improvements. The list shall include prequalification statements from each proposed contractor. The Village Board shall have the right to review said information and discuss it with the subdivider.
- d) The subdivider shall enter into a contract with those contractors it may wish after submitting the information required in paragraph C above in a form satisfactory to the Village Engineer and after discussion of said information with the Village Board.
- e) The developer may be required to make and pay for any road improvements needed to abutting roads or any damage to existing roads resulting from the proposed development or any damage caused by new road installation for proposed development as determined by the Plan Commission.

**9.08 STREET AND STORM SEWER INSTALLATION.** Streets and storm sewers shall be installed as provided in Section 8.03 of this Ordinance.

**9.09 FINAL INSPECTION AND ACCEPTANCE.** Prior to the request for final inspection for acceptance by the Village, the subdivider shall provide the Village Engineer with a written certification from the subdivider's engineer or surveyor to the effect that the roads and all other improvements and facilities conform to all village specifications, plans, profile maps and grades previously filed and approved. Final inspection and approval of completed roads will not be given until a minimum of seven days after the surface course has been applied and inspected. Final

acceptance of the roads will be made only between March 1st and November 1st of any year.

The Village Engineer shall inspect and approve all completed roads and other improvements and facilities prior to approval of the Final Plat or release of the financial guarantee.

## **SECTION 10.00 FEES**

**10.01 GENERAL.** The subdivider shall pay the Village of Lisbon all fees as hereinafter required and at the times specified.

**10.02 PRELIMINARY PLAT REVIEW FEE.** The subdivider shall pay a fee which shall be set by resolution adopted by the Village Board from time to time, for the submittal of a Preliminary Plat, replat or Certified Survey Map to the Village Clerk at the time of first submittal of any Preliminary Plat, replat or Certified Survey Maps to assist in defraying the cost of review by the Plan Commission and Village Board. A resubmittal fee shall be paid to the Village Clerk at the time of resubmittal of any Preliminary Plat, replat or Certified Survey Map which has previously been reviewed.

**10.03 FINAL PLAT REVIEW FEE.** The subdivider shall pay a fee which shall be set by resolution adopted by the Village Board from time to time, for the submittal of a Final Plat to the Village Clerk at the time of first submittal of any Final Plat to assist in defraying the cost of review by the Plan Commission and Village Board. A resubmittal fee shall be paid to the Village Clerk at the time of a resubmittal of any Final Plat which has previously been reviewed.

**10.04 IMPACT FEE.** See Chapter 13 Lisbon Village Code of Ordinances.

**10.05 ENGINEERING FEE.** The subdivider shall pay a fee equal to the actual cost to the Village of Lisbon in connection with a Plat, replat, Certified Survey Map or development including but not limited to all costs incurred by the Village of Lisbon for review of plans and documents, inspections, field surveys, etc., within thirty (30) days of notice of the same, prior to being entitled to recording of a Plat, replat or Certified Survey Map or acceptance of any improvement or final approval of a development, whichever is earliest.

**10.06 ADMINISTRATIVE FEE.** The subdivider shall pay a fee equal to the actual cost of any legal, planning, administrative or fiscal work which may be undertaken by the Village of Lisbon in connection with the Plat, replat, Certified Survey Map or development. In the event any special meetings are called, either by the Village Board or the Plan Commission, for the benefit of the Plat, replat, Certified Survey Map or development, the subdivider may be required to pay to the Village of Lisbon all expenses for such a special meeting, including any extra salaries paid to Village Officials. All such fees shall be paid by the subdivider within thirty (30) days of notice of the same.

**10.07 STREET LAMP AND STREET SIGN COSTS.** The subdivider shall pay the actual cost of acquiring and installing street lamps and street signs pursuant to the policy set forth in Sections 8.10 and 8.11 of this Ordinance within thirty (30) days of notice of the same.

**10.08 DRAINAGE EASEMENT FEES.** To address future easement maintenance, the subdivider or owner shall pay a drainage easement fee prior to the Final Plat or Certified Survey Map being approved, which shall be set by resolution adopted by the Village Board from time to time.

## SECTION 11.00 DEFINITIONS

**11.01 GENERAL DEFINITIONS.** For the purpose of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word "person" includes associations, co partnerships or corporations. The word "shall" is mandatory and not directory. The word "may" is permissive. All terms used which are defined in Chapter 236 of the Wisconsin Statutes shall have the same meaning as ascribed thereto in the chapter, and as the chapter may hereafter be amended, unless otherwise defined in this Ordinance or unless the context and subject matter clearly indicates otherwise.

### 11.02 SPECIFIC WORDS AND PHRASES.

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

**APPROVING AUTHORITY** Any municipal, county, or state agency authorized to approve or disapprove of plats within the Village as provided in Chapter 236 of the Wisconsin State Statutes.

**ARTERIAL STREETS** A street used, or intended to be used primarily for fast or heavy through traffic. Arterial streets shall include freeways and expressways, as well as standard arterial streets, major streets, highways and parkways.

**ASSESSOR'S PLAT** Plats developed under Section 70.27, Wisconsin Statutes.

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

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

**BUILDABLE AREA** A portion of a development parcel that can be used for construction, and is determined to be inside the setbacks and offsets of the zoning code.

**CERTIFIED SURVEY MAP** A map of a land split prepared in accordance with § 236.34, Wis. Stats.

**COLLECTOR STREET** A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets and highways including the principal entrance streets to residential developments and streets for circulation within such a development.

**COMMUNITY** A municipality or a group of adjacent municipalities having common social, economic or physical interests.

### **COMPREHENSIVE DEVELOPMENT PLAN**

The extensively developed plan, also called the Village of Lisbon Master Plan," adopted by the Village Plan Commission and certified to the Village Board pursuant to §§ 62.23, 61.35 and 60.22(3), Wis. Stats., except that "Comprehensive Plan" shall mean the Comprehensive Plan defined and described in § 66.1001, Wis. Stats., at such time as such document is adopted by the Village Board. The Comprehensive Plan may include detailed neighborhood plans, proposal for future land use, transportation and public facilities. Devices for the implementation of this plan, such as zoning, an official map, land division and building ordinances and a capital improvements program, shall also be considered a part of the Comprehensive Plan.

**CONDOMINIUM PLAT** Any development proposal presented to the Municipality designed under Chapter 703, Wisconsin Statutes. A condominium is a legal form of ownership of real estate and not a specific building type of style.

**COUNTY** Waukesha County, Wisconsin.

**COUNTY DEPARTMENT OF PARKS AND LAND USE** Waukesha County Department of Parks and Land Use.

**CUL-DE-SAC** Any street with one end closed either permanently or temporarily with a turnaround provided for vehicles.

### **DEVELOPER**

Any person, firm or entity, or any agent thereof, owning, dividing or proposing to divide land resulting in a subdivision, minor subdivision, condominium plat or replat. For the purposes of this chapter, lots and property shall be considered in the same ownership when:

- A. Owned by the same individual or corporation, an individual and another in joint tenancy, or as tenants in common, and either of said joint or common tenants owns other lots individually or as a joint tenant or tenant in common, together with another, an individual, and other lots are owned by his spouse, parent, grandparents, children, grandchildren, or a brother or sister or spouse of the brother or sister of such person;
- B. Any of said lots are owned by an individual and other lots are owned by a corporation (broadly interpreted to include, but not limited to, business corporations, non-stock corporations, service corporations and limited liability companies) in which said individual is an officer or director or controlling stockholder;
- C. Any of said lots are owned by an individual and other lots are owned by a partnership in which said individual is a partner; and
- D. Any of said lots are owned by a group of individuals who are acting in concert to divide and/or develop adjoining parcels of property.

### **DEVELOPER'S AGREEMENT**

An agreement by which the Village and the developer agree in reasonable detail to all of those matters which the provisions of these regulations permit to be covered by the developer's agreement. The developer's agreement shall not take effect unless and until an irrevocable letter of credit or other appropriate surety has been issued to the Village.

**DEVELOPMENT (URBAN)** Residential, commercial, industrial, governmental and institutional development in sufficient concentrations or densities to require consideration, whether available or not, of a variety and level of traditional urban services and facilities including, but not limited to: Full, part-time or contracted municipal police and fire protection, additional public streets and highways; neighborhood parks and playgrounds; sanitary sewer facilities, water supply facilities and solid waste removal; storm sewers; continual street maintenance; curbs, gutters and sidewalks; and street lighting. Such development may be expected to alter or require the altering of land and land cover and have detrimental impact on the ground and surface waters. Urban development is deemed to occur when residential development is concentrated in densities in

excess of one dwelling unit per five acres.

**DEVELOPMENT (RURAL)** Agricultural, residential, recreational and other open space development at such concentrations and densities not requiring traditional urban services and facilities. Such rural development may be expected to result in minimum disturbance of the land and land cover and, therefore, less impact on the natural environment. Rural development is deemed to occur when residential development is concentrated in densities not in excess of one dwelling unit per five acres.

**DRAINAGE EASEMENT** Any area lying outside of a public street right-of-way which through design may require construction for the channeling, swaling, restricting or controlling of the movement, disbursement or collection of surface water.

**EASEMENT**

A right held by a person or persons or a company to make use of the land of another. The right has to have been granted by the owner(s) of the land over which the easement is placed. The use of land may be for access, drainage, utility, preservation or other lawful purposes.

**ENVIRONMENTAL CORRIDORS**

An elongated area usually located along streams, valleys or other significant topographic features which may contain lakes, rivers, floodlands, wetlands, woodlands, significant topography, wet soils or significant wildlife habitat areas as identified by Southeastern Wisconsin Regional Planning Commission and are delineated in the Village's Comprehensive Plan.

**EROSION**

The detachment and movement of soil, sediment or rock fragments by water, wind, ice, or gravity.

**EROSION AND SEDIMENT CONTROL PLAN**

A descriptive document approved by the Waukesha County Land Resources Division specifying methods for controlling soil erosion, surface water runoff, and sedimentation deposition caused by or resulting from land disturbing activities.

**FINAL PLAT** A map prepared in accordance with the requirements of Ch. 236, Wis Stats., for the purpose of dividing larger parcels into which has been accurately surveyed, clearly and definitely showing the streets, blocks, lots and other divisions thereof, in such manner that the same can be clearly and distinctly identified.

**FINANCIAL GUARANTEE**

A letter of credit, cash deposit, or certified check meeting the approval of the Village Attorney.

**FLAG LOT**

A parcel of land which shape resembles a flagpole, with a long, slender strip, extending from the street, to a larger main section.

**FLOODLANDS** Those lands, including the floodplains, floodways and channels, subject to inundation by the 100-year recurrence interval flood or, where such data is not available, the maximum flood of record.

**FRONTAGE STREET OR MARGINAL ACCESS STREET** A minor street auxiliary to and located parallel to and adjacent to an arterial street or highway for control of access and for service to the abutting development and protection from through traffic.

**GOVERNING BODY** The Lisbon Village Board.

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

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

**IMPROVEMENT** Any modification to the land which could ultimately result in streets, or affects a drainageway, floodplain or wetlands or systems intended to be dedicated to the Village.

#### **IRREVOCABLE LETTER OF CREDIT**

An agreement guaranteeing payment for subdivision or certified survey map improvements, entered into by a bank, savings and loan or other financial institution which is authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village Board, and which is approved, as to form, by the Village Attorney.

**ISOLATED NATURAL RESOURCE AREAS (INRA's)** INRA's occupy an area of at least 5 acres.

**LETTER OF CREDIT** An irrevocable letter from a chartered federal or state lending institution addressed to the Village, guaranteeing to the village payment of legal money if certain conditions required by the Village are not met.

**LOT** A parcel of land of at least sufficient size to meet minimum zoning requirements for use, width and area as set forth in the Zoning Ordinance.

**LOT, BUTT** A lot with the rear lot line abutting the side lot line of another lot platted in the same block and not separated by an other space.

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

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

**LOT WIDTH, MINIMUM AVERAGE** The mean horizontal distance measured between side lot lines, perpendicular to the lot depth and at a point in relation to the depth where the product

of the two would produce the minimum required lot area.

**MINOR STREET** A street used, or intended to be used, primarily for access to abutting properties.

**MINOR LAND DIVISION** Any division of land not defined as a subdivision, condominium plat, assessor's plat or replat and subject to the provisions of this ordinance. Remnant parcels shall be included in a minor land division.

**MOTTLING** A soil color pattern consisting of areas of different color or shades of color interspersed with the dominant soil color which results from prolonged saturation of the soil. The presence of soil mottling is a strong indicator of a "seasonal" or "perched" water table (the water table's highest level reached during wet periods of the year) which is often an indication of poor drainage.

**MUNICIPALITY** The town, village or city adopting this Ordinance.

**NATIONAL MAP ACCURACY STANDARDS** Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin and any additions, corrections or modifications thereto.

**NATURAL DRAINAGE EASEMENT** Any area lying outside of the public street right-of-way which in its natural undisturbed state, channels, swales, restricts or controls the movement, disbursement or collection of surface water. A natural drainage area is essentially an area which utilizes the natural contours and once established will, if allowed to remain undisturbed, require little or no upkeep.

**NAVIGABLE WATER** Any watercourse so delineated by the Department of Natural Resources or meeting the standards for the same as set by the Department of Natural Resources.

**NON EARTH MATERIALS** Any matter that is not a raw material that occurs naturally on earth such as soil, rocks, minerals, etc.

**OBJECTING AGENCY** An agency empowered to object to a subdivision plat pursuant to Ch. 236, Wis. Stats. Objecting agencies include the Waukesha County Department of Public Works where property division abuts a county highway, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Natural Resources.

**OFFICIAL MAP** The map indicating the location and size of existing and proposed streets, highways, pathways, parks and playgrounds as adopted and amended by the Village.

**ORDINARY HIGH WATER MARK (OHWM), HIGH WATER ELEVATION** The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic. Where the bank or shore at any particular place is of such character that it is difficult or impossible to ascertain where the point of ordinary high water mark is, recourse may be had to the opposite bank of a stream or to other places on the shore of a lake or flowage to determine whether a given stage of water is above or below the ordinary high water mark.



**OUTLOT** A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be either redivided into lots or combined with one or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. No outlot shall be permitted unless the ultimate disposition is delineated in advance, documented in the records and approved by the Village.

**OWNER** The record title owner or owners of the subject property or properties or his or her authorized designee, the developer of the property, the subdivider of the property, or anyone having control over the property.

**PARENT PARCEL** The parcel of land that is proposed to be the subject of a development proposal.

**PLAN COMMISSION** The Village Plan Commission officially established under Section 62.23 of the Wisconsin State Statutes.

**PLAT** A map of a subdivision or condominium development.

**PRELIMINARY PLAT** A map showing the salient features of a proposed subdivision submitted to an approving authority for purpose of preliminary considerations. A preliminary plat precisely describes the location and exterior boundaries of the parcel proposed to be divided and shows the approximate location of the lots, the proposed public improvements, location of all soils tests, the topography, floodplain, wetland and primary environmental corridor.

**PRIMARY ENVIRONMENTAL CORRIDORS (PECs)** PECs occupy an area of at least 400 acres and have a minimum length of two miles and a minimum width of 200 feet.

**PUBLIC IMPROVEMENT** Any sanitary sewer or sewer facilities, storm sewer, open channel, water main or water facilities, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip or other facility for which the Village may ultimately assume responsibility for maintenance and operation.

**PUBLIC WAY** Any public road, street, highway, walkway, drainage way or part thereof.

**RECORDING** The filing of the original of a certified survey map, replat or condominium with the Waukesha County Register of Deeds..

**REPLAT** The process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, Certified Survey Map, or part thereof. The division of a large block, redivision of a lot or outlot without changing the exterior boundaries of said block, lot or outlot is not a replat.

**REGISTER OF DEEDS** The Register of Deeds for Waukesha County.

**REMNANT** Any land contiguous to but not included in the proposed division or development under the control of the owner unless required by the definition of a Certified Survey Map or Subdivision in this ordinance.

**RESERVE STRIP** Any land which would prohibit or interfere with the orderly extension of streets, roads, pedestrian ways, sanitary sewer, water mains, stormwater facilities or other utilities or other improvements between two abutting properties.

**RESTRICTIVE COVENANT** A restriction also known as a "deed restriction" on the use of the land usually set forth in the deed. A restrictive covenant usually runs with the land and is binding upon subsequent

owners of the property.

**SECONDARY ENVIRONMENTAL CORRIDORS (SECs)** SECs occupy an area of at least 100 acres and have a minimum length of one mile.

**SOIL MAPPING UNIT** Soil type, slope and erosion factor boundaries as shown on the operational soil survey maps prepared by the U.S. Soil Conservation Service.

**SPITE STRIP** Any land which would prohibit or interfere with the orderly extension of streets, roads, pedestrian ways, sanitary sewer, water mains, storm water facilities or other utilities or other improvements between two abutting properties.

**STREET** An improvement or area which serves as vehicular and pedestrian access or right of way to abutting lands or to other streets.

**SUBDIVIDER** Any person, partnership, association, individual, firm, trust, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division, condominium plat or replat or proposing to develop land pursuant to this ordinance.

**SUBDIVISION** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent or subdivider for the purpose of sale or of building development, where:

- A. The act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel, of one and one-half (1 ½) acres each or less in area, or
- B. The act of division creates five (5) or more parcels or building sites, inclusive of the original remnant parcel of one and one-half (1 ½) acres each or less in area, by successive divisions of any part of the original property by any person within a period of five (5) years, or
- C. The act of division creates six (6) or more parcels or building sites for residential development inclusive of the original remnant parcel of any size by successive divisions of any part of the original property by any person within a period of five (5) years.

**VILLAGE** The Village of Lisbon, Waukesha County, Wisconsin.

**VILLAGE BOARD** The Village of Lisbon Board of Trustees.

**WAIVER** The act of the Village Plan Commission or Village Board of formally dispensing of any regulation in this ordinance.

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

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

## **ADDENDUM A**

### **Multi-Use Trail Standards**

#### **I. Purpose**

The Village of Lisbon Comprehensive Development Plan requires the installation and connection of multi-use trails within and throughout the community. Where the trails are required and constructed with new development, these standards are provided for consistency of design and construction within and between developments, for the protection and safety of path users, for the mitigation of conflicts between path users and neighboring private property owners and for reduction of long-term maintenance costs of the trails.

#### **II. General Location Criteria**

- 1) Multi-use trails should be provided to connect residential areas to each other; to parks and recreational areas; and to commercial, industrial and other major activity centers.
- 2) Proposed new trails should be located so as to connect to existing trails in adjacent residential, commercial and industrial areas and in major parks and parkways so as to form an integrated system.
- 3) Trails generally should not be located immediately adjacent to roadways, except as necessary and determined by the Village Plan Commission.
- 4) Trails that are located adjacent to roadways shall be located as far from the roadway as reasonably practicable.

#### **III. General Rules**

The following general rules apply to these standards:

These standards will apply in most situations. When special circumstances exist, such as constructing a trail within a right-of-way adjacent to a public street, waivers can be granted by the Village Board with a recommendation from the Village Plan Commission as provided for in the Village's Land Division and Development Ordinance. If waivers are granted, then any deviation to the design pursuant to these standards shall conform with safety guidelines found in the "Guide for the Development of Bicycle Facilities by the American Association of State Highway and Transportation Officials" (AASHTO)

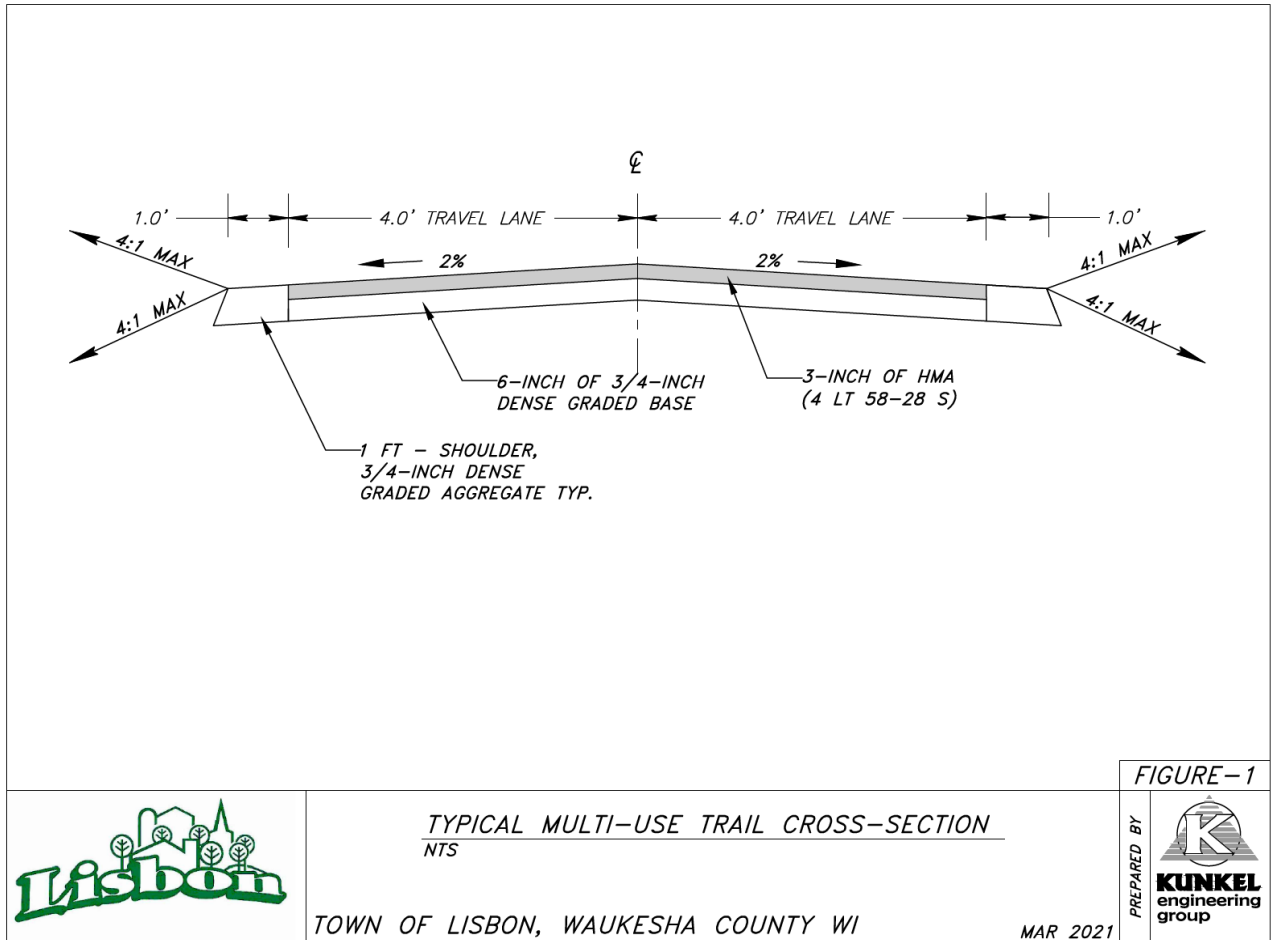
#### **III. Design**

- 1) The trail corridor shall accommodate a path width of a 10-foot base and an eight-foot paved surface as illustrated in Figure 2.
- 2) The trail corridor shall be at least 20 feet wide.
- 3) The trail shall provide for two-way traffic.
- 4) When the trail corridor is straight (non-curved), the alignment shall accommodate a cross section of two percent crown grade from the centerline to the shoulders.

- 5) When the trail corridor is curved, the alignment shall accommodate:
  - a) A super elevation of three percent.
  - b) A minimum radii of curvature in accordance to AASHTO guidelines.
  - c) To transition the super elevation of the curve to a straight route or reversing curves, a 25-foot tangent transition distance shall be required.
- 6) Where conditions such as limited sight distances make it desirable to clearly separate the two directions of travel, a double yellow line shall be used to indicate no passing and no travelling to the left of the center line. A yellow centerline shall be used 100 feet from the intersection of the path with the public right-of way street pavement. On the trail, permanent marking shall be installed with the installation of the paving.
- 7) The trail corridor shall accommodate a maximum lineal grade of no less than 0.5 percent and no more than five percent, or per the table in the AASHTO Guidelines, subject to the approval of the Village Engineer.
- 8) The trail corridor shall accommodate a slope on each path side, of between two to four percent grade slope away from path, and of at least six feet in width. However, on the side accepting the path drainage, a swale shall be allowed three inches deep over a two-foot width.
- 9) The site conditions prevent the opportunity to accommodate a two to four percent slope away from the trail to a distance of six feet from **path's** edge of pavement, then the Village Board may grant a waiver to item 8 in accordance with the provisions contained in the **Village's** Land Division and Development Ordinance. To grant a waiver, the following conditions must exist.
  - a) Extreme site conditions that prevent conformance with item 8, and the waiver shall only apply to the section of path where the extreme site conditions exist.
  - b) The maximum slope allowed from the edge of the trail base, shall be three to one.
  - c) Only in severe topographical cases shall be gradual slope be waived on both sides of the trail. In those cases, accommodations shall be made to drain the trail along the lineal length of path, and not to the edge of cross section.
  - d) Where a down slope exists immediately adjacent to the trail, a decorative safety rail shall be installed between slope and trail, with rail design approved by Village Engineer.

- 10) Trail pavement shall accommodate a minimum of six-foot horizontal distance from trees, poles, wall, fences or other lateral obstruction, except where a waiver is granted by the Village Board in accordance with the provisions contained in the Village's Land Division and Development Ordinance when the obstruction is unavoidable due to a pre-existing condition or the obstruction is necessary for the safety of trail users, such as a bridge.
- 11) Trail pavement shall accommodate a minimum of 10-foot vertical clearance from any overhead wires, tree branches, low structural members of underpasses, or other horizontal obstructions.
- 12) Crossing of streams or wetlands shall be avoided if at all possible. If unavoidable in certain conditions, a trail corridor shall be selected that minimizes disturbance to the natural feature, such as crossing the stream or wetland at the narrowest point.
- 13) The Subdivider shall be responsible for obtaining any permits required by the Wisconsin Department of Natural Resources (WDNR), or any other government agency, for the crossing of streams and/or wetlands.
- 14) At no time shall any creek, stream, or man-made or natural flow of drainage be allowed to sheet drain across the trail's surface. In those cases, the design shall include a bridge or piping of the drainage below the crushed limestone base of the trail, so to not obstruct or interfere with proper use of the trail.
  - a. Bridge water openings and culverts or piping shall be designed to pass the 10-year recurrence interval flood flow of the stream, watercourse, or drainage way concerned without raising the upstream or downstream hydraulic grade line by more than 0.001 foot and without overstepping the bicycle way.
  - b. In the case of a required WDNR permit, design and sizing of flow beneath the trail shall be according to the approval of the WDNR.
  - c. In the case the WDNR is not needed, design and sizing of flow beneath the trail shall be according to the approval of the Village Engineer.
- 15) If a bridge is required to cross a drainage flow, then the following shall apply:
  - a) The Subdivider shall obtain all necessary permits.
  - b) Design shall be as approved by WDNR, other government agency, or Village Engineer.
  - c) Bridge shall have a usable width of at least eight feet.

- d) Design precautions shall be taken at bridge approaches, such as aesthetic barriers or fencing, to prevent inadvertent bicycling off of the trail. For purposes of these standards, aesthetic means nicely designed fitting into the natural landscape.
  - e) The Subdivider shall be responsible for cost of bridge design, materials and installation.
- 16) The trail edge of pavement shall be located at least 10 feet from any property line in private ownership. If it is determined a fence is necessary to separate the trail from neighboring property, the fence design shall be aesthetically pleasing and approved by the Village Engineer.
  - 17) The trail shall intersect a sidewalk and street pavement at a right angle or radial to sidewalk or street pavement.
  - 18) All trails shall connect to a subdivision sidewalk or to street pavement to allow a continuous trail circuit.
  - 19) When a trail is designed to connect to a street pavement and will extend across the street pavement, either with current construction or in the future, the trail shall cross the street at a right angle or radial to the street centerline.
  - 20) Any trail intersection with street curb and gutter shall employ the design of a ramp from path to street level. The width of ramp and path taper to ramp, and other standards, shall meet the requirements of the Americans With Disabilities Act (ADA) and Wisconsin State Statutes 66.0909 and all pertinent federal and state laws, and shall be subject to the approval of the village Engineer. Design could differ from location to location due to conditions at the location, anticipated amount of bike traffic, site distances, etc.
  - 21) Where trails and sidewalks intersect, the concrete sidewalks shall extend through the intersection with the trails, with the asphalt trail continuing between the sidewalk and the edge of the street curb and gutter or pavement.
  - 22) The Plan Commission, Village Engineer, Village Planner, Police Chief and/or Fire Chief may require the design and installation of a bollard or gate system at trail entrances from streets. The bollard or gate system would prevent motor vehicle access to the path, while retaining an opening to allow free flow of bicycles or pedestrians. A lock system would allow emergency vehicle access to the path.



#### IV. Construction

Construction standards shall be utilized conjointly with the design standards. Generally, construction shall adhere to the Village of Lisbon Land Division and Development Ordinance. Where the ordinance is not specific to a trail, the following shall apply:

- 23) Remove all top soil and remove subgrade to depth of at least nine inches below adjacent match grade.
- 24) If the trail necessitates a grade higher than existing grade to facilitate proper slopes away from path, then remove top soil of entire width to be disturbed (complying with permit requirements of protection of any natural site feature), and raise path base with clean clay and/or other suitable material.
- 25) Compact subgrade, with proper sloping as designed.
- 26) Install and compact six inches of 3/4-inch base aggregate dense in accordance with WisDOT Standard Specifications Section 305, to a eight-foot. The lines, grades, and thicknesses shall comply with the typical Village cross section.
- 27) Install three-inch 4 LT 58-28 S hot mix asphalt pavement in accordance with WisDOT Standard Specifications Sections 450, 455, 460 and 465, to an eight-foot width. The lines,

grades, and thicknesses shall comply with the typical Village cross section.

- 28) Shoulder material shall be 3/4-inch recycled asphalt in accordance with WisDOT Standard Specification Section 305. The lines, grades, and thicknesses shall comply with the typical Village cross section.
- 29) Complete side slopes in accordance with design standards and fill two to four-inches top soil over exposed aggregate to edge of surface course.
- 30) Where trail intersects with street and trail is planned to continue across the street, paint street pavement a crosswalk according to the Manual of Uniform Traffic Control (MUTCD) standards.
- 31) Install street warning signs indicating a trail street crossing according to the Manual of Uniform Traffic Control Devices (MUTCD) standards. All trail street signs within common space of a subdivision shall be maintained and replaced when necessary, by the Homeowners Association.
- 32) Install trail signage (stop signs) at intersections with sidewalks/streets according to the Manual of Uniform Traffic Control Devices (MUTCD) standards.

#### **IV. Landscaping**

Landscaping along the trail shall conform to the following standards:

- 1) Topsoil shall be placed over the aggregate that extends beyond the pavement at a two to four-inch depth.
- 2) Top soil shall be placed over the required side slope at a two to four-inch depth.
- 3) On the side slope, a durable grass mixture or a low growing ground cover, such as crown vetch, shall be planted, subject to the approval of the Village Engineer.
- 4) Planting of any deciduous or coniferous trees or bushes within six feet of the edge of pavement shall be prohibited.
- 5) Any preserved existing trees within the trail corridor shall be trimmed to maintain a 10-foot vertical clearance from trail surface to any tree branch or limb.

#### **V. Maintenance**

The Homeowners' Association shall be responsible for all lawn mowing, tree pruning, and all other landscape maintenance along the trail and trail corridor and for the trails within common open space controlled by the Homeowners' Association.





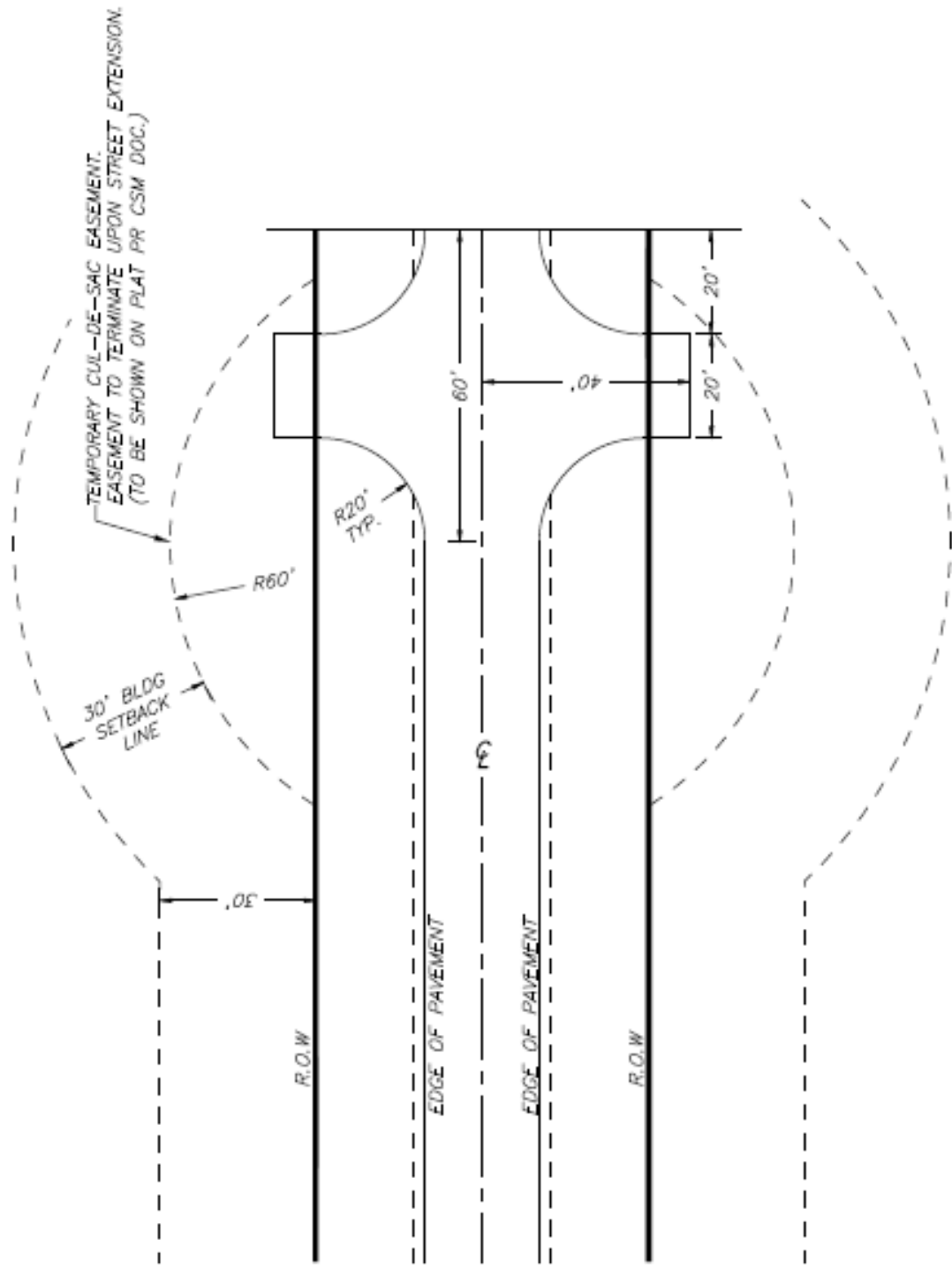


FIGURE - 3

	<p>TOWN OF LISBON, WAUKESHA COUNTY WI</p>		<p>PREPARED BY</p> <p> KUNKEL engineering group</p>
	<p>TYPICAL TEE TURNAROUND &amp; EASEMENT</p> <p>NTS</p>		

MAR 2021

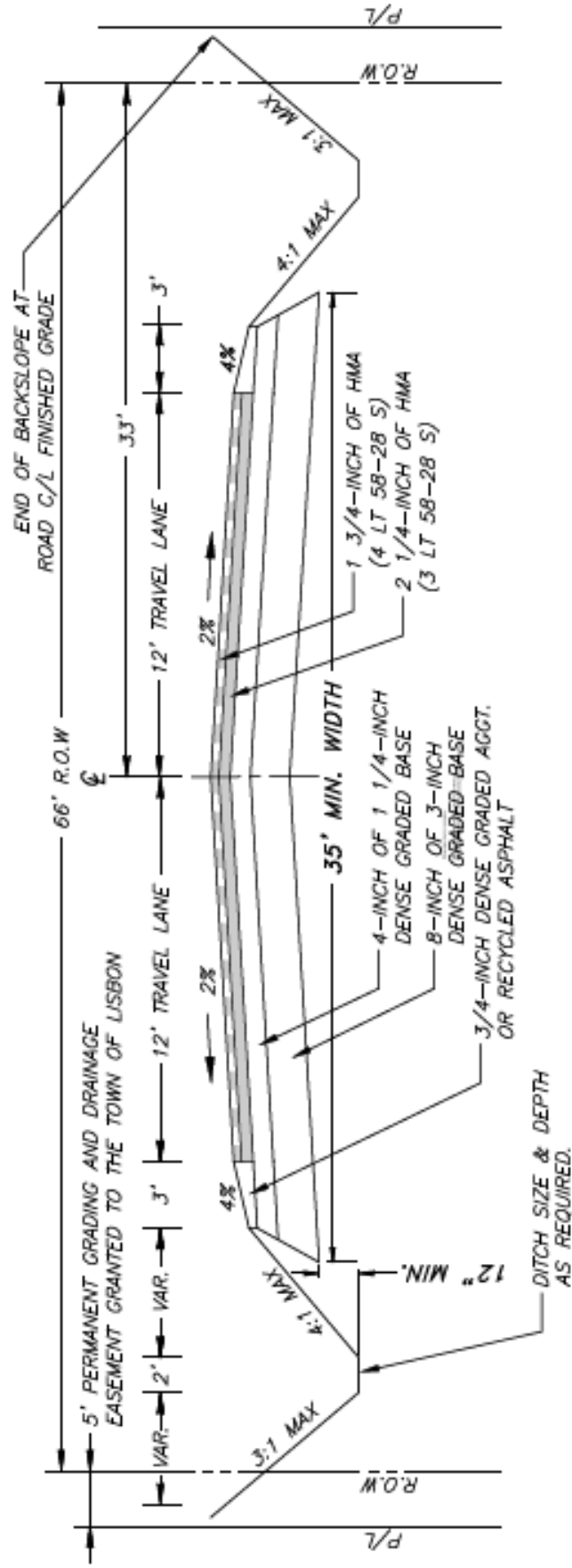


FIGURE-1



## TYPICAL RESIDENTIAL ROAD CROSS-SECTION

NTS

TOWN OF LISBON, WAUKESHA COUNTY WI

MAR 2021

KUNKEL  
engineering  
group

PREPARED BY

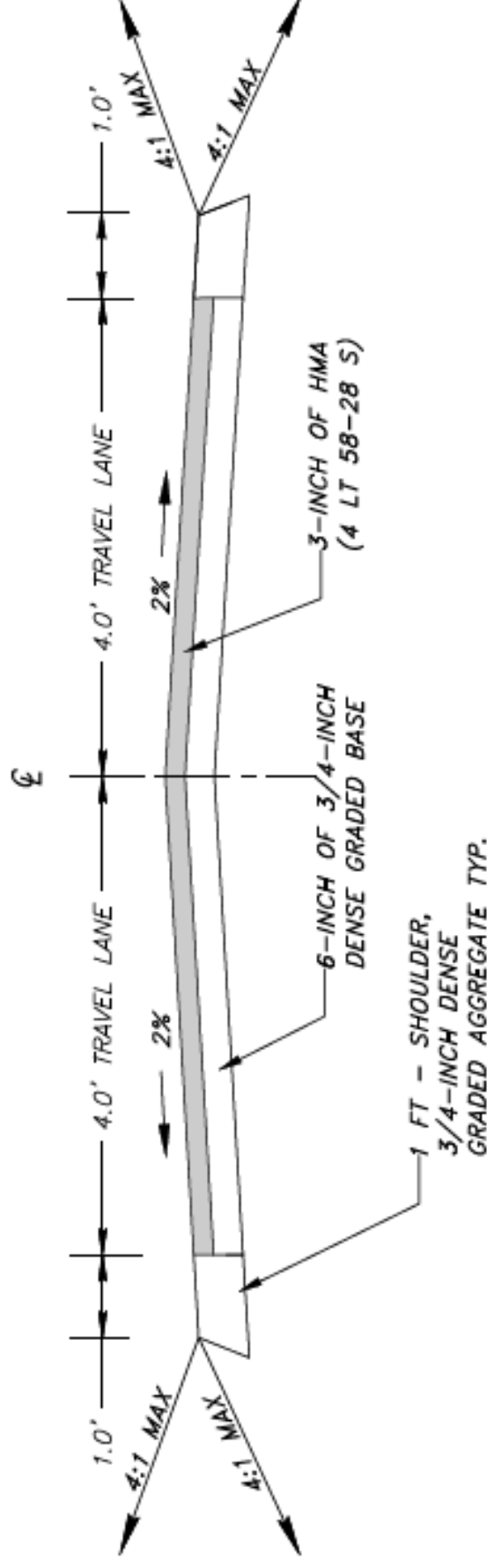
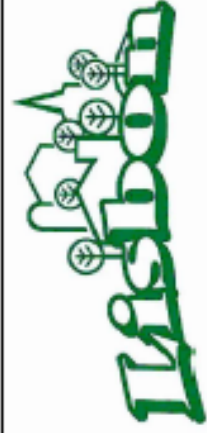


FIGURE - 1



TYPICAL MULTI-USE TRAIL CROSS-SECTION  
NTS

TOWN OF LISBON, WAUKESHA COUNTY WI

MAR 2021



PREPARED BY