

VILLAGE OF WINDSOR
ORDINANCE 2016-03

ADOPTION OF AMENDMENTS TO THE WINDSOR CODE OF ORDINANCES FOR
CHAPTER 38 – LAND DIVISION, ARTICLE V - SPECIFICATIONS

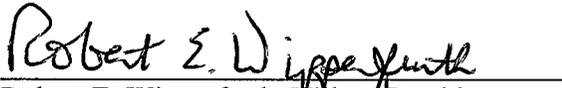
THE VILLAGE BOARD FOR THE VILLAGE OF WINDSOR, LOCATED IN DANE COUNTY, WISCONSIN, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION ONE: Chapter 38, Windsor Land Division Code, shall be amended to add Article V- Specifications, Version 3, which is attached hereto as an exhibit and incorporated by reference as if set forth in full herein.

SECTION TWO: This Ordinance shall become effective following its adoption by the Village Board and publication or posting in the manner required by law.

The above and foregoing Ordinance was adopted at a duly noticed meeting of the Village Board of the Village of Windsor held on the 28th day of January, 2016, by a vote of 5 in favor and 0 opposed.

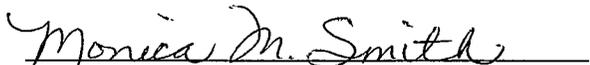
VILLAGE OF WINDSOR

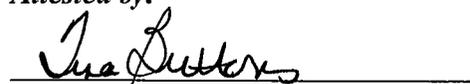

Robert E. Wipperfurth, Village President


Donald G. Madelung, Trustee


Bruce Stravinski, Trustee


Alan Buchner, Trustee


Monica M. Smith, Trustee

Attested by:

Tina Butteris, Deputy Village Clerk

Published: February 4 2016

Effective: February 5 2016

ARTICLE V. - STANDARDS AND SPECIFICATIONS

DIVISION 1. - GENERALLY

Sec. 38-433. - Compliance with Village, County and State law and regulations required.

No person shall divide land within the jurisdictional limits of these regulations that results in any parcel or lot of less than 35 acres through the use of any legal description other than with reference to a plat or CSM prepared in compliance with these regulations and approved by the Village. Plats, replats, CSMs, and condominium plats shall comply with these regulations and the following:

- (1) The provisions of Wis. Stats. ch. 236 and Wis. Stats. § 82.18.
- (2) The provisions of the Department of Safety and Professional Services, contained in Wis. Admin. Code ch. SPS 383, for land divisions not served by public sewer.
- (3) The rules of the State Department of Transportation contained in Wis. Admin. Code ch. TRANS 233 for land divisions which abut a State trunk highway or connecting road.
- (4) The rules of the State Department of Natural Resources contained in the Wis. Admin. Code ch NR 116 for floodplain management program.
- (5) Plans or components of such plans prepared by State, regional, County or Village agencies duly adopted by the Village Board.
- (6) All applicable local and County regulations, including zoning, sanitary, building and official mapping ordinances.
- (7) The Village Comprehensive Plan, the Village Comprehensive Outdoor Recreation Plan and the Official Village Map, or components thereof.
- (8) Chapter 42 of this Code relating to roads, paths and other public rights-of-way.
- (9) Applicable provisions of the Dane County Code of Ordinances.
- (10) All applicable rules contained in State law and rules not listed in this subsection.

(Ord. No. 2003-08, §§ 1.2(b)(3), 3.1(a), (b), 8-21-2003)

Sec. 38-434. - Areas not covered by the Official Village Map.

In areas not covered by the Official Village Map, the layout of roads and public improvements shall be complimentary with and conform to the Village Comprehensive Plan and shall provide for the most advantageous development of adjoining areas of existing or future development. Roads, stormwater management facilities and other public improvements shall be designed and located in relation to existing and officially planned roads, topography and natural terrain, streams and lakes, public convenience and safety and in an appropriate relation to the proposed use of the land.

(Ord. No. 2003-08, § 3.1(c), 8-21-2003)

Sec. 38-435. - Public facilities

- (a) *Costs of public improvements.* All required improvements shall be made by the land divider, at the land divider's sole expense, without reimbursement by the Village except as may be specified in a duly authorized and executed development agreement between the Village and the land divider.
- (b) *Maintenance of public improvements.* The land divider shall maintain all required public improvements to the individual subdivided lots, including, but not limited to, maintaining the improvement in good repair: providing for snow removal on roads and paths, sedimentation removal

from roads (during construction on adjoining lots), and mowing of park areas and stormwater management facilities, until acceptance of the public improvements by the Village.

- (c) *Erosion control plan.* The land divider shall design and construct an erosion control plan for the land division that complies with Dane County standards and Village erosion control regulations.

(Ord. No. 2003-08, §§ 3.3, 6.17, 8-21-2003)

Sec. 38-436. - Relationship to adjacent property.

Where the land divider owns property adjacent to that which is being proposed for the land division, the Village Plan Commission or Village Board may require that the land divider submit a concept plan for the remainder of the property to show the possible relationships between the proposed land division and future land division. In any event, all land divisions must be shown to relate well with existing or potential adjacent land divisions.

(Ord. No. 2003-08, § 4.1(b)(5), 8-21-2003)

Sec. 38-437. - Protection of adjacent property.

- (a) *Generally.* The land divider shall not cause any physical damage to existing vegetation on adjacent property by virtue of the design of the land division, or the design and construction of the public improvements. The land divider shall be responsible at its sole expense to remedy all damages that are reasonably determined by the Village to be caused by the land divider's activities.

- (b) *Nonresidential developments.* Every effort shall be made to protect adjacent residential areas from potential nuisances from institutional, commercial or industrial uses by including the provisions for extra depth in parcels backing up on existing or potential residential development, planted and maintained landscaped buffer strips or fencing, and reasonable restrictions on outside uses and activities, including, but not limited to, parking; storage of manufactured product, waste material or raw materials; lighting; sirens, alarms and public address systems, and location of auxiliary structures such as vents, condensers, and cooling towers.

(Ord. No. 2003-08, §§ 3.4(d), 6.21, 8-21-2003)

Sec. 38-438. - Partition fences.

When the land included in a land division plat or CSM abuts upon or is land used for any agricultural purposes not owned by the land divider, the land divider shall erect, keep, and maintain partition fences, satisfying State law for a legal and sufficient fence, between such land and the abutting land. A covenant binding the land divider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for agricultural purposes, shall be prepared and recorded with the final plat or CSM.

(Ord. No. 2003-08, § 6.17, 8-21-2003)

Sec. 38-439. - Existing flora.

The land divider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails in the design of the proposed land division and during the construction of the public improvements related to the development.

(Ord. No. 2003-08, § 3.4(c), 8-21-2003)

Secs. 38-440—38-461. - Reserved.

DIVISION 2. - LAND SUITABILITY

Sec. 38-462. - Required; characteristics of suitability.

- (a) Land to be divided shall be of such character that it can be used safely for building purposes without danger to health or peril and land shall not be divided until adequate public facilities and improvements exist and proper provision has been made for stormwater drainage, water and sewerage, surface and groundwater quality, roads and transportation facilities and parks and recreational facilities.
- (b) No land shall be divided which is found to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations for development, severe erosion potential, or unfavorable topography, or any other feature likely to be harmful to health, safety or welfare of future residents or landowners in the proposed land division or of the community.

(Ord. No. 2003-08, §§ 1.2(b)(2), 3.4(a), 8-21-2003)

Sec. 38-463. - Written factual findings of nonsuitability required.

In applying the provisions of this section, the Village Plan Commission shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use, after affording the land divider an opportunity to present evidence regarding such suitability at a public hearing.

(Ord. No. 2003-08, § 3.4(a), 8-21-2003)

Sec. 38-464. - Land suitability criteria.

The following criteria shall be applicable to guide the Village Plan Commission in determining suitability of the land for development:

- (1) Recommendations as to soil suitability contained in the Natural Resources Conservation Service (NRCS) soil survey of Dane County.
- (2) Land with slopes above 12 percent shall not be developed.
- (3) Soils with severe erosion hazard potential as determined by the NRCS shall require special design to limit stormwater runoff and erosion.
- (4) Suitability of land for private sewerage systems shall be determined in accordance with Wis. Admin. Code ch. SPS 383.
- (5) Development of shoreland or wetlands shall be governed by the Dane County Code, chapter 11.
- (6) Lands known to be habitat for endangered species, as determined by the DNR bureau of endangered resources, shall not be developed unless methods, satisfactory to the DNR, are implemented to protect such species or habitat.
- (7) Where areas of archaeological, historical, or geological interest exist, the Village Plan Commission may require the developer to consult with the State Historical Society or State Geological and Natural History Survey (GNHS).

(Ord. No. 2003-08, § 3.4(b), 8-21-2003)

Sec. 38-465. - Environmental assessment report.

The determination of land suitability shall be evaluated through an environmental assessment report, as specified in appendix A to this chapter, filed with the preliminary plat. The environmental assessment report shall guide the Village Plan Commission in determining the suitability of the land for development.

(Ord. No. 2003-08, § 3.4(b), 8-21-2003)

Secs. 38-466—38-483. - Reserved.

DIVISION 3. - BLOCK DESIGN

Sec. 38-484. - Length and arrangement.

The lengths, widths and shapes of blocks shall be appropriate for the topography and the type of development contemplated. Block length in residential areas shall not be less than 500 feet or exceed 1,200 feet nor have insufficient width to provide for two tiers of lots of appropriate depth between road lines, unless the block abuts upon a railroad, arterial or collector road, river or park where it may have a single tier of lots. As a general rule, blocks should be 600 to 900 feet in length. Blocks shall be so designated as to provide two tiers of lots,

(Ord. No. 2003-08, § 6.19(a), 8-21-2003)

Sec. 38-485. - Multi-use paths required for certain blocks.

Multi-use paths, not less than ten feet wide, may be required by the Village Board, upon the recommendation of the Village Plan Commission, through the center of a block more than 900 feet long, where deemed essential to provide circulation or access to schools, playgrounds, shopping centers, transportation and other community facilities.

(Ord. No. 2003-08, § 6.19(b), 8-21-2003)

Secs. 38-486—38-508. - Reserved.

DIVISION 4. - LOT DESIGN

Sec. 38-509. - Residential lots.

(a) *Relationship to topography.* The size, shape, and orientation of lots shall be appropriate for the topography of the land division, the type of sewerage system to be utilized, and for the type of development contemplated, provided that no lot shall be smaller in area than the minimum lot size for the appropriate zoning district as established by the applicable zoning code or this chapter, whichever is more restrictive.

(b) *Lot lines.* Lot lines shall follow Village boundary lines.

(c) *Lot size; exceptions.* Lot sizes shall conform to the requirements of the applicable zoning code.

(Ord. No. 2003-08, § 6.20(a), (f), 8-21-2003)

Sec. 38-510. - Commercial lots.

Depth and width of properties reserved or laid out for commercial or industrial purposes shall be adequate to provide for the off-road service and parking facilities required by the type of use and development contemplated, as required by the Village Zoning Ordinance.

(Ord. No. 2003-08, § 6.20(b), 8-21-2003)

Sec. 38-511. - Lots abutting major highways.

Residential lots fronting on arterial roads, highways, or collector roads shall be platted with extra depth or designed to alleviate the effect of heavily traveled roads on residential occupancy.

(Ord. No. 2003-08, § 6.20(c), 8-21-2003)

Sec. 38-512. - Corner lots.

Corner lots for residential use shall be laid out with sufficient width to provide for the required front setback along each road.

(Ord. No. 2003-08, § 6.20(d), 8-21-2003)

Sec. 38-513. - Side lot lines.

Side lot lines shall be substantially at right angles to or radial to abutting road lines.

(Ord. No. 2003-08, § 6.20(e), 8-21-2003)

Sec. 38-514. - Double and reversed frontage lots.

Double frontage and reversed frontage lots shall be prohibited except where necessary to provide separation of residential development from roads with existing or projected high traffic volumes, or to overcome specific disadvantages of topography and orientation. Vehicular access will be permitted from only one frontage on double road lots.

(Ord. No. 2003-08, § 6.20(g), 8-21-2003)

Sec. 38-515. - Lots adjoining limited access highway and railroad right-of-way.

(a) *Landscape buffer required.* Whenever the proposed land division contains lots abutting upon a limited access highway, arterial road or railroad right-of-way, the lots abutting upon such right-of-way shall contain a 30-foot-wide landscape buffer on the lot abutting upon the highway or railroad in addition to the normal lot width or depth. This buffer area shall be landscaped by the land divider as part of the required improvements of the plat or replat, CSM, or condominium plat and shall be part of the lots, but shall not count toward the required yard or minimum lot area.

(b) *Restriction to be written on map.* The following restriction shall be written on the map and included in the covenants of the land division:

"The landscape buffer is reserved exclusively for the planting of trees and shrubs by the owner. Maintenance of the area is the responsibility of the lot owner. The building of structures is prohibited."

(c) *Planting plan required.* The land divider shall prepare and submit, for approval by the Village Board upon recommendation of the Village Plan Commission, a planting plan for the buffer yard which shall include natural areas, berms, or a variety of planted material, or a combination thereof which will provide visual screening and discourage pedestrian access through the buffer area. Improvements to and installation of the plants in the area shall be part of the required public improvements of the land division.

(Ord. No. 2003-08, § 6.20(h), 8-21-2003)

Sec. 38-516. - Lots abutting upon lake and stream shores.

In any plat abutting upon a lake or stream, the lands lying between the meander lines, established in accordance with Wis. Stats. § 236.20(2)(g), and the water's edge, and any otherwise unplattable lands which lie between a proposed land division and the water's edge shall be included as part of lots, outlots or public dedications, but shall not be counted as part of the required yard or minimum lot area. This subsection applies not only to lands proposed to be divided but also to all lands under option or in which the land divider holds any interest and which are contiguous to the lands proposed to be divided and which abut a lake or stream.

(Ord. No. 2003-08, § 6.20(k), 8-21-2003)

Sec. 38-517. - Natural and environmentally sensitive areas.

The Village Board may require the land divider to dedicate to the public or record specific permanent restrictions and easements to protect the integrity and to minimize impacts from development on areas such as: special flood hazard areas, wetlands, environmental corridors, slopes exceeding 12 percent, unique woodlands and wildlife habitats, groundwater recharge areas, historic locations and cultural features.

(Ord. No. 2003-08, § 6.20(i), 8-21-2003)

Sec. 38-518. - Land remnants.

The Village Board may require that all land remnants below the minimum lot size left over after dividing of a larger tract be included within abutting lots or designated as an outlet.

(Ord. No. 2003-08, § 6.20(j), 8-21-2003)

Secs. 38-519—38-546. - Reserved.

DIVISION 5. - UTILITIES

Sec. 38-547. - Water supply and sanitary sewerage systems.

- (a) *Public water supply and sewage disposal systems.* The land divider shall make public water and private on-site waste treatment systems available to each lot within the land division including lots to be dedicated to the Village for parks, except if the criteria in this section are satisfied.
- (b) *Plans, specifications and construction agreements.* The developer shall have all plans, specifications and construction agreements for water and sanitary sewer facilities comply in all respects to the regulations of the applicable Sanitary District.
- (c) *Mandatory connection with public water and sewer mains.* The Village shall not allow the construction of any private well or private on-site waste treatment system serving a parcel of land that is adjacent to a public sewer. Every owner of a parcel of land other than an active agricultural operation shall connect to a public sewer whenever both of the following conditions exist:
 - (1) The parcel of land is adjacent to public water and sanitary sewer, or is in a block through which such public sewer extends;
 - (2) The parcel contains a building or other structure used or usable for human habitation or occupancy or for the conduct of any trade, business or industry.

Such connection shall be made no later than 12 months after installation of the public water or sewer adjacent to the parcel.

- (d) *Order to connect.* The Village may order connection within 60 days of a notice served upon the owner, in writing, requiring such connection. The notice shall specify that upon the owner's failure to connect, the Village may cause such connection to be made and shall charge the owner for all such costs of connection. Upon failure to pay such costs, the Village shall collect the unpaid costs as a special charge collectable on the property tax bill for the property pursuant to Wis. Stats. § 66.0627.
- (e) *Private well or private on-site waste treatment systems.* Land divisions may be served by private well or on-site waste treatment systems if the following criteria applies:
 - (1) The land is shown on the Village Comprehensive Plan to allow such development as infill of an unserved existing subdivision.

- (2) The land is shown on the Village Comprehensive Plan as part of the countryside planning area and is appropriately zoned.
- (3) The land division is located farther than 1,320 feet from public water or sewer facilities.
- (f) *Cost to be borne by land divider.* The land divider shall pay all the costs of all water or sanitary sewer work including the extension of the water or sanitary sewer to the subdivision, all water or sanitary sewer work within the land division, and all expenses to plan and obtain permits for such water or sewer extension.
- (g) *Extension and construction of facilities to development boundaries.* Water and sanitary sewerage facilities shall be extended and constructed through the land division to the boundary of the plat or replat, CSM or condominium plat.

(Ord. No. 2003-08, § 6.9, 8-21-2003)

Sec. 38-548. - Stormwater drainage facilities.

The land divider shall design and construct stormwater drainage and water quality improvement facilities for the land division in accordance with Dane County standards for water quality, reductions in suspended solids and maximization of groundwater infiltration and Village stormwater management regulations.

(Ord. No. 2003-08, § 6.10, 8-21-2003)

Sec. 38-549. - Distribution and services to individual lots within the land division.

The land divider, at its sole expense, shall cause gas, electrical power, telephone and if available, cable television facilities to be installed in such a manner as to make adequate service available to each lot in the land division. All new electrical distribution, television cables and telephone lines from which lots are individually served shall be underground unless the Village Board specifically allows overhead poles for the following reasons:

- (1) Topography, soil, water table, solid rock, boulders, or other physical conditions would make underground installation unreasonable or impractical; or
- (2) The lots to be served by the facilities could be served directly from existing overhead facilities.

(Ord. No. 2003-08, § 6.11(a), 8-21-2003)

Sec. 38-550. - Transmission facilities serving the land division.

If the land division requires the new extension or replacements of a gas, electrical, telephone, or cable television transmission line, the land divider at its sole expense, shall cause such lines to be placed underground unless the Village Board specifically allows overhead poles for reasons of topography, soil, water table, bedrock or other physical conditions that would make underground installation impractical.

(Ord. No. 2003-08, § 6.11(b), 8-21-2003)

Secs. 38-551—38-578. - Reserved.

DIVISION 6. - EASEMENTS

Sec. 38-579. - Utility easements.

The Village Board, on the recommendation of appropriate agencies serving the Village, may require dedication of utility easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. The land divider shall establish easements so as to ensure proper grade,

ensure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prohibit the planting of trees in the easement area.

(Ord. No. 2003-08, § 6.18(a), 8-21-2003)

Sec. 38-580. - Drainage easements.

- (a) The land divider shall provide stormwater easements or drainage rights-of-way conforming substantially to the lines of such watercourses as may be required by the Village engineer. The land divider may, with the approval of, and upon receipt of a permit from, the State Department of Natural Resources and with Village Board approval, alter or relocate the watercourse, drainageway, channel or stream. The maintenance of adequate drainage will be ensured and the same provided with a stormwater easement or drainage right-or-way conforming to the lines of the relocated watercourse.
- (b) Stormwater management facilities, such as detention basins, shall be located within outlots and shall be dedicated to the homeowner's association or the Village, upon recommendation of the Village Plan Commission and approval of the Village Board.

(Ord. No. 2003-08, § 6.18(b), 8-21-2003)

Sec. 38-581. - Dimensions and locations.

- (a) *Utility easements.* Utility easements shall be at least 12 feet wide, and may be wider to accommodate extraordinary depth or specific site conditions as determined by the Village engineer. Location of easements shall be coordinated with the applicable utility and shall be located along side and rear lot lines, unless specifically permitted by the Village Board upon recommendation of the Village Plan Commission, to be in the road right-of-way or in the front setback area. The land divider shall furnish the Plan Commission and Village Board with evidence that easements and any easement provisions that are proposed to be incorporated in the plat, replat, CSM, condominium plats, or in deeds, have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
- (b) *Drainage easements.* Ditches, swales, and watercourses shall either be contained in an outlot or easement of sufficient width to contain the water flow of a 100-year storm but not less than 30 feet in width. If the drainage easement or outlot is located in a flood hazard area, the entire flood hazard area within the land division shall be included within the drainage easement or outlot.

(Ord. No. 2003-08, § 6.18(c), 8-21-2003)

Secs. 38-582—38-610. - Reserved.

DIVISION 7. - IMPROVEMENTS

Sec. 38-611. - General standards.

The required improvements in this article shall be installed in accordance with the engineering standards and specifications which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with sound engineering practices, approved prior to the start of construction by the Village engineer.

(Ord. No. 2003-08, § 6.3(a), 8-21-2003)

Sec. 38-612. - Commercial or industrial area public improvements.

In the case of required improvements in a commercial or industrial area, the cost of such improvements may, at the sole discretion of the Village Board and by agreement with the land divider, be financed through special assessments or other lawful means.

(Ord. No. 2003-08, § 6.1(a), 8-21-2003)

Sec. 38-613. - Dedication.

The land divider shall dedicate to the Village such land and completed public improvements as are required by these regulations.

(Ord. No. 2003-08, § 6.1(b), 8-21-2003)

Sec. 38-614. - Contract.

Prior to installation of any required improvements and prior to execution of the final plat, the land divider shall enter into a written contract with the Village requiring the land divider to furnish and construct the improvements at its sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for review of construction details by the Village engineer.

(Ord. No. 2003-08, § 6.2, 8-21-2003)

Secs. 38-615—38-631. - Reserved.

DIVISION 8. - PARKS AND OPEN SPACES

Sec. 38-632. - Dedication requirement.

In order that adequate open spaces and sites for public uses may be properly located and reserved and in order that the cost of providing public areas, such as, but not limited to, parks, recreation areas and conservancy areas, each subdivider shall be required to dedicate land or pay fees in lieu of dedicating land for park or other public uses.

(Ord. No. 2003-08, § 7.1(a), 8-21-2003)

Sec. 38-633. - Compliance with Village Comprehensive Plan and Village Comprehensive Outdoor Recreation Plan.

Whenever a proposed playground, park, or other public area, other than roads or drainageways, designated in the Village Comprehensive Plan or Village Comprehensive Outdoor Recreation Plan is included, all or in part, in the tract of land to be divided, these lands shall be made part of the required land dedication. The Village Board, upon the recommendations of the Village Plan Commission and Village Park Commission, any other applicable committee, commission or authority shall determine the suitability and adequacy of parklands proposed for dedication.

(Ord. No. 2003-08, § 7.1(a)(1), 8-21-2003)

Sec. 38-635. - General design.

- (a) In the design of a land division, condominium project, or other multi-unit or multi-building development, the developer shall provide suitable sites of adequate area and dimensions for parks, playgrounds, play fields, open spaces, and natural areas. Such sites shall be shown on all plats, CSM condominium plats and site plans.
- (b) The land divider shall preserve scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, watercourses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities in the design of the development and shall propose for Village approval appropriate land dedications, conservation easements, and other restrictions to preserve and enhance these features for the benefit of the public.
- (c) All dedicated land shall have frontage on a public road and shall have unrestricted public access.

(Ord. No. 2003-08, § 7.1(c), 8-21-2003)

Sec. 38-636. - Calculation for dedication of parks and open space.

All land dividers shall dedicate suitable land to the Village for park and open space uses as calculated below:

- (1) *Parkland*. Ten-hundredths acre (4,356 square feet) per dwelling unit shall be dedicated to the Village for exclusive use as public parks to be improved as playgrounds, sports fields or other active recreational area for the benefit of the future residents of the land division and the Village. Required access ways and pedestrian ways do not count as satisfying this requirement.
- (2) *Wetlands and drainage facilities*. Marshes, wetlands, drainageways, detention facilities and any required buffer areas adjoining same, shall be dedicated to the Village to the extent that they exist within the land division. Such dedication does not count towards satisfaction of the subdividers' obligation for parkland required by this chapter.
- (3) *Shoreland, lake access, lake and stream shore plats*. All land divisions abutting on a navigable lake or stream shall provide public access at least 60 feet wide providing access to the low watermark, so that there will be public access which is connected to existing public roads, at not more than one-half mile intervals as measured along the lake or stream shore, except where greater intervals and wider access is agreed upon by the State Department of Natural Resources and excluding shore areas where public parks, outlots, conservancy, open space or roads on either side of a stream are provided. No public access established under this chapter may be vacated except by circuit court action. This subsection does not require the Village to improve land provided for public access. Such dedication does not count towards satisfaction of the land divider's obligation for parkland under these regulations.
- (4) *Unknown number of dwelling units*. Where the land division, PUD or condominium project 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 ordinance.
- (5) *Deeded to the Village*. Land dedicated for public purposes shall be deeded to the Village, at the sole discretion of the Village Board, upon recommendation of the Village Plan Commission, Village Park Commission and any other applicable commission, committee or authority, by recordable instrument provided as a condition of final plat approval. The land divider shall provide a title insurance commitment for the dedicated property to the Village.

(Ord. No. 2003-08, § 7.2, 8-21-2003)

Sec. 38-637. - Fees in lieu of land.

- (a) *When permitted*. The Village Board may require the land divider to remit a cash payment in lieu of parkland dedication when:
 - (1) There is no land suitable for parkland within the proposed land division;
 - (2) Insufficient land is dedicated pursuant to section 38-636(1); or
 - (3) The proposed dedication of land would not be compatible with the Village's Comprehensive Plan or Comprehensive Outdoor Recreation Plan, and the Park Commission has recommended that receipt of cash from the land divider would better serve the public interest.
- (b) *Calculation*. Should the Village Board require a fee in lieu of parkland dedication, it shall be calculated as follows:
 - (1) Value A, required dedicated acreage: Multiply the total number of dwelling units by 0.10 acres;
 - (2) Value B, acreage to apply fee in lieu to: Subtract from the value calculated as Value A above the amount of land, acres, being dedicated as parkland; and

- (3) Fee in lieu owed to Village: Multiply Value B by \$14,035.00 (adjusted as of January 1 of each year utilizing the Consumer Price Index for All Urban Consumers (CPI-U): U.S. city average from the U.S. Bureau of Statistics.
 - (c) *Payment.* The land divider shall remit the calculated amount in subsection (b)(3) of this section to the Village prior to execution of the final plat.
 - (d) *Park fund.* Funds paid to the Village under this subsection shall be placed in a separate non-lapsing account designated for expenditure for park or conservancy development and improvement projects as recommended from time to time by the Park Commission.
- (Ord. No. 2003-08, § 7.3, 8-21-2003)

Sec. 38-638. - Reservation of additional land.

When Village parks and sites for other public areas as shown on the Village Comprehensive Plan, Village Comprehensive Outdoor Recreation Plan, and Official Village Map or have been identified as potential sites for facilities by published plans of any Sanitary District, any school district, Dane County or the State, lie within the plat, and such sites exceed the area calculated for the required dedication, the land divider shall reserve without cost, such additional area for exclusive acquisition by the Village, or appropriate agency, through agreement, purchase or condemnation, for a period of two years after recordation of the final plat, unless extended by mutual agreement.

(Ord. No. 2003-08, § 7.4, 8-21-2003)

Sec. 38-639. - Required improvements.

- (a) *Parkland to have improved street frontage.* All parkland dedicated under these regulations shall have a minimum of 100 feet of frontage on an improved public road.
- (b) *Road design requirements.* Road improvements adjoining a park shall have unrestricted public access and include curb, gutter, path, pavement and road trees.
- (c) *Installation of water and sanitary sewer lines.* In areas served by public utilities, the subdivider shall install water and sanitary sewer lines to the property line.
- (d) *Grade.* Lands dedicated for park purposes shall, upon recommendation of the Park Commission, be graded between a one percent to two percent slope, and be restored per these regulations.
- (e) *Fee for initial improvement of parkland.*
 - (1) The initial improvement of parkland fee shall be required for all new residential development in Windsor and shall be in addition to any land dedication or payment of fees in lieu of land dedication as required by section 38-637 of this Land Division and Subdivision Ordinance.
 - (2) All fees collected for initial improvement of parkland shall be utilized to construct improvements of public parks as specified in Wis. Stats. § 236.45(6)(ac). The specific park improvements authorized and for which fees are collected are as follows:
 - a. Grading;
 - b. Landscaping;
 - c. Installation of utilities;
 - d. Construction of sidewalks and paths;
 - e. Installation of playground equipment; and
 - f. Construction or installation of restroom facilities.

- (3) All fees shall be placed into a separate non-lapsing segregated fund to be used solely for initial improvement for public parks.
- (4) The subdivider shall pay a fee for initial improvement of parkland for public parks prior to the Village signing the final plat, CSM, condominium plat (pursuant to sections 38-367—38-369 of this Land Division and Subdivision Ordinance) or planned unit developments (pursuant to section 38-397 of this Land Division and Subdivision ordinance).
- (5) The amount of the fee for initial improvement of land for public parks shall be as follows:
 - a. Single-family housing unit: \$1,072.94;
 - b. Duplex: \$1,072.94, each unit;
 - c. Each other dwelling unit type: \$879.71.

The fee for initial improvement of land for public parks shall be adjusted annually for inflation by using the "Consumer Price Index, National Series (assuming December, 1985 = 100)" for all nonfood items as published by the U.S. Department of Labor, Bureau of Labor Statistics.

- (f) *Time for completion.* Improvement of the dedicated parkland shall be completed in conjunction with the required public improvements of the plat.
- (g) *Certificate of compliance required.* The Village Board shall require certification of compliance by the Village engineer. The cost of such report shall be paid by the land divider.
- (h) *Effect of failure to comply with section.* If the land divider fails to satisfy the requirements of this section, the Village Board may contract the completion and bill such costs to the land divider, following a public hearing and written notice to the land divider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.

(Ord. No. 2003-08, § 7.5, 8-21-2003; Ord. No. 2012-02, § 2, 5-17-2012; Ord. No. 2013-01, § 1, 3-21-2013)