

CHAPTER 5

Subdivision Regulations

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SEC. 10-5-1 INTRODUCTION AND PURPOSE.

- (a) INTRODUCTION. In accordance with the authority granted by Section 236.45 of the Wisconsin Statutes and for the purposes listed in Section 236.01 and 236.45 of the Wisconsin Statutes, the Village Board of the Village of Bear Creek does hereby ordain as follows:
 - (1) The provisions of this Chapter shall be held to be minimum requirements adopted to promote the health, safety, morals, comfort, prosperity and general welfare of the Village.
 - (2) This Chapter shall not repeal, impair or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) PURPOSE. The purpose of this Chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the streets, to foster the orderly layout and use of land; to insure safety from fire, flooding, panic and other dangers, to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population, to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds and other public necessities; and to facilitate the further division of large tracts of land into smaller parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village

and its environs, with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village,

State Law Reference: Chapter 236, Wis. Stats.

SEC. 10-5-2 DEFINITIONS.

- (a) The following definitions shall be applicable in this Chapter.
- (1) Alley. A public or private right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (2) Arterial Street. A street which provides for the movement of relatively heavy traffic to, from or within the Village. It has a secondary function of providing access to abutting land.
 - (3) Collector Street. A street which collects and distributes internal traffic within an urban area such as a residential neighborhood, between arterial and local streets. It provides access to abutting property.
 - (4) Block. A parcel of land bounded on at least one side by a street, but may be bounded on the other sides by natural or man-made barriers or unplatted land.
 - (5) Building Line. The line establishing the minimum open space between the lot line and the area within the lot upon which a structure may be erected.
 - (6) Certified Survey Map. A map of a lot split prepared in accordance with Section 236.34, Wisconsin Statutes, as amended.
 - (7) Cul-de-sac. A short street having but one end open to traffic and the other end being permanently terminated in a vehicular turnaround.
 - (8) Commission. The Village Plan Commission created by the Board of Trustees of the Village pursuant to Section 62.23 of the Wisconsin Statutes, if applicable.
 - (9) Comprehensive Plan. The extensively developed plan, also called a master plan, adopted by the Village Board pursuant to Section 62.23 of the Wisconsin Statutes, including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
 - (10) County Planning Agency. The Committee created by the County Board of Supervisors pursuant to Section 59.97 of the Wisconsin Statutes and authorized to plan land use within the County.
 - (11) Division of Land. Where the title of any part thereof is transferred by the execution of a land contract, an option to purchase, an offer to purchase and acceptance, a deed, or a certified survey, and a division occurs where any of the above transactions change the title from a joint tenancy to a tenancy in common or from tenancy in common to joint tenancy.
 - (12) Easement. Is the area of land set aside or over or through which a liberty, privilege, or advantage in land, distinct from ownership of the land, is granted to the public or some particular person or part of the public.
 - (13) Extraterritorial Plat Approval Jurisdiction. The unincorporated area within one and one-half (1-1/2) miles of a fourth class city or a village and within three (3) miles of all other cities.
 - (14) Frontage Street. A minor street auxiliary to and located on the side of an arterial street for control of access and for service to the abutting development.

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- (15) Improvement, Public. Any sanitary sewer, storm sewer, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Village may ultimately assume the responsibility for maintenance and operation.
- (16) Local Street. A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (17) Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this Chapter and any applicable zoning ordinance.
- (18) Lot Area. The area contained within the exterior boundaries of a lot excluding streets, easements and land under navigable bodies of water.
- (19) Lot, Corner. A lot abutting intersecting streets at their intersection.
- (20) Lot, Reversed Corner. A corner lot which is oriented to that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (21) Lot, Through. A lot having a pair of opposite lot lines along two (2) more or less parallel public streets and which is not a corner lot. On a "through lot," both street lines shall be deemed front lot lines.
- (22) Lot Lines. The peripheral boundaries of a lot as defined herein.
- (23) Lot Width. The width of a parcel of land measured along the front building line.
- (24) Major Thoroughfare. A street used or intended to be used primarily for fast or heavy through traffic. Major thoroughfares shall include freeways, expressways, and other highways and parkways, as well as arterial streets.
- (25) Marginal Access Street. A street which is parallel to and adjacent to major thoroughfares and which provides access to abutting properties and protection from traffic on the major street.
- (26) Minor Street. A street used, or intended to be used, primarily for access to abutting properties.
- (27) Minor Subdivision. The division of land by the owner or subdivider resulting in the creation of not more than four (4) parcels or building sites.
- (28) Owner. Includes the plural as well as the singular and may mean either a natural person, firm, association, partnership, private corporation, public or quasi-public corporation, or combination of these.
- (29) Pedestrian Pathway. A public way, usually running at right angles to streets, which is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (30) Plat. The map, drawing or chart on which the subdivider's plan of subdivision is presented to the Village Board for approval.
- (31) Replat. The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat.
- (32) Shorelands. Those lands within the following distances; one thousand (1,000) feet from the high water elevation of navigable lakes, ponds, and flowages or three hundred (300) feet from the high water elevation of navigable streams or to the landward side of the floodplain, whichever is greater.
- (33) Subdivider. Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor subdivision or replat.
- (34) Subdivision. The division of a lot, outlot, parcel, or tract of land by the owner thereof, or his agent for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or

- building sites of one and one-half (1-1/2) acres each or less in area; or where five (5) or more parcels or building sites of one and one-half acres each or less in area, are created by successive divisions within a period of five (5) years.
- (35) Wetlands. Those lands which are partially or wholly covered by marshland flora and generally covered with shallow standing water or lands which are wet and spongy due to high water table.
- (36) 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 of the Wisconsin Statutes, including subsequent amendments to those rules.

SEC. 10-5-3 GENERAL PROVISIONS.

- (a) **COMPLIANCE.** No person shall divide any land located within the jurisdictional limits of these regulations which results in a subdivision, land division, or a replat as defined herein; no such subdivision, land division or replat shall be entitled to record; and no street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Chap. 236 and Sec. 80.08, Wis. Stats.
 - (2) The rules of the Division of Health contained in Wis. Adm. Code for Subdivisions H65 not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Wis. Adm. Code for Subdivisions Hy33, which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in Wis. Adm. Code for Floodplain Management Program.
 - (5) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Village Board.
 - (6) All applicable local and county regulations, including zoning, sanitary, building, and official mapping ordinances.
- (b) **JURISDICTION.** Jurisdiction of these regulations shall include all lands within the corporate limits of Village as well as the unincorporated area within one and one-half (1-1/2) miles of the corporate limits as provided in Sec. 236.10 and 62.32, Wis. Stats. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) parcels, shall not apply to:
- (1) Transfers of interests in land by will or pursuant to court order;
 - (2) Leases for a term not to exceed ten (10) years, mortgages or easements;
 - (3) The sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances.
- (c) **CERTIFIED SURVEY.** Any division of land other than a subdivision as defined in Sec. 236.02(8), Wis. Stats., shall be surveyed and a certified survey map prepared as provided in Sec. 236.34, Wis. Stats.
- (d) **PERMITS.** No building permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met.
- (e) **WARNING AND DISCLAIMER OF LIABILITY.** The degree of protection provided by this Chapter is considered reasonable for regulatory purposes only and is based on engineering experience and study. This Chapter, however, does not imply that land division permitted by these regulations will be totally free of problems nor shall this ordinance create a liability on the part of or because of action against the Village or

any office or employee thereof for any problems that may result from reliance on these regulations.

- (f) **UNSUITABLE TOPOGRAPHY.** No land shall be subdivided or split, which is held unsuitable for the proposed use by the Village Board for reason of flooding, inadequate drainage, rock formation, unfavorable topography, inadequate sewage disposal capabilities, or any other factor, likely to be harmful to the health, safety or welfare of the future residents of the subdivision. The Village Board, in applying the provisions of this section shall, in writing, indicate the particular facts upon which is based its conclusion that the land is not suitable for development and afford the subdivider an opportunity to present evidence regarding such suitability, if he so desires at a public hearing called by the Board. Thereafter, the Village Board may affirm, modify or withdraw its determination of unsuitability.
- (g) **COMPLIANCE WITH OFFICIAL MAP.** The subdivision layout shall conform with the "Official Map" of the Village, however, where necessary and practical, a variance from the exact design shown on the "Official Map" may be permitted, if such variance is not detrimental to the public interest, the intent of this Chapter or the integrity of the "Official Map".

SEC. 10-5-4 **PROCEDURE FOR SUBMITTING SUBDIVISIONS.**

- (a) **PRELIMINARY MEETINGS.** Before filing a preliminary plat, or certified survey, the subdivider is encouraged to consult with the Plan Commission and/or its consulting staff for advice regarding general subdivision drawn on a topographic survey map should be submitted. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the comprehensive plan, comprehensive plan components, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency 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 will gain a better understanding of the subsequent required procedures.
- (b) **PRELIMINARY PLAT REVIEW WITHIN THE VILLAGE.**
 - (1) Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The Preliminary Plat shall be prepared in accordance with Section 10-5-7, and the subdivider shall file an adequate number of copies of the Plat and the application with the Village Clerk at least ten (10) days prior to the meeting of the Village Board at which action is desired.
 - (2) The Village Clerk shall, within two (2) days after filing, transmit a copy to the County Planning Agency; two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for such service has not been made; and an adequate number of copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation and the Wisconsin Department of

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Health and Social Services shall be hereinafter referred to as objecting agencies.

- (3) The Village Board shall transmit a copy of the Preliminary Plat to all affected boards, commissions or departments, and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Board within ten (10) days from the date the Plat is filed. The Preliminary Plat shall then be reviewed by the Board for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components which affect it.
- (c) **PRELIMINARY PLAT APPROVAL WITHIN THE VILLAGE.**
 - (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (2) Within ninety (90) days of the filing of the preliminary plat, the Village Board shall grant approval, conditional approval with explanation, or reject the plat, giving the reasons or conditions for such approval or rejection unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within the ninety (90) days, or extension thereof, constitutes approval of the preliminary plat.
 - (3) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If, however, the final plat is not submitted within six (6) months of the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat. The final plat may, if permitted by the Village Board, constitute only that portion of the approved preliminary plat, which the subdivider proposes to record at that time.
- (d) **IMPROVEMENT AND ENGINEERING PLANS.** Prior to submission of a final plat, the subdivider shall have provided three (3) copies of the improvement plans, profiles, and other necessary engineering detail for streets, sanitary sewage system, storm water drainage system, water distribution system, and other improvements prepared by a registered professional engineer in accordance with the requirements of these regulations. Plans and profiles for sanitary and storm sewers shall be at a scale of not less than 1" = 40'. The improvement plans shall conform to the preliminary plat and the specifications of this Chapter. If the plans are satisfactory, the Clerk shall transmit one copy to the subdivider with a notation of approval place on the plans; if unsatisfactory, the Clerk shall notify the subdivider of the modifications required or the reason for disapproval.
- (e) **FINAL PLAT REVIEW WITHIN THE VILLAGE.**
 - (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file an adequate number of copies of the Plat and the application with the Village Clerk at least ten (10) days prior to the meeting of the Village Board at which action is desired.
 - (2) The Village Clerk shall, within two (2) days after filing, transmit two (2) copies to the County Planning Agency; two (2) copies to the Director of the Planning Function in the Wisconsin Department of Local Affairs and Development; additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Health and Social Services if the subdivision is not served by a public sewer and provision for service has not been made; and the

original Final Plat and adequate copies to the Village Board. The County Planning Agency, the Wisconsin Department of Local Affairs and Development, the Wisconsin Department of Transportation, and the Wisconsin Department of Health and Social Services shall be hereinafter referred to as objecting agencies.

(e) FINAL PLAT APPROVAL WITHIN THE VILLAGE.

- (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village Board. If an objection agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
- (2) If the Final Plat is not submitted within six (6) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
- (3) The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. If the Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the subdivider. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (4) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (5) Recordation. After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within thirty (30) days from the date of last approval.
- (6) Copies. The subdivider shall file ten (10) copies of the Final Plat with the Village Clerk for distribution to the approving agencies and other affected agencies for their files.

(f) PARTIAL PLATTING. The Final Plat may, if permitted by the Plan Commission and Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time. Approval of a Final Plat for only a portion of the Preliminary Plat for one (1) year from the date of such Final Plat approval.

(g) PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION.

- (1) When the land to be subdivided lies within one and one-half (1-1/2) miles of the corporate limits of the Village, the subdivider shall proceed as specified in Subsections (a) through (f) except;
- (2) Transmittal responsibility lies with the Village Clerk, Town Clerk or County Planning Agency to whomever the Plat is first submitted; and the subdivider shall indicate which one in his application.
- (3) Approved agencies include the Village Board, Town Board and the County Planning Agency; and the subdivider must comply with the land division ordinances of these agencies.
- (4) Subdivider may proceed with the installation of such improvements and under

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such regulations as the Town Board of the town within whose limits the Plat lies may require. Wherever connection to any Village utility is desired, permission for such connection shall be approved by the Village Board.

- (5) All improvement requirements, specified by the Town Board or any special improvement district in matters over which they have jurisdiction shall be met before filing of the Final Plat.

SEC. 10-5-5 REPLAT.

- (a) 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 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Subsections (a) through (g) of Section 10-5-4.
- (b) The Village Clerk shall schedule a public hearing before the Village Board when a Preliminary Plat of a replat of lands within the Village 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 two hundred (200) feet of the exterior boundaries of the proposed Replat.

SEC. 10-5-6 MINOR SUBDIVISIONS—CERTIFIED SURVEYS.

- (a) **CERTIFIED SURVEY REQUIRED.**
 - (1) When it is proposed to divide land into not more than four (4) parcels or building sites the subdivider may subdivide by use of a Certified Survey Map.
 - (2) To the extent reasonably practicable, the minor land division shall comply with the provisions of this ordinance relating to general requirements and design standards and required improvements. All required improvements shall be designed, furnished and installed at the expense of the applicant before a certified survey map will be considered for approval or in lieu of construction, a surety bond, certified check, escrow account, or other financial assurance may be provided in accordance with this Chapter.
 - (3) The survey shall be performed and the map prepared by a land surveyor registered in the state.
 - (4) All corners shall be monumented in accordance with Section 236.15(1)(c) and (d), Wis. Stats.
- (b) **LETTER OF INTENT.** The subdivider shall submit to the Village Clerk a letter of intent. The letter of intent shall specify:
 - (1) The name and address of the owner of the property under consideration.
 - (2) The name and address of the subdivider.
 - (3) The name and address of the surveyor who will be doing the work.
 - (4) The names and addresses of all prospective buyers.
 - (5) The location and size of the property.
 - (6) The present use of the land.
 - (7) The intended future use of the land.
 - (8) The estimated timetable of development.
- (c) **SKETCH MAP.** Accompanying the letter of intent, for areas outside the floodplain, the subdivider shall submit a sketch map at a scale of 1" = 200' or other appropriate scale. More than one sketch map may be used to show the required information but

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they shall be of the same scale and no one map shall be larger than 8-1/2" x 11". Each submission shall include all contiguously owned land except the sketch need not show more than twenty (20) times the area of the intended certified survey. This sketch map shall show the following information:

- (1) North arrow, date, and scale.
- (2) Reference to a section corner.
- (3) Approximate dimensions of the parcels and easements.
- (4) The location of existing buildings, water wells, sewerage systems, watercourses, drainage ditches and other features pertinent to proper division.
- (5) Setback or building lines required by any approving agency.
- (6) The uses of the land adjacent to the property and existing roads, easements of record, public access to navigable waters, dedicated areas and utilities.

(d) **CERTIFICATES AND AFFIDAVITS.**

- (1) The certified survey map shall include the certificate of the surveyor, who surveyed and mapped the parcel, typed, lettered or reproduced legibly with nonfading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the certificate of the surveyor to the effect that he has fully complied with the requirements of these regulations and all requirements of Section 236.34, Wis. Stats., as amended.

- (2) The certificate of Village approval shall be typed, lettered, or reproduced legibly with nonfading black ink on the face of the certified survey map in substantially the following form:

a. For certified surveys that do not require Village Board action on a variance, modification or condition of approval, the certificate shall read: "This certified survey map has been submitted to and approved by the Village of Bear Creek as complying with Chapter 236, Wis. Stats., as amended, and the Subdivision Regulations of the Village of Bear Creek".

"Date _____ Signed _____".

b. For certified surveys, which require Village Board action on a variance, modification or condition of approval, the certificate shall read: "This certified survey map has been submitted to and approved by the Village of Bear Creek as complying with Chapter 236, Wis. Stats., as amended, and the Subdivision Regulations of the Village of Bear Creek. All the variances, modification or conditions of approval for this survey map are contained in the minutes of the _____ meeting of the Village Board.

"Date _____ Signed _____".

- (3) A certificate by the owner of the land in substantially the following form: "As owner, I hereby certify that I caused the land described on this map to be surveyed, divided, mapped and dedicated as represented on this map." This certificate shall be signed by the owner, his wife and all persons holding an interest in the fee or record or by being in possession and if the land is mortgaged, by the mortgagees of record.

- (e) **FLOODPLAIN AREAS.** The commission may require that two foot contour maps prepared by a registered surveyor or engineer, be the basis of the sketch in floodplain areas. In addition, the information required above will also be required.

- (f) **PROPOSED LAYOUT.** The Village Board may require a proposed subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

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- (g) **ADDITIONAL INFORMATION.** The Village Board may grant tentative approval based on individual lot percolation tests and soil borings prior to tentative approval where limiting conditions are suspected.
- (h) **TENTATIVE APPROVAL.** The Village Board may grant tentative approval based on the letter of intent and sketch map pending submission of the certified survey map. Tentative approval shall assure final approval if the certified survey submitted within the six months is substantially the same plan and all requirements for division are met.
- (i) **CERTIFIED SURVEY.** The subdivider shall cause a certified survey map to be prepared in accordance with Section 10-5-9 of this Chapter and submit ten (10) copies along with the individual lot percolation tests and soil borings (for lots not served by public sewer) to the Village Clerk. The map shall be reviewed by the Village Board for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components which affect it. The Board shall approve, approve conditionally, or reject such map within thirty (30) days from the date of filing of the map unless the time is extended by agreement with the subdivider. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the map is approved, the Commission shall cause the Village Clerk-Treasurer to so certify on the face of a copy of the map and return it to the submitter.
- (j) **RECORDATION.** This certified survey map shall be filed by the divider, subdivider, or owner for record with the County Register of Deeds, and a copy of said map shall be filed with the Village Clerk.

SEC. 10-5-7 TECHNICAL REQUIREMENTS FOR PRELIMINARY PLATS.

- (a) **GENERAL.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on tracing cloth or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
 - (1) Title under which the proposed subdivision is to be recorded.
 - (2) Location of proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, Scale and North Point.
 - (4) Names and Addresses of the owner, subdivider and land surveyor preparing the plat.
 - (5) Entire Area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (b) **PLAT DATA.** All preliminary plats shall show the following:
 - (1) Exact Length and Bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all Existing Property Boundry Lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.

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- (3) Location, Right-of-Way Width and Names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (4) Location and Names of Any Adjacent Subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (5) 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.
- (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers, culverts, and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground 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 sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert.
- (7) Corporate Limit Lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed subdivision.
- (9) Contours within the exterior of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where in the judgment of the Commission undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages, and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom, at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Location and Results of Soil Boring Tests within the exterior boundaries of the plat conducted in accordance with Section H65.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the subdivision will not be served by public sanitary sewer service.
- (15) Location and Results of Percolation Tests within the exterior boundaries of the plat conducted in accordance with Section H65.06 of the Wisconsin Administrative Code where the subdivison will not be served by public sanitary sewer service.
- (16) Location, Width and Names of all proposed streets and public rights-of-ways such as alleys and easements.

- (17) Approximate Dimensions of All Lots together with proposed lot and block numbers.
- (18) Location and Approximate Dimensions of any sites to be reserved or dedicated parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (19) Approximate Radii of All Curves.
- (20) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (21) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (22) Where the Board finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.

(c) SOIL AND WATER CONSERVATION.

- (1) Erosion Control. The Village Board upon determining from a review of the preliminary plat 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.
 - (2) Tree Cutting. Tree cutting and shrubbery clearing shall not exceed thirty (30%) percent of the lot or tract and shall be so conducted as to prevent erosion and sedimentation; preserve the improve scenic qualities; and during foliation, substantially screen any development from stream or lake users.
 - (3) Paths and Trails. Paths and trails shall not exceed ten (10) feet in width 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.
 - (4) Earth Movements. Earth movements, 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.
 - (5) Review. Review of such cutting, clearing and movement may be requested of the County Soil and Water Conservation District Supervisors, the State Area Fish and Game Managers, and the State Area Forester by the Board as they deem appropriate.
- (d) STREET PLANS AND PROFILES. The Village Board may require that the subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon the same datum as above and plans and profiles shall meet the approval of the Commission.
- (e) COVENANTS. The Commission and/or Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.
- (f) AFFIDAVIT. The suveyor preparing the preliminary plat shall certify on the face of the plat that is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.

SEC. 10-5-8

TECHNICAL REQUIREMENTS FOR FINAL PLATS.

- (a) 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 Section 236.20 of the Wisconsin Statutes.
- (b) ADDITIONAL INFORMATION. The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
 - (1) Exact Street Width along the line of any obliquely intersecting street.
 - (2) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
 - (3) Location of Individual Lot Soil Boring and Percolation Tests as required by Chapter H62.70 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the Plat.
 - (4) Railroad Rights-of-way within and abutting the Plat.
 - (5) Setbacks or Building Lines required by any approving or reviewing agency.
 - (6) All Lands Reserved for future public acquisition or reserved for the common use of property owners within the Plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the Plat.
 - (7) Special Restrictions required by the Village Board and other approving or objecting agency relating to access control along public ways, the provision of planting strips, or shorelands or floodlands.
 - (8) Where the Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the Final Plat, it shall have the authority to request in writing such information from the subdivider.
- (c) DEED RESTRICTIONS. The Village Board may require the deed restrictions be filed with the Final Plat.
- (d) SURVEY ACCURACY. A qualified person shall examine all Final Plats within the Village's jurisdiction and make field checks for the accuracy and closure of survey, proper kind and location of monuments and legibility and completeness of the drawing.
- (e) SURVEYING AND MONUMENTING. All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- (f) STATE PLANE COORDINATE SYSTEM. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plane Coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (g) CERTIFICATES. All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes; and, in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

SEC. 10-5-9

TECHNICAL REQUIREMENTS FOR CERTIFIED SURVEY MAPS.

Subdivision Regulations

- (a) GENERAL. A certified survey map prepared by a registered land surveyor shall be required for all minor subdivisions. It shall comply in all respects with the requirements of Section 236.34 of the Wisconsin Statutes and Section 2-5-6 of this Code of Ordinances. The minor subdivision shall be excepted from the improvements requirements set forth in Sections 10-5-16 of this Chapter but shall comply with the design standards set forth in Section 10-5-10 through 10-5-15 of this Chapter.
- (b) ADDITIONAL INFORMATION. The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
 - (1) Date of Map.
 - (2) Graphic Scale.
 - (3) Name and address of the owner, subdivider and surveyor.
 - (4) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
 - (5) Names of adjoining streets, highways, parkways, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
 - (6) Acreage included in each parcel.
 - (7) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or, where such data is not available, a vertical distance of two (2) feet above the elevation of the maximum flood of record.
 - (8) Location of individual lot soil boring and percolation test, as required by Chapter H62.20 of the Wisconsin Administrative Code for all lots not served by public sewer. The results of the tests shall be submitted with the map.
 - (9) Setbacks or building lines required by any approving or reviewing agency.
 - (10) All lands reserved for future public acquisition.
 - (11) Where the Board finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing, such information from the subdivider as information on shoreline and bottom characteristics.
- (c) STATE PLANE COORDINATE SYSTEM. Where the Map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, 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 distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (d) CERTIFICATES. The surveyor shall certify on the face of the Map that he has fully complied with all the provisions of this Chapter. The Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map.
- (e) RECORDATION. The Certified Survey Map shall only be recorded with the county register of deeds after the certificates of the Village Board and the surveyor are placed on the face of the Map.

SEC. 10-5-10 DESIGN STANDARDS—STREETS.

- (a) COMPLIANCE WITH STATUTES. In laying out a subdivision, the owner shall conform to the provisions of Chapter 236, Wis. Stats., and all applicable code sections. In all cases where the requirements of the code section are different from

- the requirements of Chapter 236, the more restrictive provision shall apply.
- (b) **DEDICATION.** The subdivider shall dedicate land and improve streets as provided herein. Streets shall be located with due regard for topographical conditions, natural features, existing and proposed streets, utilities and land uses and public convenience and safety. Streets shall conform to the official map of the Village.
 - (c) **SUFFICIENT FRONTAGE.** All lots shall have sufficient frontage on a public street to allow access by emergency and service motor vehicles.
 - (d) **COMPLIANCE WITH OFFICIAL MAP/PLAN.** The arrangement, character, extent, width, grade and location of all streets shall conform to all applicable plans officially adopted by the Village Board and shall be contiguous in alignment with existing or platted streets to which they will connect.
 - (e) **AREA NOT COVERED BY OFFICIAL MAP.** In areas not covered by the Official Map, the layout of streets shall conform to the plan for most advantageous development of adjoining areas of the neighborhood. Streets shall be designed and located in relation to existing and officially planned streets, topography and natural terrain, streams and lakes, and existing tree growth, public convenience and safety, and in their appropriate relation to the proposed use of the land to be served by such streets.
 - (f) **STREET CLASSIFICATION.** Streets shall be classified as indicated below.
 - (1) Collector Streets. Collector streets 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 special traffic generators such as schools, churches and shopping centers and other concentrations of population and to the major streets into which they feed.
 - (2) Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
 - (3) Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Board, such extension is not necessary or desirable for the coordination of the layout of the subdivision or land division or for the advantageous development of the adjacent tracts.
 - (4) Reserve Strips. Reserve strips shall not be provided on any plat to control access to streets or alley, except where control of such strips is placed with the Village under conditions approved by the Village Board.
 - (5) Alleys. Alleys shall be provided in commercial and industrial districts for off-street loading and service access, but shall not be approved in residential districts. Dead-end alleys shall not be approved and alleys shall not connect to a major thoroughfare.
 - (6) Arterial Streets. Arterial streets 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.
 - (g) **EXTRATERRITORIAL STREETS.** Streets located in the extraterritorial plat jurisdiction of the Village must also comply with the minimum town road standards of Section 86.26, Wis. Stats.
 - (h) **CONTINUATION.** Streets shall be laid out to provide for possible continuation wherever topographic and other physical conditions permit. Provision shall be made so that all proposed streets shall have a direct connection with, or be continuous and in line with, existing, planned or platted streets with which they are to connect.