

TITLE 14

Subdivision and Platting

Chapter 1 Land Division and Subdivision Code

Title 14 ► Chapter 1

Land Division and Subdivision Code

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Article A: Adoption; Introduction

Sec. 14-1-1 Introduction and Purpose.

- (a) **Introduction.** In accordance with the authority granted by Sections 236.13(1)(b) and 236.45, Wis. Stats., and for the purposes listed in Sections 236.01 and 236.45, Wis. Stats, the Village Board of the Village of Elk Mound, Wisconsin, 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 of Elk Mound.
 - (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.** This Chapter is intended to regulate and control the division and subdivision of land within the corporate limits and the extraterritorial plat approval jurisdiction of the Village of Elk Mound in order to promote the public health, safety and general welfare, to encourage the most appropriate use of land, to provide the best possible living environment for people and to conserve the value of building placed upon the land by:
- (1) Furthering the orderly layout and use of land;
 - (2) Insuring proper legal description and proper monumenting of land;
 - (3) Preventing overcrowding of land and avoiding undue concentration of population;
 - (4) Lessening congestion in the streets and highways;
 - (5) Securing safety from fire, flooding, water pollution and other hazards;
 - (6) Providing adequate light and air;
 - (7) Facilitating adequate provisions for transportation, water, sewerage, schools, parks, playgrounds, open space, storm water drainage, the conservation of land, natural resources, scenic and historic sites, energy and other public requirements;
 - (8) Facilitating further resubdivision of larger parcels into smaller parcels of land;
 - (9) Insuring enforcement of the development concepts, policies and standards delineated in the Village of Elk Mound Comprehensive Plan ("Smart Growth Plan" or "Master Plan") and related components, and, but not limited to, the Official Map, the Parks and Open Space Plan, the Transportation Plan, the Village Zoning Code, Construction Site Erosion Control Code, Post-Construction Stormwater Management Code and the Building Code of the Village of Elk Mound, if such plans and ordinances are adopted by the Village of Elk Mound.
- (c) **Intent.** It is the general intent of this Chapter to regulate the division of land so as to:
- (1) **Obtain the Wise Use**, conservation, protection and proper development of the Village'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;
 - (2) **Lessen Congestion** in the streets and highways;

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- (3) **Further the Orderly** layout and appropriate use of land;
 - (4) **Secure Safety** from fire, panic, and other dangers;
 - (5) **Provide Adequate Light** and air;
 - (6) **Facilitate Adequate Provision** for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - (7) **Secure Safety** from flooding, water pollution, disease, and other hazards;
 - (8) **Prevent Flood Damage** to persons and properties and minimize expenditures for flood relief and flood control projects;
 - (9) **Prevent and Control Erosion**, sedimentation, and other pollution of surface and subsurface waters;
 - (10) **Preserve Natural Vegetation and Cover** and promote the natural beauty of the Village of Elk Mound;
 - (11) **Restrict Building Sites** in areas covered by poor soils or in other areas poorly suited for development;
 - (12) **Facilitate the Further Division** of larger tracts into smaller parcels of land;
 - (13) **Ensure Adequate** legal description and proper survey monumentation of subdivided land;
 - (14) **Provide for the Administration** and enforcement of this Chapter;
 - (15) **Provide Penalties** for its violation; and
 - (16) **Implement** those municipal, county, watershed, or regional comprehensive plans or their components adopted by the Village of Elk Mound, 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, Village Zoning Code, Village Building Code and other land use planning documents and ordinances of the Village of Elk Mound described in Subsection (b)(9) above.
- (d) **Dedication and Reservation of Land.**
- (1) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or any part of a street, highway, bikeway, pedestrianway, greenway, environmental corridor, waterway, or a drainage or utility easement designated in the Comprehensive Plan or Official Map, the Subdivider/Developer shall plat said public way in the locations and dimensions indicated on said Comprehensive Plan ("Smart Growth Plan" or "Master Plan") or Official Map (if adopted by the Village). The Village of Elk Mound Village Board, upon the recommendation of the Plan Commission, shall determine whether said public way should be dedicated to the public or reserved by the Subdivider/Developer.
 - (2) Whenever a tract of land to be divided within the jurisdiction of this Chapter encompasses all or part of a park site, open space or other recreation area or school site designated in the Village Comprehensive Plan, Park and Open Space Plan, or Official Map (if adopted by the Village), said public sites shall be platted and dedicated or reserved by the Subdivider/Developer at the discretion of the Village Board, upon the recommendation of the Plan Commission, in the locations and dimensions indicated on said plans or map in accordance with the requirements of Article G of this Chapter.

- (3) Once a preliminary plat or certified survey map is approved, any lands proposed for public use above shall not be altered without the written approval of the Village Board, upon the recommendation of the Plan Commission.

State Law Reference: Chapter 236, Wis. Stats.

Sec. 14-1-2 Abrogation and Greater Restrictions.

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

Sec. 14-1-3 Interpretation.

In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Elk Mound and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.

Sec. 14-1-4 Severability.

If any provision of this Chapter is invalid or unconstitutional, or if the application of this Chapter to any person or circumstances is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.

Sec. 14-1-5 Repeal.

All other ordinances or parts of ordinances of the Village of Elk Mound inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

Sec. 14-1-6 Title.

This Chapter shall be known as, referred to, or cited as the "Village of Elk Mound Subdivision Chapter (Ordinance)" or "Village of Elk Mound Land Division Chapter (Ordinance)."

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Sec. 14-1-7 through Sec. 14-1-9 Reserved for Future Use.

Article B: Definitions

Sec. 14-1-10 Definitions.

- (a) **General Definitions.** The language set forth in the text of this Chapter shall be interpreted according to the following rules of construction:
- (1) **Singular and Plural.** The singular number includes the plural, and the plural the singular.
 - (2) **Tense.** The present tense includes the past and future tenses, and the future the present.
 - (3) **Shall and May.** The word "shall" is mandatory; the word "may" is permissive.
 - (4) **Gender.** The masculine gender includes the feminine and neuter genders.
 - (5) **Defined Words and Terms.** Whenever a word or term defined hereinafter appears in the text of this Chapter, its meaning shall be construed as set forth in the definition thereof. Any word appearing in parentheses between a word and its definition herein, shall be construed in the same sense as that word.
 - (6) **Words Not Defined Herein.** Any words not defined in this Section shall be presumed to have their customary dictionary definitions.
- (b) **Specific Words and Phrases.** The following definitions shall be applicable in this Chapter:
- (1) **Abutting.** Having a common border with, or being separated from such common border by an alley or easement, other than publicly dedicated and approved rights-of-way.
 - (2) **Access.** A means of vehicular or nonvehicular approach or entry to or exit from property, a street, or highway.
 - (3) **Adjacent.** Nearby, but not necessarily touching or abutting.
 - (4) **ADT.** Average daily traffic. The average total number of vehicles traversing a street on a typical day.
 - (5) **Advisory Agency.** Any agency, other than an objecting agency, to which a plat or certified survey map may be submitted for review and comment. An advisory agency may give advice to the Village and suggest that certain changes be made to the plat or certified survey map, or it may suggest that a plat or certified survey map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board or Plan Commission. Examples of advisory agencies include regional planning commissions, school districts, and local utility companies.
 - (6) **Alley.** A public right-of-way which normally affords a secondary means of vehicular access to abutting property.
 - (7) **Approving Agencies.** Each governmental body having authority to approve or reject a preliminary or final plat. Approving authorities are set forth in Section 236.10, Wis. Stats.

- (8) **Arterial Street.** A street used, or intended to be used, primarily for fast or heavy through traffic providing for the expeditious movement of through traffic into, out of, and within the community. Arterial streets shall include freeways and expressways as well as standard arterial streets, highways, and parkways. Arterial streets shall be located to minimize the penetration of such streets through existing and proposed residential areas. Arterial streets shall generally be designed to convey an average daily traffic (ADT) of three thousand (3,000) and greater.
- (9) **Bicycle Path.** A pathway designed specifically to satisfy the physical requirements of bicycling.
- (10) **Bikeway.** A bike route completely apart from a street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (11) **Block.** A tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters and municipal boundaries.
- (12) **Buffer.** See definition for "Bufferyard."
- (13) **Bufferyard.** An area of land within the boundaries of a lot or site, generally adjacent to and parallel with the property line, either consisting of natural vegetation, or using trees, shrubs, fences, and/or berms, designed to limit continuously the view and/or sound from the lot or site to adjacent lots or sites. Bufferyards are typically defined by a delineated easement graphically indicated on the face of the certified survey map, subdivision plat, or condominium plat.
- (14) **Buildable Lot.** See definition of "Lot, Buildable."
- (15) **Building Line (or Buildable Line).** A line parallel to a lot line and at a distance from the lot line so as to comply with the yard and setback requirements of the applicable Zoning Code, or any restriction on the plat which identifies a line on the plat as a building setback line.
- (16) **Caliper.** A measurement of the diameter of a tree taken six (6) inches from above the ground level for trees up to and including four (4) inch caliper sizes, and twelve (12) inches above the ground level for larger sizes.
- (17) **Certified Survey Map.** A minor land division, as defined in Section 14-1-34 of this Code of Ordinances and prepared and recorded as set forth in Section 236.34, Wis. Stats. See also "Minor Land Division."
- (18) **Channel.** A natural or artificial watercourse of perceptible extent which periodically or continuously contains moving water, or which forms a connecting link between two (2) bodies of water. It has a definite bed and banks which serve to confine water.
- (19) **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. It is a street used, or intended to be used, to carry traffic from minor streets to the system of arterial streets including principal entrance streets to residential developments and/or activity/employment centers.

- Collector streets shall be designed to convey an average daily traffic (ADT) of between five hundred (500) and three thousand (3,000).
- (20) **Commission, Plan.** The Plan Commission created by the Village Board pursuant to Sec. 62.23, Wis. Stats., and Title 2, Ch. 4 of the Village of Elk Mound Code of Ordinances.
- (21) **Common Area.** Land in a residential development held in common and/or single ownership and not reserved for the exclusive use or benefit of an individual tenant or owner but rather for the benefit of all occupants of the development.
- (22) **Community.** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic, or physical interests.
- (23) **Comprehensive Plan ("Smart Growth Plan").** The extensively developed plan, also called a Master Plan or Smart Growth Plan, adopted by the Village of Elk Mound Plan Commission and certified to the Village Board pursuant to Section 62.23, Wis. Stats., or a Comprehensive Plan adopted by the Village Board pursuant to Section 66.1001, Wis. Stats. Other land use plans shall be considered an element, or component, of the Comprehensive Plan. The Comprehensive Plan shall also include, as its components, neighborhood and subarea plans, proposals for future land use, open space, streets and transportation, urban development, and public facilities. Devices for implementation of these plans, such as zoning, official map, land division and building line provisions, design guidelines, and capital improvement programs shall also be considered a part of, or component of, the Comprehensive Plan.
- (24) **Comprehensive Plan Component.** Each plan, ordinance, study, standard, agreement, or other document duly adopted or approved by the Village Board or Plan Commission which is related to the regulation of or the planning for land use or development, or to the provisions of public improvements or services within the Village.
- (25) **Concept Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes. See also Articles D and E of this Chapter.
- (26) **Condominium.** A building, or group of buildings, in which dwelling units or other nonresidential floor area portions thereof are owned individually, and the structure, common areas, and facilities are owned by all the owners on a proportional, undivided basis. Property subject to a condominium declaration as defined, regulated and established under Chapter 703, Wis. Stats., and this Chapter.
- (27) **Condominium Association.** An association, whose members consist of owners of units in a condominium, which administers and maintains the common property and common elements of a condominium.
- (28) **Condominium, Conversion.** A structure which, before the recording of a condominium declaration, was wholly or partially occupied by persons other than those who have contracted for the purchase of condominium units and those who occupy with the consent of the purchasers.

- (29) **Condominium Declarant.** The owner of property who subjects said property to a condominium declaration.
- (30) **Condominium Declaration.** The instrument by which property becomes subject to Chapter 703, Wis. Stats.
- (31) **Condominium Development.** A real estate development in which a condominium form of ownership pursuant to Chapter 703, Wis. Stats., is utilized.
- (32) **Condominium Unit.** A part of a condominium intended for any type of independent use, including one (1) or more cubicles of air at one (1) or more levels of space or one (1) or more rooms or enclosed spaces located on one (1) or more floors (or parts thereof) in a building. A unit may include two (2) or more noncontiguous areas.
- (33) **Conservation Easement.** A type of protective covenant, the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat used to conserve and preserve a natural resource feature that is protected under the provisions of this Chapter.
- (34) **Consolidation.** Legally merging two (2) or more recorded parcels into a single parcel.
- (35) **Contiguous.** In contact with one (1) or more sides.
- (36) **Conveyance.** Where the title or any part thereof is transferred by the execution of a land contract, option to purchase, offer to purchase and acceptance, deed or certified survey.
- (37) **County Planning Agency.** The agency created by the County Board and authorized by Statute to plan land use and to review subdivision plats and certified survey maps.
- (38) **Cul-de-sac.** A local street having but one (1) end or outlet open to traffic and the other end being permanently terminated in a vehicular turnaround for the safe and convenient reversal of traffic movement.
- (39) **Curb.** A vertical or sloping edge of a roadway, drive, or parking area.
- (40) **DBH.** Diameter at breast height. (See definition of "Diameter at Breast Height.")
- (41) **Dead End Street.** A street permanently or temporarily closed at one end, with or without turnarounds.
- (42) **Dedication (Of Land and/or Interest in Land).** The grant and conveyance of a geographically defined interest in land which is identified on a subdivision plat or certified survey map as being the subject of a dedication, grant and conveyance to the Village or some other entity, usually for public improvements, facilities, or uses; the act of making such a dedication. The transfer may be of fee simple interest or of a less than fee simple interest, including an easement.
- (43) **Dedication (Of Public Improvements).** The grant and conveyance to the Village of completed public improvements in a land division by the subdivider or condominium developer (as applicable); the act of making a dedication.
- (44) **Deed Restriction.** A restriction on the use of a property set forth in the deed.
- (45) **Detention Basin.** A man-made or natural depression below the surrounding grade level designed to collect surface and subsurface water so that it might impede its flow

and to gradually release the same at a rate not greater than that prior to the development of the property, into natural or man-made outlets (i.e., the storm sewer system or stream).

(46) **Developer.** The legal or beneficial owner or owners of a lot or of any land included in a proposed development, including the holder of an option or contract to purchase or other persons having enforceable proprietary interests in such land.

(47) **Development.**

a. The carrying out of any building activity, the making of any material change in the use or appearance of any structure or land, or the dividing of land into parcels by any person. Any manmade change to improved or unimproved real estate including, but not limited to, construction of or additions or substantial improvements to buildings, other structures, or accessory uses, mining, dredging, filling, grading, paving, excavation or drilling operations, or disposition of materials. The following activities or uses shall be taken for the purposes of these regulations to involve "development":

1. A reconstruction, alteration of, or material change in the external appearance of a structure on land or water; or
2. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or an increase in the floor area or number of businesses, manufacturing establishments, or offices; or
3. Alteration of a shore or bank of a pond, river, stream, lake, or other waterway; or
4. Commencement of drilling (except to obtain soil samples), mining, or excavation on a parcel of land; or
5. Demolition of a structure; or
6. Clearing of land as an adjunct of construction, including clearing or removal of vegetation, any significant disturbance of vegetation, or any soil manipulation; or
7. Deposit of refuse, solid or liquid waste, or fill on a parcel of land.

b. The following operations or uses shall not be taken for the purpose of these regulations to involve "development":

1. Work by a highway or road agency or railroad company for the maintenance of a road or railroad track if the work is carried out on land within the boundaries of the right-of-way; or
2. Work by any public or quasi-public utility, and other persons engaged in the distribution or transmission of gas or water, for the purposes of inspecting, repairing, renewing, or constructing on established rights-of-way sewers, mains, pipes, cables, utility tunnels, power lines, towers, poles, tracks, or the like; or
3. The maintenance, renewal, or alteration of any structure, where only the interior or the color of the structure or the temporary decoration of the exterior of the structure is affected; or

4. The use of any structure or land devoted to dwelling uses for any purpose customarily incidental to enjoyment of the dwelling; or
 5. Work involving the landscaping of a detached dwelling; or
 6. Work involving the maintenance of existing landscaped areas and existing rights-of-way such as setbacks and other non-natural planted areas.
- c. "Development" includes all other activity customarily associated with it unless otherwise specified. When appropriate to the context, "development" refers to the act of development or to the result of development within the Village. Reference to any specific operation is not intended to mean that the operation or activity, when part of other operations or activities, is not development. Reference to particular operations is not intended to limit the generality of this definition.
- (48) **Development Agreement.** See definition of "Subdivider's Agreement."
- (49) **Development, Multi-Family Dwelling.** A residential building designed for occupancy by two (2) or more dwelling units.
- (50) **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.
- (51) **Development, Urban.**
- a. Residential, commercial, industrial, governmental, and institutional development in sufficient concentrations or densities to require a variety and high level of traditional urban services and facilities, including, but not limited to:
 1. Full- or part-time municipal police and fire protection and community administration;
 2. Additional public streets and highways;
 3. Neighborhood parks and playgrounds;
 4. Neighborhood schools;
 5. Local libraries;
 6. Public sanitary sewer facilities;
 7. Public water supply facilities, and public solid waste removal;
 8. Storm sewer facilities;
 9. Continual street maintenance;
 10. Curbs, gutters, and sidewalks;
 11. Street lighting; and
 12. Neighborhood convenience shopping.
 - b. 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.
- (52) **Diameter at Breast Height.** The diameter of the trunk of a tree measured in inches at a point four and one-half (4.5) feet above the ground line. This point of measurement is used for established and mature trees.

- (53) **Division of Land.** A division of a lot, parcel or tract of land by the owner thereof or the owner's agent for any purpose, including sale, development, foreclosure or condemnation. Where the title or part thereof of land is transferred by the execution of a land contract, an option-to-purchase, an offer-to-purchase and acceptance, a deed, a subdivision plat, a certified survey map, or condominium plat.
- (54) **Drainageways.** An open area of land, either in an easement or dedicated right-of-way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. The land on either side of and within thirty (30) feet of the centerline of any naturally occurring trench, ditch, swale, or similar depression into which surface water flows, conveys surface water, and which are dry throughout most of the year, but may hold water during and immediately after either a rain storm or periods of snow melt. Drainageways shall include intermittent streams, but shall not include lakes, ponds, perennial streams, floodlands, 100-year recurrence interval floodplains, floodways, shoreland-wetlands, and wetlands. Drainageways may serve multiple purposes in addition to their principal use including, but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development, and other related uses. (Also referred to as "greenways").
- (55) **Drip Line.** The farthest distance, measured as a radius and the total area encompassed thereby, where the branches of a tree extend from its trunk indicating the extent of the canopy of a tree.
- (56) **Driveway.** A paved or unpaved area used for ingress or egress of vehicles allowing access from a street to a lot or site, use, building, or other structure or facility.
- (57) **Driveway Approach.** That portion of a driveway located within a public right-of-way that is widened to accommodate turning movements to access property and streets.
- (58) **Dwelling Unit.** One (1) or more rooms, including a bathroom and complete kitchen facilities that are arranged, designed, or used as living quarters for one family or household.
- (59) **Easement.** 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, quasi-public entity (such as a homeowners' association), or part of the public.
- (60) **Easement, Conservation.** A type of "protective covenant" the boundary lines of which are graphically depicted on the face of a certified survey map, preliminary plat, final plat, and/or condominium plat, or filed as a separate legal instrument used to conserve and preserve a natural resource feature protected under the provisions of this Chapter.
- (61) **Equestrian Trail.** A pathway designed specifically to satisfy the physical requirements of horses, or other equine, riding.
- (62) **Erosion.** The detachment and movement of soil, sediment, or rock fragments by water, wind, ice, or gravity.

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- (63) **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. Wherever such statutory extraterritorial powers overlap with those of another city or village, the jurisdiction over the overlapping area shall be divided on a line all points of which are equidistant from each community so that not more than one (1) community exercises extraterritorial powers over any area.
- (64) **Face of Curb.** On a nonmountable curb, the vertical portion of the curb facing the roadway pavement. On a mountable curb, the curb face is located six (6) inches from the back of the curb in the direction of the roadway pavement.
- (65) **Final Plat.** The final map, drawing, or chart on which the subdivider's or condominium developer's (as applicable) plan of subdivision is presented for approval under the requirements of Chapter 236, Wis. Stats., as amended, and this Chapter, as amended, and which, if approved, will be submitted to the County Register of Deeds.
- (66) **Flood.** A temporary rise in stream flow or stage that results in water overtopping its banks and inundating areas adjacent to the channel.
- (67) **Flood of Record, Maximum.** The highest recorded elevation of a recorded flood event.
- (68) **Flood Protection Elevation.** An elevation two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above maximum flood of record.
- (69) **Floodlands.** Those lands, including the channels, floodways, and flood fringe of any given reach, which are subject to inundation by the flood with a given recurrence frequency. The 100-year recurrence interval flood [or that flood having a one percent (1%) probability of occurring in any given year] is generally used for zoning regulation. Where detailed flood data are not available, the maximum flood of record is used.
- (70) **Floodplains.** Those lands, including the floodplains, floodways, and channels, subject to inundation by the one hundred (100) year recurrence interval flood or, where such data is not available, the maximum flood of record.
- (71) **Floodway.** A designated portion of the 100-year flood that will safely convey the regulatory flood discharge with small, acceptable upstream and downstream stage increases, limited in Wisconsin to 0.01 foot unless special legal measures are provided. The floodway, which provides the channel, is that portion of the floodplain not suited for human habitation. All fill, structures, and other development that would impair floodwater conveyance by adversely increasing flood stages or velocities or would itself be subject to flood damage should be prohibited in the floodway.
- (72) **Forest.** See definitions for "Woodland, Mature" and "Woodland, Young."
- (73) **Final Plat.** The final map, drawing or chart on which the subdivider's plan of subdivision is presented for approval and which, if approved, will be submitted to the County Register of Deeds.

- (74) **Frontage.** All the property fronting on one (1) side of a street between the nearest intersecting streets or between a street right-of-way, waterway, or other similar barrier.
- (75) **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.
- (76) **Gutter.** A shallow channel usually set along a curb or the pavement edge of a road for purposes of catching and carrying off runoff water.
- (77) **Half Street.** A street, either existing as or proposed to be, half of the required right-of-way width with the intention that the adjoining half will be platted at the time the adjoining lands are subdivided; or an existing street, of which, due to reasons of ownership, only half of the right-of-way is within the boundaries of a proposed land division or annexation.
- (78) **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 multi-colored effect.
- (79) **High Water Elevation (Surface Water).** The average annual high water level of a pond, stream, lake, flowage, or wetland referred to 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.
- (80) **Homeowners' Association.** A Wisconsin non-profit membership corporation which serves as an association of homeowners within a subdivision, certified survey map, or condominium having shared common interests and responsibilities with respect to the costs and upkeep of common private property of a subdivision, certified survey map, or condominium. Such common property includes private recreation and open space areas within the subdivision, certified survey map, or condominium. For the purposes of this Chapter, homeowners' associations include condominium associations.
- (81) **Impervious Lot Area.** Roof areas, gravel and bituminous surfaces, sidewalks, decks or other hard surface areas.
- (82) **Improvement.** Any man-made immovable item which becomes part of, placed upon, or is affixed to, real estate.
- (83) **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.
- (84) **Irrevocable Letter of Credit.** An agreement guaranteeing payment for subdivision improvements, entered into a bank, savings and loan, or other financial institution which is authorized to do business in this state and which has a financial standing acceptable to the Village, and which is approved, as to form, by the Village Attorney.

- (85) **Lake.** Any body of water two (2) acres or larger in size as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- (86) **Land Division.** Any division or conveyance of land or an interest in land that results in the creation of one (1) or more additional lots or parcels, including, without limitation, any subdivision or minor land division. Notwithstanding the foregoing definition, the creation of any condominium shall be deemed to be a land division under this Chapter. A land division can be legally created or accomplished only by means of:
 - a. A preliminary and final plat approved by the Village as specified by this Chapter;
 - b. A certified survey map approved by the Village as specified in this Chapter; or
 - c. In the case of a condominium, by means of condominium instruments approved by the Village as specified in this Chapter.
- (87) **Landscape Bufferyard.** See the definition for "Bufferyard."
- (88) **Landscaping.** Living material, such as grass, groundcover, flowers, shrubs, vines, hedges, and trees; and nonliving durable material, such as rocks, pebbles, sand, mulch, wood chips or bark, walls, and fences, but not including paving.
- (89) **Lateral, Sanitary Sewer Service.** Pipes installed for conducting water to the lots of certified survey maps, subdivision plats, condominium plats, or other lots or parcels of land to larger sanitary sewer pipes, called "trunk", "interceptor" or "main" sewers which are oftentimes located within easements or rights-of-way.
- (90) **Lateral, Water Service.** Pipes installed for conducting water to the lots of Certified Survey Maps, Subdivision Plats, Condominium Plats, or other lots or parcels of land from larger water mains which are often times located within easements or rights-of-way.
- (91) **Letter of Credit.** An irrevocable written agreement guaranteeing payment for improvements, entered into by a bank, savings and loan, or other financial institution authorized to do business in the State of Wisconsin and which has a financial standing acceptable to the Village, which secures a subdivider's obligation to pay the cost of designing, constructing, and installing required public improvements and certain other obligations in connection with an approved land division or condominium.
- (92) **Local Street.** A street of little or no continuity designed to provide access to abutting property and leading into collector streets.
- (93) **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 and shoreland/floodplain ordinance.
- (94) **Lot Area.** The area contained within the exterior boundaries of a lot excluding streets, and land under navigable bodies of water.

- (95) **Lot, Buildable.** A lot on which a principal building to be utilized for one (1) or more uses can be lawfully constructed.
- (96) **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 one hundred thirty-five degrees (135°) or less, measured on the lot side.
- (97) **Lot Depth.** The average dimension of a parcel measured from the rear lot line to the front lot line along each side yard setback.
- (98) **Lot, Double Frontage.** A lot, other than a corner lot, with frontage on more than one (1) 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 should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.
- (99) **Lot, Flag.** A lot, typically not meeting minimum frontage requirements and where access to a public street is by a narrow, private access easement, strip of land, or driveway.
- (100) **Lot Frontage.** The front of a lot shall be that boundary of a lot along a public street; for a corner lot the owner may elect either street line as the front lot line.
- (101) **Lot Lines.** The peripheral boundaries of a lot as defined herein. A line of record bounding a lot which divides one lot from another lot or from a public or private street or any other public space.
- (102) **Lot, Reversed Corner.** A corner lot which is oriented so that it has its rear lot line coincident with or parallel to the side lot line of the interior lot immediately to its rear.
- (103) **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.
- (104) **Lot Width.** The horizontal distance between the side lot lines measured at the front setback lines.
- (105) **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.
- (106) **Master Plan.** An extensively developed plan, map, or other document pertaining to planning and adopted by the Village Board or other agency which may pertain to the division of lands, including the Comprehensive Plan (Smart Growth Plan), the Official Map, comprehensive utility plans, and other planning documents (if available) including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as ordinances pertaining to zoning, official map, land division, and building development and capital improvement plans shall be considered as planning documents within this definition.

- (107) **Mini-Park.** Mini-level, privately-owned outdoor recreation land areas (including playlots and totlots) serving a single subdivision or condominium plat, and generally containing less open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Mini-park level private outdoor recreation lands are typically less than five (5) acres in area but a minimum of twenty thousand (20,000) square feet in area and are located within short walking distances of home (generally less than one-quarter mile). These areas provide sufficient useable land area meeting the standards set forth in this Chapter for mini-parks. These areas are equipped with safe and creative play devices, landscaping, and suitable groundcover improvements and can include picnicking areas, play equipment areas, open play areas, and other small passive activity areas.
- (108) **Minor Land Division (Certified Survey Map).** Any division of land not defined as a "subdivision." Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, any one of which is less than thirty-five (35) acres in size; or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot, or outlot. A certified survey map may be used to change the boundaries of lots and outlots within a recorded plat or recorded, certified survey map if the redivision does not result in a subdivision or violate a local subdivision regulation. A certified survey map may not alter the exterior boundary of a recorded plat, areas previously dedicated to the public or a restriction placed on the platted land by covenant, by grant of an easement or by any other manner.
- (109) **Minor Street.** A street used, or intended to be used, primarily for access to abutting properties; also referred to as a "local street." Residential minor streets that are designed as either looped or through streets shall be designed so that no section conveys an average daily traffic (ADT) greater than five hundred (500). Residential minor land access streets that are designed as permanent cul-de-sac streets shall be designed so that no section conveys an average daily traffic (ADT) greater than two hundred fifty (250).
- (110) **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.
- (111) **Natural Resources.** Areas of steep slopes, woodlands and forests (mature and young), lakes, ponds, streams, shore buffer, floodplains, floodlands, wetlands, and shoreland-wetlands as defined in this Chapter.
- (112) **Natural Resource Protection Plan.** A written plan for landscaping.
- (113) **Natural Resource Protection Standard.** The proportion of the natural features of a site (excluding land occupied by public street rights-of-way), which shall remain

- undeveloped and protected and is specifically designated for natural resource protection by deed restriction, easement, protective covenant, zoning, or a combination thereof.
- (114) **Navigable Stream.** Any stream capable of floating any boat, skiff, or canoe of the shallowest draft used for recreational purposes.
- (115) **Navigable Water.** Lake Michigan, Lake Superior, all natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under the laws of this state. The Wisconsin Supreme Court has declared as navigable bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annual recurring basis [*Muench v. Public Service Commission*, 261 Wis. 2d 492 (1952) & *DeGavnor and Co., Inc. v. Department of Natural Resources*, 70 Wis. 2d 936 (1975)].
- (116) **Non-Earth Materials.** Materials other than earth, clay, soil, ground, stones, and rock.
- (117) **Objecting Agencies.** An agency empowered to object to a subdivision plat pursuant to Chapter 236, Wis. Stats. The Village may not approve any plat upon which an objection has been certified until the objection has been satisfied. The objecting agencies include the Wisconsin Department of Administration, Wisconsin Department of Safety and Professional Services, Wisconsin Department of Transportation, and the County Planning Agency.
- (118) **Official Map.** A map indicating the location, width, and extent of existing and proposed streets, highways, waterways, parkways, required rights-of-way, public transit facilities, parks, playgrounds, and other facilities, as adopted by the Village Board pursuant to Section 62.23(6), Wis. Stats.
- (119) **Open Space.** Any site, parcel, lot, area, or outlot of land or water essentially unimproved and set aside, dedicated, designated, or reserved for the public or private use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Land that is to be used primarily for resource protection, agriculture, recreational purposes, or otherwise left undisturbed and specifically excluding road rights-of-way and lots. Open space land shall not be occupied by nonrecreational buildings, roads, drives, public rights-of-way, or off-street parking areas for nonrecreational uses. Land located within the yards or lots of residential and/or nonresidential properties is not considered open space unless it is deed restricted for open space protection or natural resource features protection. Where lots are above the minimum sizes required and the excess lot area is deed restricted to open space uses it may be counted as open space.
- (120) **Open Space, Common.** Open space within or related to a development, neither individually owned nor dedicated for public use but typically owned by a property owners' association, which is designated and intended for the common use and/or

- enjoyment of the residents of the development, and which is accessible and usable by all persons who occupy a principal use within the development.
- (121) **Open Space, Deed Restricted.** Deed restricted open space on platted "lots" is not occupied by any principal or accessory buildings or structures, roads, road rights-of-ways, or parking areas. Deed restricted open space on platted "outlots" is not occupied by non-recreational principal or accessory buildings or structures, roads, road rights-of-way, or parking areas. The maintenance of deed restricted open space located on platted "outlots" is by a homeowners' association. The maintenance of deed restricted open space located on platted "lots" is by the individual lot owner.
- (122) **Open Space, Private.** An open space area privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these having legal title to the open space area.
- (123) **Open Space, Public.** An open space area conveyed or otherwise dedicated to a municipality, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (124) **Ordinary High Water Mark.** The point on the bank or shore of a navigable water 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, or other easily recognized characteristics.
- (125) **Outlot.** A parcel of land, other than a lot, so designated on a plat or certified survey map and which is not intended for building or structure development, in the proposed land division. 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 in the future with one (1) or more other adjacent outlots or lots in adjacent subdivisions or minor land divisions in the future for the purpose of creating buildable lots. Section 236.13(6), Wis. Stats., prohibits using an outlot as a building site unless it complies with all the requirements imposed for buildable lots. The Village shall generally require that any restrictions related to an outlot be included on the face of the preliminary plat, final plat or certified survey map.
- (126) **Owner.** Includes the plural as well as the singular and may mean either a natural person, firm, association, syndicate, partnership, private corporation, limited liability entity, public or quasi-public corporation, or combination of these, having legal title or sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel by certified survey maps, "owner" shall be taken to include any related person, firm, partnership or corporation, to whom conveyance has been made within two (2) years of application for approval of a certified survey map. "Related" shall mean any natural person related to a transferor by blood or marriage, any person acting in an agency or trust capacity, any partnership in which the transferor is a partner and any corporation in which the transferor is a stockholder, officer or director, or in which related persons are stockholders, officers or directors.

- (127) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by a combination of streets, exterior subdivision boundary lines, streams, or other water bodies. A single piece of land separately owned, either publicly or privately, and capable of being conveyed separately.
- (128) **Park, Private.** An outdoor recreation park privately owned by a natural person, individual, firm, association, syndicate, partnership, private corporation, public or quasi-public corporation, or combination of these having legal title to the outdoor recreation park.
- (129) **Park, Public.** An outdoor recreation park conveyed or otherwise dedicated to a local government, municipal agency, public school district, state or county agency, or other public body for recreation or conservation uses.
- (130) **Pedestrianway.** A public way that is intended for the convenience of pedestrians only; it may also provide public right-of-way for utilities.
- (131) **Person.** Shall mean any of the following entities: natural persons, corporations, partnerships, associations, limited liability companies, firms, bodies politic, joint ventures, joint stock companies, public or private corporations, the United States, the State of Wisconsin, including any unit or division thereof, any county, city, village, town, municipal utility, municipal power district, or other governmental unit, cooperative, estate, trust, receiver, executor, administrator, any other fiduciary, any representative appointed by order of any court or otherwise acting on behalf of others, or any other entity of any kind which is capable of being sued (includes singular as well as plural).
- (132) **Plan Commission.** The Plan Commission created by the Village Board pursuant to Section 62.23, Wis. Stats.
- (133) **Planned Unit Development (PUD).** A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting planned unit developments permit planning a project and calculating densities for the entire development rather than on an individual lot by lot basis. It is hereby declared that regulating planned unit developments requires greater involvement of public officials in site plan review and development aspects of both zoning and land division regulation since such developments require exceptions from both types of regulation.
- (134) **Plat.** The map, drawing or chart on which the subdivider's land division or condominium is presented to the Village for approval.
- (135) **Pond.** All bodies of water less than two (2) acres in area as measured by the shoreline at its maximum condition rather than the permanent pool condition, if there is any difference.
- (136) **Preliminary Plat.** A map showing the salient features of a proposed subdivision submitted to an approving authority for purposes of preliminary consideration pursuant to the requirements of Ch. 236, Wis. Stats., the Comprehensive Plan, and this Chapter.

- (137) **Protective Covenants.** Contracts entered into between private parties or between private parties and public bodies pursuant to Sec. 236.293, Wis. Stats., which constitute a restriction on the use of all private or platted property within a subdivision for the benefit of the public or property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.
- (138) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (139) **Recreation Land, Community Level Public Outdoor.** An outdoor recreation site serving several neighborhoods and generally containing more open space and natural resource oriented areas than typical "Neighborhood Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with a school), picnicking, swimming, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about two (2) to ten (10) miles and provide sufficient useable land area per capita to meet the standards set forth in the adopted Comprehensive Plan or element thereof. The size of such areas typically ranges from twenty (20) to ninety-nine (99) acres in area.
- (140) **Recreation Land, Neighborhood Level Public Outdoor.** An outdoor recreation site serving a single neighborhood and generally containing less open space and natural resource oriented areas than typical "Community Level Public Outdoor Recreation Land." Active recreational facilities located in such areas can include, but not necessarily be limited to, baseball, softball, tennis, basketball, playground or playfield (which may be associated with an elementary school), picnicking, ice skating area, recreational trails, and passive activity areas, etc. Such recreational land typically serves an area with a radius of from about one-half (0.5) to two (2) miles and provides sufficient useable land area per capita to meet the standards set forth in the Comprehensive Plan or element thereof. The size of such areas are typically less than twenty (20) acres in area.
- (141) **Replat.** The process of changing, or a map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The legal dividing of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing exterior boundaries of said block, lot or outlot is not a replat.
- (142) **Reservation.** A geographically defined area of land or interest in land, identified on a subdivision plat, certified survey map, or condominium as having been temporarily set aside for possible future acquisition for public improvements, facilities, or uses. Such a reservation does not imply public ownership.
- (143) **Reserve Strip.** Any land which would prohibit or interfere with the orderly extension of streets, bicycle or pedestrian ways, sanitary sewer, water mains, storm water facilities, or other utilities or improvements between two (2) abutting properties.

- (144) **Residential Dwelling Unit.** A single family dwelling or part of a duplex, apartment, or other multiple family dwelling occupied by one (1) family or one (1) distinct set of inhabitants or occupants.
- (145) **Retention Basin.** A man-made or natural body of water of a depth of not less than three (3) feet, designed to contain water at all times, the level of which will be increased as a result of the flow into it of surface and subsurface water, collected therein and released gradually into natural or man-made outlets.
- (146) **Right-of-Way.** A public way dedicated to the public for its intended use.
- (147) **Runoff.** The rainfall, snowmelt, discharge pumping, or irrigation water flowing over the ground surface.
- (148) **Setback.** Those minimum street, front, rear, and/or side yards required by the pertinent zoning codes governing the Village.
- (149) **Sewer Service Area.** If the Village adopts such a classification, that portion of the Village and the area which has been designated by the Village Board as the area to which services required in urban areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include, but are not limited to, public sanitary and storm sewers, water supply and distribution system, streets and highways.
- (150) **Shore Buffer.** The area located within seventy-five (75) feet of the ordinary highwater mark of all navigable waters and parallel to that ordinary high water mark.
- (151) **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 (i.e, the outward edge of the floodplain), whichever distance is greater. If the navigable water is a glacial pothole lake, the distance shall be measured from the highwater mark thereof.
- (152) **Shoreland-Wetland.** A wetland, as defined by this Chapter and pertinent shoreland-wetland ordinances, which is located within a shoreland area.
- (153) **Sidewalk.** A paved path provided for pedestrian use and usually located at the side of a road within a public street right-of-way but physically separated by distance from the road pavement.
- (154) **Sketch Plan.** A preliminary drawing, made to approximate scale, of a proposed land division for discussion purposes. Also called a "Concept Plan". See also Articles D and E of this Chapter.
- (155) **Slope.** The degree of deviation of a surface from the horizontal, usually expressed in percent of degrees.
- (156) **Slope, Steep.** Three (3) categories of steep slopes are defined herein for use in this Chapter. These categories are based upon the relative degree of the steepness of the slope as follows: ten to twenty percent (10-20%); twenty to thirty percent (20-30%); and greater than thirty percent (30%). No land area shall be considered a steep slope

unless the steep slope area has at least a ten (10) foot vertical drop and has a minimum area of five thousand (5,000) square feet. Steep slopes exclude man-made steep slopes.

- (157) **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 of the U.S. Department of Agriculture.
- (158) **Stream.** A course of running water, either perennial or intermittent, flowing in a channel.
- (159) **Street.** A dedicated public way for pedestrians and vehicular traffic and utility access including but not limited to highways, arterials, collectors, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the right-of-way.
- (160) **Street Line.** A line separating a lot, piece, or parcel of land from a street.
- (161) **Structure.** Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (162) **Subdivider.** Any person, firm, corporation, agent, partnership, or entity of any sort, which divides or proposes to divide, by plat, minor subdivision, certified survey map, or replat land in any manner, including such heirs and assigns as may be responsible for the obligations of the subdivider under the provisions of this Chapter. For purposes of this Chapter, "subdivider" shall also mean and include condominium developers.
- (163) **Subdivider's Agreement.** An agreement by which the Village and Subdivider/Developer or condominium developer (as applicable) agree in reasonable detail as to all of those matters which the provisions of this Chapter permit to be covered by the Subdivider's Agreement and which Agreement shall not come into effect unless and until an Irrevocable Letter of Credit or other appropriate surety has been issued to the Village. Also called a "Developer's Agreement."
- (164) **Subdivision.** The division of a lot, parcel or tract of land by the owner(s) thereof or the owner's agent for the purpose of sale or of building development where:
- a. The act of division creates five (5) or more parcels, lots or building sites of ten (10) acres each or less in area; or
 - b. Five (5) or more parcels, lots or building sites of ten (10) acres each or less in area are created by successive divisions within a period of five (5) years.
- (165) **Subgrade.** The natural ground lying beneath a road.
- (166) **Surety Bond.** A bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider or condominium developer.
- (167) **Tree.** Any self-supporting, woody plant together with its root system, growing upon the earth usually with one (1) trunk, or a multi-stemmed trunk system, supporting a definitely formed crown.

- (168) **Tree, Canopy.** A tree whose leaves would occupy the upper level of a forest in a natural ecological situation. These trees are often referred to as shade trees.
- (169) **Tree, Street.** A tree adjacent to a public place, street, special easement, or right-of-way adjoining a street. (See also Title 6, Chapter 4 of this Code of Ordinances).
- (170) **Tree, Understory.** A tree whose leaves would occupy the lower level of a forest in a natural ecological situation. These types of trees are often referred to as ornamental trees.
- (171) **Trip.** A single or one-way vehicle movement to or from a property.
- (172) **Unit.** See definition of "Condominium Unit."
- (173) **Village.** The Village of Elk Mound, Dunn County, Wisconsin.
- (174) **Village Engineer.** A Wisconsin-registered professional engineer who is a consultant to or employee of the Village, or a consulting engineer or engineering who provides staff services to the Village, not the subdivider/applicant, and is appointed by the Village Board. References herein to "Village Engineer" may also mean that certain tasks may be performed by the Building Inspector, Public Works Department or other Village officials.
- (175) **Village Planner.** A professional land use planner who is a consultant to or employee of the Village, or a consulting professional planner or firm, who provides planning services to the Village, and is appointed by the Village Board.
- (176) **Watercourse.** A permanent or intermittent stream channel.
- (177) **Wetland.** 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. [Sec. 23.32(1), Wis. Stats.]
- (178) **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 Sec. 35.93 and Chapter 227, Wis. Stats., including subsequent amendments to those rules.
- (179) **Woodland, Mature.** An area or stand of trees whose total combined canopy covers an area of one (1) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least ten (10) inches; or any grove consisting of eight (8) or more individual trees having a DBH: of at least twelve (12) inches whose combined canopies cover at least fifty percent (50%) of the area encompassed by the grove. However, no trees grown for commercial purposes shall be considered a mature woodland.
- (180) **Woodland, Young.** An area or stand of trees where:
- a. Total combined canopy covers an area of one-half (0.5) acre or more and at least fifty percent (50%) of which is composed of canopies of trees having a diameter at breast height (DBH) of at least three (3) inches; or
 - b. Clusters of six (6) or more trees of at least four (4) inches diameter at breast height (DBH) with a total combined canopy cover of an area of five thousand

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(5,000) square feet or more. (Note: No trees grown for commercial purposes shall be considered a young woodland).

- (181) **Zoning District.** As defined in the appropriate zoning code and accompanying maps as amended.
- (182) **Zoning Permit.** The permit required by this Chapter and pertinent zoning codes before the erection, reconstruction, enlargement, or moving of any building or structure, or use of a structure, land, or water where such erection or use complies with all provisions of this Chapter.

Sec. 14-1-11 through Sec. 14-1-19 Reserved for Future Use.

Article C: General Provisions

Sec. 14-1-20 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, land conveyance, consolidation, or a replat as defined herein; no such subdivision, land division, land conveyance, consolidation, or replat shall be entitled to recording; and no street shall be laid out, nor improvements made to land, nor building permits issued for any land division without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Ch. 236 and Sec. 80.08, Wis. Stats., and applicable Wisconsin Department of Administration plat review procedures under the Wisconsin Statutes and the Wisconsin Administrative Code.
 - (2) The rules governing plumbing, Wisconsin Department of Safety and Professional Services, contained in Chapter SPS 385, Wis. Adm. Code, for subdivisions not served by public sewer.
 - (3) The rules of the Division of Highways, Wisconsin Department of Transportation contained in Chapter HY 33, Wis. Adm. Code, for subdivisions which abut a state trunk highway or connecting street.
 - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for the Floodplain Management Program, and the Shoreland/Wetlands 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.
 - (7) The Village of Elk Mound Comprehensive Plan, ("Smart Growth Plan") and Official Map (if adopted), or components thereof:
 - a. Whenever a parcel to be subdivided embraces any part of a street, highway or greenway designated in said Comprehensive Plan or Official Map, such part of such proposed public way shall be platted and dedicated by the Subdivider/Developer in the location and at a width indicated along with all other streets in the land division. The State Comprehensive Planning Law [Sec. 66.1001, Wis. Stats.] requires all land divisions after January 1, 2010, to be consistent with the provisions of the local comprehensive plan].
 - b. Where a proposed school site or other public ground shown on the Comprehensive Plan or Official Map of the Village of Elk Mound is located in whole or in part within the proposed subdivision, such proposed public ground or park shall be dedicated to the public when dedication is required by this Chapter or reserved for a period of up to five (5) years from the date of approval of the final plat for

acquisition by the Village of Elk Mound, or any other appropriate agency having the authority to purchase said property. The Village, or other public entity having the authority to purchase said property, and the Subdivider/Developer may enter into an agreement which provides for the purchase of the lands held in reserve prior to the conclusion of the five (5) year period.

- (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this Subsection.
 - (9) The Village's water rules are on file with the State of Wisconsin Public Service Commission concerning water installations and services. These rules are incorporated herein by reference and made a part hereof as though fully set forth herein.
- (b) **Jurisdiction; Extra-Territorial Plat Approval Jurisdiction.** Jurisdiction of these regulations shall include all lands within the corporate limits of the Village as well as pertinent unincorporated areas within areas of statutory extraterritorial jurisdiction. The Village of Elk Mound has elected to approve plats under its extraterritorial plat approval jurisdiction as provided in Chapter 236 and Section 66.0105, 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) Sale or exchange of parcels of land between adjoining property owners or where not more than one (1) additional lot is created and said lot is not less than the minimum size required by applicable laws or ordinances. No more than one (1) lot may be created in this fashion within a one (1) year period.
- (c) **Certified Survey Map.** 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) **Compliance; Issuance of Permits.** The Village of Elk Mound shall not recognize, and no building or other permits shall be issued by the Village authorizing the building on, occupancy, 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 fully complied with and a resolution approving the land division has been adopted by the Village Board of the Village of Elk Mound.
- (e) **Applicability to Condominiums.** This Chapter is expressly applicable to condominium developments within the Village's jurisdiction, pursuant to Sec. 703.27(1), Wis. Stats. [See Section 14-1-22]. 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 subdivision.
- (f) **Recording of Plats or Certified Surveys.** Plats and certified surveys, approved by the Village Board of the Village of Elk Mound, must be recorded together with the adopting resolution, with the appropriate County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the

first resolution of approval [thirty-six (36) months in the case of a Final Plat]. Land divisions shall not be recognized by the Village until recorded with the Register of Deeds. The volume, page, and document numbers of the recording, shall be filed with the Village Clerk-Treasurer and Building Inspector prior to issuance of any permits. The Subdivider/Developer shall file six (6) certified copies of the approved land division with the Village Clerk-Treasurer.

Sec. 14-1-21 Land Suitability.

- (a) **Suitability.** No land shall be subdivided for residential, commercial or industrial use which is held unsuitable for such use by the Village Board, upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, extreme slope, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed land division or of the community. The Village Board, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for the proposed use and afford the Subdivider/Developer an opportunity to present evidence regarding such unsuitability if he/she so desires. Thereafter the Village Board, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.
- (b) **Existing Flora.** The Subdivider/Developer shall make every effort to protect and retain all existing trees, especially with a trunk diameter of six (6) inches or more, shrubbery, vines, and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the Subdivider/Developer.
- (c) **Additional Considerations.**
 - (1) Areas of archaeological and/or historical interest shall be designated by the State Historical Society or a local such entity.
 - (2) Areas of geological interest shall be designated by the State Geological and Natural History Survey.
 - (3) Suitability of land for private sewerage systems, where authorized by the Village, shall be determined in accordance with Ch. SPS 383, Wis. Adm. Code.
- (d) **Poor Drainage; Floodable Conditions; Adverse Soil or Rock Formations.** Where the subdivision or other division of a tract of land contains a portion of land unsuitable for development because of poor drainage, floodable conditions, poor soil conditions, adverse rock formation, unfavorable topography, inadequate water supply or sewerage disposal capabilities, extreme slope or for any other reason, such areas shall not be divided into buildable sites, and shall be addressed as follows:
 - (1) **Poor Drainage.** Land subject to ponding, poor permeability or poor drainage or for other causes as determined by the Village Board, upon the recommendation of the

Plan Commission, or its designated agent, and if said land is not zoned as a conservancy or wetland-floodplain district on an applicable zoning district map, in which buildings are prohibited, it shall be subject to the following requirements:

- a. If said land is designated, and accepted by the Village, as a park, parkway, other open space, or other public use on an official plan or map of the Village of Elk Mound, the Subdivider/Developer may dedicate said land to the Village, but in any case shall reserve said land for not less than two (2) years for acquisition by the Village of Elk Mound.
- b. If said land is not designated as a park, parkway, or other public use on an official plan or map, then the Subdivider/Developer shall cause said land to be carried in a private easement in the individual deeds affected thereby, and no permit shall be issued for a building therein.
- c. In lieu of the requirements set forth in Subsection (d)(1)a above, the Subdivider/Developer may, at his/her expense, prepare a development proposal for the problem area. It shall be submitted for the Plan Commission's recommendation and the Village Board's approval and shall be accompanied by a site plan and adequate engineering data to insure that the public health, safety and welfare will not be violated if approved, and to provide a surety bond to the Village to ensure that such work will be done at a specified time, if approved.

(2) ***Adverse Soil and Rock Formations.***

- a. Soil suitability rating for a proposed land division shall be determined by the Plan Commission from sources available to it. The Plan Commission shall determine the minimum lot size required if public sewer is not available even though the minimum lot size allowed under the applicable zoning code is less than the soil rating might require. In order to determine the precise location of soil boundaries, on-site investigation by soil scientists may be necessary but in areas where no public sewer is available, this investigation is mandatory and may be made by a professional surveyor, engineer or soil scientist at the expense of the applicant, and according to the procedures established by the State Division of Health of the Wisconsin Department of Family Services and the Wisconsin Department of Safety and Professional Services.
- b. Where soil interpretations determine that a tract of land is unsuitable for development under existing conditions, the Subdivider/Developer may submit a proposal for development indicating how, through site and engineering design, the soil problems can be overcome. The proposal shall include a site plan and adequate engineering data before approval of the proposed development or land division can be recommended for approval by the Plan Commission. If this plan is approved, the applicant shall provide an irrevocable letter of credit or cash deposit to the Village of Elk Mound to ensure that such work will be done at a specified time.

- (e) **Miscellaneous Provisions - Floodlands; Slopes.** Village officials shall also consider, but not be limited to, the following items in determining land suitability:
- (1) **Floodlands.** No lot served by public sanitary sewer facilities shall have more than fifty percent (50%) of its required lot area below an elevation at least two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.
 - (2) **Lands Having a Slope** of twenty percent (20%) or more shall be maintained in permanent open space use. No lot shall have more than fifty percent (50%) of its minimum required area in slopes of ten percent (10%) or greater.
- (f) **Application of Standards By Plan Commission.** The Plan Commission, in applying the provisions of this Section, shall in writing recite the particular facts upon which it bases its conclusion that the land is unsuitable for residential use and afford the Subdivider/Developer an opportunity to present evidence in rebuttal to such finding of unsuitability if he/she so desires. Thereafter the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

Sec. 14-1-22 Condominium Developments.

- (a) **Purpose.**
- (1) The Village Board of the Village of Elk Mound hereby finds that certain issues arise in condominium developments that require limited applicability of this Chapter to condominium developments. The State Legislature has recognized that subdivision 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 which 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 areas, utility facilities and schools.

- d. Additional traffic and street use.
- (b) **Portions of Chapter Applicable to Condominium Developments.** The following Sections of this Chapter shall apply to condominium developments:
- (1) Section 14-1-21 relating to land suitability and construction practices.
 - (2) Sections 14-1-30 through 14-1-33 relating to preliminary and final plat approval. The technical requirements for preliminary plats set forth in Section 14-1-40 shall not apply, since condominiums have separate technical standards set forth in Chapter 703, Wis. Stats.
 - (3) Article I relating to fees for review.
 - (4) Article F relating to required improvements.
 - (5) Article G relating to design standards for improvements.
 - (6) Article H relating to dedication requirements.
- (c) **Exceptions.** This Section shall not apply to the following condominiums:
- (1) Any condominium plat recorded prior to the effective date of this Chapter.
 - (2) Any conversion of a structure or structures in existence on the effective date of this Chapter to a condominium after the effective date of this Chapter.

Sec. 14-1-23 Homeowner, Property Owner or Condominium Associations; Common Areas.

Common areas or facilities within a land division or condominium shall be held in common ownership as undivided proportionate interests by the members of a homeowners, property owners or condominium association, subject to the provisions set forth herein. The homeowners, property owners or condominium association shall be governed by the following:

- (a) **Documents To Be Submitted.** The Subdivider/Developer shall provide the Village of Elk Mound with a description of the homeowners, property owners or condominium association, including its bylaws, and all documents and restrictive covenants governing maintenance requirements and use restrictions for common areas and facilities. These documents shall be subject to review as to form by the Village Attorney at the expense of the developer. The documents required by this Section shall be filed with the Village Clerk-Treasurer at the time of preliminary plat submittal.
- (b) **Timetable For Creation.** The association shall be established by the owner or applicant of the land division/condominium, and such association shall be operating prior to the sale of any lots or units in the subdivision, land division or condominium.
- (c) **Mandatory Membership.** Membership in the association shall be mandatory and on-going for all purchasers of lots or units within the subdivision, land division or condominium and their successors and assigns.
- (d) **Maintenance Responsibilities.**
 - (1) The association shall be responsible for maintenance of and insurance for common areas and facilities. Included in such responsibilities is on-going maintenance of any

stormwater detention/retention system facilities or shared community private septic system for that subdivision or condominium, pursuant to a maintenance plan approved by the Village and incorporated in the development agreement; such requirement is only inapplicable where the Village has expressly determined to have, in the alternative, the Village maintain such facilities and areas.

- (2) The members of the association shall share equitably the costs of maintaining, insuring, and operating common areas and facilities. The Subdivider/Developer shall arrange with the Village a method of assessment of any common areas and facilities which will allocate to each lot, parcel or unit within the land division or condominium a share of the total assessment of costs for such common areas and facilities; the services of the Village Assessor or Village Engineer may be utilized in developing such methodology, at the expense of the Subdivider/Developer.
- (e) **Plan For Natural Areas.** A land stewardship plan for any common open space or prairies to be maintained in a natural state shall be included in the submittal of association documents.
- (f) **Notice Of Transfer Of Common Areas.** The Village shall receive written notice of any proposed transfer of common areas or facilities by the association or the assumption of maintenance of common areas or facilities. Such notice shall be given by the association to all members of the association and the Village at least thirty (30) days prior to such transfer.
- (g) **Failure To Maintain.** In the event that the association established to own and maintain common areas and facilities, or any successor organization thereto, fails to properly maintain all or any portion of the aforesaid common areas or facilities, the Village may serve written notice upon such association setting forth the manner in which the association has failed to maintain the aforesaid common areas and facilities. Such notice shall set forth the nature of corrections required and the time within which the corrections shall be made. Upon failure to comply within the time specified, the association, or any successor association, shall be considered in violation of this Chapter, in which case the Village shall have the right to enter the premise and take the needed corrective actions. The costs of corrective actions by the Village shall be assessed against the properties that have the right of enjoyment of and/or are served by the common areas and facilities.

Cross-Reference: Section 14-1-74.

Sec. 14-1-24 Sale or Exchange of Parcels of Land Between Owners of Adjoining Properties.

The sale or exchange of parcels for lot line adjustment purposes between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the

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minimum sizes required by applicable zoning laws or other applicable laws, ordinances or comprehensive plan. Lot line adjustments between two (2) different, but adjacent, land use categories or districts are considered to be minor adjustments which do not require an amendment to the Village of Elk Mound Comprehensive Plan or review/approval under this Chapter, provided that such an adjustment does not create a substandard or nonconforming lot under applicable regulations.

Sec. 14-1-25 through Sec. 14-1-29 Reserved for Future Use.

Article D: Plat Review and Approval

Sec. 14-1-30 Preliminary Consultation; Concept Plan Review.

- (a) **Pre-Application Conference.**
 - (1) **Optional Consultation.**
 - a. Prior to the filing of an application for the approval of a Preliminary Plat or Condominium, the Subdivider or Condominium Developer (as applicable) is encouraged to submit an application for a "Concept Plan Review" and to consult with all affected utilities, the Village Clerk-Treasurer, Village Planner, Village Engineer, affected Village departments, and the Plan Commission in order to obtain their advice and assistance. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer.
 - b. This consultation is neither formal or mandatory and is intended to inform the Subdivider of the purpose and objectives of these regulations; the Village of Elk Mound Comprehensive Plan and Comprehensive Plan components; duly adopted Plan implementation devices of the Village; the availability of sanitary sewer, public water supply, stormwater management facilities, and site grading requirements; and to otherwise assist the Subdivider or Condominium Developer (as applicable) in planning the development.
 - c. The Plan Commission may waive the Concept Plan for small projects.
 - (2) **Conference Objectives.** In doing so, both the Subdivider or Condominium Developer (as applicable) and the Village of Elk Mound may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and surrounding area. The Subdivider or Condominium Developer will gain a better understanding of the subsequent required procedures.
- (b) **Concept Plan Review.** Prior to the submission of a Preliminary Plat or Condominium Plat to the Village, a Concept Plan may be prepared and submitted in accordance with Section 14-1-40, and the Subdivider or Condominium Developer (as applicable) shall file at least ten (10) copies of the Concept Plan with the Village Clerk-Treasurer, or other Village-authorized agent/employee, together with all necessary fees and deposits. Within forty (40) days of the filing of a Concept Plan Review application with the Village Clerk-Treasurer or designee, Village Planner, Village Engineer, Village Attorney, affected Village departments, and Plan Commission shall review the Concept Plan and conduct the pre-application conference pursuant to Subsection (a) above. In addition:
 - (1) **Copies of Concept Plan to Plan Commission.** The Village Clerk-Treasurer or designee shall, within two (2) regular business days after the filing of the Concept Plan, transmit seven (7) copies to the members of the Plan Commission.

- (2) **Copies of Concept Plan to Affected Entities.**
 - a. The Village Clerk-Treasurer or designee shall, within two (2) days transmit a copy of the Concept Plan to affected Village departments, affected utilities, the Village Clerk-Treasurer, Village Planner, Village Engineer and Village Attorney for review and recommendations concerning matters within their jurisdiction.
 - b. The recommendations of the Village Clerk-Treasurer, Village departments, Village Planner, Village Attorney, Village Engineer, and the recommendations of affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the Concept Plan is filed. An abstract of title or a registered property report may be requested at this time by the Village.
- (3) **Plan Commission Review; Comprehensive Plan Consistency.** The Concept Plan shall be reviewed by the Plan Commission at the pre-application conference for general conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, Village Comprehensive Plan, or adopted plan components, which affect the Concept Plan and subsequent plat submittals.

Cross-Reference: Section 14-1-40.

Sec. 14-1-31 Submission of Preliminary Plat.

- (a) **Preliminary Plat Submission.**
 - (1) **Filing of a Preliminary Plat.** Before submitting a Final Plat for approval, the Subdivider or Condominium Developer (as applicable) shall prepare a Preliminary Plat and associated application. The Preliminary Plat shall be prepared in accordance with Section 14-1-41, and the Subdivider or Condominium Developer (as applicable) shall file at least thirty (30) copies of the Preliminary Plat, Landscape Plan for any landscape easement area (See Section 14-1-44), and the application with the Village Clerk-Treasurer or designee, together with all necessary fees at least thirty (30) days prior to the meeting of the Plan Commission at which first consideration is desired and is properly noticed.
 - (2) **Preliminary Plat Documents to be Transmitted by Village Clerk-Treasurer.** The Village Clerk-Treasurer or designee shall, within two (2) normal business days after filing, transmit:
 - a. Seven (7) copies to the Plan Commission;
 - b. Seven (7) copies to the Village Board;
 - c. One (1) copy to the Village Planner (if involved);

- d. One (1) copy each to the Village Engineer and Village Attorney;
 - e. One (1) copy each to the Village Clerk-Treasurer, Fire Chief, EMS Chief and law enforcement authorities;
 - f. Two (2) copies to the Director of Plat Review, Wisconsin Department of Administration;
 - g. Additional copies to the Director of Plat Review, Wisconsin Department of Administration for retransmission of two (2) copies each to:
 - 1. The Wisconsin Department of Transportation (WisDOT), if the subdivision abuts or adjoins a State Trunk Highway or a connecting highway;
 - 2. The Wisconsin Department of Safety and Professional Services, if the subdivision is not served by a public sewer and provision for such service has not been made;
 - 3. The Wisconsin Department of Natural Resources (WDNR), if lands included in the plat lie within five hundred (500) feet of the ordinary high water mark of any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision;
 - h. One (1) copy to each school district with jurisdiction;
 - i. Copies as needed to affected Village departments and commissions; and
 - j. Additional copies that may be requested by approving authorities and objecting agencies; and
- (3) **Alternative Transmittal Procedure.** In lieu of the procedure set forth under Subsections (a)(2)f-h above, it is the preference of the Village that the Subdivider/Developer, pursuant to Section 236.12(6), Wis. Stats., submit the original of the Preliminary Plat directly to the Plat Review Section of the Wisconsin Department of Administration, which will prepare and forward copies of the plat at the expense of the Subdivider/Developer to the objecting agencies. When the Village elects that the Subdivider use this alternative procedure, it shall be the responsibility of the Subdivider to submit to the Village Clerk-Treasurer the additional copies required for the reviews required under this Subsection.
- (4) **Fees Required by State Agencies to be Transmitted by Village Clerk-Treasurer.** Any appropriate fees paid by the Subdivider or Condominium Developer (as applicable) for the required state agency reviews shall be forwarded by the Village Clerk-Treasurer or designee to the Wisconsin Department of Administration.
- (5) **Preliminary Plat Copies To Affected Village Commissions by Village Clerk-Treasurer.**
- a. The Village Clerk-Treasurer or designee may transmit a copy of the Preliminary Plat to affected Village commissions, committees or departments for their review and recommendations concerning matters within their jurisdiction.
 - b. The recommendations of the Village commissions, committees, departments, and of affected local utilities shall be transmitted to the Plan Commission within twenty (20) days from the date the plat is filed.

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- c. The Preliminary Plat shall then be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, Village comprehensive plans or adopted plan components which affect it.
- (6) **Certified Survey Maps.** Certified survey maps shall be submitted and approved pursuant to Sections 14-1-35 and 14-1-43.
- (b) **Public Improvements, Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat of map, the Subdivider/Developer shall file with the Village Clerk-Treasurer ten (10) complete sets of preliminary engineering reports, plans and specifications for the construction of any public improvements required by this Chapter, specifically addressing sewer and water service feasibility, drainage facilities, traffic patterns, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- (c) **Property Owners Association; Draft Restrictive Covenants or Conservation Easements.** A draft of the legal instruments and rules for proposed property owners associations, when the Subdivider/Developer proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions, conservation easements or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer. (Note: Deed restrictions and restrictive covenants in subdivisions are private contractual agreements and are not enforceable by the Village.)
- (d) **Environmental Assessment Checklist.**
 - (1) **Filing Requirement.** An Environmental Assessment Checklist (Appendix A) shall be completed by the Subdivider/Developer for review by the Plan Commission with the Preliminary Plat, or preferably as part of the pre-application conference, for any subdivision or land division by certified survey map which the Village has authority to approve.
 - (2) **Purpose.** The purpose of this Environmental Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - (3) **Coverage.** The Environmental Assessment Checklist shall apply to all reviewable subdivisions, and land divisions by certified survey map. The Plan Commission may

- waive the requirement for the filing of an Environmental Assessment Checklist for land divisions by certified survey map of less than five (5) acres total area.
- (4) **Preliminary Checklist for Environmental Assessment of Plats, Land Divisions and Community Development Plans.** An Environmental Assessment Checklist form as required under this Subsection is available from the Village Clerk-Treasurer.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following information shall also be filed with the Preliminary Plat:
- (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) **Area Plan.** Where the Subdivider/Developer owns property adjacent to that which is being proposed for the subdivision, the Subdivider/Developer shall comply with the requirements of Section 14-1-40(a)(5) for the remainder of the property so as to show the possible relationships between the proposed subdivision and future land division. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (f) **Street Plans and Profiles.** The Subdivider or Condominium Developer (as applicable) shall submit with the Preliminary Plat street plans and profiles existing and proposed ground surface, proposed and, when requested by the Plan Commission or Village Engineer, established street grades including extensions for a reasonable distance beyond the limits of the proposed subdivision. All elevations shall be based upon mean sea level (1929) datum, and plans and profiles shall meet the approval of the Village Engineer.
- (g) **Soil Testing.**
- (1) **Testing Purpose.** Certain soils in the county have severe limitations that are difficult to overcome or that preclude their use for residential development either because of the inability of on-site sewerage systems to function properly and/or because of fluctuating or seasonable high water table or other reasons. The purpose of this requirement is to save the Subdivider/Developer engineering costs should the subject areas be determined to be unsuitable for residential development. The data obtained is to assist the Village Board and Plan Commission in making determinations of land suitability. When requested by the Village, the Subdivider/Developer shall provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board, upon the 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 ground water table.

- (2) **Compliance with State/County Requirements.** The applicant shall provide verification that all applicable State of Wisconsin and County sanitary permit requirements can be satisfied.
- (h) **Drafting Standards.** The Subdivider/Developer shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Ch. 236, Wis. Stats., copies of a Preliminary Plat (or Certified Survey Map) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the Subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.
- (i) **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/she has fully complied with the provisions of this Chapter.

Cross-Reference: Sections 14-1-41, 14-1-44 and 14-1-45.

Sec. 14-1-32 Preliminary Plat Review and Approval.

- (a) **Plan Commission Review.**
 - (1) The Preliminary Plat (including a Natural Resource Protection Plan and Landscape Plan, if applicable) shall be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulations, adopted regional or county development plans, the Village of Elk Mound Comprehensive Plan or adopted plan components which affect it.
 - (2) All reviews and reports concerning the Preliminary Plat prepared by the Village Clerk-Treasurer, Village Planner, Village Attorney, Village Engineer, law enforcement authorities, EMS Chief and/or Fire Chief shall be submitted to the Plan Commission for its consideration.
 - (3) The Village Clerk-Treasurer shall give notice of the Plan Commission's review of the Preliminary Plat by listing the application as an agenda item on the Plan Commission's meeting notice. Such notice shall include the name of the applicant, the address of the property in question, and the requested action.
- (b) **Plan Commission Recommendation to Village Board.** The Plan Commission shall within sixty (60) days of the date of the filing of a Preliminary Plat (including a Landscape Plan, as applicable) with the Village Clerk-Treasurer or designee recommend to the Village Board approval, conditional approval, or rejection of the Preliminary Plat (including the

Landscape Plan, as applicable), and shall transmit the Preliminary Plat and application, along with its recommendation, to the Village Board. [Pursuant to Section 236.11(1)(a), Wis. Stats., extensions of time from the timeline in Subsection (b)(1) above or a decision to hold an application in abeyance may only be made by written agreement between the Subdivider/Developer and Village Board, not the Plan Commission.] The Subdivider or Condominium Developer shall be notified in writing of any recommended conditions for approval or the reasons for rejection.

(c) **Notification by Objecting Agencies.**

- (1) The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Preliminary Plat (statutory period) notify the Subdivider or Condominium Developer (as applicable) and all other approving and objecting agencies of any objections.
- (2) 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 Clerk-Treasurer or designee.
- (3) If an objecting agency fails to act within the twenty (20) day period allowed by law, the objecting agency will be deemed to have no objections to the Plat, unless the time is extended by agreement with the Subdivider or Condominium Developer (as applicable).

(d) **Village Board Action; Meeting Notices.**

- (1) The Village Board shall within ninety (90) days of the date of filing a Preliminary Plat with the Village Clerk-Treasurer or designee shall approve, approve conditionally, or reject such Plat after receipt of the Plan Commission's recommendation, unless review time is extended by written agreement with the Subdivider or Condominium Developer pursuant to Section 236.11(1)(a), Wis. Stats.
- (2) The Village Clerk-Treasurer shall give notice of the Village Board's consideration of the Preliminary Plat by listing it as an agenda item in the Village Board's meeting notice published in the official Village newspaper or legally posted where there is no newspaper published within the municipality. Such notice shall include the name of the applicant, the address of the property in question, and the requested action. Property owners within two hundred (200) feet of the proposed Preliminary Plat shall receive written notice from the Village of the meeting.
- (3) One (1) copy of the Preliminary Plat may thereupon be returned to the Subdivider or Condominium Developer (as applicable) with the date and action endorsed thereon, and if approved conditionally or rejected with a letter setting forth the conditions of approval or the reasons for rejection accompanying the plat. One (1) copy each of the Preliminary Plat and accompanying letter shall be placed in the Village's permanent records.

- (e) **Failure of Village Board to Act.** Failure of the Village Board to act within ninety (90) days of the date of filing of the Preliminary Plat, or within the time extended by written agreement with the Subdivider or Condominium Developer (as applicable), shall constitute an approval of the Preliminary Plat pursuant to state law.

- (f) **Effect of Preliminary Plat Approval.** 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 thirty-six (36) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval with respect to such layout pursuant to Sec. 236.11(1)(b), Wis. Stats. 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 Village Board at the time of its submission. If a Final Plat is not submitted within thirty-six (36) months of Preliminary Plat Approval, the Preliminary Plat approval shall be void; previous Preliminary Plat approvals shall constitute grounds for automatic approval upon resubmission.
- (g) **Preliminary Plat Amendment.** Should the Subdivider or Condominium Developer desire to amend the Preliminary Plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled in its entirety.

Sec. 14-1-33 Final Plat Review and Approval.

- (a) **Designation of Approving Authorities.** The Village Board is the designated approving authority for Final Plats.
- (b) **Designation of Objecting Agencies.** The Wisconsin Department of Administration, Wisconsin Department of Safety and Professional Services, Wisconsin Department of Transportation (if the subdivision, certified survey map or condominium abuts or adjoins a state trunk highway or connecting highway) and Wisconsin Department of Natural Resources (if applicable) shall be hereinafter referred to as objecting agencies.
- (c) **General Requirements.**
 - (1) **Submittal Generally.** The Subdivider/Developer shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file the Plat and the application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Subdivider/Developer shall file twenty-five (25) copies of the Final Plat not later than thirty-six (36) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the Subdivider/Developer and for good cause granted by the Village of Elk Mound. The Subdivider/Developer shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the Preliminary Plat. When the Subdivider/Developer requests that the Village to act as the

transmitting authority in accordance with Sec. 236.12, Wis. Stats., the application shall state that transmittal responsibilities lie with the Village and shall contain a list of the other authorities to which the plat must be subjected and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities. [Note: The Village of Elk Mound prefers that the Subdivider/Developer be the party responsible for transmitting the plat to outside agencies.]

- (2) **When Village Acts as Transmitting Authority.** If the Village is acting as the transmitting authority, the Village Clerk-Treasurer shall, within two (2) days after filing, transmit copies to the Director of the Planning Function in the Wisconsin Department of Administration, additional copies to the Director of the Planning Function for retransmission of copies to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street, copies to all affected Village boards, commissions and committees, and the original Final Plat and adequate copies to the Plan Commission. The Wisconsin Department of Administration and the Wisconsin Department of Transportation shall be hereinafter referred to as objecting agencies.
- (3) **Final Plat Conformity With Preliminary Plat.** The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2), Wis. Stats..
- (d) **Final Plat and Application Submittal.** The Subdivider or Condominium Developer (as applicable) shall prepare a Final Plat and an application in accordance with Section 14-1-42 and shall file the required number of Final Plat copies and the application as set forth below:
 - (1) **Submittal of Final Plat to the Wisconsin Department of Administration; Objecting Agencies.** Before any approvals of the Final Plat are made, the Subdivider or Condominium Developer (as applicable) or agent shall submit the original Final Plat to the Director of Plat Review, Wisconsin Department of Administration, which agency shall forward, at the Subdivider's or Condominium Developer's expense, the following:
 - a. Two (2) copies of the Final Plat to the Wisconsin Department of Transportation (WisDOT) if the subdivision abuts or adjoins a state trunk highway or a connecting highway;
 - b. Two (2) copies to the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for such service has not been made; and
 - c. Two (2) copies to the Wisconsin Department of Natural Resources (WDNR), if lands included in the Final Plat lie within five hundred (500) feet of the ordinary high water mark or any navigable stream, lake, or other navigable body of water, or if any shorelands or floodlands are contained within the proposed subdivision.

- (2) **Submittal of Final Plat to the Village Clerk-Treasurer.**
 - a. After approval by the Wisconsin Department of Administration and other state objecting agencies, the Subdivider or Condominium Developer (as applicable) shall file a minimum of thirty (30) copies of the Final Plat and application with the Village Clerk-Treasurer with required fees and the receipt for the proper filing fees of each of the other approving authorities and objecting agencies at least fifteen (15) days prior to the meeting of the Plan Commission at which consideration is desired.
 - b. Simultaneously with the filing of the Final Plat, the owner shall file with the Village Clerk-Treasurer six (6) copies of the final plans and specifications of public improvements required by this Chapter.
 - c. If the Final Plat is not submitted within thirty-six (36) months of the required approval of the Preliminary Plat, the approving authorities may refuse to approve the Final Plat. Extensions may be granted upon mutual written agreement of all approving authorities and the applicant.
- (3) **Transmittal of Final Plat.** The Village Clerk-Treasurer or designee shall, within two (2) business days after the filing by the Subdivider or Condominium Developer, transmit with a cover letter and copies of the Final Plat and application:
 - a. Seven (7) copies to the Plan Commission;
 - b. Seven (7) copies to the Village Board;
 - c. One (1) copy to the Village Planner (if involved);
 - d. One (1) copy each to the Village Engineer and Village Attorney;
 - e. One (1) copy each to the Village Clerk-Treasurer, law enforcement authorities, EMS Chief and Fire Chief;
 - f. One (1) copy to each school board with jurisdiction;
 - g. Copies as needed to affected Village departments and commissions; and
 - h. Additional copies that may be requested by approving authorities and objecting agencies.
- (e) **Response From Objecting Agencies.** The objecting agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the Subdivider or Condominium Developer (as applicable) and all other approving authorities and objecting agencies of any objections, as follows:
 - (1) **Certification of No Objections.** If there are no objections, the objecting agencies shall so certify on the face of the copy of the Final Plat and shall return that copy to the Plan Commission.
 - (2) **Failure to File Objections.** If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objections to the plat.
- (f) **Required Professional Examination.** As required by state law, the Final Plat shall be examined by the Village Engineer, Village Planner, Village Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat. Any

such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11(1)(e), Wis. Stats.

(g) **Plan Commission Consideration and Recommendation.**

(1) **Plan Commission Review.** The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter, and all ordinances, rules, regulations, adopted regional and county development plans, and Village Comprehensive Plans and adopted plan components which may affect it. All reviews and reports concerning the Final Plat prepared by the Village Clerk-Treasurer, Village Planner, Village Attorney, Village Engineer, law enforcement authorities, EMS Chief and Fire Chief shall be submitted to the Plan Commission for its consideration.

(2) **Plan Commission Recommendation.** The Plan Commission shall, within forty (40) days of the date of filing of the Final Plat with the Village Clerk-Treasurer or designee recommend approval, conditional approval, or rejection of the Final Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information, provided the timetables in Subsection (h) below are complied with.

(h) **Village Board Approval or Rejection of Final Plat.**

(1) **Village Board Action; Timeline.**

a. The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer.

1. Approve the Final Plat.

2. Approve the Final Plat with conditions.

3. Reject the Final Plat with reasons.

4. Obtain a written agreement from the Subdivider or Condominium Developer extending the time in which the Village Board must act on the Final Plat (this method is recommended in those cases in which objections are made to the layout, design or similar aspects of said Final Plat and there is insufficient time for said corrections to be made and resubmitted to by the Subdivider or Condominium Developer to the Village Board for action.

b. 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 Final Plat shall be deemed approved.

(2) **Reasons For Rejection To Be Stated.** If the Final 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 or Condominium Developer (as applicable).

(3) **Wisconsin Department of Administration Certification.** The Village Board or designee may not inscribe its approval on the Final Plat unless the Wisconsin Department of Administration has certified on the face of the Final Plat that the

copies were forwarded to the 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.

(i) **Recordation.**

(1) ***Village Certification.***

- a. After the Final Plat has been approved by the Village Board and improvements as shall be required by the Village have either been installed or a Subdivider's Agreement with sufficient sureties assuring their installation is executed and filed with the Village Clerk-Treasurer, the Village Clerk-Treasurer shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat returned to the Subdivider or Condominium Developer (as applicable) for recording with the County Register of Deeds.
- b. When the Plan Commission and Village Board have conditionally approved a Final Plat, the Subdivider or Condominium Developer (as applicable) shall satisfy all of the conditions specified for the execution of the Plat, including final approval by the county planning agency, within sixty (60) days of such conditional approval.

- (2) ***Recording Time Requirement.*** Pursuant to Sec. 236.25(2)(b), Wis. Stats., the County Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from the date of last approval of the Final Plat or thirty-six (36) months from the last required approval of the Preliminary Plat.

- (j) **Copies of the Recorded Final Plat.** The Subdivider or Condominium Developer (as applicable) shall file at least ten (10) copies of the recorded Final Plat with the Village Clerk-Treasurer and copies, as necessary, to other affected agencies for their files.

(k) **Partial Platting.**

- (1) ***Plat and Condominium Phasing.*** The Final Plat may, if permitted by the Village Board, upon the recommendation of the Plan Commission, be platted as a Final Plat in phases with each phase constituting only that portion of the approved Preliminary Plat which the Subdivider or Condominium Developer (as applicable) proposes to record at that time. It is required that each such phase be platted as a Final Plat and be designated as a "phase" of the approved Preliminary Plat.
- (2) ***Time Extension for Approval of a Final Plat for Portion of Preliminary Plat.*** Final Plats for only a portion of the Preliminary Plat shall extend approval for the remaining portion of the Preliminary Plat for not less than six (6) months but may be allowed to be extended for up to thirty-six (36) months from the date of such Final Plat approval as may be allowed by the Village Board.
- (3) ***Expansion of a Condominium.*** Any expansion of a condominium permitted under Section 703.26, Wis. Stats., shall be treated as a separate phase of the condominium.

- (l) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Subdivision Plat and which contain natural resources required to be preserved under this Chapter, and/or by the Subdivider/Developer, deed restrictions and/or conservation easements shall be filed with the Final Plat.

Sec. 14-1-34 Minor Land Divisions By Certified Survey Map.

(a) Use of Certified Survey Map.

- (1) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Village Board, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Village of Elk Mound and recorded with the Dunn County County Register of Deeds as a subdivision plat, certified survey map, or assessor's plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the Dunn County County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than thirty-five (35) acres in size and which results in at least two (2) but not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
 - c. The Certified Survey Map is consistent with the local Comprehensive Plan.
- (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
- (3) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The Subdivider/Developer shall comply with all requirements of this Chapter including Article G (Design Standards) and Article F (Required Public Improvements) when a Certified Survey Map is used. A certification of the approval of the Certified Survey Map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the Certified Survey Map.

- (b) **Filing of a Certified Survey Map; Plan Commission Review and Recommendation.** The Subdivider/Developer shall prepare the Certified Survey Map in accordance with Section 14-1-42, and file the Map according to the following requirements:

- (1) The Subdivision shall file at least twenty-five (25) copies of the Certified Survey Map, a Landscape Plan for any landscape easement areas, and the application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired.
 - (2) The Village Clerk-Treasurer shall, within two (2) business days after filing, transmit copies of the map and application along with a cover letter to all approving authorities including extraterritorial plat review agencies if not waived in writing.
 - (3) The Village Clerk-Treasurer shall, within two (2) normal business days after filing, transmit the Certified Survey Map, the Landscape Plan per Section 14-1-44, and application as follows:
 - a. Seven (7) copies to the Plan Commission;
 - b. Seven (7) copies to the Village Board;
 - c. One (1) copy to the Village Planner;
 - d. One (1) copy each to the Village Engineer and Village Attorney;
 - e. One (1) copy each to the Village Clerk-Treasurer, law enforcement authorities, EMS Chief and Fire Chief;
 - f. One (1) copy to each school district with jurisdiction;
 - g. Copies as needed to affected Village departments, committees and commissions; and
 - h. Additional copies that may be requested by approving authorities and objecting agencies.
 - (4) The recommendations of all approving authorities shall be transmitting to the Plan Commission within twenty (20) days from the date the map is filed with the Village Clerk-Treasurer.
 - (5) The Certified Survey Map shall be reviewed by the Plan Commission for conformance with this Chapter and all other ordinances, rules, regulation, adopted regional, county or Village development or comprehensive plans or adopted plan components which affect it. All reviews and reports concerning the Certified Survey Map prepared by the Village Clerk-Treasurer, Village Planner, Village Attorney, Village Engineer, law enforcement authorities, EMS Chief and/or Fire Chief shall be submitted to the Plan Commission for its consideration.
 - (6) The Plan Commission shall, within forty (40) days from the date of filing of the Certified Survey Map, recommend approval, conditional approval, or rejection of the map, and shall transmit the map along with its recommendations to the Village Board.
- (c) **Village Board Approval.**
- (1) Where a Certified Survey Map has been transmitted by the Plan Commission to the Village Board, the Village Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within ninety (90) days from the date of filing of the map with the

Village of Elk Mound unless the time is extended by written agreement with the Subdivider/Developer.

- (2) If the Map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original Map and return the Map to the applicant.
 - (3) If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider/Developer.
- (d) **Deed Restrictions and Conservation Easements.** For properties proposed to be divided by Certified Survey Map and which contain natural resources required to be preserved under this Chapter, deed restrictions and/or conservation easements shall be filed with the Certified Survey Map application.
- (e) **Recordation.**
- (1) All improvement requirements, specified by all approving agencies in matters over which they have jurisdiction, shall be met before recording the Certified Survey Map.
 - (2) The Subdivider/Developer shall record the Map with the County Register of Deeds within thirty (30) days of its last approval.
- (f) **Copies.** The Subdivider/Developer shall file at least twelve (12) copies of the Certified Survey Map with the Village Clerk-Treasurer for distribution to the Plan Commission, various Village departments, and other affected agencies for their files as set forth under Subsection (b) above.

Cross-Reference: Section 14-1-43, Technical Requirements for Certified Survey Map Land Division; Review and Approval

Sec. 14-1-35 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., 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/Developer or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44, Wis. Stats. The Subdivider/Developer or person wishing to replat shall then proceed, using the procedures for Preliminary and Final Plats.
- (b) The Village Clerk-Treasurer 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.
- (c) Where lots are more than double the minimum size required for the applicable zoning district, the Village Board may require that such lots be arranged so as to allow

resubdivision of such parcels into normal lots in accordance with the provisions of the Chapter.

Sec. 14-1-36 Determination of Adequacy of Public Facilities and Services.

- (a) **Public Facilities Determination.** A Preliminary Plat, Final Plat or certified survey map shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services will be available to meet the needs of the proposed land division, that no significant public funds other than those already provided in an adopted capital or operating budget are required, and that the application is consistent with the Comprehensive Plan.
- (b) **Required Information.** The Subdivider/Developer shall furnish any data requested by the Village Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Village Clerk-Treasurer shall act as coordinator of the reports from staff to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, traffic counts, and schools.
- (c) **Determination of Adequacy.** Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Village Board for extension of sewer service, and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Village Board shall consider the recommendations of the Village Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction and funds, either public or private, are available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
 - (3) The Village Clerk-Treasurer verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to ensure the installation of all necessary stormwater management facilities.
 - (4) The Public Works Department can demonstrate to the Plan Commission and the Village Board that street maintenance and refuse collection services, either public or

- private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing Village residents.
- (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Village Master Parks Plan and Comprehensive Plan (if adopted).
 - (6) The Police Department, EMS Department and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and adopted Village standards.
- (d) **Phasing Option.** Where the Plan Commission and the Village Board determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) **Determination of Unsuitability.** No land shall be divided which has been officially mapped as public lands stormwater management facility or is determined by the Village Board 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.
- (f) **Extraterritorial Areas.** The above requirements shall not apply to those areas outside the corporate limits of the Village of Elk Mound and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Elk Mound public water distribution and/or public sewerage system as required by the Village Engineer.

Sec. 14-1-37 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction.

- (a) **Application Required.** No person, firm or corporation shall divide any land located within the one and one-half (1-1/2) mile extraterritorial plat approval jurisdiction of the Village of Elk Mound without first filing an application and a certified survey map with the Village for approval by the Plan Commission.
- (b) **Pre-application Procedure.**
 - (1) Before filing an application for approval of an extraterritorial certified survey map, the Subdivider/Developer shall consult with the Plan Commission and shall:

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- a. Prepare a preliminary sketch for review and approval.
- b. Complete an Environmental Assessment Checklist.
- (2) This procedure will assist the developer in appraising the objectives of these regulations, the Comprehensive Plan(s), the Official Map(s) and other pertinent Village of Elk Mound ordinances.
- (3) The pre-application information shall be submitted to the Plan Commission for review and approval, fifteen (15) days prior to when the application will be considered.
- (c) **Land Division by Certified Survey Map Procedure.** For extraterritorial land divisions by certified survey map as defined in Section 14-1-34, the procedure for approval by the Village shall be as specified in Section 14-1-34. The Plan Commission may require approval of the certified survey map by the pertinent town board before acting as specified under this Section.
- (d) **Extraterritorial Land Division Policies.** The following policies shall govern the Plan Commission in approving division of land within the one and one-half (1-1/2) mile extraterritorial area in order to protect the rural character and farming viability:
 - (1) No subdivisions without public sanitary sewer service as defined in this Chapter except for land divisions by certified survey map as referred to in Section 14-1-34 will be permitted within the one and one-half (1-1/2) mile extraterritorial limits of the Village of Elk Mound other than those allowed by the pertinent Town regulations.
 - (2) The Village of Elk Mound will attempt to seek consistency of locally adopted Town land use plans, including Comprehensive Plans.

Sec. 14-1-38 and 14-1-39 Reserved for Future Use.