

CHAPTER 28 - OFFICIAL MAP

28.01 AUTHORITY

This ordinance is enacted under the authority granted by Sections 61.35 and 62.23(2) of the Wisconsin Statutes.

28.02 PURPOSE AND INTENT

It is the intent of the Village Board to establish an official map to conserve and promote the public health, safety, convenience, economy, and general welfare of the community; to further the orderly layout and use of land; to stabilize the location of real property boundary lines; to insure proper legal descriptions and proper monumenting of land; to facilitate adequate provision for transportation, parks, playgrounds, and storm water drainage; and, where such subdivision is appropriate, to facilitate the subdivision of larger tracts into smaller parcels of land.

28.03 DEFINITIONS

For the purpose of this ordinance, certain words or phrases used herein are defined as follows:

(1) Parkway. Any right-of-way for vehicular or pedestrian traffic, or both, with full or partial control of access. Said parkways are usually located within a park or park-like development and may also include land area which is required for storm water drainage purposes where the drainage improvement is to include park-like treatment and where pedestrian or vehicular travel may be permitted.

(2) Waterway. River, stream, creek, ditch, drainage channel, water course, lake, bay, pond, impoundment reservoir, retention and detention basin, marsh, and other surface water areas, regardless of whether the areas are natural or artificial.

(3) The definitions included in the Deerfield Zoning Code (Chapter 24, Deerfield Village Code) shall apply to this ordinance as well.

28.04 OFFICIAL MAP

The official map of the Village of Deerfield is hereby established. The map bearing the date of July 14, 1997, which accompanies and is made a part of this ordinance, is hereby designated as the "Official Map of the Village of Deerfield, Dane County", and all notations, references and other information shown thereon shall be as much a part of this ordinance as though the matters and information thereon were fully described herein.

The official map shall show the location and extent of all platted and existing streets, highways, parks and playgrounds layed out, adopted and established by law, both within the corporate limits of the Village of Deerfield and, so far outside the corporate limits of the Village of Deerfield as is permitted by Section 62.23(6)(d) of the Wisconsin Statutes. The official map is deemed to be final and conclusive with respect to the location and width of streets, highways, parkways, parks and playgrounds shown thereon.

28.05 DESCRIPTION OF AREA SUBJECT TO OFFICIAL MAP ORDINANCE

The area subject to the official map ordinance includes all of the area within the corporate limits of the Village of Deerfield and the unincorporated area within 1 ½ miles of the corporate limits of the Village of Deerfield.

28.06 CHANGES AND ADDITIONS TO OFFICIAL MAP

(1) The Village Board, whenever and as often as it deems necessary for the public interest, may amend, change, or add to the official map so as to establish the exterior lines of, widen, narrow, extend, or close any platted, existing, proposed, or planned streets, highways, parkways, or playgrounds. When adopted, amendments become a part of the official map and are conclusive with respect to location and width of street, highways, and parkways and the location and extent of parks and playgrounds shown thereon.

(2) The Village Board shall refer any amendments, changes, or additions to the official map to the Village Plan Commission for review and report thereon prior to adoption. The Village Plan Commission must report its recommendation to the Village Board within sixty (60) days. In the event that the Village Plan Commission does not make its report within sixty (60) days of such reference, it forfeits the right to further suspend action.

(3) A public hearing before the Village Board of parties in interest and citizens shall be required before any amendments, changes, or additions to the official map are effective. Notice of the public hearing shall be published as a class 2 notice under Chapter 985, Wisconsin Statutes. The first insertion of such legal notice shall occur no less than twenty (20) days prior to the public hearing. Notice of the time, place and purpose of such public hearings shall also be sent twenty (20) days prior to such public hearing to the owners of record who are owners of property in whole or in part situated within two hundred (200) feet of the boundaries of the properties affected and whose post office address is known or can be ascertained with reasonable diligence. If the properties affected are outside the Village limits, such notice shall also be sent to the clerk of the township involved twenty (20) days prior to said hearing.

Village Ordinance-Chapter 28

(4) Changes and additions made by duly approved subdivision plats shall not require the public hearing if the changes or additions do not affect any land outside the area being platted.

28.07 COMPLIANCE

(1) Building Permits.

For the purpose of preserving the integrity of the Official Map, a building permit shall be required for any structure or part thereof that shall hereafter be located, erected, moved, reconstructed, extended enlarged, converted or structurally altered. No permit shall hereafter be issued for any building in the bed for any existing or proposed street, highway, or parkway shown on the Official Map. No permit for the erection of any building shall be issued unless a street, highway, or parkway giving access to such proposed structure has been duly placed on this Map.

The Village Building Inspector may require each applicant for a building permit to submit a plan, prepared and certified by a registered land surveyor, showing accurately the location of any proposed building with reference to any street, highway, or parkway shown on the Official Map.

(2) Municipal Improvements

No public sewer or other municipal street utility or improvements shall be constructed in any street, highway or parkway within the corporate limits of the Village of Deerfield until such street, highway or parkway is duly placed on the Official Map.

28.08 APPEALS

The Village Board shall have the power to review any administrative decision of the Village Building Inspector to deny a permit for the erection of a structure under this Ordinance and to grant relief from the requirements of this Ordinance under the provisions of Section 62.23 (6) (d), (f), (g) and (h) of the Wisconsin Statutes.

28.09 CERTIFIED COPY OF MAP

There shall be certified copy of the Official Map described in §28.04 of this ordinance. The certified copy shall be kept in the Office of the Village Clerk, and shall be available for inspection by any interested person during regular office hours. The certified copy shall bear on its certification that it is a true copy of the Official Map described in and accompanying this Ordinance and shall be signed by the Village President and countersigned by the Village Clerk.

Village Ordinance-Chapter 28

Thereafter, no change or addition to such Official Map shall become effective until it shall have been indicated by the appropriate convention on the aforesaid certified copy of the Official Map and certificate placed thereon or attached thereto bearing the number and date of adoption of the amending ordinance. The certificate shall be signed by the Village President and countersigned by the Village Clerk.

28.10 MAP TO BE FILED WITH REGISTER OF DEEDS

The Village Clerk shall be responsible immediately upon adoption of the Official Map or any amendment thereto for recording a true copy of the amended Official Map with the Register of Deeds of the County of Dane, Wisconsin.

28.11 INTERPRETATION

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

28.12 PENALTY

Any person, firm, or corporation who violates any provision of this zoning code or fails to comply with any of its requirements shall upon conviction thereof forfeit not less than \$20.00 nor more than \$200.00 and in addition shall pay all costs and expenses involved in the prosecution thereof. Each day such violation continues shall be considered a separate offense. In addition to the above penalties, the Village Board may seek an injunction to prevent a threatened or continues violation. In such event, a Lis Pendens may be filed prior to or at the time of the initial application for injunction relief.

28.13 SEVERABILITY AND CONFLICT

If any section or part of this Ordinance is adjudged unconstitutional or invalid by any court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby. All other ordinances or parts of ordinances of the Village inconsistent with this Ordinance to the extent of the inconsistency only are hereby repealed.

28.14 FLOODPLAIN MAP

To maintain eligibility in the National Flood Insurance Program (NFIP) the Village of Deerfield must provide a Floodplain Zoning ordinance that reflects the new Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM).

Village Ordinance-Chapter 28

The boundary of the floodplain districts including the floodway, floodfringe and other floodplain districts, are those areas designated as floodplains or A-zones on the Flood Insurance Rate Map (FIRM) for the Village of Deerfield, prepared by the Federal Emergency Management Agency. This map, dated June 17, 2003 is the official floodplain zoning map and has been approved by the Department of Natural Resources and the Federal Emergency Management Agency (FEMA) and is on file in the office of the Village Clerk.