

VILLAGE OF DEERFIELD

CHAPTER 25

LAND DIVISION AND SUBDIVISION ORDINANCE

25.1 INTRODUCTION

25.1.1 Authority. These regulations are adopted under the authority granted by section 236.45 of the Wisconsin Statutes.

25.1.2 Purpose. The purpose of the ordinance is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the Village of Deerfield in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the community; to lessen congestion in the streets and highways; to further the orderly layout and appropriate use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds, and other public requirements; to facilitate the division of larger tracts into smaller parcels of land; to ensure adequate legal description and proper survey monumentation of subdivided land; to provide for the administration and enforcement of this ordinance; to provide penalties for its violation; to facilitate good land use planning and the enforcement of community development standards as set forth in the Master or Comprehensive Plan, other plan documents, Deerfield Zoning Ordinance, building code, official map and adopted policies of the Village of Deerfield; to promote the character of the Village and extraterritorial area with a view towards conserving the value of the buildings placed upon the land to provide the best possible environment for human habitation; and to encourage the most appropriate use of land throughout the Village and extraterritorial area.

25.1.3 Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, annul, impair, or interfere with any existing ordinances, easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to state or local laws. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall govern. This shall not affect the Village's enforcement rights for existing violations under the former Chapter 25.

25.1.4 Interpretation. 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.

25.1.5 Severability. The provisions of this ordinance are severable. If any provision is found invalid on its face or as applied, such invalidity shall not affect other provisions which can be given effect without the invalid provision.

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25.1.6 Effective Date. This ordinance shall take effect on the day after its publication.

25.1.7 Jurisdiction. The jurisdiction covered by this ordinance shall include all lands within the corporate limits of the Village of Deerfield as well as the unincorporated area within 1-1/2 miles of the Village corporate limits. The provisions of this ordinance shall not apply to divisions of tracts of land into less than five (5) parcels resulting from:

25.1.7.1 Transfers of interests in land by will or pursuant to court order;

25.1.7.2 Leases for a term not to exceed ten years, mortgages or easements;

25.1.7.3 Sale or exchange of parcels of land between owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by Chapter 236 of the Wisconsin Statutes, these regulations, the Deerfield Zoning Ordinance, or other applicable laws or ordinances.

25.1.8 Compliance. No person, firm, corporation, partnership, or legal entity of any sort shall divide any land located within the jurisdictional limits of these regulations which results in a land division, subdivision, or a replat as defined herein; and, no such land division, subdivision, or replat shall be entitled to record; and, no street shall be laid out or improvements made to land without compliance with all requirements of this ordinance and with:

25.1.8.1 The provisions of Chapter 236, Wisconsin Statutes “Platting Lands and Recording and Vacating Plats”.

25.1.8.2 Rules of the Wisconsin Department of Commerce, including but not limited to Wis. Admin Chpt. Comm 83, and of Chapter 46 of the Dane County ordinances regulating lot size, lot elevation, soil permeability, etc., for private sewage systems if the land to be subdivided is not served by a public sewer and provisions for such service have not been made, which provisions are expressly incorporated herein by reference.

25.1.8.3 Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the subdivider abuts on a state trunk highway or connecting street, which provisions are expressly incorporated herein by reference.

25.1.8.4 The Village Master or Comprehensive Plan, Deerfield Zoning Ordinance, official map as adopted under Section 62.23, Stats., and all other

applicable adopted ordinances, regulations, standards, policies and plans of the Village of Deerfield.

25.1.9 Condominiums.

25.1.9.1 Purpose. The Village finds that certain issues arise in condominium developments that require the applicability of this chapter to condominium developments. The state legislature has recognized that land division ordinances may apply to condominiums, but that land division 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. The Village finds that condominium developments can place impacts on community resources in the same manner as other developments which are characterized by division of land into lots. These impacts include, but are not limited to, the following:

25.1.9.1.1 Additional population density.

25.1.9.1.2 Possibility of the use of particular land in a manner unsuitable to the land's characteristics.

25.1.9.1.3 Additional demand upon village parks, recreation areas, utility facilities and schools.

25.1.9.1.4 Additional traffic and street use.

25.1.9.2 Application of Ordinance to Condominiums. Each condominium project prepared pursuant to Section 703.11, Stats.. The condominium plat shall be reviewed under the standards for preliminary plats. This stage of approval shall be the only approval required for a condominium plat. The technical requirements for preliminary plats shall not apply, since condominiums have separate technical standards set forth in Wis. Stats. ch 703. The requirements relating to land suitability and construction practices, required improvements, design standards for improvements, dedication requirements and fees for review shall apply.

25.1.10 LAND DIVISIONS OR SUBDIVISIONS IN EXTRATERRITORIAL PLAT

APPROVAL JURISDICTION. No person, firm or corporation shall divide any land located within the extraterritorial plat approval jurisdiction of the Village (1 ½ miles from the Village's corporate limits) that shall result in a subdivision or land division as defined in this Chapter 25 without filing for approval by the Village Board. The Village

Board's approval, if any, of any subdivision or land division shall be conditioned upon approval by the approving authorities for both the Town of Deerfield and Dane County.

The Village Board shall refer any subdivision or land division to the Plan Commission prior to taking final action, unless unavoidable time constraints prevent such referral. The Village Board may require any conditions in the approval of a subdivision or land division, including the use of any restrictive covenant.

25.1.10.1 Purpose. The purpose of this section is to promote the public health, safety and the general welfare of the community and the regulations authorized to be made are designed to lessen congestion in the streets and highways and further the orderly layout and use of land; to secure safety from fire and other dangers; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provision for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and, to facilitate the further division of larger tracts into smaller parcels of land. The regulations provided for by this section shall be made with reasonable consideration, among other things, of the character of the Village, Town and County with a view of providing the best possible environment for human habitation, and encouraging the most appropriate use of land.

25.1.10.2 Criteria for Agricultural Land Division. The Village Board may grant approval of a land division subdividing portions of agricultural lands that will continue to be zoned agricultural after the land division, provided the Village Board shall determine that the proposed land division will assist and assure the continuation of agricultural use.

25.1.10.3 Criteria for Nonagricultural Subdivision or Land Division. In the case of nonagricultural lands, the Village Board may approve a subdivision or land division provided that the Village Board shall determine that the proposed subdivision or land division complies with each of the following criteria:

25.1.10.3.1 Criteria #1. The proposed subdivision or land division shall be compatible with adjacent land uses and shall maintain the general land use pattern of the area in question existing at the present time or planned for in the foreseeable future.

25.1.10.3.2 Criteria #2. The proposed subdivision or land division shall result in a development pattern that is compatible with surrounding developments and land uses existing at the present time or planned for in the foreseeable future. Measures of compatibility shall include lot sizes, traffic generation, access, noise and visual features.

25.1.10.3.3 Criteria #3. The proposed subdivision or land division and the resulting development shall not adversely affect the Village's ability to provide public services, install public improvements or accomplish future annexations, whether at the existing time or in the foreseeable future. The Village Board may consider annexation agreements with the property owner in order to comply with this requirement. The Village Board may also consider whether the Village and Town of Deerfield have reached an agreement on necessary public improvements and public services facilities required to serve the development.

25.1.10.3.4 Criteria #4. The proposed subdivision or land divisions shall comply with one of the following:

25.1.10.3.4.1 The proposed subdivision or land division shall represent infilling of vacant land or new development in conformance with Village plans. Infilling is defined as a subdivision or land division that will accommodate the development of vacant land located such that surrounding existing land uses render the land impractical for any but similar uses.

25.1.10.3.4.2 The proposed subdivision or land division shall provide permanent open space lands for use by the general public in conformance with Village plans. The permanent open space lands shall be accessible and open for use by the general public. The open space lands shall be required as reasonably determined by the Village Board following review of the particular circumstances presented by the subdivision or land division. For the purpose of this provision, wetlands, flood plain lands, steep slopes, or other lands that are not accessible and open for use by the general public because of sensitive environmental features shall not be counted as permanent open space lands in calculating the ratio of permanent open space lands provided versus developed lands. Steep slopes shall include lands that have grades of twenty percent (20%) or more.

25.1.10.4 Detailed Procedure for Dividing Land within the Extraterritorial Plat Approval Jurisdiction of the Village. In all cases the time period within which action is required shall not commence until the Town Board, the governmental entity responsible for ensuring water quality (RPC or DNR), and the Village have received all maps, drawings and related data necessary for certified survey map review and plat approval including a complete application and fees, where required.

25.1.10.4.1 Routine Requests. With respect to straightforward requests routinely referred to the Village by the County, no further application or fees shall be required. The Village Administrator or Village Board may request additional information prior to taking action.

25.1.10.4.2 Complex Requests. With respect to complex requests, a complete application and fees shall be required. The Village Administrator shall, in his or her sole discretion, determine whether a request is routine or complex. So that each

proposal may pay its fair share of cost for review, the fee and costs schedules and review procedures established for certified survey maps and plats within the Village shall apply to complex requests within the Village's extraterritorial plat approval jurisdiction.

25.2 DEFINITIONS

In Chapter 25, the following words and phrases shall have the designated meaning unless a different meaning is expressly provided or the context clearly indicates a different meaning:

25.2.1 Act of Division. The division of a lot or parcel of land into two or more parcels.

25.2.2 Certified Survey Map. A drawing meeting all of the requirements of Section 236.34, Stats., which is the map or plan of record for a land division.

25.2.3 Comprehensive Development Plan (CDP). A total site plan of an area of land with 40 or more acres all under the control of a subdivider(s) at the time of submission for review. Such a plan shall specify and clearly illustrate the location, relationship, and nature of all primary and secondary uses, public and private easements, public and private roads, pedestrian paths, and common open space.

25.2.4 Comprehensive Plan. A comprehensive plan is a plan adopted under section 66.1001, Stats., and shall have the same meaning contained therein.

25.2.5 Curb Face-to-Curb Face. All of the paved portion of the street plus the concrete portion of the gutter.

25.2.6 Driveway. A surfaced vehicle access from private property to a public street.

25.2.7 Extraterritorial Plat Approval Jurisdiction. The unincorporated area within 1-1/2 miles of Village limits.

25.2.8 Final Plat. The map or plan of record of a subdivision and any accompanying material as described in section 25.6.

25.2.9 Greenway. An open area of land, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. Greenways may serve multiple purposes in addition to their principal use including, but not limited to, vehicular,

bicycle, and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water retention basins, park development and other related uses.

- 25.2.10 Improvements. Improvements include any structures erected on land subject to this ordinance, any facilities or appurtenances identified under section 25.10 as required improvements including public utilities, and any major land disturbing activities as defined in Chapter 31 of the Village Code.
- 25.2.11 Land Division. A division of a parcel of land where the act of division creates less than five lots, parcels or building sites of 15 acres each or less in area.
- 25.2.12 Lot. A parcel of land having frontage on a public street or other officially approved means of access, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of this chapter and any applicable zoning ordinance.
- 25.2.12.1 Butt Lots are lots the rear lot lines of which abut the side lot lines of other lots platted in the same block not separated by an alley or other open space.
- 25.2.13 Master or Comprehensive Plan. Any master, development or regional plan adopted pursuant to Sections 61.35, 62.23, and 66.945, Stats., including but not limited to proposals for future land use, transportation, urban development and public facilities, which is applicable to the Village.
- 25.2.14 Official Map. A map indicating the location, width, and extent of existing and proposed streets, highways, parkways, parks and playgrounds as adopted and amended by the Village Board pursuant to Section 62.23(6), Stats.
- 25.2.15 Outlot. A parcel of land, other than a lot or block, so designated on the plat or certified survey map.
- 25.2.16 Parcel. Contiguous lands under the control of a subdivider whether or not separated by streets, highways, or bike trail rights-of-way.
- 25.2.17 Plan Commission. The Plan Commission of the Village of Deerfield.
- 25.2.18 Planned Unit Development (PUD). Zoning districts provided for in the Deerfield Zoning Ordinance at section 24.32.
- 25.2.19 Preliminary Plat. A map showing the salient features of a proposed subdivision or land division, as described in section 25.5, submitted to the Village for purpose of preliminary

consideration prior to all final plats.

- 25.2.20 Public Way. Any public road, street, highway, walkway, drainage way, or part thereof.
- 25.2.21 Replat. Process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat or a part thereof. The legal division of a larger block, lot or outlot within a recorded subdivision plat without changing exterior boundaries of said block, lot or outlot is not a replat but is a land division.
- 25.2.22 Residential Dwelling Unit. A single family dwelling or that part of a duplex, apartment, or other multiple family dwelling occupied by one family, or one distinct set of inhabitants.
- 25.2.23 Security. A bond, certificate of deposit, irrevocable letter of credit or certified check in a form acceptable to the Village.
- 25.2.24 Street. A public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place, or however otherwise designated, and which affords access to abutting property.
- 25.2.24.1 Major Street. A state or county highway or a public thoroughfare capable of accommodating a continuity of fast or heavy traffic, having an established right-of-way width of at least 120 feet.
- 25.2.24.2 Collector Street. A street which will carry traffic from a minor street to a major street system and includes principal entrance streets of developed areas and the primary circulating streets within a developed area.
- 25.2.24.3 Minor Street. A street used primarily for access to abutting properties.
- 25.2.24.4 Marginal Access Street, Service Drive or Frontage Road. Minor streets which are parallel to and adjacent to or in the immediate vicinity of a collector or major street which have for their purpose the relief of such thoroughfare from the local service of abutting properties.
- 25.2.24.5 Half Street. A street bordering one or more property lines of a tract of land in which the developer has dedicated part of the ultimate right-of-way.
- 25.2.24.6 Cul-de-sac. A minor street having one open end and being terminated at the other by a turnaround.

- 25.2.25 Structure. Anything which has the capacity to contain and is used for the occupation or shelter of man or animal or for the storage, receiving, retaining or confining of personal property, the use of which requires permanent location on the ground or attachment to something having permanent location on the ground. The term does not include the facilities and appurtenances of public utilities other than buildings.
- 25.2.26 Subdivider. Any person, firm, corporation, partnership, or entity of any sort, which divides or proposes to divide land in any manner which results in a land division, subdivision or CDP.
- 25.2.27 Subdivision. The division of a lot, parcel or tract of land where the act of division:
- 25.2.27.1 Creates five or more lots, parcels or building sites of fifteen acres each or less in area; or
 - 25.2.27.2 Creates five or more lots, parcels or building sites of fifteen acres each or less in area by successive divisions within a period of five years.
- 25.2.28 Urban Service Area. That area within the Village of Deerfield and its extraterritorial jurisdiction designated by the Village Board as the land to which all services required in urban areas shall be provided, 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.
- 25.2.29 Village. The Village of Deerfield, Dane County, Wisconsin.
- 25.2.29.1 Board. The Village Board of the Village of Deerfield
 - 25.2.29.2 Clerk. The Village Clerk of the Village of Deerfield.
 - 25.2.29.3 Engineer. The Village Engineer of the Village of Deerfield.
 - 25.2.29.4 Plan Commission. The Village of Deerfield Plan Commission.
 - 25.2.29.5 Attorney. The Deerfield Village Attorney.
 - 25.2.29.6 Assessor. The Village of Deerfield Assessor.

25.3 GENERAL PROVISIONS

25.3.1 Development Agreements For Plats, Comprehensive Development Plans, And Certified Survey Maps Required.

25.3.1.1 Requirement. No subdivision or land division shall be approved by the Village Board unless the owner/subdivider executes a development agreement with the Village wherein the subdivider agrees to install all required improvements, and agrees to all applicable improvement, land and facility dedications as set forth in this Chapter. The development agreement shall be in a form satisfactory to the Village and approved by the Village Board.

25.3.1.2 Adoption of Standard Form of Pre-Development Agreements. The Village hereby adopts the following standard forms of Pre-Development Agreements:

Pre-Development Agreement for Certified Survey Map
Pre-Development Agreement for Preliminary Plat
Pre-Development Agreement for Planned Unit Developments
Pre-Development Agreement for Comprehensive Development Plans

Copies of the standard forms of Pre-Development Agreements may be obtained from the Village Clerk. In special circumstances, such as a situation where annexation is anticipated, a special preannexation and predevelopment agreement may be drafted.

When Pre-Development Agreements are entered, the subdivider makes a deposit for professional review and administrative services that he or she will receive from the Village. This deposit is used to pay for services as fees for those services are incurred. If, at completion of review, any portion of the deposit remains, it is returned to the subdivider in accordance with the Predevelopment Agreement's terms. This deposit is in addition to the Application Fees that are required. (See Section 25.15 regarding Application Fees and Engineering, Inspection and Attorneys Fees.)

25.3.1.3 Adoption of Standard Form of Development Agreement. The Village hereby adopts the following standard form of Development Agreements:

Development Agreement for Plat
(Single Phase)

Copies of the standard form of Development Agreement may be obtained from the Village Clerk. In other circumstances, such as situations where a subdivision requires multiple phases, a planned unit development or a land division that requires a development agreement, a special development agreement may be drafted.

25.3.1.4 Modification of Standard Forms Permitted with Board Approval. As necessary to better provide for the public health, safety and welfare of Village residents, and only with approval by a majority of the Village Board, the standard forms may be modified to meet the special needs of a particular CPD, subdivision or land division.

25.3.1.5 Conflicts with Other Ordinances; Liberal Construction. To the extent that the provisions of the standard forms of the Pre-Development Agreement and Development Agreement conflict with other provisions of this Chapter, the more restrictive provisions shall apply. When determining whether a conflict exists and interpreting the provisions in the ordinances, the provisions shall be liberally construed in favor of the Village.

25.3.2 Phased Development Permitted. Where appropriate, the Village Board may permit construction to be in phases provided that (1) construction shall be installed and completed in accordance with a schedule approved by the Village Board, and (2) security for performance is provided as required by section 25.3.3.2.

25.3.3 Security for Performance Required.

25.3.3.1 No Phases. To guarantee timely and satisfactory installation of the required improvements and as a condition of approval of the plat or certified survey map, the following conditions shall apply.

25.3.3.1.1 The subdivider shall furnish to the Village a bond or letter of credit in a form acceptable to the Village and in an amount equal to

115% of the estimated cost of all required improvements, with estimated costs as determined by the Village Engineer. There shall also be \$1000 held as security for providing the recorded CDP, plat or certified survey map to the Village Clerk. The letter of credit shall be in substantially the same form as the sample attached hereto as Exhibit D, unless otherwise approved by the Village Attorney.

25.3.3.1.2 The subdivider shall furnish to the Village a **WAIVER OF NOTICE, HEARING AND RIGHT TO CONTEST SPECIAL ASSESSMENTS AND/OR USE OF SPECIAL ASSESSMENT BONDS FOR SIDEWALK, CURB AND GUTTER, STORM SEWERS, WATER MAINS, SANITARY SEWER, STREET AND STORMWATER IMPROVEMENTS FOR THE PLAT OF _____ IN THE VILLAGE OF DEERFIELD, DANE COUNTY, WISCONSIN** in a form acceptable to the Village. The Waiver shall be in substantially the same form as the sample attached hereto as Exhibit E and incorporated by reference, unless otherwise approved by the Village Attorney.

25.3.3.2 Phases. Where phased development is approved by the Village and to guarantee timely and satisfactory installation of the required improvements and as a condition of approval of the plat or certified survey map, the following special conditions shall apply:

25.3.3.2.1 The subdivider shall provide a bond or letter of credit as described in section 25.3.3.1.1, except that dollar amount of the bond or letter of credit shall be in an amount equal to 115% of the estimated cost of all required improvements for the first phase of the development, with estimated costs as determined by the Village Engineer. There shall also be \$1000 held as security for providing the recorded CDP, plat or certified survey map to the Village Clerk. The bond or letter of credit shall not be reduced or released during or at completion of the first phase, but rather shall continue to be held by the Village as security until all phases are performed. If the estimated costs for a subsequent phase are greater than the first phase, the subdivider shall increase the amount of the bond or letter of credit to 115% of the estimated costs for the subsequent phase. Improvements constructed during a particular phase shall not be accepted until the bond or letter of credit has been posted for the subsequent phase, if

any. No building permit shall be issued for construction until the bond or letter of credit has been posted for the subsequent phase, if any.

25.3.3.2.2 The subdivider shall furnish the Waiver required by section 25.3.3.1.2.

25.3.3.3 The subdivider shall provide the Village Engineer with units and unit prices for required improvements to aid in determining the security requirements, including but not limited to cost breakdowns for utility construction and related data required by the Public Service Commission.

25.3.3.4 Subdivider shall not commence construction of any required improvements unless the security required by this section is provided.

25.3.3.5 The security deposit shall be a guarantee of payment and performance which shall include, but not necessarily be limited to a guarantee that each and every required improvement, construction phase, and other work will be completed and installed in accordance with the development agreement and Village specifications, that all such improvements shall be made by the subdivider or its contractors not later than eighteen (18) months from the date that the plat is recorded or such other dates as required in the development agreement with the Village, that all of the subdivider's obligations to the Village under these ordinances and in the development agreement will be fully met, and that all of the subdivider's obligations to the contractors, sub-contractors, laborers and materialmen will be fully paid and timely met.

25.3.3.6 The security deposit shall be used, applied and released pursuant to section 25.12.

25.3.4 Timing Elements.

25.3.4.1 A final plat must be submitted for final approval within six (6) months of the last required approval of the preliminary plat, otherwise any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.

25.3.4.2 All final plats shall be recorded within the time limits specified in Section 236.25, Stats., except as otherwise specified in this ordinance.

25.3.4.3 Failure to record the final plat within twelve (12) months of the first

approval shall require the subdivider to resubmit a preliminary plat pursuant to this ordinance and pay all fees required under this ordinance.

25.3.4.4 Failure to record the final plat within 30 days of last approval shall require the subdivider to resubmit a final plat pursuant to this ordinance, pay all fees required under this ordinance, and be subject to charges against subdivider's security.

25.3.4.5 No improvements may be made until the final plat or certified survey map is properly recorded and all other requirements have been met.

25.3.4.6 Unless otherwise agreed to by the Village, or unless phased development is permitted, subdivider shall install all required improvements within eighteen months of final approval of the final plat or certified survey map.

25.3.4.7 Where phased development is permitted by the Village, all required improvements must be installed no later than four years of the date that the plat or certified survey map is recorded unless a different time period for completion is specified in the development agreement. Where phased development is permitted, the Village Board will also review and accept/reject the required improvements as the phase is completed.

25.3.4.8 All certified survey maps shall be recorded within thirty (30) days of final approval and six (6) months of first approval, and failure to do so shall obligate the subdivider to resubmit a certified survey map pursuant to section 25.4.5 of this ordinance and pay all fees required under section 25.15 of this ordinance.

25.3.4.9 All resubmissions of preliminary plats or final plats or certified survey maps under this subsection shall be treated as new and independent preliminary plats, final plats, or certified survey maps, and no approval of a previous preliminary plat, final plat or certified survey map shall be binding upon the Plan Commission or Village Board even if such plat or map is unchanged.

25.3.5 Reservation and Dedication of Land. This section establishes standards to ensure that adequate open spaces and public use areas are properly located and preserved as the community develops, that subdividers consider and plan for the dedication of public parks and facilities that are necessary to serve the additional families brought to the

community as a result of the subdivider's subdivision, that the cost of providing the public park and recreation sites is equitably apportioned on the basis of the additional need created by each development, and that the need for open spaces and public use areas is coordinated with the Village's environmental and land use goals.

25.3.5.1 Dedication of Public Ways. Whenever a tract of land to be subdivided embraces all or any part of a street, drainageway or other public way which has been designated in the Master or Comprehensive Plan or the official map of the Village of Deerfield, said public way shall be made a part of the plat or certified survey map and dedicated by the subdivider.

25.3.5.2 Dedication of Parks, Playgrounds, and Open Spaces. The subdivider shall dedicate, in a location acceptable to the Village, sufficient land area to provide adequate park, playground, recreation, bike paths, hiking trails, walkways and open space to meet the needs to be created by the land division or subdivision and in accordance with the Village's Master or Comprehensive Plan, parks plan and official map. The required dedication shall be no less than 4% of the plat area. In areas of the Village where the Official Map has identified park or open space areas, these areas shall be dedicated for such use as the land adjacent to it is platted. The subdivider shall grade and seed the dedicated area and shall maintain same until the expressly accepts maintenance of the dedicated area.

25.3.5.3 Payment in Lieu of Dedication.

25.3.5.3.1 Where there is no land suitable for dedication within the proposed land division, subdivision, or comprehensive development plan, or where the dedication of land would not be compatible with the Village Master or Comprehensive Plan, or where the Village determines that a cash contribution will better serve the public interest, the subdivider may be required to pay a fee in lieu of making the required land dedication. The decision as to whether land is dedicated or a payment is made in lieu of dedication shall be recommended by the Plan Commission after consultation with the subdivider, and must also be approved by the Village Board.

25.3.5.3.2 The payment for single family development shall be \$485.00¹

¹ The fee of \$485.00 per dwelling unit was set in 2001 following consideration of the relative value of open space, the minimum percentage of open space land dedication required in developments and the relationship of numbers of lots to the need for open space. The fee shall be automatically increased on

per lot within the proposed division. The payment for a multi-family development shall be \$485.00² per unit within the proposed land division.

25.3.5.3.3 The Plan Commission may, in its sole discretion, permit the subdivider to satisfy the above requirements by combining a land dedication with a fee payment.

25.3.5.3.4 Any fees in lieu of dedication shall be paid in full prior to final approval by the Village of the plat, certified survey map or comprehensive development plan. In phased developments, any parkland fees due shall be based on the phase being approved and shall be paid prior to plat approval. Then commencement of the required improvements for that phase may begin. The amount due for additional phases(s) shall be determined by the ordinance in effect at the time that the additional phase(s) is approved.

25.3.5.3.5 The Village shall place any fee collected pursuant to the provisions of this section in a separate non-lapsing, interest-bearing account. The fund will be used exclusively for land and capital equipment, acquisition of adequate park, playground, recreation, bike paths, hiking trails, walkways and open space, and/or development to meet the parks and recreation needs created by the land division, subdivision, planned urban development, or comprehensive development. Expenditures from this account will be reviewed and recommended by the Parks Committee.

25.3.5.4 Waiver and Assessment. At the discretion of the Village Board, the Village may waive the requirement to pay the fee as stated in subsection 25.3.5.3 above, and instead require as part of the development agreement that any fee payable in lieu of dedication shall be an assessment and lien upon the parcels within the land division or subdivision or comprehensive development plan and that upon the sale of any parcel subject to such assessment and lien, the fee shall be paid in full. Before any building permit is issued for any parcel which is subject to such assessment and lien, the fee

an annual basis after 2001 in accordance with the increase in the consumer price index. Such increase, if any, may be confirmed by resolution of the Village Board and shall not require amendment of the Village Ordinance. If the rationale for the base fee changes, and the Village wishes to set a new base fee and base fee year, the change shall be made by amendment of the Village Ordinance.

² See footnote 1 herein, which is incorporated by reference.

shall be paid in full.

25.3.5.5 Reservation of Public Sites and Open Spaces. In designing a land division or subdivision, due consideration shall be given to the reservation of suitable sites for future schools, parks, playgrounds, drainage ways, bike paths, hiking trails, walkways, open space, and other public purposes. In the location of such, consideration shall be given to the preservation of scenic and historic sites, stands of fine trees, marshes, lakes and ponds, water courses, watersheds and ravines. The subdivider may be required to reserve such school, park, recreation and public use areas for a period not to exceed two (2) years for acquisition by the Village, or other appropriate government entities, at undeveloped land cost. Where the proposed public lands lie outside the corporate limits of the Village but within the jurisdictional area of these regulations, they shall be reserved for acquisition by the town, county, school district, or Village at undeveloped land cost.

25.3.5.6 Exceptions. The requirements for dedication or payment in lieu of dedication or reservation of land shall not be applicable to land divisions which create lots or parcels intended for non-residential uses; nor to those land divisions which received Plan Commission approval of a certified survey map or a Board approval of a final plat prior to the adoption of this Chapter; nor to lots created which contain an existing dwelling unit on the date of adoption of this Chapter.

25.3.6 General Dedication Provisions.

25.3.6.1 Effect of Recording on Dedications. When any plat, certified survey map or CDP is certified, signed, acknowledged and recorded as prescribed by Chapter 236, Stats., every donation to grant to the public or any person, society or corporation marked as noted as such on said instrument shall be deemed a sufficient conveyance to vest the fee simple of all parcels of land so marked or noted, and shall be considered a general warranty against such donors, their heirs and assigns to the said donees for their use for the purposes therein express and no other; and the land intended for the streets, alleys, ways, commons or other public uses as designated on said instrument shall be held by the Village, in which said instrument is situated in trust to and for such uses and purposes.

25.3.6.2 Dedications to Public Accepted by Approval. When a final plat, certified survey map or CDP has been approved by the Village and all other required approvals are obtained and such instrument is recorded, such approval shall constitute an acceptance for the purpose designed on the

instrument of the uses of all lands shown thereon as dedicated to the public, including street dedications.

25.3.6.3 Restriction for Public Benefit. Any restriction on the land by covenant, grant of easement or in any other manner, which was required by a public body as grantee, promisee or beneficiary, shall vest in the Village the right to enforce the restriction at law or in equity against anyone who has or acquires an interest in the land subject to the restriction. Such restriction may be released or waived in writing by the Village having the right or enforcement.

25.3.7 Survey Monuments. Before final approval of any CDP, plat or certified survey map, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Stats. At the sole discretion of the Village, the Village Board may waive the placing of monuments, required under Sections 236.15(b), (c) and (d), Stats., for a reasonable time as set forth in the development agreement, provided that a letter of credit or other adequate security is provided for the cost of placing of said monuments.

25.3.8 Outlots. No outlot in a subdivision or CDP may be used as a building site unless it is in compliance with all restrictions imposed by Chapter 236 of the Wisconsin Statutes and the provisions of this ordinance. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this ordinance. An outlot may be conveyed whether or not it may be used as a building site.

25.3.9 Violations. It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this ordinance or of the Wisconsin Statutes; and no person, partnership, firm, corporation, or entity of any sort shall be entitled to record in the Register of Deeds office; and no person, partnership, firm, corporation, or entity of any sort shall be issued a building permit by the Village, authorizing the building on, or improvement of, any land division, subdivision, or replat within the jurisdiction of this ordinance not of record as of the effective date of this ordinance until all of the provisions and requirements of this ordinance have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of and enforce compliance with this ordinance or the applicable Wisconsin Statutes.

25.3.10 Penalties.

25.3.10.1 Forfeiture for Improper Recording or for Failure to Timely Record. Any person causing a final plat to be recorded without submitting such plat for approval as herein required, or who shall fail to present the such plat for recording within the time specified after approval shall forfeit, upon

conviction, not less than \$100 or more than \$1000 and in default of payment thereof may be confined in the Dane County Jail until such forfeiture is paid, such confinement not exceeding 30 days.

25.3.10.2 Transfer of Lots in Unrecorded Plat. Any subdivider or his agents who offers or contracts to convey, or conveys, any subdivision as defined in Section 236.02(12), Stats., or lot or parcel which lies in a subdivision as defined in Section 236.02(23), Stats., knowing that the final plat thereof has not been recorded may, upon conviction, be subject to a forfeiture not exceeding the sum of \$500 and in default of payment thereof may be confined in the Dane County Jail until such forfeiture is paid, such confinement not to exceed 30 days; except as provided in Section 236.31(1), Stats.

25.3.10.3 Penalty for Not Placing Monuments. Any subdivider who fails to place monuments as prescribed by this chapter, when subdividing land shall upon conviction forfeit a sum not exceeding \$250 and in default of payment, thereof, may be confined in the Dane County Jail until such forfeiture is paid, such confinement not to exceed 30 days.

25.3.10.4 Knowingly Removing or Disturbing Monuments. Any persons who knowingly removes or disturbs any monument or survey marker as prescribed in this Chapter without permission or any governing authority, or who fails to report such disturbance or removal shall forfeit, upon conviction, a sum not exceeding \$250 and in default of payment, thereof, may be confined in the Dane County Jail until such forfeiture is paid, such confinement not to exceed 30 days.

25.3.10.5 Failure to Replace Removed or Disturbed Monuments. Any person who fails to properly replace any monument or survey marker removed or disturbed by that person when ordered to do so by any Village officer shall forfeit, upon conviction, the sum of not more than \$250 plus all costs of restitution of such monuments or survey markers, and in default of payment thereof, may be confined in the Dane County Jail until such forfeiture is paid, such confinement not to exceed 30 days.

25.3.10.6 Cost of Enforcement. In addition to all the other penalties specified in this subsection, the defaulting party shall also pay the Village costs of enforcement, including but not limited to attorney fees and court costs.

25.3.10.7 Additional Penalty. Any person who shall fraudulently or maliciously misleads the Village or any of its officers in relation to any fact,

information or other matter pertinent to subdivision of land, as contained in this chapter, with a view to obtaining any benefit, privilege or other consideration or who shall falsify any statement required to be made upon an application for a plat approval or who shall misrepresent any material part of a subdivision plat filed or pending before the Board or the Plan Commission or any department of the Village charged with the administrative functions of land subdividing shall upon conviction forfeit not more than \$500 plus the cost of prosecution in default in payment thereof shall be confined in the Dane County Jail, such confinement not to exceed 30 days.

25.3.11 Capital Facilities. Any entity proposing a subdivision, land division, or comprehensive development plan that causes a need for additional capital facilities shall pay: (i) the full cost of all additional capital facilities required within the boundaries of the proposed division; and (ii) the appropriate proportionate cost of other additional off-site capital facilities required to serve the proposed division. This provision supersedes any other Village ordinance provisions with regard to the cost of additional capital facilities or municipal services. This provision is not intended to create any general obligation on the part of the Village to construct additional capital facilities in order to accommodate any particular subdivision or land division. However, if the Village determines to construct such additional facilities, the costs shall be borne as specified herein.

25.3.11.1 Determination. A preliminary plat or CDP containing 50 or more dwelling units shall not be approved unless the Village Board, after recommendation from the Plan Commission, reviews the development's impact on public facilities and services and determines that adequate public facilities and public services are available to meet the needs of the proposed development.

25.3.11.2 Impact Study. An impact study shall be required for any preliminary plat or CDP containing 50 or more dwelling units. In the case of phased development, the determination shall be made if there are 50 or more dwelling units in all phases of the development. The impact study shall be one of the items considered in determining whether or not adequate public facilities and public services are available to meet the needs of the proposed development. At the subdivider's expense, an independent consultant approved by the Village which consultant includes the subdivider's engineer, shall prepare an impact study for the Plan Commission and Village Board on the adequacy of public water and sanitary sewer facilities, storm sewers and other public drainage facilities, fire, police and emergency medical services, parks, open space and recreation facilities, transportation facilities and schools to meet the needs of the proposed development. The Plan Commission shall cooperate with the consultant in preparation of the impact

study and shall coordinate the consultant's requests for input from various Village departments as appropriate.

25.3.12 Environmental Checklist.

25.3.12.1 Environmental Assessment Checklist. At the time application is made for the review of a preliminary plat or CDP, the subdivider shall also file with the Village Clerk ten (10) copies of a completed environmental assessment checklist on the form made available by the Village Clerk. The environmental assessment checklist shall be completed to the best of the subdivider's ability. No application for a preliminary plat or CDP shall be deemed complete until the completed environmental assessment checklist is filed. The purpose of the environmental assessment checklist is to provide information necessary for reviewing the proposed division's impact on the environment, for determining the land's suitability for division and to otherwise further the purposes set forth in section 25.1.2 of this ordinance and Section 236.45(1), Stats., and the Village's Master or Comprehensive Plan.

25.3.12.2 Determination of Need for Expanded Environmental Assessment. The Environmental Assessment Checklist shall be reviewed by the Plan Commission. The Plan Commission may decide that the preliminary environmental assessment raises significant or unanswered questions regarding the impact of the proposed land division on the environment and/or that review by other committees and commissions is required. The Plan Commission may also request input from other governmental agencies. If the Plan Commission determines that an expanded environmental assessment is warranted, it shall notify the subdivider in writing of the specific questions and/or areas in which further information is required and set a reasonable date for the return of the requested information. It may also specify the format in which the information is to be presented. Failure to respond the Commission's request for additional information within 60 days may constitute grounds to reject and/or conditionally approve the preliminary plat or comprehensive development plan.

25.3.12.3 Review. The Plan Commission shall review the Environmental Assessment Report, with supporting data, department and committee reviews and any other data required for determining the suitability of the land for the proposed development. If the Plan Commission requests engineering, legal, or other technical assistance for review, such review costs shall be paid for by the subdivider. The Plan Commission shall decide whether said land is suitable for development and whether such subdivision is consistent with the purposes of this and other Village ordinances, Section 236.45, Stats., and the

Village's Master or Comprehensive Plan.

- 25.3.13 Land Suitability. No land shall be divided which is held by the Village Plan Commission to be unsuitable for use by reason of flooding, inadequate drainage, adverse soil or rock formations with severe limitations for development, steep slopes, severe erosion potential or unfavorable topography, overall negative environmental impact, or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision or of the community. The Village Plan Commission, in applying the provisions of this section, shall in writing state the basis for its conclusion that the land is not suitable for the proposed use.

25.4 GENERAL PROCEDURE

25.4.1 Preliminary Consultation. It is recommended that, prior to the filing of an application for the approval of any land division or preliminary plat, the subdivider meet with the Village Engineer and the Plan Commission. This consultation is neither formal nor mandatory, but is intended to inform the subdivider of the purpose and objectives of these regulations, the Master or Comprehensive Plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. This step does not require formal application, fee, or filing of a plat, but may include a preliminary sketch or execution of a Pre-Development Agreement.

25.4.2 Preliminary Plat Review.

25.4.2.1 Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat. A preliminary plat will only be deemed filed after the Clerk determines that the preliminary plat application packet is complete and complies with the requirements of this ordinance as to form. A complete preliminary plat application packet includes, but is not limited to, an executed Pre-Development Agreement, a minimum of sixteen (16) copies of the plat and the written application (of which 6 shall be full size maps and 10 shall be smaller size maps), ten (10) copies of an erosion control plan under section 25.5.6, ten (10) copies of a completed environmental assessment checklist under section 25.3.12, and all review fees required by section 25.15. A preliminary plat deemed complete and filed shall be forwarded to the Plan Commission in advance of the Plan Commission meeting at which action is desired. The subdivider shall also forward a copy of the plat and application to the local electric, gas, cable and telephone utilities.

25.4.2.2 The preliminary plat shall cover the entire area owned or controlled by the subdivider even though only a small portion thereof is proposed for development at the time, and shall be prepared in accordance with the ordinance. The Plan Commission may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of the ordinance.

25.4.2.3 After the Clerk determines that the preliminary plat is complete and deemed properly filed, the Clerk shall note on each print the date filed and shall forthwith forward copies to the following:

25.4.2.3.1 One copy to the Official File of Deerfield.

25.4.2.3.2 Two copies of the large map to the Plan Commission and

smaller individual maps to Plan Commission members.

25.4.2.3.3 Two copies to the Village Engineer.

25.4.2.3.4 One copy to the Village Attorney.

25.4.2.3.5 Copies to all agencies and departments as required under section 236.12, stats.

25.4.2.4 The Plan Commission shall, within 40 days of the filing date, but no earlier than 15 calendar days after the filing date:

25.4.2.4.1 Following class 1 notice as provided in Wis. Stats, ch 985, hold a joint public hearing with the Village Board ;

25.4.2.4.2 Examine the preliminary plat for conformity with the requirements of this ordinance and with the requirements of any other ordinance, statute or administrative rule and regulation, and for compliance with the Master or Comprehensive Plan and other applicable plans; and,

25.4.2.4.3 Consider the environmental assessment checklist pursuant to section 25.3.12; and,

25.4.2.4.4 Negotiate with the subdivider on changes deemed advisable; and,

25.4.2.4.5 Negotiate with the subdivider on the Development Agreement.

25.4.2.4.6 Recommend approval or conditional approval of the plat to the Village Board or reject the plat.

25.4.2.5 If approval or conditional approval is recommended, the preliminary plat shall be referred to the Village Board for consideration. The Village Board shall then approve, conditionally approve, or reject the preliminary plat. One copy of the plat shall be returned to the subdivider, his surveyor, or engineer with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village, failure to complete

the action herein required within ninety (90) days of a completed filing of the preliminary plat shall constitute an approval of the preliminary plat as submitted, on the condition that the final plat must comply with this ordinance.

25.4.2.6 Approval or conditional approval of a preliminary plat entitles the final plat to approval provided the final plat conforms substantially to the preliminary plat, including any conditions of that approval, and conforms to any applicable Village plans and ordinances.

25.4.3 Final Plat Review.

25.4.3.1 It is recommended but not required that, prior to the filing of an application for the approval the final plat, the subdivider submit the final plat to the Village Engineer to check prior to final processing.

25.4.3.2 A final plat will only be deemed filed after the Clerk determines that the final plat application packet is complete and complies with the requirements of this ordinance as to form. A complete final plat application packet includes, but is not limited to, a minimum of twelve (12) copies of the plat, an executed Development Agreement, all review fees under section 25.15, security and security deposit monies required section 25.3.3 or the Development Agreement, either an abstract of title plus current title opinion, or title insurance certified to the date of submission (to be reviewed by village Attorney to confirm all parties having an interest in said land(s) who must sign to owners certificate on the plat), deed restrictions under section 25.6.3, test results as required under section 25.5.4, final street grades under section 25.10.2.5, unit and unit prices for improvements as required under section 25.3.3.3, and any other filings required under this ordinance. A final plat deemed complete and filed shall be forwarded to the Plan Commission no less than 15 days in advance of the Plan Commission meeting at which action is desired.

25.4.3.3 Within 2 days after the Clerk determines that the final plat is complete and deemed properly filed, legible copies thereof furnished by the subdivider at his expense shall be forwarded by the Clerk to the following:

25.4.3.3.1 One copy to the Official File of Deerfield.

25.4.3.3.2 Two copies of the large map to the Plan Commission and smaller individual maps to Plan Commission members.

25.4.3.3.3 Two copies to the Village Engineer.

25.4.3.3.4 One copy to the Village Attorney.

25.4.3.3.5 Copies to all agencies and departments as required under Wis. Stats. §236.12.

25.4.3.4 The Plan Commission shall examine the final plat for conformity with the preliminary plat and any conditions of approval, with the requirements of this ordinance, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be applicable to it. Following review, the Plan Commission shall recommend approval of the final plat to the Village Board or shall reject the plat.

25.4.3.5 If approval is recommended, the final plat shall be referred to the Village Board for consideration. The Village Board shall approve, conditionally approve, or reject the final plat within 60 days of its complete submission to the Clerk, unless the time is extended by agreement with the subdivider and the time of such extension is stated in the minutes of the Board. One copy of the plat shall then be returned to the subdivider with the date and action endorsed thereon, and if approved conditionally or rejected, the conditions for approval or reasons for rejection shall be endorsed thereon or attached thereto. Reasons for rejection shall be stated in the minutes of the Board.

25.4.3.6 The final plat may, if permitted by the Plan Commission, include only that portion of the approved preliminary plat which the subdivider proposes to record at that time.

25.4.3.7 The Village Plan Commission shall, when it determines to recommend approval of a plat, give at least ten (10) days prior written notice of its intention to the clerk of any municipality within 1,000 feet of the plat, provided, however, that failure to give such notice shall not invalidate any plat.

25.4.3.8 After the final plat has been approved by the Village Board, the subdivider shall submit the final plat to the Village Clerk to be inscribed in accordance with section 25.13 herein.

25.4.3.9 A duplicate tracing as specified by the Village Engineer of the final recorded plat along with a digital copy of the map, in AutoCad format, shall be filed with the Village Engineer and the Village Clerk by subdivider within

10 days after recording.

25.4.3.10 To facilitate updating the Village boundary maps, the subdivider shall file with the Village Engineer such information as the Village Engineer deems advisable to enable an update of the Village boundary description that must be filed with the Secretary of State.

25.4.4 Replats.

25.4.4.1 When it is proposed to replat a recorded subdivision, or part thereof, so as to change its boundaries, or a part thereof the subdivider or person wishing to replat shall vacate or alter the recorded plat as provided in sections 236.40 to 236.44, Stats. The subdivider, or person wishing to replat, shall then proceed as specified in sections 25.3 through 25.7.

25.4.4.2 Whenever a preliminary plat of a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be mailed, at the subdivider's expense, to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties adjacent to the proposed replat.

25.4.5 Land Divisions by Certified Survey. A certified survey approved under this section, and meeting the requirements of section 236.34, Stats., and of this ordinance, may be utilized to create not more than four (4) parcels or building sites, fifteen (15) acres each or less in size.

25.4.5.1 It is recommended, but not required that, prior to the filing of an application for the approval of any certified survey, the subdivider meet with the Village Engineer and the Plan Commission regarding the requirements of this section.

25.4.5.2 The Plan Commission may require a preliminary CSM to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary CSM must include all lands under the control of the applicant within a parcel up to a maximum area of forty (40) acres. When a preliminary CSM is not required, the certified survey map shall include the entire parcel owned by the subdivider.

25.4.5.3 In addition to other requirements in this Chapter and in the statutes, a certified survey map shall conform to the following:

- 25.4.5.3.1 All outstanding special assessments shall be paid prior to final approval of the certified survey map.
- 25.4.5.3.2 The survey shall be performed and the map prepared by a registered surveyor.
- 25.4.5.3.3 A certified survey map will only be deemed filed after the Clerk determines that the CSM application packet is complete and complies with the requirements of this ordinance as to form. A complete CSM application packet includes, but is not limited to, a minimum of ten (10) blueline prints or other acceptable reproductions of a certified survey map and the written application, an executed Pre-Development Agreement, ten copies of an erosion control plan under section 25.7.7, applicable zoning maps under section 25.7.6, street grades under section 25.10.2.5 if new streets are created, unit and unit prices for improvements as required under 25.3.3.3, review fees required under section 25.15 or the Pre-Development Agreement. A CSM deemed complete and filed no less than 15 days before the meeting shall be forwarded to the Plan Commission for review.
- 25.4.5.3.4 After the Clerk determines that the application has been properly filed, the Village Clerk shall transmit the copies of the map and application to the Plan Commission and to all affected Village departments for their review and recommendations concerning matters within their jurisdiction. Department recommendations shall be transmitted to the Plan Commission within twenty-one (21) days from the date the map is deemed filed.
- 25.4.5.3.5 Within forty (40) days of complete filing, the Plan Commission shall review the map for conformance with this ordinance, the Village Master or Comprehensive Plan, and any statute, ordinance, rule, or regulation which affects it, and shall recommend approval or conditional approval of the map to the Village Board or shall reject the map. If approval or conditional approval is recommended, the map shall be referred to the Village Board for consideration.
- 25.4.5.3.6 The Village Board shall then approve, conditionally approve, or reject the map. One copy of the map shall be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, the conditions of approval or reasons for

rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village, failure to complete the action required herein within ninety (90) days of the completed filing of the map shall constitute an approval of the map.

25.4.5.3.7 After the certified survey has been approved by the Village Board, and the executed development agreement and security for the installation of improvements have been filed in accordance with section 25.3.3, and any fee imposed pursuant to section 25.3.5 and section 25.15, or any other required costs, fees and assessments have been paid, the subdivider shall submit the map to the Village Clerk. The Clerk shall execute the certificate inscribed upon the map attesting to such approval and return the map to the subdivider for recording.

25.4.5.3.8 A duplicate tracing as specified by the Village Engineer of the final recorded CSM along with a digital copy of the map, in AutoCad format, shall be filed with the Village Engineer and Village Clerk by subdivider within 10 days after recording.

25.4.5.3.9 To facilitate updating the Village boundary maps, the subdivider shall file with the Village Engineer such information as the Village Engineer deems advisable to enable an update Village boundary description that must be filed with the Secretary of State.

25.4.6 Land Division Within Extraterritorial Plat Approval Jurisdiction. In all cases, the time period within which action is required shall not begin until the Town Board, the staff serving the Dane County Zoning and Natural Resources Committee, and the Village have received all maps, drawings and data required for plat approval, and subdivider has provided sufficient evidence of such receipt.

25.4.6.1 No person, firm or corporation shall divide any land within the 1-1/2 mile extraterritorial plat approval jurisdiction of the Village, without first obtaining approval of a CDP, certified survey map or plat from the Village Board.

25.4.6.2 The procedures and requirements for plat review, certified survey map, or CDP review as set forth in sections 25.3 through 25.8 shall apply, depending upon the number of lots being created. All other provisions of this ordinance shall apply as deemed appropriate by the Plan Commission and Village Board.

25.4.6.3 The Plan Commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village to protect the purpose and intent of the Village plans and ordinances. Any such restrictions shall be placed on the face of the certified survey map or on surrounding lands from which the lot or lots were created to verify the density standard established herein.

25.5 PRELIMINARY PLAT

25.5.1 General. A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a land surveyor registered in this state. At the discretion of the Plan Commission, a preliminary plat may be required for a land division which presents special development issues. A preliminary plat shall be prepared on tracing cloth or paper of good quality capable of clearly legible reproduction at a scale of not more than 100 feet to the inch and shall show correctly on its face the following information:

25.5.1.1 Title under which the proposed subdivision is to be recorded.

25.5.1.2 Location of proposed subdivision by: government lot, quarter-quarter section, township, range, county, and state; and a small scale drawing of the section or government subdivision of the section in which the subdivision lies with the location of the subdivision indicated thereon

25.5.1.3 Date, scale and north point.

25.5.1.4 A description of the material of which the corner marker is composed.

25.5.1.5 Names and addresses of the owner, subdivider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.

25.5.1.6 The entire area contiguous to the proposed plat owned or controlled by the subdivider shall be included on the preliminary plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where a comprehensive development plan has been previously approved and recorded for the area and where it is otherwise unnecessary to fulfill the purposes and intent of this ordinance and undue hardship would result from strict application thereof.

25.5.1.7 The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.

25.5.1.8 Location and elevation of any land situated in a flood plain.

25.5.2 Plat Data. All preliminary plats shall show the following:

25.5.2.1 Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby.

25.5.2.2 Contours at vertical intervals of not more than 4 feet where the slope is greater than 10% and not more than 2 feet where the slope is less than 10%. Elevations shall be marked on such contours based on the North American Vertical Datum of 1988.

25.5.2.3 Water elevations of adjoining lakes and streams at the date of the survey and approximate high and low water elevations, based on the North American Vertical Datum of 1988.

25.5.2.4 Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, utility rights-of-way, park and cemeteries, and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

25.5.2.5 Location and names of any adjacent subdivisions, and owners of record of abutting unplatted lands.

25.5.2.6 Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based upon or established by the most current standards used by the Village as determined by the Village Engineer.

25.5.2.7 Profiles showing existing ground surface and proposed street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision. Elevations shall be based on the North American Vertical Datum of 1988.

25.5.2.8 Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes or such facilities to which connection must

be made in order to be serviced by public utilities the area covered by the preliminary map; the location of manholes, catchbasins, hydrants, power and telephone poles; and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.

- 25.5.2.9 Source of domestic water supply and type of sewage disposal, locations of sites for community domestic water plant and/or community sewage treatment plant and all subject to rules and regulations of the state Department of Health.
- 25.5.2.10 Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, and other similar significant features within the tract being subdivided or immediately adjacent thereto.
- 25.5.2.11 Location, width, length, bearing and names of all proposed streets and public rights-of-way such as alleys and easements.
- 25.5.2.12 Any proposed lake and stream improvement or relocation.
- 25.5.2.13 Location and approximate dimensions of any sites to be reserved or proposed to be dedicated for parks, playgrounds, public use, or used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- 25.5.2.14 When a street is on a circular curve, the main chords of the right-of-way lines shall be drawn as dotted or dashed lines in their proper places. All curved lines shall show, either on the lines or in an adjoining table, the radius of the circle, the central angle subtended, the chord bearing, the chord length and the arc length for each segment. The tangent bearing shall be shown for each end of the main chord for all circular lines. When a circular curve of 30-foot radius or less is used to round off the intersection between two straight lines, it shall be tangent to both straight lines, and in such event, it is sufficient to show on the plat the radius of the curve and the tangent distances from the points of curvature to the point of intersection of the straight lines.
- 25.5.2.15 Existing zoning on and adjacent to the proposed subdivision when the plat is located within the extraterritorial plat approval jurisdiction of the

Village.

25.5.2.16 Corporate limits lines.

25.5.2.17 Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed 'subdivision in relation to the access.

25.5.2.18 Approximate dimensions and setback lines shall be shown for all lots and outlots together with proposed lot, outlot and block numbers.

25.5.2.19 Any other information requested by the Plan Commission or Village Board.

25.5.3 Street and Utility Plans and Profiles. The subdivider shall provide preliminary street and utility plans and profiles showing existing ground surface, established and preliminary proposed grades and locations for streets and public sanitary sewers, storm sewers and water mains, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested. All elevations shall be based upon the North American Vertical Datum of 1988., and plans and profiles shall meet the approval of the Village Engineer.

25.5.4 Testing. 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.

25.5.5 Covenants. The Village Board may require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision and otherwise protect the proposed development.

25.5.6 Erosion Control Plan. At the time application is made for the review of a preliminary plat, the subdivider shall also file with the Village Clerk ten (10) copies of a proposed Erosion Control Plan for the preliminary plat area contemplated for development. The proposed erosion control plan shall comply with the requirements of Chapter 31 of the Village Code of Ordinances (Erosion, Sediment and Water Runoff Control Ordinance), and with this ordinance.

25.5.7 Affidavit. The surveyor preparing the preliminary plat shall certify the face of the plat that it is a correct representation of a existing land divisions and features and that he has fully complied with the provisions of this ordinance and chapter 236, Stats.

25.6 FINAL PLAT

- 25.6.1 General. A final plat prepared by a land surveyor registered in this State shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Stats., and with this ordinance.
- 25.6.2 Information Required. The plat shall show correctly on its face, in addition to the information required by Section 236.20, Stats., or other sections of the chapter, the following:
- 25.6.2.1 Exact length and bearing of the center line of all streets.
 - 25.6.2.2 Exact street width along the line of any obliquely intersecting street.
 - 25.6.2.3 Setbacks or building lines required by the Village Plan Commission.
 - 25.6.2.4 All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - 25.6.2.5 Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.
- 25.6.3 Deed Restrictions. Deed restrictions required by the Plan Commission or Village Board shall be filed with the final plat.
- 25.6.4 Survey Accuracy. The accuracy of the final plat must be certified by a registered surveyor in accordance with chapter 236 of the Wisconsin Statutes.
- 25.6.5 Surveying and Monumenting. All final plats shall meet all the surveying and monumenting requirements of Section 236.15, Stats.
- 25.6.6 Certificates. A final plat shall include all the certificates required by Section 236.21, Stats.; and, in addition, the surveyor shall certify that she/he has fully complied with all the provisions of this ordinance.

25.7 CERTIFIED SURVEY MAP

- 25.7.1 General. A certified survey map prepared by a land surveyor registered in this state shall be required for all land divisions. It shall comply in all respects with the requirements of section 236.34 of the Wisconsin Statutes.
- 25.7.2 Information Required. The map shall show correctly on its face, in addition to the information required by Section 236.34 Stats., the following:

- 25.7.2.1 All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- 25.7.2.2 Setbacks or building lines required by the Village Plan Commission.
- 25.7.2.3 All lands reserved for future acquisition.
- 25.7.2.4 Date of the map.
- 25.7.2.5 Graphic scale.
- 25.7.2.6 Name and address of the owner, subdivider and surveyor.
- 25.7.2.7 All corners shall be monumented in accordance with Sections 236.159(1)(c)-(d), Stats.
- 25.7.2.8 The final map shall be prepared in accordance with Sections 236.20 (a), (b), (c), (e), (f), (G), (h), (i), (j), (k), and (l), Stats., on durable white paper 8-1/2 inches wide by 14 inches long. All copies shall be made with non fading black ink to scale of not more than 100 feet to one inch.
- 25.7.2.9 The Board resolution approving the certified survey map shall be reproduced legibly on the face of the map.
- 25.7.2.10 The map shall include the certificate of ownership and the affidavit of the surveyor who surveyed and mapped the parcel, typed, lettered or reproduced legible with non-fading black ink, giving a clear and concise description of the land surveyed by bearings and distances, commencing with some corner marked and established in the U.S. Public Land survey or some corner providing reference to a corner marked and established in the U.S. Public Land Survey. Such affidavit shall include the statement of the surveyor to the effect that it has fully complied with the requirements of this section.

25.7.3 Certificates.

- 25.7.3.1 The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this ordinance.
- 25.7.3.2 The following certificate of approval shall be typed, lettered or otherwise reproduced legibly on the face of the map:

This certified survey, including any dedications shown thereon, has

been duly filed with and approved by the Village Board of the Village of Deerfield, Dane County, Wisconsin.

Clerk

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

25.7.4 Critical Building Locations. All buildings or structures, their location on the lot, and setback lines shall be shown on the map and dimensioned to the nearest 0.1 foot where the location of such building or structure will be critical in relation to proposed property boundaries or to the zoning requirements.

25.7.5 Dedications, Testing, and Improvements Required. Any land division effectuated by a certified survey shall be subject to the provisions of section 25.3.5 concerning the reservation and dedication of land; and, unless a waiver is granted, to the provisions of sections 25.9 and 25.10 concerning required improvements; and to the provisions of section 25.5.4.

25.7.6 Application for Approval. The certified survey map shall be accompanied by a written application for approval on forms furnished by the Plan Commission. Where a change in zoning classification is being or will be requested in connection with the land division, a map showing the present zoning of the land and all lands adjacent thereto and the proposed zoning shall be submitted with the application for approval.

25.7.7 Erosion Control Plan. At the time application is made for approval of a certified survey map, the subdivider shall also file 10 copies of a proposed Erosion Control Plan for the area in compliance with the requirements of Chapter 31 of the Village Code.

25.7.8 Environmental Assessment Checklist. The Plan Commission may require that an environmental assessment checklist be prepared and the procedures of section 25.3.12 be followed as part of the certified survey map review process if the Plan Commission determines that there may be significant or unanswered questions regarding the impact of the proposed land division on the environment.

25.8 COMPREHENSIVE DEVELOPMENT PLANS

25.8.1 Procedure. When the subdivider has 40 acres or more of land under control, the subdivider may elect to file a comprehensive development plan (CDP) in lieu of a

preliminary plat for the entire lands under the subdivider's control. The lands may be in a single parcel, or separated only by roads, streets, highways or other rights-of-way. The subdivider shall file fifteen (15) blue-line prints and six (6) copies of all exhibits as required hereinafter together with a written application for approval with the Village Clerk.

25.8.2 Review.

25.8.2.1 Before accepting any CDP for filing and submittal to the Plan Commission, the Clerk shall determine whether the CDP and other filings required under this ordinance are complete and comply with the requirements of this ordinance as to form and whether all review fees and deposit monies have been paid pursuant to this ordinance. No CDP shall be deemed to be filed until the Clerk determines that the application is complete. After the Clerk determines that the application has been properly filed, the CDP and exhibits shall be reviewed by the Plan Commission which shall also refer the CDP and exhibits to the Dane County Regional Planning Commission staff, the Village Engineer and the Village Attorney for review and comment. The Plan Commission in its discretion, may, but is not required to, hold a public hearing on the CDP.

25.8.2.2 The Plan Commission shall recommend approval or conditional approval of the CDP to the Village Board or shall reject the CDP. If approval or conditional approval is recommended, the CDP shall be referred to the Village Board for consideration. The Village Board shall then approve, conditionally approve, or reject the CDP. One copy of the CDP shall be returned to the subdivider with the date and action endorsed thereon and if approved or rejected. The conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Unless the time is extended by written agreement between the subdivider and the Village, failure to complete the action required herein within ninety (90) days of the completed filing of the CDP shall constitute an approval of the CDP.

25.8.2.3 If the Village Board approves a CDP, the following shall be endorsed thereon. "The CDP was approved by the Village of Deerfield Village Board on _____. If no substantial action has been taken to develop the property subject to the CDP within 4 years of the approval date, the Village shall have the option to rescind its approval of the CDP and require that future development be subject to Village requirements then in effect."

25.8.3 Recordation. The subdivider shall record the CDP, together with the exhibits, after

it has been approved by the Village Board and shall file a certified copy of the CDP with the Village Clerk after it has been recorded.

25.8.4 Changes. No major change in a recorded CDP or its exhibits can be made without the approval of the Village Board. Any proposed change in the CDP or its exhibits shall be filed with the Village Clerk. The Plan Commission shall determine whether the change is major and within thirty (30) days of filing shall recommend approval or conditional approval of the change to the Village Board or shall reject the change. If approval or conditional approval is recommended, the proposed change shall be referred to the Village Board for consideration. The Village Board shall then approve, conditionally approve, or reject the proposed change within fifteen (15) days. Any approved major change to a CDP and its exhibits shall be recorded and the subdivider shall file a certified copy of the recorded instruments with the Village Clerk.

25.8.5 Information Required. Any comprehensive development plan shall include the following:

25.8.5.1 A plan, drawn to a scale of 1" = 200' which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or other rights-of-way. The plan shall show the items required by sections 25.5.1 and 25.5.2, preliminary plat data, and all proposed collector and major streets and approximate number and layout of lots.

25.8.5.2 If a waiver of design standards in section 25.9 is requested, details showing the proposed deviation from the standards and the reasons therefor.

25.8.5.3 The projected population broken down into single-family and multi-family units.

25.8.5.4 The multi-family dwelling units broken down into the number of units in each bedroom category on a percentage basis.

25.8.5.5 A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.

25.8.5.6 A preliminary plat meeting the requirements of this ordinance, for the portion proposed to be developed within 18 months from the date of submittal.

25.8.5.7 An erosion control plan for the entire lands under control complying with the requirements of Chapter 31 of the Village Code.

25.8.5.8 A completed environmental assessment checklist on the form available from the Village Clerk for the entire area under the subdivider's control in accordance with section 25.3.12 hereof.

25.8.5.9 A determination of adequacy of public facilities and services, if applicable, in accordance with section 25.3.11 hereof.

25.8.6 Design Standards. The provisions of section 25.9 shall apply to a comprehensive developmental plan. However, the provisions may be waived by the Village Board upon recommendation of the Plan Commission and the Village Engineer.

25.8.7 Dedications, Testing, and Improvements Required. Comprehensive development plans shall be subject to the provisions of section 25.3.5 concerning the reservation and dedication of land; and, unless a waiver is granted, subject to the provisions of sections 25.9 and 25.10 concerning required improvements; and subject to the provisions of section 25.5.4 concerning tests.

25.9 DESIGN STANDARDS

25.9.1 Street Arrangement. In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the official map, Master or Comprehensive Plan or component neighborhood development plan of the Village. In areas for which such plans have not been completed, the street arrangement, width, location and layout shall be guided by and comply with the standards contained in this ordinance.

25.9.1.1 Major Streets. Major streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.

25.9.1.2 Collector Streets. Collector streets shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.

- 25.9.1.3 Minor Streets. Minor streets shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- 25.9.1.4 Proposed Streets. Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions or unless, in the opinion of the Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Temporary turnarounds may be required where the street ends at the boundary of the subdivision.
- 25.9.1.5 Major Street and Highway Protection. Whenever the proposed subdivision contains or is adjacent to a major street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage, with screen planting contained in a nonaccess reservation along the rear property line, or by the use of frontage streets.
- 25.9.1.6 Stream or Waterway. Stream or waterways shall have sixty (60) feet of public access platted to the low water mark at intervals of not more than one-half mile as required by section 236.16(3), Stats. The Village is not required to improve lands provided for public access under this subsection.
- 25.9.1.7 Alleys. Alleys shall be provided in commercial and industrial districts for off-street loading and service access unless otherwise required by the Plan Commission. Dead end alleys are prohibited except under very unusual circumstances and crooked and "T" alleys shall be discouraged. Where dead end alleys are unavoidable, they shall be provided with adequate turn-around facilities at the dead end.
- 25.9.1.8 Access to Major Streets and Highways. If a residential lot abuts a major street or highway, provisions shall be made for service by the use of any one of the following: marginal access streets; or backing lots to the primary street with a screen planting contained in a non-access reservation along the rear property line; or deeper lots fronting on the collector or major street with rear service alleys. These methods are recommended for the purpose of providing adequate protection of residential properties and to afford separation of through and local traffic.

25.9.2 Street Names.

25.9.2.1 Duplication of existing street names by similar word, spelling, or sound shall not be permitted.

25.9.2.2 Where a street maintains the same general direction except for curvilinear changes for short distances, the same name shall continue for the entire length of the street, unless otherwise approved by the Village Board. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.

25.9.2.3 A street name shall be changed when required to conform to the proposed or existing house numbering base.

25.9.2.4 A name which is assigned to a street which is not presently a through street, due to intervening land over which the street extension is planned, shall be continued for the separate portions of the planned through street.

25.9.2.5 For purposes of consistency, the following street designations shall be used only in the situations indicated:

25.9.2.5.1 Boulevard: A street with a divided pavement either existing or planned. If the divided pavement ends, but the street continues, the same street name and suffix shall continue.

25.9.2.5.2 Lane: A street, one block long, not ending in a cul-de-sac.

25.9.2.5.3 Circle: A cul-de-sac of nine lots or more.

25.9.2.5.4 Court: A cul-de-sac of eight lots or less.

25.9.2.5.5 Parkway: A street abutting a park or greenway or creek.

25.9.2.5.6 Other terms may be used so long as they are not inconsistent with the above designations.

25.9.2.6 The maximum number of street names at one intersection shall be three.

25.9.2.7 Street names shall be assigned so that two intersections shall not have the same exact street names.

25.9.2.8 The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.

25.9.2.9 The changing of a street name that does not duplicate an existing street name shall only be approved where such change will eliminate conflicts with other provisions of this section.

25.9.2.10 Service roads and highways served by them shall have the same street name and designation.

25.9.2.11 Approval of street names on a preliminary plat will not reserve the names nor shall the Village be required to accept such names at the time of final platting.

25.9.2.12 A minimum number of letters is desirable in a street name. The maximum number of letters, not including the prefix or suffix, shall not exceed fifteen unless otherwise approved by the Village Board.

25.9.3 Limited Access Highways. Whenever the proposed subdivision contains or is adjacent to a limited access highway, the design shall provide the following treatment:

25.9.3.1 In all residential districts a buffer strip at least 30 feet in depth, in addition to the normal lot depth required, shall be provided adjacent to a limited access major street. The lot depth required, including such buffer strip, shall not be less than 150 feet. The strip shall be a part of the platted lots, but shall have the following restrictions lettered on the face of the plat:

“This strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited, and the rear 30 feet of the strip shall not be counted as any required yard. Maintenance of this strip is a responsibility of the lot owner.”

25.9.3.2 Commercial and Industrial Districts shall have, on each side of the limited access highway, streets approximately parallel to and at a suitable distance from such highway (not less than one hundred and fifty (150) feet) for the appropriate use of the land between such streets and highways.

25.9.3.3 Streets parallel to a limited access highway shall, when intersecting a

major street and highway or collector street which crosses said highway, be located at a minimum distance of two hundred and fifty (250) feet from said highway. Such distance, where desirable and practicable, shall be determined with due consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.

25.9.4 Street Design Standards.

25.9.4.1 Minimum Right-of-Way and Street Surface Width:

The minimum right-of-way and street surface width (curb face to curb face) of all proposed streets and alleys shall be of the width specified by the Master or Comprehensive Plan, official map or neighborhood development study; or if no width is specified therein, the minimum widths shall be as follows:

<u>Type of Street</u>	<u>R.O.W Width</u>	<u>Curb Face to Curb Face Width</u>
Major Street	120 feet	44 feet
Collector Street	66 feet	36 feet
Minor Street	60 feet	36 feet
Cul-de-Sac Street	60 feet	36 feet
Commercial Alley	30 feet	24 feet
Residential Alley	20 feet	18 feet

25.9.4.2 Cul-de-Sac Streets:

25.9.4.2.1 Cul-de-sac streets shall be not more than 1000 feet in length measured along their center lines from the streets of origin to the ends of their right-of-way unless a special exception is obtained from the Village Board. Each cul-de-sac shall have a terminus of nearly circular shape with a minimum diameter of 100 feet.

25.9.4.2.2 Except as provided in section 25.9.4.2.3, streets which are designed to have one end permanently closed shall terminate in a circular turnaround having a minimum right-of-way diameter of 108

feet, and a minimum outside curb diameter of 84 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 120 foot minimum radius when the bulb is offset.

25.9.4.2.3 All streets which are designed to have one end permanently closed, in business, commercial, industrial and manufacturing areas, shall terminate in a circular turnaround having a minimum right-of-way diameter of 130 feet, and a minimum outside curb diameter of 96 feet. The reverse curve on a cul-de-sac shall have a 50 foot minimum radius when the bulb is centered on the street and a 120 foot minimum radius when the bulb is offset.

25.9.4.3 Street Grades:

25.9.4.3.1 The maximum street grades shall not exceed the following:

25.9.4.3.1.1 Major streets and highways: 6 percent.

25.9.4.3.1.2 All other streets and alleys: 10 percent.

25.9.4.3.1.3 Pedestrian Ways: 10 percent unless steps of acceptable design are provided.

25.9.4.3.2 Where necessitated by exceptional topography and where approved by the Village Engineer, Plan Commission and Village Board, the above grades may be exceeded but in no event shall the grade of any street exceed 10 percent or be less than 0.50 percent.

25.9.4.3.3 All changes in street grades shall provide sight distances as conditions require as determined by the Village Engineer. Sight distance calculations shall be done in accordance with the provisions of the Wisconsin Department of Transportation Facilities Development Manual.

25.9.4.3.4 Street grades shall be established wherever practicable in such a manner to avoid excessive grading, the excessive removal of ground cover and tree growth and general leveling of the topography.

25.9.4.4 Radii of Curvature:

25.9.4.4.1 When a continuous street centerline deflects at any one point

by more than ten (10) degrees, a circular curve shall be inserted having a radius of curvature on said centerline of not less than the following:

25.9.4.4.1.1 Major streets and highways: 500 feet.

25.9.4.4.1.2 Collector streets: 300 feet.

25.9.4.4.1.3 Minor streets: 100 feet.

25.9.4.4.2 A tangent at least one hundred (100) feet in length shall be provided between reverse curves on major and collector streets.

25.9.4.5 Half Streets: The creation of half streets is discouraged and requires special approval by the Village Board. Where an existing dedicated or platted half street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. Streets less than full width on the boundary of the tract being subdivided shall not be less than a width sufficient to produce a full pavement, a full terrace on the plat side and a reserve strip as determined by the Village Board.

25.9.4.6 Storm Drainage: Storm sewer systems shall be provided on all streets to accommodate the post-development runoff resulting from a 5 year, 24 hour rainfall event (10 year, 24 hour rainfall event for major streets). Street inlets on local and marginal access streets shall be placed so that temporary accumulations of storm runoff from ponding or flowing water are limited such that water cannot flow across the crown of the street from one side to the other. Street inlets on collector and major streets shall be placed so that temporary accumulations of storm runoff from ponding or flowing water are limited such that water cannot reach to within ten feet of the centerline of the street. Valley gutters across intersections shall be permitted only on cul-de-sac or dead-end streets serving less than 10 dwelling units and where the minimum grade on the valley gutter and the downstream gutter to the next inlet is not less than one percent (1%). The post-development runoff resulting from a 100 year, 24 hour rainfall shall be contained within the street right-of-way to the point where such runoff reaches a suitably designed drainage channel or perennial water course.

25.9.5 Street Intersections.

25.9.5.1 Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.

25.9.5.2 The number of streets converging at one intersection shall not be more than two, unless otherwise approved by the Village Board.

25.9.5.3 The number of intersections along major streets and highways shall be held to a minimum. Wherever practicable the distance between such intersections shall not be less than 1,200 feet.

25.9.5.4 Property lines at street intersections shall be rounded with a minimum radius of 15 feet, except that at all intersections along collector and major streets the radius shall be to 25 feet. The Plan Commission may require a larger radius where desirable, or smaller radius where necessary to accommodate existing streets.

25.9.5.5 Local streets shall not necessarily continue across major or collector streets; but if the centerlines of such minor streets approach the major streets from opposite sides within 150 feet of each other, measured along the centerline of the major or collector street, then the location shall be so adjusted that the adjoinment across the major or collector street is continuous; and a jog is avoided.

25.9.5.6 Radii at the face of curbs at intersections shall be a minimum of 25 feet, except that the Village Board may require a smaller radius where necessary to accommodate existing streets.

25.9.6 Blocks.

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

25.9.6.2 The maximum lengths of blocks containing lots of 60 feet and over in width shall be 1,800 feet and the maximum length of blocks containing lots less than 60 feet shall be 1,200 lineal feet. No blocks shall be less than 900 lineal feet in length unless approved by the Board, with input from the Plan Commission.

25.9.6.3 Pedestrian ways of not less than 12 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Board to provide adequate pedestrian circulation or

access to schools, shopping centers, churches or transportation facilities.

25.9.6.4 Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic.

25.9.6.5 Blocks intended for commercial, industrial and institutional use must be designated as such, and the plan must show adequate off-street areas to provide for parking, loading docks and such other facilities as may be required to accommodate motor vehicles.

25.9.6.6 All utility lines for electric power and telephone service shall be placed on mid-block easements along rear lot lines whenever carried on overhead poles.

25.9.7 Lots.

25.9.7.1 The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.

25.9.7.2 Double frontage and reversed frontage lots shall be avoided except where necessary to provide separations of residential development from traffic arteries or to overcome specific disadvantages of topography or orientation.

25.9.7.3 Width and area of lots shall conform with lot width and area requirements set forth in the Deerfield Zoning Ordinance. The minimum lot width as required by the yard regulations for a particular zoning district shall be along the minimum building setback line (front) as located in those zoning regulations.

25.9.7.4 Access to public street. Every lot shall front or abut on a public street. Lots with an access only to private drives on streets shall be permitted only with Board approval, with input from the Plan Commission, which may be conditioned on, among other things, a recorded ingress/egress easement in satisfactory form and content.

25.9.7.5 Lot lines. Side lot lines shall be as nearly as possible at right angles to

straight street lines or radial to curved street lines on which the lots face.

- 25.9.7.6 Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- 25.9.7.7 Corner lots shall have sufficient width in compliance with the Deerfield Zoning Ordinance.
- 25.9.7.8 Depth of lots shall be in accordance with Deerfield Zoning Ordinance.
- 25.9.7.9 Residential lots fronting or backing on major streets shall be platted with extra depth to permit additional distances between the buildings and such trafficways.
- 25.9.7.10 Depth and width of properties reserved or laid out for commercial or industrial use shall be adequate to provide for the off-street service and parking facilities required by the type of use and development contemplated.
- 25.9.7.11 Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow resubdivision of any such parcels into normal lots in accordance with the provisions of this ordinance.
- 25.9.7.12 Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivision and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake or stream. Lots abutting upon a water course, drainage way, channel or stream shall be an additional depth or width as required to provide an acceptable building site.
- 25.9.7.13 Butt lots shall be platted at least 5 feet wider than the average interior lots in developments containing lots less than 12,000 square feet in area.
- 25.9.7.14 Lot drainage patterns shall be indicated on the plat (or a separate sheet) and shall take into account flow conditions from off-site as well as out-flow onto downstream properties. "As-built" grading plans showing the completed elevation of each lot corner and significant changes in grade on each lot line shall be provided to the Village. A plat restriction shall be recorded with the final plat or certified survey map stating that the final "as-built" grade shall not be altered by more than six (6) inches within five (5) feet of any lot line by the subdivider, his agent, or by subsequent owners of the lots, unless approved by the Village Engineer.

25.9.8 Building Setback Lines. Where not adequately controlled by zoning regulations, building setback lines appropriate to the location and type of development contemplated shall be established, as required by the Village Board.

25.9.9 Utility and Drainage Easements.

25.9.9.1 Underground Utility Service.

25.9.9.1.1 All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, all new telegraph lines, community antenna television cables and services, installed within a newly-platted area, mobile home park, or PUD, shall be underground unless the Village Board shall specifically find after study that:

25.9.9.1.1.1 The placing of such facilities underground would not be compatible with the planned development;

25.9.9.1.1.2 Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or

25.9.9.1.1.3 The lots to be served by said facilities can be served directly from existing overhead facilities.

25.9.9.1.2 Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as, but not limited to, substations, pad mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located aboveground.

25.9.9.1.3 The subdivider or his agent shall furnish proof to the Plan Commission that such arrangements as may be required under applicable rates and rules filed with the Public Service Commission of Wisconsin have been made with the owner or owners of such lines or services for placing their respective facilities underground as required by this section, as a condition precedent to approval of the final plat, site plan or certified survey map.

25.9.9.1.4 Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed, subject to any exception permitted by the Plan Commission under section 25.9.9.1.1.

25.9.9.2 Easement Conditions.

25.9.9.2.1 Adequate easements shall be provided and dedicated on each side of all rear lot lines, and on side lot lines where necessary, for the installation of storm and sanitary sewers, gas, water, electric lines, telephone and cable television communication lines. Such easements as required by the Village or other private utility lines shall be noted as "Public Utility Easements" on the final plat or certified survey map. Prior to approval of the final plat or certified survey map, the concurrence of the electric, telephone and cable television communications companies serving the area as to the location and width of the utility easements shall be noted on the final plat or certified survey map. All easements for storm and sanitary sewers, water, bike paths and pedestrian walks, and other public purposes shall be noted thereon as "Public Easement for" followed by reference to the use or uses for which they are intended.

25.9.9.2.2 Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six (6) inches of final grade by the subdivider, prior to the installation of such facilities, and earth fill, piles or mounds of dirt shall not be stored on such easement areas. Utility facilities when installed on utility easements whether overhead or underground shall not disturb any monumentation in the plat.

25.9.9.2.3 Where the electric and/or communications facilities are to be installed underground, a plat restriction shall be recorded with the final plat or certified survey map stating that the final grade established by the subdivider on the utility easements shall not be altered by more than six (6) inches by the subdivider, his agent, or by subsequent owners of the lots on which such utility easements are

located, except with written consent of the utility or utilities involved. The purpose of this restriction shall be to notify initial and future lot owners of the underground facilities at the time of purchase and to establish responsibility in the event of damage to such facilities or to the need to alter such facilities. When the utility company uses a service application, said application should also notify the initial and subsequent lot owners of their responsibility regarding such underground facilities.

25.9.9.3 Drainage Easements. Where a subdivision is traversed by a water course, drainageway, channel or stream, or stormwater runoff needs to be addressed, an adequate drainageway or easement shall be provided as required by the Plan Commission. The location, width, alignment and improvement of such drainageway or easement shall be subject to the approval of the Plan Commission and parallel streets or parkways may be required in connection therewith. Wherever possible, the storm water drainage shall be maintained by landscaped, open channels of adequate size and grade to hydraulically accommodate maximum potential flow volumes. These sizes and design details are subject to review and approval by the Village Engineer, Plan Commission, Village Park Commission and Village Board. In addition to the requirements of Chapter 31 regarding erosion control and stormwater runoff, the subdivider shall provide all necessary easements and facilities to transport the water off the platted area in a manner satisfactory to the Village engineer and Village Board. Drainageways should substantially maintain existing water flow patterns from and/or onto neighboring lands.

25.10 REQUIRED IMPROVEMENTS

25.10.1 Streets. Standard street improvements shall be installed in all subdivisions and land divisions within the corporate limits and in any land division or subdivision located within the extraterritorial jurisdiction area where required by the Plan Commission. Such street improvements shall be installed after completion of the grading and construction of sewer and water improvements in the street areas. The subdivider shall surface the required roadway or cause it to be surfaced with an asphaltic concrete material in accordance with the specifications as prescribed by the board within 18 months of commencement of street grading. The subdivider shall grade and seed the area of the street right-of-way between the pavement and the lot line (or sidewalk), as approved by the Village.

25.10.2 Standard Street Improvements.

25.10.2.1 The subdivider shall install standard street improvements, including adequate crushed stone base, lower course of asphalt, and surface course of asphalt on all streets. The streets shall have an adequate crushed stone base, lower course of asphalt, and surface course of asphalt to permit use by heavy emergency and waste collection vehicles.

25.10.2.2 All street connections shall be designed for safe ingress and egress. All street connections shall conform to and carry through no less than existing street widths, and as approved by the Village Engineer.

25.10.2.3 To enhance safety, the subdivider shall install properly placed stop signs, street name signs and other signs specified or recommended by the Village Engineer or Director of Public Works. The subdivider shall consult with the Village Engineer and/or Director of Public Works regarding placement and use of signs, but subdivider shall bear ultimate responsibility for proper signs.

25.10.2.4 Upon written approval or written recommendation by the Village Engineer, the first 1 ½ inch or greater, as determined by the Village Engineer, of lower course of asphalt shall be placed in the same year the underground pipelines are constructed. The second 1 ¼ inch or greater, as determined by the Village Engineer, of surface course of asphalt shall be placed in the year following the completion of the underground pipelines and shall be preceded by a thorough cleaning and a suitable tack coat.

25.10.2.5 The final street grade shall be provided to and approved by the Village

Engineer and filed with the Village Clerk prior to commencement of street improvements.

25.10.2.6 Street construction completed after November 1 or prior to April 15 of any year shall require the written approval of the Village Engineer and shall not be eligible for final approval prior to the expiration of six (6) months from the date of last construction.

25.10.2.7 Street Construction. During construction and until the street is open, the subdivider shall furnish, install and maintain barricades and signs at such places as is necessary to protect and enhance safety. The subdivider shall consult with the Village Engineer and/or Director of Public Works regarding placement and use of barricades, but subdivider shall bear ultimate responsibility for proper barricading. The subdivider shall obtain all construction easements necessary for construction of the street improvements. Subdivider shall use all prudent soil erosion protection in constructing the road, as required by Village ordinances and the Village Engineer.

25.10.3 Curb and Gutter. The subdivider shall install thirty inch (30") wide curb and gutter along all streets and along both sides of streets. The specifications for curb and gutter shall be determined by the Village Engineer. The subdivider shall pay for and install the concrete curb and gutter. Curb shall be vertical six inch (6") back curb. Curb and gutter shall be installed after the street grade has been set. Concrete aprons shall be used where driveways are installed, with costs borne by either the subdivider or the owner.

25.10.4 Sidewalks. The subdivider shall pay for and install concrete sidewalks along both sides of streets. Sidewalks shall be installed at the same time as or after the curb and gutter is installed in order to ensure that proper grade is set for the sidewalks.

25.10.5 Street Grading.

25.10.5.1 The subdivider shall furnish standard drawings which indicate the existing and proposed grades of streets shown on the plat, and after review of design engineering work on the streets by the Village Engineer and approval of street grades by the Village Board, the subdivider shall grade or cause to be graded the full width of the right-of-way of the streets proposed to be dedicated, including the vision clearance triangle on corner lots. In those cases where existing street right-of-way is made a part of the subdivider's plat or abuts the plat, the subdivider shall grade or cause to be graded that portion of the right-of-way between the existing pavement and the property line. The bed for the roadways in the street right-of-way shall be graded to subgrade

elevation. The Village Engineer shall approve all grading within rights-of-way and said grading shall extend for a sufficient distance beyond the right-of-way to insure that the established grade will be preserved.

25.10.5.2 The subdivider shall engage a registered engineer to set sub-base grade in accordance with approved centerline grade and cross section. The subdivider shall also set grade necessary to comply with other grading requirements, including vision clearance on corner lots, centerline and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:

25.10.5.2.1 The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.

25.10.5.2.2 Grading of full street rights-of-way to a tolerance of plus or minus 0.1 feet, with any net deficit in the required street base course thickness not to exceed 5%. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.

25.10.5.2.3 Grading beyond right-of-way to insure that the established grade will be preserved.

25.10.5.2.4 Grading of vision clearance triangle on corner lots. (Maximum embankment of 3 feet above curb elevation within a triangle formed by two intersection street lines or their projections and a line joining points on such street lines located 25 feet from the street intersection).

25.10.5.2.5 Where a public greenway is included in the plat, the subdivider is responsible for an acceptable continuous drainageway in the greenway as determined by the Village Engineer.

25.10.5.2.6 All additional plat grading, where applicable, lot abutting greenways, terraces of streets abutting plat, public easements for sanitary sewer and sidewalk, and other requirements of ordinances and special conditions of plat approval.

25.10.6 Municipal Sanitary Sewers. Municipal sanitary sewers shall be installed in all subdivisions and land divisions within the corporate limits and in any land division, CDP

or subdivision located within the extraterritorial jurisdiction area where required by the Village Board, and as required by this subsection. The cost of installation and related engineering fees under this subsection shall be paid by the subdivider.

25.10.6.1 Where the CDP, subdivision or land division is not within the Urban Service Area, the subdivider shall first initiate a request with the Village Board for the expansion or modification of the Urban Service Area. If expansion or modification is acceptable to the Village Board, the subdivider shall work with the Village in its application to the Regional Planning Commission or its successor to expand or modify the Urban Service Area. All costs incurred for the expansion or modification of the Urban Service Area shall be paid by the subdivider.

25.10.6.2 Unless a special exception is granted by the Village Board, all CDP, subdivisions and land divisions shall be connected to sanitary sewer trunk mains. The subdivider shall apply to the Board for preparation of the plans, profile drawings and specifications by the Village Engineer, or the subdivider's representative, and for the installation of sanitary sewerage facilities including lateral house connections for each lot extended to the lot line. The subdivider shall pay all the costs of all sanitary sewer work including the cost of installation and related engineering fees for all sanitary sewer work within the land division and the costs of bringing sanitary sewer of adequate capacity and depth from where it exists to the land division in question. Installation of shall be required all the way across each lot.

25.10.6.3 The subdivider shall construct and install sanitary sewers, laterals and appurtenances in accordance with plans and specifications approved by the Village Engineer. An initial connection charge for the waste water treatment plant shall be assessed as required and such fees shall be paid prior to commencement of construction.

25.10.6.4 Easements for sanitary sewers shall have a minimum width of 20 feet with mains centered therein, except where water mains share the easement with sanitary sewer mains in which case such shared easements shall have a minimum width of 30 feet. Easements shall be depicted on the recordable instrument, unless separate easement agreements are required by either the Village Engineer or Village Attorney. The form of the easement agreements must be acceptable to both the Village Engineer and Village Attorney.

25.10.7 Municipal Water Supply Systems. Municipal water supply systems shall be installed in all subdivisions and land divisions within the corporate limits and in any land division or

subdivision located within the extraterritorial jurisdiction area where required by the Plan Commission, and as required by this subsection. The cost of installation and related engineering fees under this subsection shall be paid by the subdivider.

25.10.7.1 Unless a special exception is granted by the Village Board, all CDP, subdivisions and land divisions shall be connected to the Village water main system. The subdivider shall apply to the Board for the preparation of the plans, profile drawings and specifications by the Village Engineer, or the subdivider's representative, for the installation of water main facilities including the water main pipe fittings, valves, hydrants, lateral house connection for each lot extended to the lot lines, and including related engineering fees. The subdivider shall pay all the costs for such water main facilities necessary to connect adequate Village water including bringing water mains from where they currently exist to the land division in question, providing all water works within the land divisions, and looping water mains in all locations deemed important and financially feasible by the Village Engineer. Installation shall be required all the way across each lot.

25.10.7.2 Easements for water mains shall have a minimum width of 20 feet with mains centered therein, except where water mains share the easement with sanitary sewer mains in which case such shared easements shall have a minimum width of 30 feet. Easements shall be depicted on the recordable instrument, unless separate easement agreements are required by either the Village Engineer or Village Attorney. The form of the easement agreements must be acceptable to both the Village Engineer and Village Attorney.

25.10.8 Large Capacity/Deep Mains.

25.10.8.1 All improvements within, entering or leaving the subdivision shall be installed to satisfy the service requirements for the entire service or drainage area in which the subdivision is located and all such improvements shall be of sufficient capacity to handle the expected development of the overall service area involved. The subdivider shall be responsible for installation of water and sewer mains of up to, and including, 8 inches in diameter and cover depths up to, and including, 12 feet, and for installation of mains of greater diameter and depths if necessary solely to service the subdivision (“Large Capacity/Deep Mains”).

25.10.8.2 Repealed. *See* Vill. Ord. sec. 7.035, Oversized and Overdepth Sewer Facilities Service Areas and Recoupment Connection Charge.

25.10.8.3 Repealed. *See* Vill. Ord. sec. 7.035, Oversized and Overdepth Sewer Facilities Service Areas and Recoupment Connection Charge.

25.10.9 Lift Stations and Forcemains. Where sanitary sewer lift stations and forcemains are required to lift sewerage to a higher elevations and to the gravity sewer system, the subdivider shall apply to the Board for preparation of the plan and profile drawings and specifications by the Village Engineer, or the subdivider's representative, for the installation for such sewerage lift facilities. Such installation and related engineering fees shall be paid by the subdivider. Inspection fees shall be charged to the subdivider by the Village.

25.10.10 Abandonment and/or Testing of Water Wells, Cisterns, and Underground or Above-Ground Storage Tanks.

25.10.10.1 When the land included in the plat, comprehensive development plan, or certified survey map includes any active or inactive water wells or cisterns, these wells or cisterns must be abandoned and closed in accordance with all federal, state and local statutes, ordinances and regulations, and as provided by the Village Engineer.

25.10.10.2 When the land included in the plat, comprehensive development plan, or certified survey map includes any above-ground or underground storage tanks of any type, such tanks, and the soil immediately surrounding such tanks, shall be tested in a reasonable manner as provided by the Village Engineer for any leakage, seepage, or contamination, and any all required remedial steps shall be taken in accordance with all federal, state and local statutes, ordinances, regulations, rulings or orders as required by law, or as provided by the Village Engineer.

25.10.11 Storm Sewer and Other Drainage Facilities.

25.10.11.1 Drainage plans, storm sewers and drainage facilities. The subdivider will submit to the Village Engineer for review and approval, plans and specifications for storm sewers and drainage facilities. The subdivider shall install storm sewers, storm water drainage facilities and appurtenances in accordance with plans and specifications approved by the Village Engineer.

25.10.11.2 Warranty. The subdivider warrants and represents that the drainage plan will not increase peak flow for the 10 year storm, 25 year storm or 100 year storm, as determined by Chapter 31 of the Village Code and Technical

Release 55 (TR 55) to adjacent areas , unless another standard is expressly approved by the Village Engineer and Village Board, and that it is sufficient to handle outflow water in accordance with accepted engineering standards. This warranty and representation is intended to and shall survive release of Security and the Village's acceptance of dedication of the storm sewers and drainage facilities.

25.10.11.3 Drainage Easements. Drainage easements shall be depicted on the recordable instrument unless separate easement agreements are required by either the Village Engineer or Village Attorney. The form of the easement agreements must be acceptable to both the Village Engineer and Village Attorney.

25.10.11.4 Ditches shall be constructed where required by the Plan Commission, and when required, shall be constructed according to conditions set forth by the Plan Commission in consultation with the Village Engineer.

25.10.11.5 Where design velocities under any design storm exceed 5 feet per second, special erosion resistive surface treatments shall be utilized.

25.10.12 Electric, Communication and Gas Utilities.

25.10.12.1 Installation. The subdivider shall submit to the appropriate utilities for review and approval, plans and specifications for electric, communications and gas facilities. The subdivider shall meet any and all requirements imposed by the utilities and shall also furnish proof that such arrangements as may be required under applicable rates and rules have been filed with the Wisconsin Public Service Commission and with the owner or owners of the utility lines or services for placing their respective facilities underground. Subdivider shall insure that installation is completed in accordance with approved plans.

25.10.12.2 Underground installation.

25.10.12.2.1 All new electric distribution lines, excluding lines of 14,400 volts or more, all new telephone lines from which lots are

individually served, all new telegraph lines, television cables and service lines shall be installed underground, except where the Board, with input from the Plan Commission, finds that adverse soil conditions or problems of service distribution make such installation prohibitively expensive or impractical.

25.10.12.2.2 Transformers, junction boxes, meter points or similar equipment may be installed upon the ground surface, subject to Board approval of a landscape screening plan if such is required by the Board.

25.10.12.2.3 Where telephone, electric, cable TV and gas service lines are placed underground entirely throughout a subdivision area, conduits or cables be placed within easements or dedicated public ways in a manner which will not conflict with other municipal underground services.

25.10.12.2.4 All utility lines for telephone, cable TV and electric service shall be placed in rear line easements where practicable and side lot line easements, where necessary, when carried by overhead poles.

25.10.12.2.5 All underground utilities in street right-of-ways shall be installed prior to construction of the lower surface course of the street, unless otherwise approved by the Village Engineer. Provision must be made for mechanical compaction of all underground utility ditches or trenches situated within a street right-of-way.

25.10.12.3 Above ground installation. Associated equipment and facilities which are appurtenant to underground electric and communications systems, such as, but not limited to, substations, pad-mounted transformers, pad-mounted sectionalizing switches and above-grade pedestal-mounted terminal boxes may be located above ground.

25.10.12.4 Temporary facilities. Temporary overhead facilities may be installed to serve a construction site or where necessary because of severe weather conditions. In the latter case, within a reasonable time after weather

conditions have moderated or upon completion of installation of permanent underground facilities, such temporary facilities shall be replaced by underground facilities and the temporary facilities removed unless an exception is granted by the Village Board.

25.10.12.5 Utility easements. Utility easements shall be depicted on the Plat unless separate easement agreements are required by either the Village Engineer or Village Attorney. The form of the easement agreements must be acceptable to both the Village Engineer and Village Attorney.

25.10.13 Parks, Playgrounds and Open Spaces.

25.10.13.1 When deemed appropriate by the Parks Committee, the subdivider is required to bring park land or other open lands dedicated to the public up to the contours established in the approved street and utility plans, topsoiled with a minimum of 4 inches of quality topsoil, seeded and fertilized as specified by the Village Engineer. The topsoil furnished for the site shall consist of the natural loam, sandy loam, silt loam, silty clay loam or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid or excessively alkaline. Fine grading and seeding must occur within one year following issuance of the first building permit within that land division unless otherwise authorized by the Parks Committee. The improved area shall not be deemed officially accepted until a uniform grass cover to a 2 inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.

25.10.13.2 It shall be the responsibility of the subdivider to maintain the dedicated areas until subdivider has performed and the Village has accepted all work required to be performed by the subdivider under this ordinance and the Development agreement, unless otherwise approved by the Village Board or unless otherwise provided in a Development Agreement.

25.10.13.3 The subdivider shall provide dedicated park areas with a minimum of a 6 inch water service lateral or at least one fire hydrant, and at least one 4 inch sanitary sewer lateral, all located at the street property line, unless waived by the Parks Committee.

25.10.13.4 All parks shall be provided with access and frontage to a public street.

25.10.14 Greenways and Grading. Greenways included within platted or replatted areas shall

receive the following prescribed treatment and shall also be designed and constructed in compliance with the Village's Erosion Control Ordinance. In the case of conflicts, the Village Engineer shall determine which requirement shall control, generally adhering to the most restrictive requirements.

25.10.14.1 The subdivider shall be responsible for an acceptable continuous drainageway through the proposed plat as determined by the Village Engineer. The subdivider shall furnish the Village Engineer with a plat outlining the greenway boundaries and location of existing drainageways, if any. In addition, the subdivider shall furnish to the Village Engineer a set of cross-sections (on 50 foot stations) of the greenway oriented upon a base line as prescribed by the Village Engineer. Where a natural drainageway exists which has acceptable hydraulic capacities including alignment and grade as determined by the Village Engineer, construction will not be required and the existing natural growth shall be preserved. Where such natural growth is not preserved by action of the subdivider or his agent, he shall be responsible for repairing the disturbed areas by sodding. However, in certain locations, as determined by the Village Engineer, where the hydraulic capacities including alignment and grade are not acceptable, then such alignment, grade and slopes shall be improved by the subdivider to handle the runoff from the 100 year storm for the fully developed condition.

25.10.14.2 All ditching and culvert installation shall be done in strict accordance with grades approved by the Village Engineer. The subdivider's engineer shall be responsible for setting those required grades in the field for construction purposes.

25.10.14.3 All grading shall be done in accordance with plans and specifications approved by the Village Engineer. After completion of the grading, the Village reserves the right to require, and the subdivider shall then provide, an As-Built grading plan showing elevations at all lot corners and at other key points.

25.10.14.4 In order to assure proper drainage, the ground elevation along any lot line common with the boundary of a greenway shall not be less than 4 feet above the flowline of the greenway, or where designated to an elevation established by the Village Engineer, prior to the sale of affected properties. The flowline grade shall be established by the Village Engineer. All lot grading and building elevations shall provide for positive drainage. Grading or filling within the greenway limit is prohibited except as authorized by the Village Engineer.

25.10.15 Pedestrian Ways. The subdivider shall construct and dedicate within the plat, sidewalks or other pedestrian ways as required by the Village Board. Construction shall be in accordance with standard specifications approved by the Village Engineer.

25.10.16 Lighting. The subdivider shall submit a lighting plan, including installation dates, with the preliminary plat and as part of the preliminary plat review process. The subdivider shall install and provide adequate street lighting and appurtenances, ornamental street, pedestrian way and bikeway lighting within the area being developed, following consultation with and as required by the appropriate electric utility, the Village Board and/or the Village Engineer. Installation shall occur at the time that curb and gutter is installed.

25.10.17 Trees and Landscaping.

25.10.17.1 Subdivider shall plant one tree in the terrace area, which is located between the sidewalk and curb and which is adjacent to the front yard of each lot and at least two trees in any required parkland. If there are two or more dwelling units on the lot, at least 2 trees shall be planted on the lot.

25.10.17.2 Trees may be planted in the parkway under the following conditions: the tree shall not be planted within any public right-of-way, unless approved by the Director of Public Works; and the location for planting the tree shall not unduly interfere with water and sewer laterals, appurtenances, utilities, public infrastructure, public easements or other such rights.

25.10.17.3 The trees for the terrace way shall be selected from the following: Autumn Purple White Ash, Patmore Green Ash, Cimmaron Ash, Fallgold Ash, Marshall Ash, Chicago Hackberry, Redmond Linden, Silver Linden, Locust, Emerald Green Maple, Deborah Norway Maple, Cleveland Norway Maple, or Autumn Blaze Maple and shall have a two (2) inch caliper trunk. To best assure the trees survival, subdivider shall plant said trees in the appropriate season (e.g., spring or fall), after public construction is complete and after the driveway site has been selected.

25.10.17.4 With respect to the survival of trees planted by subdivider, the subdivider's guarantee period, as set forth in section 25.12, is extended for no less than one (1) year after planting. In the alternative, and where public construction is complete and accepted but either the driveway is not sited or

the season is inappropriate for planting, subdivider shall provide the Village with sufficient cash to purchase the trees and pay for labor to plant trees (which cash shall be determined by the Village and set by resolution), and shall thereafter be released from further obligations with respect to said trees. Said funds shall be placed in the Village's tree fund and used for the particular development.

25.10.17.5 The subdivider shall fine grade and seed or sod the terrace area, which is located between the sidewalk and curb and which is adjacent to the front yard of each lot. Seed and/or sodding shall occur at such times as will best insure the viability of the lawn for future seasons.

25.10.18 Improvements to Boundary Lines. All required street, sidewalk, sanitary sewer, water main, and storm sewer improvements shall be installed to the boundary line of the subdivision, comprehensive development, or land division unless the topography or other physical conditions make it impossible to do so, or unless this requirement is waived, in writing, by the Plan Commission.

25.10.19 Partition Fences. When the land included in the plat, comprehensive development plan, or certified survey map abuts upon or is adjacent to land used for farming or grazing purposes, the subdivider may be required to erect, keep and maintain partition fences, satisfying the requirements of the Wisconsin Statutes for a legal and sufficient fence, between such land and the adjacent land. When partition fences are required, a covenant binding the subdivider, its grantees, heirs, successors, and assigns to erect and maintain such fences, without cost to the adjoining property owners, so long as the land is used for farming or grazing purposes shall be included upon the face of the final plat, comprehensive development plan, or certified survey map.

25.10.35 ***Residential Driveways. The following regulations are applicable to driveways serving residential property:***

- (1) Width of Driveways. *Openings for vehicular ingress and egress shall be at least ten (10) feet wide at the property line for residential properties, but shall not exceed twenty-four (24) feet at the property line and thirty (30) feet at the curb opening.*
- (2) Angular Placement. *The center line of the drive may be parallel to the property line of the lot where access is required or at right angles to the curb line.*
- (3) Concrete Aprons. *New and replacement driveway aprons shall be concrete.*

25.11 REQUIRED IMPROVEMENTS PROCEDURE AND GENERAL PROVISIONS

25.10.1 Plans and Construction Specifications. Prior to final plat approval, the subdivider shall

prepare construction plans and specifications and submit them to the Village Engineer for review and approval. The Village Engineer shall determine what plans, specifications or other information is required. The subdivider shall not commence construction of any required improvements without first obtaining the Village Engineer's written approval of the subdivider's construction schedule, as provided herein.

25.10.2 Scheduling. The subdivider shall submit a construction schedule to the Village Engineer a minimum of fourteen (14) calendar days before work is scheduled to begin. The construction schedule shall specify a completion date which shall be no later than eighteen (18) months from approval of the Plat. In phased developments, the construction schedule shall relate solely to the phase being approved. Following approval of the construction schedule by the Village Engineer, copies of the approved construction schedule shall be provided to the Village Clerk and Village Attorney. Construction cannot be commenced on any phase of construction until all approvals and conditional requirements are satisfied and a copy of the private contract has been filed with the Village Clerk and approved by the Village Engineer. Construction shall not proceed until all State of Wisconsin approvals are granted. A pre-construction meeting shall be held prior to commencement of any work. All required improvements shall be completed in accordance with the Construction Schedule (subject to extensions for acts of God, inclement weather, strikes, labor or material shortages, or other similar causes outside the control of Owner-subdivider).

25.10.3 Private Contracts.

25.10.3.1 The subdivider shall engage one general contractor whose qualifications have been approved by the Village Engineer for each major phase of construction (grading, utilities, streets) or one general contractor for a contract which includes more than one phase of construction. The subdivider may engage only those contractors and subcontractors that receive such pre-approval.

25.10.3.2 No private contract shall be awarded until all bids have been reviewed by the Village Engineer.

25.10.3.3 Any contractor or subcontractor shall provide certificates of insurance and other sufficient evidence of insurance coverage at the levels established by the Village and Village Engineer. Any contractor or subcontractor shall provide records of his/her/its work on the subdivision improvements acceptable to the Village Engineer, including names, addresses, qualifications, proposals, costs and other similar information.

25.10.3.4 The subdivider shall be responsible for any and all change orders from

the contractors or subcontractors, including changes that affect costs or the construction schedule. The subdivider shall provide the Village Engineer with copies of all change orders if same will cumulatively or individually result in an increase in costs greater than \$1500.00. The subdivider acknowledges that, in the Village Engineer's discretion, such increases in costs may result in increased Security requirements.

25.10.4Inspection.

25.10.4.1 The Village shall inspect the required improvements as they are completed and, if acceptable to the Village Engineer, shall certify such required improvements as being in compliance with the standards and specifications of the Village. This inspection and certification, if appropriate, will occur within fourteen (14) calendar days of written notice by the subdivider to the Village Engineer that the subdivider desires to have the Village inspect a required improvement. Before obtaining certification of any such required improvement, the subdivider shall present to the Village Engineer valid lien waivers from all persons or entities performing work on the subdivision improvement for which certification is sought. Although inspection will occur earlier, certification may not be provided for sewer or water improvements until after the curb and gutter and lower course of asphalt on the streets is complete.

25.10.4.2 The Village Engineer shall provide timely written or verbal notice to the subdivider whenever inspection reveals that a required improvement does not conform to the Village's adopted standards and specifications or is otherwise defective. The subdivider shall then have thirty (30) days from the date such notice was given to correct or substantially correct the defect. The Village Engineer shall determine whether the correction is sufficient. The Village shall not declare a default during the thirty (30) day correction period on account of any such defect unless the subdivider refuses to correct the defect or unless the Village determines that immediate action is required in order to remedy a situation which poses an imminent health or safety threat. The subdivider shall not have the right to correct defects that are discovered or that occur after the Village accepts dedication of the subdivision improvement, unless the Village so approves.

25.10.4.3 In the event of default or in the event that immediate action is required under sub (b) above, the Village may make such repairs necessary to substantially correct such defects and deduct the cost for such repairs from the security.

25.10.5 Acceptance of Work.

25.10.5.1 The Village Engineer's inspection and written certification to the Village of acceptance of the work shall be considered acceptance by the Village. The Village Engineer shall not certify required improvements for acceptance until the Village has received as-built drawings (including both hard copy and digital copy in AutoCad format), cost breakdowns for utility construction and related data required by the Public Service Commission and satisfactory test results as required by the Village Engineer. The Village Engineer may also request approval of the Village Board prior to providing certification of acceptance.

25.10.5.2 In addition to other acceptance tests and requirements that may be established by the Village Engineer, the sanitary sewer and water main and the respective service laterals shall not be accepted until the following items are completed by the subdivider:

25.10.5.2.1 A complete breakdown of all construction, engineering and administrative costs incurred by the subdivider shall be provided to the Village Engineer. (This information is necessary to aid in determining the Sewer and Water Utility's plant value and is required by the Public Service Commission.)

25.10.5.2.2 A water sample found to be bacteriologically safe by a certified testing agency, such as the State Hygiene Lab or Madison Board of Health shall be provided to the Director of Public Works.

25.10.5.2.3 The subdivider shall be responsible to flush the main, obtain the samples, and have all tests completed as may be required for the Village's acceptance.

25.10.5.2.4 Test results confirming that water pressure is satisfactory for fire safety and other Village purposes shall be provided to the Village Engineer.

Upon completion of the mains, hydrants, valves, appurtenances, and service laterals and acceptance of the system by the Village and the Water Utility, ownership and control of the system shall be turned over without any restrictions to the Water Utility.

25.10.6 Village Resolution Required To Accept Dedication. The Village Engineer shall periodically refer appropriate accepted work to the Village for dedication. Dedication will not be accepted by the Village until all outstanding Village-incurred costs, including engineering, inspection and legal costs indicated herein, have been paid in full, appropriate lien waivers have been provided from all of the subdivider's contractors and adequate provisions have been made for Security during the guarantee period.

25.11 GUARANTEE OF ACCEPTED WORK AND RELEASE OF SECURITY

25.11.1 The security furnished pursuant to section 25.3.3, shall remain in full force for a period of one year after the completion of the project and acceptance by the Village Board unless partially released as hereinafter provided. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect, as determined by Village Engineer, appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform repairs acceptable to the Village Engineer. In the event that the subdivider fails to install the replacement or perform the repairs, the Village may do so and deduct the cost thereof from the security deposit. Unless defects have appeared and have not been repaired, the Village will release the security to the subdivider upon expiration of the one year guarantee period. The security required during the guarantee period shall extend for a period of no less than thirteen (13) months from the commencement date, even though notice of defects must occur within the one (1) year guarantee period.

25.11.2 Security shall not be released until subdivider has provided the Village Clerk with a copy of the recorded plat, CSM, or CDP.

25.11.3 The Village may from time to time but no more often than monthly during the course of construction, partially release the security when:

25.11.3.1 The subdivider has made a written request; and

25.11.3.2 The Village Engineer has certified as complete, inspected, accepted required improvements, deems them ready for dedication to the Village, and recommends such a reduction; and,

25.11.3.3 The Village Board has rendered final approval of the Village Engineer's recommendation of reduction; and

25.11.3.4 The reduced security will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and

workmanship or will be at least fifteen percent (15%) of the total cost of improvements, whichever is greater; and

25.11.3.5 Affidavits or lien waivers, in a form acceptable to the Village and approved by the Village Attorney, evidencing full payment for the subdivision improvements which have been completed, are submitted with the request for a partial security release; and

The Village will use best efforts to review and act on such written requests for reduction within thirty (30) days of receipt of same.

25.12 SIGNING OF CERTIFICATE BY VILLAGE

The Clerk shall execute the certificate inscribed upon the face of the plat or certified survey attesting to the Village's approval thereof and return it to the subdivider for recording, only after all the following requirements are satisfied by the subdivider: i) the development agreement to provide all required improvements has been executed; ii) the security required by section 25.3.3 has been posted; iii) any parkland dedication fees, sewer connection fees, application and review fees imposed pursuant to section 25.3 and section 25.15 known to that date have been paid; iv) any area assessments or outstanding charges have been paid; v) fully executed deed restriction documents, waivers or other documents required by the Village have been provided; and vi) the subdivider has met all other requirements.

25.13 BUILDING PERMITS

No building permits shall be issued for erection of a structure on a parcel created by any division of land within the corporate limits of the Village until the final plat or certified survey map is properly recorded, until all required improvements have been made and installed and have been inspected and accepted by the Village in accordance with sections 25.11.4-25.11.5 of this ordinance, and all other provisions of this ordinance have been complied with. Strict compliance with this provision may be waived, in whole or in part, in accordance with the provisions of section 25.16 of this Ordinance. If a building permit is erroneously issued by the Village, such permit is not valid and may be revoked and rescinded by the Village as appropriate.

25.14 FEES

25.14.1 Application Fees. At the time of submitting a preliminary/final CSM, preliminary/final plat, final CSM, PUD, CDP, affidavit of correction or other similar filing requiring review by the Plan Commission and/or Village Board, the subdivider shall pay an application fee. The application fee shall be set periodically by resolution of the Village Board.

25.14.2 Engineering, Inspection and Attorneys Fees.

25.15.2.1 The subdivider shall pay all engineering, inspection, consulting and legal fees incurred by the Village for services performed by or on behalf of the Village in conjunction with the design, inspection and review of any preliminary plat, certified survey or final plat. Consulting, engineering, inspection and legal fees shall be the actual costs to the Village on the basis of submitted invoices plus twice (2x) the actual payroll costs³ for time spent by any employees of the Village. Such fees may be billed monthly, or upon completion of the project as determined by the Village Board.

25.15.2.2 To guarantee payment of the engineering, inspection and attorneys' fees, the subdivider shall enter a Pre-Development Agreement (see section 25.3.1.2) and the subdivider shall deposit the sum of \$500.00 plus \$100.00 for each lot, outlot, parcel or dwelling unit within a preliminary plat or comprehensive development plan, or in the case of a certified survey, the sum of \$250.00 plus \$50.00 for each lot, parcel or dwelling unit within the land division, with the Village Clerk at the

³For these purposes, "payroll costs" means the hourly wage paid to the employee.

time that the application for approval is filed. If such fees are paid timely, the deposit will be refunded at the time that the final plat, comprehensive development plan, or certified survey is approved by the Village Board or thirty (30) days after the preliminary plat, comprehensive development, certified survey, or final plat is rejected. In the event that the subdivider fails to pay the required engineering, inspection and attorneys' fees within thirty (30) days of the time when the Village submits its bill therefor, the Village may deduct the amount of such fees from the security deposit.

- 25.15.2.3. If the subdivider requires any special description of services on invoices billed under this subsection, the subdivider shall provide the Village Clerk instructions for such special descriptions when the deposit is made under subsection (b) above, and the Village shall accommodate the subdivider's request to the extent it determines reasonable.

25.14.3Fees to Accompany Filing of Preliminary Plat. To defray the cost of administrative burden resulting from the act of subdividing land within the Village or its extra-territorial jurisdiction, a non-refundable fee, as set forth by Village resolution, shall be paid by each subdivider submitting a preliminary plat for consideration and approval at the time of plat submission.

25.14.4Fee to Accompany Filing of Final Plat. To defray the cost of printing mylar plat reproductions, preparing a development agreement and recording final plat copies of subdivisions, a non-refundable fee, as set forth by Village resolution, shall be submitted to the Village Clerk.

25.14.5Fee to Accompany Filing of Certified Survey Map. To defray the cost of printing review copies, Village record copies, owner's copies and recording fees, a non-refundable fee, as set forth by Village resolution, shall be paid to the Village Treasurer by the owner when filing the certified survey map with the Village Plan Commission. If a certified survey map requires the preparation of a development agreement, the fee, as set forth by Village resolution, shall also include the cost of staff time to prepare the development agreement. If the certified survey map is not approved, the filing fee shall be refunded.

25.14.6Fee to Accompany Filing of Affidavit of Correction. To defray cost of printing review copies, Village record copies, owner's copies and recording fees, a non-refundable fee, as set forth by Village resolution, shall be paid to the Village Treasurer by the owner and/or surveyor when filing an affidavit of correction with the Village Plan Commission.

25.15 VARIANCES AND WAIVERS

25.15.1 Procedure. Variance from, or waivers of, any of the specific terms or provisions of this ordinance, other than those required by state law, may be granted for any land division, CPD or subdivision. Such variance or waiver can be granted by the Village Board only after approval by the Plan Commission and only in accordance with the following procedure:

25.15.1.1 A request for a variance or waiver shall be submitted in writing to the Village Clerk. There shall be required filing fee, set by resolution of the Village Board, for any variances requested after preliminary approval by the Village Board. Upon submission, the Village Clerk shall forward the request to the Plan Commission. Variances or waivers shall be granted by the Village Board only where there is a recommendation for approval or conditional approval of the Plan Commission. A three-fourths affirmative vote of the entire membership of the Plan Commission shall be required to recommend approval or conditional approval of a variance or waiver. No variance or waiver can be recommended unless the Plan Commission determines that the variance or waiver would not be detrimental to the public good, would not substantially impair the overall intent of this ordinance, and would not impede the desirable development of the Village in accordance with an adopted Master or Comprehensive Plan.

25.15.1.2 The Village Board shall grant a variance or waiver only after the Board also determines that the variance or waiver, would not be detrimental to the public good, would not substantially impair the overall intent of this ordinance, and would not impede the desirable development of the Village in accordance with an adopted Master or Comprehensive Plan. The Village Board may not delete or weaken conditions of approval attached by the Plan Commission but the Board may add further conditions or strengthen existing conditions as it deems necessary. The reasons justifying the variance or waiver, and any conditions thereon, shall be specifically entered in the minutes of the Village Board or other written document. (A three-fourths affirmative vote of the entire membership of the Village Board is required to grant a variance or waiver under this section.)

25.15.2 Other Provisions Remain Applicable. If a variance or waiver is granted for one or more provisions of this ordinance, the land division or subdivision remains subject to all other applicable provisions of this ordinance and related ordinances.

25.15.3 Procedure Prevails. This procedure applies to all waivers, variance requests, or special exceptions under Chapter 25 whether or not specifically noted and notwithstanding general

waiver language.

25.15.4 No Appeal. The decision of the Plan Commission to deny a variance or waiver request is not appealable to the Village Board, it being the intent of this ordinance to require that both the Plan Commission and Village Board approve the variance or waiver request before it can be granted.

25.16 APPEALS

25.16.1 The following decisions of the Plan Commission may be appealed to the Village Board:

25.16.1.1 Rejection of a preliminary or final plat.

25.16.1.2 Rejection of a comprehensive development plan (CDP) or a proposed change in a recorded CDP.

25.16.1.3 Rejection of a certified survey map.

25.16.1.4 Determination that a change in a recorded CDP and its exhibits is a major change.

25.16.2 A written Notice of Appeal must be filed with the Village Clerk within 14 days of the date when notice of the action of the Plan Commission appealed from is mailed to the subdivider.

25.16.3 The Notice of Appeal shall state the action of the Plan Commission appealed from; shall specify the reasons why the subdivider believes said action was inappropriate; shall include an agreement to extend the time for acting on the preliminary plat, final plat, comprehensive development plan, or certified survey, for a period of 90 days from the date that notice of the action appealed from was mailed to the subdivider; and shall state the names and addresses of the owners of all properties adjacent to the proposed land division or subdivision.

25.16.4 The Village Clerk shall file the Notice of Appeal with the Village Board and shall schedule the appeal for consideration by the Village Board at a meeting, open to the public, within 45 days of the filing of the Notice of Appeal. The Clerk shall send notice of the time scheduled for the consideration of the appeal to the subdivider and to all property owners adjacent to the proposed land division or subdivision at least 10 days prior to the hearing of the appeal.

25.16.5 Within 30 days of the appeal hearing, the Village Board shall affirm, modify, or reverse the action of the Plan Commission or shall refer the matter back to the Plan Commission for further consideration. Notice of the decision of the Village Board shall be sent to the subdivider and the Plan Commission.

25.16.6 The provisions of Chapter 68 of the Wisconsin Statutes shall not be applicable to any determination made pursuant to the provisions of this ordinance.

25.16.7 Any person aggrieved by an objection to a plat or a failure to approve a plat may, after review by the Village Board, appeal therefrom, as provided in Sections 236.13(5) and 62.23(7)(e)10.- 15., Stats.

VILLAGE OF DEERFIELD

CHAPTER 25

LAND DIVISION ORDINANCE

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