

## **CHAPTER 83**

## **LAND DIVISION AND SUBDIVISION**

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### **INTRODUCTION**

#### **SECTION 83.01 Authority.**

These regulations are adopted under the authority granted by Section 236.45, Wis. Stats.

#### **SECTION 83.02 Purpose.**

The purpose of this chapter is to regulate and control the division of land within the corporate limits and extraterritorial plat approval jurisdiction of the Village of Cross Plains 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 chapter; to provide penalties for its violation; to facilitate good land use planning and the enforcement of community development standards as set forth in the Comprehensive Plan, other plan documents, Chapter 84 of this Code, the Building Code, the Official Map and adopted policies of the Village of Cross Plains; 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.

#### **SECTION 83.03 Abrogation and Greater Restrictions.**

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

#### **SECTION 83.04 Interpretation.**

The provisions of this chapter 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.

**SECTION 83.05 Condominiums.**

Each condominium project shall be reviewed by the Plan Commission and Village Board for the land development or subdivision elements of the project by reviewing the condominium plat and all supporting documents as required by Chapter 703 Wis. Stats., and other applicable statutes, as well as these land division and subdivision regulations, as if the project was a plat or certified survey map depending upon the number of lots and/or units involved.

**SECTIONS 83.06 – 83.08 Reserved.**

**GENERAL PROVISIONS**

**SECTION 83.09 Jurisdiction.**

The jurisdiction covered by these regulations shall include all lands within the corporate limits of the Village of Cross Plains as well as the unincorporated area within 1 ½ miles of the Village corporate limits. The provisions of this chapter shall not apply to divisions of tracts of land into less than five parcels resulting from:

- (a) Transfers of interest in land by will or pursuant to court order.
- (b) Leases for a term not to exceed 10 years, mortgages or easements.
- (c) 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 Ch. 236, Wis. Stats., these regulations, Chapter 84 of this Code, or other applicable laws or ordinances.

**SECTION 83.10 Compliance Required; Recording of Final Plat.**

- (a) 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; 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 chapter and with:
  - (1) The provisions of Ch. 236, Wis. Stats.
  - (2) Rules of the Wisconsin Department of Administration 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.
  - (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.

- (4) The Village Comprehensive Plan, Chapter 84 of this Code, the Official Map as adopted under Section 62.23, Wis. Stats., and all other applicable adopted ordinances, regulations, standards, policies and plans of the Village of Cross Plains.
- (b) All final plats shall be recorded within the time limits specified in Section 236.25, Wis. Stats., and:
- (1) Failure to record the final plat within 36 months after the first approval shall require the subdivider to resubmit a preliminary plat pursuant to this chapter and pay all fees required under this chapter.
  - (2) Failure to record the final plat within 12 months after the date of the last approval of the plat shall require the subdivider to resubmit a final plat pursuant to this chapter and pay all fees required under this chapter.
  - (3) All resubmissions of preliminary plats or final plats under this subsection shall be treated as new and independent preliminary or final plats, and no approval of a previous preliminary or final plan shall be binding upon the Plan Commission or Village Board even if such plat is unchanged.
  - (4) No building permits shall be issued and no improvements may be made until the final plat is properly recorded and all other requirements have been met.

### **SECTION 83.11 Agreement and Security for Improvements.**

- (a) **Agreement.** Before any final plat or Certified Survey Map is approved, the subdivider shall enter into an agreement with the Village wherein the subdivider agrees that the subdivider shall make and install any public improvements reasonably necessary or that the subdivider execute a surety bond as set forth in (b) below to ensure that he or she will make those improvements within a reasonable time. The subdivider may construct the project in such phases as the Village Board approves, which approval may not be unreasonably withheld. If the subdivider's project will be constructed in phases, the amount of any surety bond or other security required by the Village Board shall be limited to the phase of the project that is currently being constructed. The Village Board may not require that the subdivider provide any security for improvement sooner than is reasonably necessary before the commencement of the installation of the improvements.
- (b) **Security for Performance Required.**
- (1) To guarantee the satisfactory installation of the required improvements and as a condition of approval of the plat or certified survey map, the subdivider shall furnish to the Village an irrevocable letter of credit in a form acceptable to the Village and in an amount equal to 125% of the estimated cost of all required improvements as determined by the Village Engineer.

Where staging is permitted, the amount and duration of the security shall be determined in accordance with Subsection (a) above.

- (2) When the security is furnished to insure the construction of required improvements within the extraterritorial jurisdiction of the Village, it may name the town and Dane County, or either of them, in addition to the Village, as obligees, payees, or beneficiaries.
- (3) The security deposit shall guarantee that all required improvements will be made and installed according to the agreement with the Village and Village specifications by the subdivider or its contractors by a date as required in the agreement with the Village.
- (4) The security deposit shall be used, applied and released pursuant to Section 83.113.

### **SECTION 83.12 Reservation and Dedication of Land and Park Improvement.**

- (a) **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 that has been designated in the Comprehensive Plan or the Official Map of the Village, the public way shall be dedicated as such on the face of the plat or certified survey map. Lands dedicated under this subsection shall not satisfy the park dedication requirements in Subsection (b) below unless found suitable for such purpose by the Village Board.
- (b) **Parkland Dedication and Fees in Lieu of Dedication.** The Village has adopted a Parks and Recreation Plan that quantifies the lands and fees that shall be dedicated and paid by a subdivider for the Village to continue to provide an adequate level of park and recreational facilities. The land dedication and fee in lieu of land dedication requirements in this section are derived from the Parks and Recreation Plan.
  - (1) Where the Village Board determines that suitable land is available within the proposed subdivision or land division, the subdivider shall dedicate land to be used for active park purposes (neighborhood and community parks) and for conservancy park purposes (conservancy parks and trails and linear parkways). Public ways and stormwater management facilities shall not be used to satisfy the parkland dedication requirements of this Section. The amount of such land shall be rationally related to the need for such parks that will be created by the subdivision or land division. Each proposed residential dwelling unit within the land division or subdivision shall be presumed to create a need for a minimum of 1,416 square feet of land for active park purposes and 4,247 square feet of land for conservancy park purposes. If the land to be divided may be used for multifamily housing, then the dedication shall be based upon the maximum number of dwelling units which the zoning classification allows, unless the subdivider commits to a definite number of dwelling units, in which case the dedication shall be based upon the number of dwelling units to which the subdivider has committed. If the number of dwelling units or the intensity of the use is increased beyond that which was used as the basis for calculating the dedication, fee, or both, then the Village may require an additional dedication,

fee, or both, to be provided by the subdivider or its successor or assign, based upon the actual number of dwelling units or intensity of use. The fee or dedication must be provided to the Village before any building permits may be issued for the additional units.

- (2) Where the Village Board determines that suitable land within the land to be divided is not available for dedication for park purposes, or where the Village Board determines that the park needs created by the land division would be better served by a fee in lieu of dedication, the Village Board may require the subdivider to pay a fee in lieu of dedication. The Village Board shall consider the recommendation of the Parks and Recreation Director in making its determination. The amount of the fee in lieu of dedication shall be determined as follows:
  - (a) The fee in lieu of dedication for active park purposes shall be \$2,676.00 per dwelling unit;
  - (b) The fee in lieu of dedication for conservancy park purposes shall be \$804.00 per dwelling unit.

The Village shall place each fee collected pursuant to the provisions of this paragraph in a separate, non-lapsing trust fund to be used for acquisition of land or initial improvements to meet the needs created by the land division or subdivision.

- (3) The Village Board may, after considering the recommendation of the Park and Recreation Director require the subdivider to pay a playground improvement fee if the Village Board concludes that this is the most appropriate way to construct, maintain and provide for playgrounds and playground equipment in a subdivision. The amount of the fee designated for playground improvement purposes shall be \$1,562.00 per dwelling unit. The Village shall place each fee collected pursuant to the provisions of this paragraph in a separate non-lapsing trust fund to be used for acquisition of playground equipment and the construction and maintenance of playgrounds within a subdivision.
- (4) Before the final plat or certified survey map is approved, the owners of the land shall enter into a recordable agreement with the Village that provides that any fee payable in lieu of dedication or for playground improvements shall be an assessment and lien upon the parcels within the land division or subdivision 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 that is subject to such assessment and lien, the fee shall be paid in full. In the case of a group housing project, a planned development project, or other development where no land division is included, any fee imposed in lieu of dedication pursuant to this Section shall be paid to the Village before issuance of a building permit.
- (5) Where land is annexed to the Village and is not otherwise subject to the provisions of this section (for example, the land has already been subdivided), then the Village may require, as a condition of annexation, land dedication or payment of fees to meet the park needs created by the uses occurring on such lands.

- (c) **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, drainageways, bike paths, hiking trails, walkways, open space, and other public purposes. Consideration shall be given to the preservation of scenic and historic sites, stands of fine trees, wetlands, lakes and ponds, watercourses, watersheds, and ravines. In addition to the park dedication provisions in this section, the subdivider may be required to reserve such school, park, recreation, and public use areas for a period not to exceed two years for acquisition by the Village, or other appropriate government entity, at undeveloped land cost.
- (d) **Access to Waterways.**
  - (1) A subdivision or condominium plat abutting a navigable waterway shall, according to the provisions of Section 236.16(3), Wis. Stats., provide access at least 60 feet wide to the low-water mark so that there will be public access, connected to public roads, at one-half-mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the State of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided.
  - (2) The Village may require a land dedication or public access easement to and/or along all navigable waterways, and in other locations identified by the Village, to connect with existing or planned public roads and/or pedestrian facilities. Where natural waterways traverse the subdivision or condominium plat, the subdivider or condominium developer shall leave such channels in their natural state and shall dedicate or provide public access easements both to and/or along such waterways as directed by the Village. Such dedication may be credited towards meeting the parkland dedication requirements specified in this section.

### **SECTION 83.13 Survey Monuments.**

Before final approval of any plat or certified survey map, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats., and as may be required by the Village Engineer. The Village Board may waive the placing of monuments required under Section 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the time required.

### **SECTION 83.14 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.

**SECTION 83.15 Outlots.**

No outlot in a subdivision may be used as a building site unless it is in compliance with all restrictions imposed by Ch. 236, Wis. Stats., and the provisions of this chapter. No outlot in a land division may be used as a building site unless it is in compliance with all the provisions of this chapter. An outlot may be conveyed whether or not it may be used as a building site.

**SECTION 83.16 Enforcement.**

It shall be unlawful to build upon, divide, convey, record or monument any land in violation of this chapter or of the Wisconsin Statutes, 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 chapter not of record as of the effective date of this chapter until all of the provisions and requirements of this chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of and enforce compliance with this chapter or the applicable Wisconsin Statutes. If the Village prevails in such action, it shall be entitled to recover the costs and actual, reasonable attorney fees incurred from the violator. If a building permit is erroneously issued by the Village, such permit is not a valid permit and may be revoked and rescinded by the Village as appropriate.

**SECTION 83.17 Violations and Penalties.**

Any person, firm or corporation who or which fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each violation and, upon default of payment of such forfeiture and costs, shall be imprisoned in the county jail until payment thereof, but not exceeding six months. Each day a violation exists or continues shall constitute a separate offense.

**SECTION 83.18 Hill Development.**

- (a) No subdivision or land division within the Village corporate limits, and no subdivision within the Village of Cross Plains extraterritorial jurisdiction area,

may be approved which would result in a disturbance of land on areas defined herein as hillsides or hilltop edges. Development on hilltops, if allowed, shall be restricted so as to minimize the disturbance of land and vegetation and preserve the viewshed year round for areas of lower elevation. The following exceptions shall be allowed:

- (1) Installation of public utilities as needed to provide public services to serve larger areas.
  - (2) Habitat maintenance as approved by the Village Forester.
  - (3) Fencing as approved by the Village Director of Public Facilities.
- (b) The subdivider shall identify the base of hillside (and top of hillside, if applicable) with a one-inch iron pipe located on the property line; in wooded areas a steel fence post shall also be placed to identify the base of hillside and top of hillside.
- (c) See Section 83.125(n)-(r) and Exhibit A-1 for definitions related to hill development, and Section 84.80 for hill development regulations.

### **SECTION 83.19 Development in Designated Water Quality Corridor Areas.**

- (a) No subdivision or land division of lands annexed to the Village after January 22, 2007 that lies within the Village of Cross Plains extraterritorial jurisdiction area and that falls within 300 feet of the center line of Black Earth Creek east of the Village wastewater treatment plant discharge, within 200 feet of the center line of Garfoot Creek or Black Earth Creek west of the wastewater treatment plant discharge, within 150 feet of the center line of Brewery Creek or the Swanson Swamp drainage, or east of County Road P and between U.S. Highway 14 and Stagecoach Road shall be developed for public or private residential use or for commercial or industrial development. Construction of public utilities, trailways and parkland-related facilities within these areas is permissible.
- (b) No subdivision or land division of lands annexed to the Village after January 22, 2007 that lies within the Village of Cross Plains extraterritorial jurisdiction area and that falls within 1,500 feet of the center line of a perennial watercourse may be approved which would result in the sum of the planned impervious areas within the development, including existing impervious areas, exceeding 20% of the total area in the development as measured on a horizontal plane. In addition, in such areas, stormwater management practices shall be provided to infiltrate sufficient runoff volume so that the post-development infiltration volume shall be 100% of the presettlement infiltration volume.
- (c) The subdivider shall identify the water quality corridor areas by placing a one-inch iron pipe at the edge of the corridors at intersecting property lines.

### **SECTION 83.20 Cost of Facilities.**

- (a) **In General.** Where a subdivision or land division causes a need for additional capital facilities, the subdivider shall pay the full cost of all additional capital

facilities required within the boundaries of the proposed subdivision or land division and the appropriate proportionate share of the cost of off-site capital facilities required to serve the proposed subdivision or land division. This provision does not create any special or 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.

- (b) **Park Facilities.** All residential subdivisions and land divisions create a need for capital improvements to parks. Subdividers shall pay a park improvement fee of \$835 for each dwelling unit proposed to be created within the subdivision or land division. This fee is based upon the Parks and Recreation Plan approved by the Village in 2002 and shall be increased annually (beginning January 1, 2012) based on the Consumer Price Index for all urban consumers for the Midwest area, size B/C, using the average annual increase, as provided by the United States Bureau of Labor Statistics. The fees collected pursuant to this section shall be placed in a separate, nonlapsing trust fund to be used for acquisition of land or initial improvements such as grading, landscaping, installation of utilities and playground equipment, construction of sidewalks, and installation and construction of restroom facilities to meet the needs created by the land division or subdivision.

**SECTIONS 83.21 – 83.23                      Reserved**

## **PROCEDURE**

### **SECTION 83.24    Preliminary Consultation.**

Prior to the filing of an application for the approval of a preliminary plat, the subdivider shall consult with Village Staff. This consultation is intended to inform the subdivider of the purpose and objectives of these regulations, the Comprehensive Plan, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning its development.

### **SECTION 83.25    Preliminary Plat Review.**

- (a) Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a written application for approval and shall file 10 paper copies of the plat and the application with the Village Administrator/Clerk-Treasurer at least 30 days prior to the meeting of the Plan Commission at which action is desired. At the same time, the subdivider shall also file electronic copies

of the documents with the Administrator/Clerk-Treasurer, Village Engineer and the Director of Public Facilities. The subdivider shall also forward a copy to the local electric and telephone utilities. When the subdivider expects the Village to act as the transmitting authority in accordance with Section 236.12, Wis. Stats., the application shall state that transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.

- (b) 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 this chapter. The Plan Commission may waive the requirement that the preliminary plat cover the entire area where it is unnecessary to fulfill the purpose of this chapter and undue hardship would result from strict application thereof. Where a subdivider has control of lands equal to or in excess of 80 acres separated only by existing public roads or railroads, in lieu of a preliminary plat on the entire area, a comprehensive development plan may be submitted pursuant to this chapter.
- (c) Before accepting any preliminary plat for filing and submittal to the Plan Commission, the Administrator/Clerk-Treasurer shall determine whether the preliminary plat and other filings required under this chapter are complete and comply with the requirements of this chapter as to form and whether all review fees and deposit moneys have been paid pursuant to this chapter. No preliminary plat shall be deemed to be filed until the Administrator/Clerk-Treasurer determines that the application is complete. After the Administrator/Clerk-Treasurer determines that the application has been properly filed, the Administrator/Clerk-Treasurer shall forward two copies of the preliminary plat to the Plan Commission which shall examine it for conformity with the requirements of this chapter and with the requirements of any other ordinance, statute or administrative rule and regulation and for compliance with the Comprehensive Plan and other applicable plans. Where appropriate, the Administrator/Clerk-Treasurer shall also forward a copy of the preliminary plat to the Village Engineer and/or Village Attorney for technical review. The Plan Commission, in its discretion, may, but is not required to, hold a public hearing on the preliminary plat.
- (d) The Plan Commission shall recommend approval or conditional approval of the plat to the Village Board or shall reject the plat. Consideration of the environmental assessment checklist pursuant to Section 83.39 hereof shall be part of the Plan Commission's review. 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, its 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 90 days of a completed filing of the preliminary plat shall constitute an approval of the preliminary plat.

- (e) Approval or conditional approval of a preliminary plat entitles the final plat to approval provided that the final plat conforms substantially to the preliminary plat, including any conditions of that approval, and conforms to any applicable local plans and ordinances. If the final plat is not submitted within 36 months of the last required approval of the preliminary plat, any approving authority may refuse to approve the final plat regardless of prior action taken on the preliminary plat.
- (f) Whenever a proposal to replat or resubdivide one or more recorded subdivisions, or any part of a recorded subdivision, is filed with the Plan Commission, it shall schedule and hold a public hearing on the proposed preliminary plat of the replat or resubdivision before taking action. The Commission shall mail notices of the proposed replat or resubdivision and of the scheduled hearing thereon at least 10 days prior to the time of such hearing to the owners of all properties adjacent to the proposed replat or resubdivision.

#### **SECTION 83.26 Final Plat Review.**

- (a) The subdivider shall prepare and file eight copies of the final plat together with a written application for approval with the Village Administrator/Clerk-Treasurer within 36 months of the approval of the last required preliminary plat and at least 30 days prior to the meeting of the Village Plan Commission at which action is desired. At the same time, the subdivider shall file electronic copies of the documents with the Administrator/Clerk-Treasurer, the Village Engineer, and the Director of Public Facilities. When the subdivider expects the Village to act as the transmitting authority in accordance with Section 236.12, Wis. Stats., the application shall state that transmittal responsibility lies with the Village, shall contain a list of the other authorities to which the plat must be submitted, and shall be accompanied by such additional fees and copies of the plat as are necessary to be transmitted to such authorities.
- (b) Before accepting any final plat for filing and submittal to the Plan Commission, the Administrator/Clerk-Treasurer shall determine whether the final plat and other filings required under this chapter are complete and comply with the requirements of this chapter as to form and whether all review fees and deposit moneys have been paid pursuant to this chapter. No final plat shall be deemed to be filed until the Administrator/Clerk-Treasurer determines that the application is complete. After the Administrator/Clerk-Treasurer determines that the application has been properly filed, the Village Administrator/Clerk-Treasurer shall forward two copies of the plat to the Plan Commission. The Plan Commission shall examine it for conformity with the preliminary plat and any conditions of approval, with the requirements of this chapter, and with the requirements of any other ordinances, statutes, administrative rules and regulations, or local plans which may be

applicable to it. Where appropriate, the Administrator/Clerk-Treasurer shall also forward a copy of the plat and related documents to the Village Engineer and/or Village Attorney for technical review.

- (c) The Plan Commission shall recommend approval of the final plat to the Village Board or shall reject the plat. If approval is recommended, the final plat shall be referred to the Village Board for consideration. The Village Board shall then approve, conditionally approve, or reject the final plat. As part of the approval process, a professional engineer, a planner, or another person charged with the responsibility to review plats shall provide the Village Board with his or her conclusions as to whether the final plat conforms substantially to the preliminary plat and with his or her recommendation on approval of the final plat. The conclusions and recommendation shall be made a part of the record of the proceeding at which the final plat is being considered and are not required to be submitted in writing.
- (d) 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.
- (e) If the final plat conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval. If the final plat is not submitted within thirty-six (36) months after the last required approval of the preliminary plat, the Plan Commission or Village Board may refuse to approve the final plat or may extend the time for submission of the final plat.
- (f) The Village Plan Commission shall, when it determines to recommend approval of a plat, give at least 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.
- (g) After the final plat has been approved by the Village Board and the contract and security for the installation of improvements have been filed in accordance with Section 83.11 hereof, the subdivider shall submit the final plat to the Village Administrator/Clerk-Treasurer. The Administrator/Clerk-Treasurer shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording.
- (h) The subdivider shall file a certified copy of the final plat with the Village Administrator/Clerk-Treasurer within 10 days after it has been recorded.

### **SECTION 83.27 Replats.**

- (a) 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 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall then proceed as required by this Chapter.

- (b) 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.

**SECTION 83.28 Land Divisions by Certified Survey.**

- (a) A certified survey which has been approved by the Plan Commission and the Village Board and meets all of the requirements of Section 236.34, Wis. Stats., and of this chapter may be utilized to create not more than four parcels, 15 acres each or less in size. The Plan Commission may require a preliminary plat to be filed by a subdivider who is seeking approval of a certified survey map. When required, the preliminary plat must include all lands under the control of the applicant within a parcel up to a maximum area of 40 acres. The land comprising the 40 acres will be determined by quarter-quarter section lines unless indicated otherwise. When a preliminary plat is not required, the certified survey map shall include the entire parcel owned by the subdivider. The subdivider shall comply with the requirements of Sections 83.118-83.121 of this Chapter when a certified survey map is used unless a waiver has been granted pursuant to Section 83.120. The Board resolution approving the certified survey map shall be reproduced legibly on the face of the map. All outstanding special assessments shall be paid prior to approval unless determined otherwise by the Village Board.
- (b) The applicant for a land division shall file 10 blue-line prints or other acceptable reproductions of a certified survey map and a written application for approval with the Village Administrator/Clerk-Treasurer. At the same time, the subdivider shall file electronic copies of the documents with the Administrator/Clerk-Treasurer, the Village Engineer, and the Director of Public Facilities.
- (c) Before accepting any certified survey map for filing and submittal to the Plan Commission, the Administrator/Clerk-Treasurer shall determine whether the certified survey map and other filings required under this chapter are complete and comply with the requirements of this chapter as to form and whether all review fees and deposit moneys have been paid pursuant to this chapter. No certified survey map shall be deemed to be filed until the Administrator/Clerk-Treasurer determines that the application is complete. After the Administrator/Clerk-Treasurer determines that the application has been properly filed, the Village Administrator/Clerk-Treasurer 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 21 days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this chapter, the Village Comprehensive Plan, and any statute, ordinance, rule, or regulation which affects it.

- (d) The Plan Commission 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. 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 90 days of the completed filing of the map shall constitute an approval of the map.
- (e) After the certified survey map has been approved by the Village Board, the contract for improvements is entered and recorded, and the security for the installation of improvements has been filed in accordance with Section 83.11 and any fee imposed pursuant to Sections 83.12 and 83.119 or any other required costs, fees and assessments have been paid, the subdivider shall submit the map to the Village Administrator/Clerk-Treasurer. The Administrator/Clerk-Treasurer shall execute the certificate inscribed upon the map attesting to such approval and return the map to the subdivider for recording.
- (f) All certified survey maps shall be recorded with the Register of Deeds for Dane County within six months of final approval and 24 months of first approval and:
  - (1) Failure to record a certified survey map within 24 months of the first approval or six months of last approval shall require the subdivider to resubmit a certified survey map pursuant to this section and pay all fees required under Section 83.119(b)(1) of this chapter.
  - (2) All resubmissions of certified survey maps shall be treated as new and independent certified survey maps, and no approval of a previous certified survey map shall be binding upon the Plan Commission or Village Board even if such certified survey map is unchanged.
- (g) The subdivider shall file a certified copy of the recorded map with the Village Administrator/Clerk-Treasurer within 10 days after the map is recorded.
- (h) No building permits shall be issued and no improvements may be made until the approved certified survey map is approved by the Village and is recorded with the Register of Deeds.

**SECTION 83.29 Land Divisions within Extraterritorial Plat Approval Jurisdiction.**

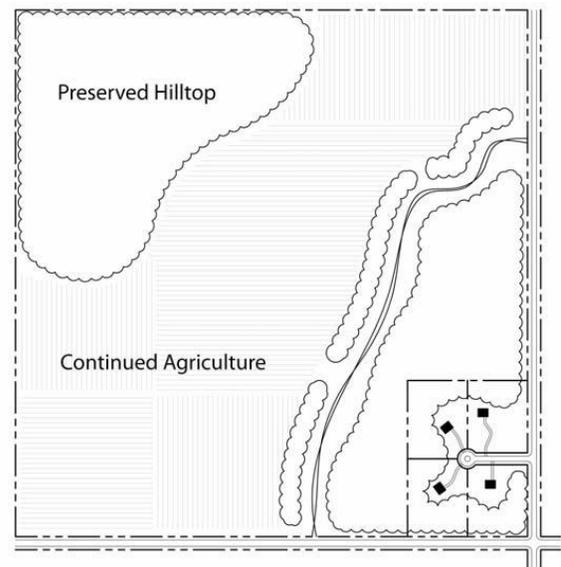
- (a) **Authority.** The Village's authority to approve land division and condominium development plats within its extraterritorial jurisdiction is granted by Section 236.45(3) and Ch. 703, Wis. Stats.
- (b) **Extraterritorial Land Division and Condominium Development Policies.** The following policy shall govern the Village's approval and regulation of divisions of

land within its extraterritorial jurisdiction area in order to promote the intent and those purposes set forth in this chapter:

- (1) No such land divisions will be permitted without approval of the Village Board in accordance with the procedures in this chapter as applicable to land divisions within the Village.
- (2) Such land divisions will be permitted if not exceeding an overall density of one new dwelling unit per 35 acres, exclusive of the existing farmstead demonstrated by the land divider to the satisfaction of the Village to be existing as of the effective date of this chapter. Lots for nonresidential use will be handled on a case-by-case basis. The standards used to review these land divisions will be the same as the standards contained in the Dane County Exclusive Agricultural Zoning District Ordinances that are used for considering rezonings. The only exception to this policy is that areas shown for development on the Future Land Use Map in the Village of Cross Plains Comprehensive Plan may be permitted.

- (3) The minimum lot size within the extraterritorial jurisdiction of the Village of Cross Plains shall be one acre. A smaller lot size may be allowed if also approved by the respective Town Board. The maximum lot size within the extraterritorial jurisdiction of the Village of Cross Plains shall be 2.5 acres. In all instances, the density provisions of Subsection (b)(2) immediately above shall also apply. Parcels resulting from clustering which are prohibited from development by these maximum density requirements or other reasons shall be prohibited from additional development until after annexation by a deed restriction approved by the Village Attorney and recorded with the Dane County Register of Deeds as part of the recordation of the land division.

**Figure 2: Conceptual ETJ Land Division**



*This figure depicts the conceptual build out of a property of 155 acres in the extraterritorial jurisdiction area. With a four-lot cluster, it would still have an overall density of one home per 35 acres ( $155/35 = 4.4$ , rounded down to 4) with a maximum lot size of 2.5 acres.*

- (4) The Village will attempt to seek consistency between its plans and locally adopted town plans. To the extent that the policies of the Village are more restrictive in regard to the protection of the public health, safety, welfare, and environmental quality, or in terms of implementing the Village's

Comprehensive Plan, the Village's policies shall prevail. All land divisions within the extraterritorial limits will be subject to the land reservation or dedication requirements of this chapter. This specifically means the following:

- a. Any public right-of-way area identified in the Village's Comprehensive Plan shall be dedicated in conformance with requirements of this chapter.
  - b. Any waterway or stormwater management area identified on the Village's Comprehensive Plan shall be dedicated in conformance with requirements of this chapter.
  - c. If any lands within the land division are within the limits of an environmental corridor, as mapped by the Village, Dane County, or Capitol Area Regional Plan Commission, the land divider shall record a public open space easement specifying that the development within said environmental corridor shall be consistent with overlay zoning in the Village's Zoning Code or shall label and designate said area as an undevelopable outlot, at the Village's direction.
- (5) All parklands proposed in adopted elements of the Village's Comprehensive Plan shall be reserved or dedicated to the extent allowed under this chapter.
  - (6) Such land divisions shall meet all of the development layout design standards contained in this chapter.
  - (7) Such land divisions shall follow the erosion control requirements established by the Village.
  - (8) Such land divisions shall pay the required review fees contained in this chapter prior to initial placement on the Plan Commission agenda.
  - (9) The plat, condominium plat, or certified survey map shall include the entire original parcel of land from which any new lots or parcels are created, and a note shall be placed on the face of the plat or certified survey map indicating areas necessary for compliance with the density standard established herein.
- (c) **Extraterritorial Land Division Procedures.** In addition to the procedures for land divisions within the Village limits, land divisions in the Village's extraterritorial land division jurisdiction shall also follow the following requirements:
- (1) 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 Committee, and the Village of Cross Plains have received all maps, drawings and data required for plat, condominium plat, or certified survey map approval.
  - (2) No person shall divide any land located within the Village's extraterritorial land division jurisdiction without first filing an application and paying the Village's standard land division review fees. The timing for filing the

application and paying the Village's review fees shall be the same as otherwise required for land division within the Village.

- (3) Submittal requirements for land divisions within the Village's extraterritorial land division jurisdiction shall be identical to those required for land divisions within the Village limits.
- (d) **Disclosure.** No person shall sell any parcel of land of one acre or less in size within the Village's extraterritorial jurisdiction if it abuts a road that has not been accepted as a public road unless the seller informs the purchaser of that fact in writing and it is understood that the town or county is not obligated to maintain it.

### **SECTION 83.30 Zero Lot Line Land Divisions.**

A zero lot line land division designed to put each dwelling unit of a side-by-side duplex, townhouse, or row house where the lot line will be placed along the common wall or walls may be approved by Village staff without Plan Commission or Village Board approval, provided that it is on a properly zoned lot. If approved by Village staff, the owner shall record a zero lot line agreement that is satisfactory to the Village.

### **SECTIONS 83.31 – 83.32 Reserved.**

## **PRELIMINARY PLAT**

### **SECTIONS 83.33 General Requirements.**

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 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:

- (a) Title under which the proposed subdivision is to be recorded.
- (b) Location of proposed subdivision by government lot, quarter-quarter section, township, range, county, and state and a location map showing the relationship between the plat and its surrounding area and to existing streets.
- (c) Date, scale and North point.
- (d) A description of the material of which the corner marker is composed.
- (e) Names and addresses of the owner, the subdivider, the surveyor, the engineer, and the professional land planner involved in the plat preparation.
- (f) 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 chapter and undue hardship would result from strict application thereof.

- (g) The present zoning and any proposed zoning change for the plat and all lands adjacent thereto.
- (h) Location and elevation of any land situated in a floodplain.

### **SECTION 83.34 Plat Data.**

All preliminary plats shall show the following:

- (a) 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.
- (b) Contours at vertical intervals of not more than two feet where the slope of the ground surface is less than 20% and of not more than five feet where the slope of the ground surface is 20% or more. Elevations shall be marked on such contours based on USGS data.
- (c) Water elevations of adjoining lakes and streams at the date of the survey and approximate high- and low-water elevations, based upon or established by the best available data.
- (d) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter-section lines within the exterior boundaries of the plat or immediately adjacent thereto.
- (e) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands.
- (f) 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 center-line elevations, based upon or established by the best available data.
- (g) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes; the location of manholes, catch basins, hydrants, and 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.
- (h) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant features within the tract being subdivided or immediately adjacent thereto.

- (i) Location, width, length, bearing and names of all proposed streets and public rights-of-way, such as alleys and easements.
- (j) Any proposed lake and stream improvement or relocation.
- (k) Location and approximate dimensions of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other nonpublic uses not requiring lotting.
- (l) 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 thirty-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.
- (m) Existing zoning on and adjacent to the proposed subdivision when the plat is located within the extraterritorial plat approval jurisdiction of the Village.
- (n) Corporate limits lines.
- (o) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
- (p) Approximate dimensions and setback lines shall be shown for all lots and outlots together with proposed lot, outlot and block numbers.
- (q) Any other information requested by the Plan Commission or Village Board.

### **SECTION 83.35 Street and Utility Plans and Profiles.**

The subdivider shall provide street and utility plans and profiles showing existing ground surface, established and 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 USGS data, and plans and profiles shall meet the approval of the Village Engineer.

### **SECTION 83.36 Testing.**

- (a) The Village Engineer may require, and where sanitary sewers are unavailable shall 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 groundwater table.

- (b) Where sanitary sewers are unavailable, the soil and percolation tests required by Ch. SPS 385, Wis. Adm. Code, shall be performed and the results shall be submitted with the preliminary plat. After approval of the preliminary plat but prior to submitting an application for approval of the final plat, each individual lot shall be tested for percolation as specified in Ch. SPS 383, Wis. Adm. Code, and the results of such tests shall be submitted to the Plan Commission.

**SECTION 83.37 Covenants.**

The Village Plan Commission 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.

**SECTION 83.38 Erosion and Stormwater Drainage Control Plan.**

At the time application is made for the review of a preliminary plat, the subdivider shall also file with the Village Administrator/Clerk-Treasurer 10 copies of a proposed erosion and stormwater drainage control plan for the area contemplated for development. The proposed erosion and stormwater drainage control plan shall comply with the requirements of Chapter 65 of this Code and with this chapter. The erosion and stormwater drainage control plan shall require the owner(s) of the area contemplated for development to execute and record restrictive covenants applicable to the property, subject to the approval of the Village Attorney, requiring that all improvements be constructed and maintained such that water runoff from roofs and drainage or discharge from sump pumps will be diverted to grassy areas and not to streets, sidewalks or other paved areas.

**SECTION 83.39 Environmental Assessment.**

- (a) **Environmental Assessment Checklist.** At the time application is made for the review of a preliminary plat or comprehensive development plan, the subdivider shall also file with the Village Administrator/Clerk-Treasurer 10 copies of a completed environmental assessment checklist on the form made available by the Village Administrator/Clerk-Treasurer. At the same time, the subdivider shall file electronic copies of the document with the Administrator/Clerk-Treasurer, the Village Engineer, and the Director of Public Facilities. No application for a preliminary plat or comprehensive development plan 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 83.02 of this chapter and Section 236.45(1), Wis. Stats., and the Village's Comprehensive Plan.

- (b) **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 adequately or timely to the Commission's request for additional information may constitute grounds to reject and/or conditionally approve the preliminary plat or comprehensive development plan.
- (c) **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. The Plan Commission shall decide whether said land is suitable for development and whether such subdivision is consistent with the purposes of this chapter and other Village ordinances, Section 236.45, Wis. Stats., and the Village's Comprehensive Plan and shall then proceed as required by this Chapter.

**SECTION 83.40 Affidavit.**

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

**SECTION 83.41 Public Facilities and Services.**

- (a) **Determination of Adequacy.** A preliminary plat or comprehensive development plan 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.
- (b) **Impact Study.**
  - (1) An impact study shall be required for any preliminary plat or comprehensive development plan containing either 10 or more lots or five or more acres. The subdivider shall be responsible for preparation of the impact study, and the impact study shall be filed at the time application is made. No application for preliminary plat approval will be complete until

the Village Administrator/Clerk-Treasurer has determined that the impact study is complete and in acceptable form.

- (2) The impact study shall describe the impact of the proposed development on the following public facilities and shall analyze the adequacy of the following public facilities to serve the proposed development: public water; sanitary sewer; storm sewer and other public stormwater drainage facilities; fire, police and emergency medical facilities; parks, open space and recreation facilities; transportation facilities; and school facilities.
- (3) The Plan Commission and Village departments shall cooperate with the subdivider by providing information in the Village's possession regarding the Village's public facilities. The Plan Commission may have its own consultants, including but not limited to Village staff and the Village's Engineer, review the impact study and prepare their own evaluation of the adequacy of public facilities to serve the proposed development. If the Plan Commission concludes that the subdivider's impact study is inadequate or inaccurate, the Plan Commission may reject the subdivider's impact study. Any rejection of a subdivider's impact study shall be accompanied by a description of the reason or reasons for the rejection.

**SECTIONS 83.42 – 83.44                      Reserved**

**FINAL PLAT**

**SECTION 83.45    General Requirements.**

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, Wis. Stats., and with this chapter.

**SECTION 83.46    Information to be Provided.**

The plat shall show correctly on its face, in addition to the information required by Section 236.20, Wis. Stats., and Sections 83.33 through 83.35 hereof, the following:

- (a) Exact length and bearing of the center line of all streets.
- (b) Exact street width along the line of any obliquely intersecting street.
- (c) Railroad rights-of-way within and abutting the plat.
- (d) Setbacks or building lines required by the Village Plan Commission.
- (e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
- (f) Special restrictions required by the Village Plan Commission relating to access control along public ways or to the provision of planting strips.
- (g) The house number or rural fire number assigned to each lot.

### **SECTION 83.47 Drainage Flows.**

The subdivider shall cause to be set upon the face of the plat, or included within the master grading plan, arrows along each street as will result from the grading of the site, the construction of the required public improvements, or which are existing drainage flows and will remain. The arrows indicating the directions off flows shall be appropriately weighted so as to differentiate between the minor and major (100 year event) drainage components.

### **SECTION 83.48 Deed Restrictions.**

- (a) Deed restrictions required by the Plan Commission or Village Board shall be filed with the final plat.
- (b) A note shall be added to the plat, and included in a deed restriction, that prohibits alterations of the finished grade from those shown on the master grading plan within five (5) feet of any property line. The subdivider shall provide three copies of "As Built Grading Plans" with elevations at each lot corner, and at each major change in grade. The plans shall be provided by hard copy and electronic means to the Administrator/Clerk-Treasurer, the Village Engineer and the Director of Public Facilities. The plans shall also show direction of drainage along the lot lines by means of arrows. The arrows shall be accompanied on the master grading plan with the following note: "Arrows indicate the direction of drainage flows in various components resulting from site grading and the construction of required public improvements. The drainage flow components located in easements shall be maintained and preserved by the property owner."
- (c) Deed restrictions shall be provided requiring all mailboxes within a cul-de-sac to be located on one standard to house all mailboxes within the cul-de-sac at a location to be determined by the Director of Public Facilities.
- (d) Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat: "Subsoil information indicates the presence of high ground water conditions on lots. On these lots, either basement elevations must be elevated above the groundwater level or the basement exteriors must be fully water-proofed."
- (e) Deed restrictions shall be provided prohibiting the alteration of the approved as-built grades within 6 feet of a lot line for all types of development under all circumstances.
- (f) Deed restrictions shall be provided prohibiting owners from planting trees or shrubs, building fences, sheds, landscaping or placing play equipment within any drainage easement. Further, the approved grade within a drainage easement shall not be altered under any circumstances.

**SECTION 83.49 Survey Accuracy.**

The accuracy of the final plat must be certified in accordance with Ch. 236, Wis. Stats.

**SECTION 83.50 Surveying and Monumenting.**

All final plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.

**SECTION 83.51 Certificates.**

A final plat shall include all the certificates required by Section 236.21, Wis. Stats., and, in addition, the surveyor shall certify that she/he has fully complied with all the provisions of this chapter.

**SECTION 83.52 Application for Approval.**

The plat shall be accompanied by a written application for approval on forms furnished by the Village Administrator/Clerk-Treasurer. The plat, if it has not been previously submitted, shall also be accompanied by plans, profiles, and specifications required by Sections 83.35 and 83.102 of this chapter and by the results of the soil and percolation tests required by Section 83.36.

**SECTIONS 83.53 – 83.54 Reserved**

**CERTIFIED SURVEY MAP**

**SECTION 83.55 General Requirements.**

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, Wis. Stats.

**SECTION 83.56 Information to be Provided.**

The map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:

- (a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper division.
- (b) Setbacks or building lines required by the Village Plan Commission.

- (c) All lands reserved for future acquisition.
- (d) Date of the map.
- (e) Graphic scale.
- (f) Name and address of the owner, subdivider and surveyor.

**SECTION 83.57 Certificates.**

- (a) The surveyor shall certify on the face of the map that he has fully complied with all the provisions of this chapter.
- (b) 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 Cross Plains, Dane County, Wisconsin.

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Administrator/Clerk-Treasurer

- (c) 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), Wis. Stats.

**SECTION 83.58 Critical Building Locations.**

Any building or structure and its 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 yard requirements.

**SECTION 83.59 Dedications, Testing and Improvements.**

Any land division effectuated by a certified survey shall be subject to the following provisions:

- (a) Section 83.12 concerning the reservation and dedication of land;
- (b) Unless a waiver is granted, Sections 83.76 through 83.114 concerning required improvements; and
- (c) Section 83.36 concerning borings, soundings, and percolation tests.

**SECTION 83.60 Application for Approval.**

The certified survey map shall be accompanied by a written application for approval on forms furnished by the Village Clerk/Administrator-Treasurer. 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.

**SECTION 83.61 Erosion and Stormwater Drainage Control Plan.**

If the Plan Commission or Village Board so requires, at the time application is made for the review of a certified survey map, the subdivider shall also file with the Village Administrator/Clerk-Treasurer 10 copies of a proposed erosion and stormwater drainage control plan for the area contemplated for development. At the same time, the subdivider shall file electronic copies of the document with the Administrator/Clerk-Treasurer, the Village Engineer, and the Director of Public Facilities. The proposed erosion and stormwater drainage control plan shall comply with the requirements of Chapter 65 regarding Erosion, Sediment and Water Runoff Control, and with this chapter. The erosion and stormwater drainage control plan shall require the owner(s) of the area contemplated for development to execute and record restrictive covenants applicable to the property, subject to the approval of the Village Attorney, requiring that all improvements be constructed and maintained such that water runoff from roofs and drainage or discharge from sump pumps will be diverted to grassy areas and not to streets, sidewalks or other paved areas.

**SECTION 83.62 Environmental Assessment.**

The Plan Commission may require that an environmental assessment checklist be prepared and the procedures of Section 83.39 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.

**SECTIONS 83.63 – 83.65 Reserved**

**COMPREHENSIVE DEVELOPMENT PLAN**

**SECTION 83.66 Election to File; Application for Approval.**

When the subdivider has 80 acres or more of contiguous land under its control, it may elect to file a comprehensive development plan (CDP) in lieu of a preliminary plat for the contiguous land under its control. The land may be in a single parcel or separated only by

roads, streets, highways or railroad rights-of-way. The subdivider shall file 10 blue-line prints and 10 copies of all exhibits as required hereinafter together with a written application for approval with the Village Administrator/Clerk-Treasurer. At the same time, the subdivider shall file electronic copies of the document with the Administrator/Clerk-Treasurer, the Village Engineer, and the Director of Public Facilities.

**SECTION 83.67 Review Procedure.**

- (a) Before accepting any CDP for filing and submittal to the Plan Commission, the Administrator/Clerk-Treasurer shall determine whether the CDP and other filings required under this chapter are complete and comply with the requirements of this chapter as to form and whether all review fees and deposit moneys have been paid pursuant to this chapter. No CDP shall be deemed to be filed until the Administrator/Clerk-Treasurer determines that the application is complete. After the Administrator/Clerk-Treasurer 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 Village Engineer and 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.
- (b) 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 90 days of the completed filing of the CDP shall constitute an approval of the CDP.

**SECTION 83.68 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 Administrator/Clerk-Treasurer after it has been recorded.

**SECTION 83.69 Changes.**

No major change in a recorded CDP or its exhibits can be made without the approval of the Village Board following recommendation of the Plan Commission. Any proposed change in the CDP or its exhibits shall be filed with the Village Administrator/Clerk-Treasurer. The Plan Commission shall determine whether the change is major and within

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 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 Administrator/Clerk-Treasurer.

### **SECTION 83.70 Information to be Provided.**

Any comprehensive development plan shall include the following:

- (a) A plan, drawn to a scale of one inch equals 200 feet, which shows all lands under the control of the applicant which are contiguous or separated only by existing public roads or railroad rights-of-way. The plan shall show the items required by Sections 83.33 and 83.34(a) through (q), preliminary plat data, and all proposed collector and arterial streets and approximate number and layout of lots.
- (b) If a waiver of design standards is requested, details showing the proposed deviation from the standards and the reasons therefore.
- (c) The projected population broken down into single-family and multifamily units.
- (d) The multifamily dwelling units broken down into the number of units in each bedroom category on a percentage basis.
- (e) A development schedule clearly indicating the time of completion for the proposed development and each phase thereof.
- (f) A preliminary plat, meeting the requirements of this chapter, for the portion proposed to be developed within 18 months from the date of submittal.
- (g) An erosion control plan for the entire lands under control complying with the requirements of Chapter 65 Erosion, Sediment and Water Runoff Control.
- (h) A completed environmental assessment checklist on the form available from the Village Administrator/Clerk-Treasurer for the entire area under the subdivider's control in accordance with Section 83.39 hereof.
- (i) A determination of adequacy of public facilities and services, if applicable, in accordance with Section 83.41 hereof.

### **SECTION 83.71 Design Standards.**

The provisions of Sections 83.76-83.85 of this Chapter shall apply to a comprehensive development plan. However, some or all of these provisions may be waived by the Village Board upon recommendation of the Plan Commission and the Village Engineer.

### **SECTION 83.72 Dedications, Testing and Improvements.**

Comprehensive Development Plans shall be subject to the provisions of Section 83.12 concerning the reservation and dedication of land, to the provisions of Sections 83.89 through 83.114 concerning required improvements, and to the provisions of Section 83.36 concerning borings, soundings, and percolation tests.

**SECTIONS 83.73 – 83.75            Reserved**

**DESIGN STANDARDS**

**SECTION 83.76    Street Arrangement.**

In any new subdivision the street layout shall conform to the arrangement, width and location indicated on the Official Map, Comprehensive Plan or component neighborhood development plan of the Village. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, and to the most advantageous development of adjoining areas. Each lot of a subdivision shall have direct access to a public street.

- (a)    **Arterial Streets.** Arterial streets shall be arranged so as to provide ready access to centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of major streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
- (b)    **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 the mass transportation system, to special traffic generators such as schools, churches, shopping centers and other concentrations of population, and to the major streets into which they feed.
- (c)    **Local Streets.** Local 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.
- (d)    **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.

- (e) **Arterial 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.
- (f) **Reserve Strips.** Reserve strips controlling access to streets or alleys are prohibited except where control of such strips is placed with the Village under conditions approved by the Plan Commission.
- (g) **Alleys.** Alleys shall be allowed in commercial and industrial districts for off-street loading and service access. Alleys shall not be used in residential areas unless approved by the Village Board. Alleys shall not be less than 24 feet wide and shall be continuous through blocks. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street.
- (h) **Public Rights-of-way.** Private improvements, including but not limited to buildings and landscaping, are prohibited within public rights-of-way. The Village shall not be responsible for damage caused to private improvements in the public right of way.

#### **SECTION 83.77 Street Names and Building Numbers.**

- (a) Duplication of existing street names by similar word, spelling, or sound shall not be permitted.
- (b) 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. House numbering difficulties shall be considered the determining factor in considering whether a change of name is necessary due to curvilinear changes.
- (c) A street name shall be changed when required to conform to the proposed or existing house numbering base.
- (d) A name 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.
- (e) For purposes of consistency, the following street designations shall be used only in the situations indicated. Other terms may be used so long as they are not inconsistent with the below designations.
  - (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.
  - (2) **Lane:** a street, one block long, not ending in a cul-de-sac.
  - (3) **Circle:** a cul-de-sac of nine lots or more.

- (4) Court: a cul-de-sac of eight lots or fewer.
- (5) Parkway: a street abutting a park or greenway or creek.
- (f) The maximum number of street names at one intersection shall be three.
- (g) Street names shall be assigned so that two intersections shall not have the same exact street names.
- (h) The name of any projection of a street shall remain unchanged even if the projection terminates in a cul-de-sac.
- (i) 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.
- (j) Service roads and highways served by them shall have the same street name and designation.
- (k) 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.
- (l) A minimum number of letters is desirable in a street name. The number of letters, not including the prefix or suffix, shall not exceed 12.

**SECTION 83.78 Limited Access Highways and Railroad Rights-of-way.**

Whenever the proposed subdivision contains or is adjacent to a limited access highway or railroad right-of-way, the design shall provide the following treatment:

- (a) 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 railroad right-of-way or a limited access arterial 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.”
- (b) Commercial and industrial districts shall have, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad (not less than 150 feet) for the appropriate use of the land between such streets and highway or railroad.
- (c) Streets parallel to a limited access highway or railroad right-of-way shall, when intersecting a major street and highway or collector street which crosses said railroad or highway, be located at a minimum distance of 250 feet from said highway or railroad right-of-way. 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.
- (d) The location of local streets immediately adjacent and parallel to railroad rights-of-way, and in residential areas immediately adjacent to arterial streets and highways and to railroad rights-of-way, shall be avoided.

**SECTION 83.79 Street Design Standards.**

- (a) **Minimum Right-of-way and Street Surface Width.** The minimum right-of-way (ROW) and street surface width (curb face to curb face) of all proposed streets and alleys shall be the width specified by the Comprehensive Plan, Official Map or neighborhood development plan, or, if no width is specified therein, the minimum width shall be as follows:

Type of Street	ROW Width (feet)	Curb Face to Curb Face Width (feet)
Arterial	120	40
Collector and Local	66	28
Frontage	66	28
Alley	24	18

The actual street surface width shall be determined by the Village Board following recommendation by the Village engineer, Director of Public Facilities and the Plan Commission.

- (b) **Cul-de-sac Streets.**
- (1) Streets designed to have one end permanently closed shall not exceed 1,600 feet in length.
  - (2) Except as provided in Subsection (b)(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 120 feet and a minimum outside curb diameter of 86 feet. The reverse curve on a cul-de-sac shall have a fifty-foot minimum radius when the bulb is centered on the street and a one-hundred-foot minimum radius when the bulb is offset.
  - (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 fifty-foot minimum radius when the bulb is centered on the street and a one-hundred-foot minimum radius when the bulb is offset.
  - (4) All lots on cul-de-sacs shall be required to group mailboxes together in a location approved by the Village Director of Public Facilities
- (c) **Street Grades.**
- (1) The maximum street grades shall not exceed the following:
    - a. Arterial streets and highways: 6%.
    - b. Collector and local streets and alleys: 8%.

- c. Pedestrian ways: 10% unless steps of acceptable design are provided.
  - (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 12% or be less than 0.50%.
  - (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.
  - (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.
- (d) **Radii of Curvature.**
- (1) When a continuous street center line deflects at any one point by more than 10°, a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
    - a. Arterial streets and highways: 500 feet.
    - b. Collector streets: 300 feet.
    - c. Local streets: 150 feet.
  - (2) A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- (e) **Half Streets.** 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 Plan Commission.
- (f) **Storm Drainage.** Storm sewer systems shall be provided on all streets to accommodate the post-development runoff resulting from a ten-year, twenty-four-hour rainfall event. 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 arterial 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 10 feet of the center line of the street. Valley gutters across intersections shall be permitted only on cul-de-sac or dead-end streets serving fewer 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 1%. The post-development runoff resulting from a one-hundred-year, twenty-four-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 watercourse.

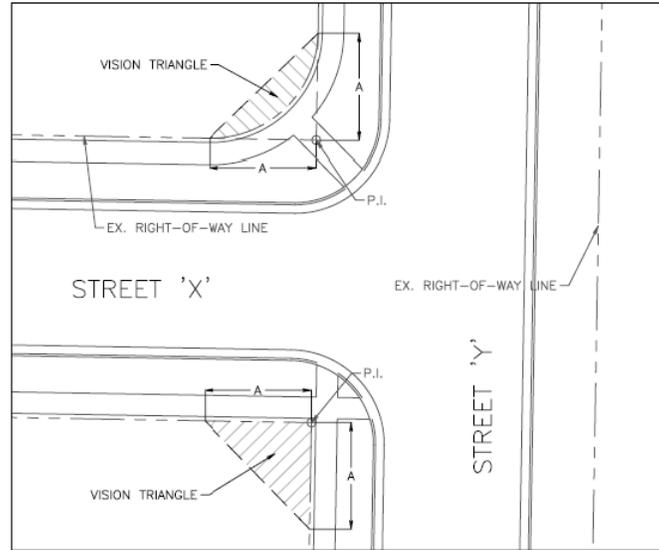
### **SECTION 83.80 Street Intersections.**

- (a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (b) The number of streets converging at one intersection shall not be more than two.
- (c) 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.
- (d) Property lines at street intersections shall be rounded with a minimum radius of 15 feet, except that at all intersections along collector and arterial streets the radius shall be increased to 25 feet. The Plan Commission may require a larger radius where desirable.
- (e) Local streets shall not necessarily continue across arterial or collector streets, but if the center lines of such minor streets approach the major streets from opposite sides within 150 feet of each other, measured along the center line of the arterial 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.
- (f) Radii at the face of curbs at intersections shall be a minimum of 20 feet.

### **SECTION 83.81 Visibility at Intersections.**

- (a) **Purpose.** The purpose of this section is to alleviate or prevent congestion of public rights-of-way so as to promote the safety and general welfare of the public by establishing minimum requirements for the provision of vehicular visibility.
- (b) **Requirement.**
  - (1) No obstructions are permitted between 2 ½ feet and 10 feet above the plane through the mean curb grade within the triangular space formed by existing or proposed intersecting street or railroad right-of-way lines and a line connecting points on the right-of-way lines as follows:
    - a. Fifty feet along the right-of-way of USH 14, CTH KP, CTH P, Bourbon Road, Brewery Road and Thinnes Street/Airport Road.
    - b. Fifty feet along the right-of-way of any street from its intersection with a railroad right-of-way.
    - c. Twenty-five feet along the right-of-way of all other public streets.
    - d. Twenty-five feet along the right-of-way of all private roads and drives as specified by the Village Engineer.

A: 50' MIN. (COLLECTOR & ARTERIAL STREETS)  
 25' MIN. (ALL OTHER STREETS)  
 P.I. = POINT OF INTERSECTION



- (2) Within said triangular area, no signs, parking spaces, structures, or earthwork in excess of 30 inches and no vegetation, fencing, or other such obstructions between 30 inches and 10 feet in height shall be permitted above either of the center-line elevations of said two streets.
- (c) **Depiction on Required Site Plan.** Except on property in the Central Business District where no requirement is imposed, any and all visibility triangles located on the subject property shall be depicted as to their location and configuration on final plat, certified survey map and the site plan required for the development of the subject property.

### SECTION 83.82 Blocks.

- (a) **Purpose.** 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.
- (b) **Length.** Blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (c) **Pedestrian Ways.** Pedestrian ways of not less than 10 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 Plan Commission to provide adequate pedestrian circulation or access to schools, shopping centers, churches or transportation facilities.
- (d) **Width.** 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. Width of lots or parcels reserved or laid out for

commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.

- (e) **Utility Easements.** All utility lines for electric power and telephone service shall be placed separate from road right-of-way on mid-block easements along rear lot lines whenever carried on overhead poles.

### **SECTION 83.83 Lots.**

- (a) 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.
- (b) Double frontage and reverse frontage lots shall be prohibited.
- (c) Residential lots shall have a minimum area of 9,600 square feet and a minimum width of 80 feet at the building line; provided, however, that the requirements of the zoning regulations insofar as they may specify greater areas or distance shall be complied with.
- (d) Residential lots to be served by private sewage disposal facilities shall comply with the rules of the Wisconsin Department of Commerce.
- (e) Every lot shall front or abut on a public street for a distance of at least 50 feet.
- (f) Side lot lines shall be substantially at right angles or radial to street lines.
- (g) Lots shall follow municipal boundary lines whenever practicable, rather than cross them.
- (h) 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.
- (i) Corner lots shall have sufficient width to permit adequate building setbacks from side streets.
- (j) Excessive depth in relation to width shall be avoided and a proportion of 1.5 to one shall be considered as an acceptable ratio under normal conditions.
- (k) Residential lots fronting or backing on arterial streets shall be platted with extra depth to permit generous distances between the buildings and such trafficways.
- (l) 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.
- (m) 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 chapter.
- (n) 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.

- (o) Lot drainage patterns shall be indicated on the plat (or a separate sheet recorded with the plat) and shall take into account flow conditions from off site as well as outflow onto downstream properties. As-built grading plans showing the completed ground elevation at each lot corner and significant changes in grade along each side and rear lot line shall be provided to the Village. Benchmarks shall be provided on the northernmost nut on the flange of fire hydrants nearest to each lot.
- (p) Unless specifically waived by the Village Director of Public Facilities, the first floor and garage floor elevations shall be at least one vertical foot above the top of curb (or street center-line elevation if there is no curb) at the lowest curb elevation in the street adjacent to the lot. The lowest building opening elevation shall be at least two vertical feet above the lowest lot corner. The first habitable floor and garage floor elevations and building opening elevation shall be shown on the face of the plat or certified survey map (or on a separate sheet recorded with the plat).

**SECTION 83.84 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 by the Plan Commission.

**SECTION 83.85 Utility and Drainage Easements.**

(a) **Underground Utility Service.**

- (1) All new electric distribution lines (excluding lines of 12,000 volts or more), all new telephone lines from which lots are individually served, and all cable television communication lines and services installed within a newly platted area, mobile home park, cluster development or planned development shall be underground unless the Plan Commission shall specifically find after study that:
  - a. The placing of such facilities underground would not be compatible with the planned development;
  - b. Location, topography, soil, water table, solid rock, boulders, stands of trees, hedges or other physical conditions would make underground installation unreasonable or impracticable; or
  - c. The lots to be served by said facilities can be served directly from existing overhead facilities.
- (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.

- (3) The subdivider or its 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.
  - (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 this subsection.
- (b) **Easement Conditions.**
- (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, and electric lines, and telephone and cable television communication lines. Such easements as required by the Village or other private utility lines shall be noted as “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.
  - (2) Where the electric and communications facilities are to be installed underground, the utility easements shall be graded to within six 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.
  - (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 inches by the subdivider, its 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 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.

- (c) **Drainage Easements.** Where a subdivision is traversed by a watercourse, 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. However, all such drainageways or easements shall be a minimum of 20 feet wide. Wherever possible, the stormwater 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 and Village Parks, Recreation and Conservancy Commission. In addition to the requirements of Chapter 65 of this Code 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 onto neighboring lands.

**SECTIONS 83.86 – 83.88                      Reserved**

## **REQUIRED IMPROVEMENTS**

### **SECTION 83.89    Private Obstructions in Public Rights-of-way.**

No private obstructions shall be permitted within the public right-of-way. The Village shall not be responsible for any damage to private obstructions as a result of public improvement projects.

### **SECTION 83.90    Streets.**

Standard street improvements, including concrete curb and gutter, 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.

### **SECTION 83.91    Municipal Sanitary Sewers and Water Supply Systems.**

- (a) **Sewer and Water Mains.**
  - (1) Sanitary sewer mains and water mains shall be installed entirely across at least one side of each lot within all subdivisions located within the urban service area except where, in the opinion of the Village Engineer, there is no significant chance that future extensions of these mains will be necessary or desirable. All water mains should be installed in closed loops except where, in the opinion of the Village Engineer, the creation of such looped system is not important and is financially prohibitive.
  - (2) Sewer and water mains shall be similarly installed, where required by the Village Board, in any land division, or in any subdivision, located outside the urban service area.
- (b) **Connection to Municipal Sanitary Sewer and/or Water System.** Where a municipal sanitary sewer and/or water supply system is available, the subdivider shall construct or cause to be constructed, provided that the Village Board approves and authorizes such connection, all improvements necessary to connect the entire subdivision to the municipal sanitary sewer and/or municipal water system and allow the entire subdivision to be served by the municipal system(s). Such improvements shall be designed and constructed in accordance with the Village Engineer's requirements. The Village generally disfavors the extension of municipal sewer and/or water services to areas which require construction of special facilities, such as lift and pumping stations, because of such facilities' initial cost and continuing operational costs. Such costs must be addressed to the Village Board's satisfaction before plat approval will be granted.
- (c) **Oversizing of Mains.** The subdivider shall be responsible for installation of water and sewer mains of up to and including eight inches in diameter and cover depths up to and including 12 feet and of mains of greater diameter and depths if necessary solely to serve the subdivision. When, in the opinion of the Village Engineer, mains of diameter greater than eight inches or mains at cover depth greater than 12 feet are necessary solely to service areas outside the subdivision and outside the Village limits, these larger mains or greater than normal depth mains shall be constructed at the subdivider's expense. The Village Engineer shall then establish a benefited area, and the subdivider shall, for a period of 20 years thereafter, have a right of recoupment for the excess size or depth by means of annexation charges which the Village shall establish for the benefited areas. Such annexation charges shall include no interest or inflation component and shall reflect the age of the improvements and their remaining useful life. If the areas which require the greater than normal diameter or depth mains are outside the subdivision but are already within the Village limits, the subdivider shall have the option of installing such greater than normal diameter and/or depth mains at its own expense, without recoupment, or of petitioning the Village to install such mains under its statutory assessment powers.

**SECTION 83.92 Storm Sewer and Other Drainage Facilities.**

- (a) Storm sewers and all other necessary stormwater transportation, detention or retention facilities to serve the plat, as determined by the Village Engineer and Plan Commission, shall be constructed and paid for by the subdivider. Alternatively and at the Village's sole discretion, the Village may cause the necessary storm sewer and drainage facilities to be constructed at the subdivider's cost in accordance with the provisions of Section 83.111 hereof. Storm sewer and other necessary drainage facilities shall be designed and constructed in accordance with plans and specifications approved by the Village Engineer.
- (b) Overland drainage at slopes of 1% or greater shall be provided along all interior lot lines. The subdivider may submit an alternative below-ground drainage system plan. Formal drainage easements shall be provided for major drainageways.
- (c) Measures to bypass the infiltration facilities to avoid premature plugging of the system during build out shall be included in the design of the facilities.

### **SECTION 83.93 Installation 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.

### **SECTION 83.94 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.

### **SECTION 83.95 Wells, Cisterns and Storage Tanks.**

- (a) 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.
- (b) When the land included in the plat, comprehensive development plan, or certified survey map includes any aboveground 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 and 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.

**SECTION 83.96 Parks, Playgrounds and Open Spaces.**

- (a) When deemed appropriate by the Parks, Recreation and Conservancy Director, the subdivider shall be required to bring parkland 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 four 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 nor 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, Recreation and Conservancy Director. The improved area shall not be deemed officially accepted until a uniform grass cover to a two-inch height has been established. It shall be the responsibility of the subdivider to maintain the area until the Village accepts the dedication.
- (b) It shall be the responsibility of the Village to maintain the dedicated areas upon dedication and acceptance by the Village.
- (c) The subdivider shall provide dedicated park areas with a minimum of a six-inch water service lateral or at least one fire hydrant, and at least one four-inch sanitary sewer lateral, all located at the street property line, unless waived by the Parks, Recreation and Conservancy Director.
- (d) All parks shall be provided with access and frontage to a public street.

**SECTION 83.97 Lighting.**

- (a) The subdivider shall pay for the construction of standard streetlights necessary to serve the platted area which shall be installed in accordance with standard specifications approved by the Director of Public Facilities.
- (b) The subdivider shall also provide ornamental street, pedestrian way and bikeway lighting within the area being developed, upon consultation with the appropriate electric utility and as required by the Village Board and in accordance with standards approved by the Director of Public Facilities.

**SECTION 83.98 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.

**SECTIONS 83.99 – 83.101      Reserved**

**PROCEDURE FOR IMPROVEMENTS**

**SECTION 83.102 Construction Plans and Specifications.**

Prior to final plat approval, the subdivider shall prepare construction plans and specifications and submit them in hard copy and electronic form to the Administrator/Clerk-treasurer, the Village Engineer and Director of Public Facilities for review and approval. The Village Engineer shall determine in writing what plans, specifications or other information is required.

**SECTION 83.103 Private Contracts.**

The subdivider shall engage one general contractor whose qualifications have been approved by the Village Board for each major phase of construction (grading, utilities, and streets) or one general contractor for a contract which includes more than one phase of construction. No private contract shall be awarded until all bids have been reviewed by the Village Engineer.

**SECTION 83.104 Scheduling.**

A preconstruction meeting shall be held prior to commencement of any work. All scheduling of the contemplated improvements shall be approved by the Village Director of Public Facilities. All earth-disturbing activities for land divisions greater than one acre in size shall occur between May 1 and September 15 each year. Restoration of all earth disturbances shall be completed by September 15. 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 and approved by the Village Board. Construction shall not proceed until all State of Wisconsin approvals are granted.

**SECTION 83.105 Street Grading.**

- (a) 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 ensure that the established grade will be preserved. The grading of rights-of-way for principal arterial streets shall only be required where necessary to provide access to the streets or lots in the plat. Lots which abut principal arterials shall be graded to proposed street grade or to a grade approved by the Village Engineer prior to the sale of affected properties.

- (b) The subdivider shall engage a registered engineer to set subbase grade in accordance with approved center-line grade and cross section. He shall also set grade necessary to comply with other grading requirements, including vision clearance on corner lots, center-line and lot line grades for greenways, terrace grading for abutting streets and other required grades. The grading program shall consist of the following elements:
- (1) The stripping and removal of all topsoil, debris and vegetation within the street right-of-way.
  - (2) Grading of full street rights-of-way to a tolerance of plus or minus 0.1 foot, with any net deficit in the required street base course not to exceed 5%. Fill sections shall be constructed of approved materials, which do not include topsoil, debris, vegetation, etc.
  - (3) Grading beyond right-of-way to ensure that the established grade will be preserved.
  - (4) Grading of vision clearance triangle on corner lots. Maximum embankment of thirty inches 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.
  - (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.
  - (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.

### **SECTION 83.106 Utilities.**

- (a) Upon approval of the subgrading and installation of barricades, the subdivider shall proceed with the utility contract. All outstanding charges due against the lands for local sewer, interceptors, force mains, and lift stations previously installed by the Village shall be paid in full prior to the signing of the final plat by the Village Administrator/Clerk-Treasurer.

- (b) If the subdivider elects to install underground utilities and the standard street improvements in the same year, there must be satisfactory mechanical compaction of all trenches for underground utilities within the street right-of-way. In addition, the Village Engineer may require that the surface course of the asphalt street pavement be delayed until the year following completion of underground utilities, due to site or weather conditions, soils, topography, depth of utilities or traffic usage. Where the surface course is delayed, the subdivider shall place all manhole covers to their final grades and shall ramp around them with asphalt pavement to allow snowplowing during the winter.
- (c) Prior to commencing construction of any required utilities, the subdivider shall submit a copy of the approved proposed construction schedule, plans, specifications, and contract to the Village Engineer.
- (d) No underground utility construction, including that of private utility lines such as electric and gas, may take place by open-cut methods under the traveled portion of a proposed street after the street crushed aggregate base course has been finished and accepted by the Village Engineer.

#### **SECTION 83.107 Greenways for Stormwater Management.**

Greenways included within platted or replatted areas shall receive the following prescribed treatment and shall also be designed and constructed in compliance with Chapter 65, of the Village Code. In the case of conflicts, the Village Engineer shall determine which requirement shall control, generally adhering to the most restrictive requirements.

- (a) 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 plan 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 fifty-foot stations) of the greenway oriented upon a baseline 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 its agent, the subdivider 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 one-hundred-year storm for the fully developed condition.
- (b) 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.

- (c) 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 four 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.

### **SECTION 83.108 Street Construction.**

- (a) **General.** After completion of the underground utilities and approval thereof, the streets shall be constructed. Except as provided in this subsection, building permits shall not be issued prior to the installation of street improvements. Building permits may be issued upon completion of the lower, or binder, course of asphalt if a two-year street construction program is required under Section 83.106(b).
- (b) **Standard Street Improvements.**
  - (1) Standard street improvements shall include concrete curb and gutter, bituminous base course and bituminous surface course, and streetlights and pedestrian walkways when required by the Village Board. Standard street improvements shall include a minimum of 6 inch thickness of 3 inch breaker run, 6 inches of  $\frac{3}{4}$  inch, 1 inch of  $1\frac{1}{4}$  inch crushed aggregate base course, and  $3\frac{1}{4}$  inches of hot mix asphalt placed in two lifts. The Village Engineer shall retain authority throughout the project to require thicker layers of base course or pavement based upon soil conditions or on-site observations during construction. Standard street improvements for all Village streets and any town streets connecting to a Village street shall also provide for curb ramping as required by Section 66.0909, Wis. Stats.
  - (2) The construction of standard street improvements can begin only when the construction of underground utilities and compaction have been approved by the Village Engineer.
  - (3) The subdivider shall prepare final plans and specifications for the standard street improvements and submit them, together with all soil subgrade data obtained by its soils engineer, to the Village Engineer prior to final plat approval. The Village Engineer shall review the plans and specifications and shall determine and prescribe the thickness of the pavement in accordance with the functional classification of the proposed street, the anticipated traffic volume and the soil subgrade data.
  - (4) Upon written approval by the Village Engineer and the Village Board, the subdivider can proceed with the construction of the standard street improvements. Standard street improvements shall be installed to the boundary line of the subdivision unless the street culminates in a cul-de-sac, the topography or other physical conditions make it impossible to do

so, or unless this requirement is waived, in writing, by the Plan Commission.

**SECTION 83.109 Erosion and Stormwater Drainage Control.**

All subdivisions and land divisions shall comply with Chapter 65, Erosion, Sediment and Water Runoff Control, as a condition of plat or certified survey map approval. The owner(s) of the area contemplated for development shall execute and record restrictive covenants applicable to the property, subject to the approval of the Village Attorney, requiring that all improvements be constructed and maintained such that water runoff from roofs and drainage or discharge from sump pumps will be diverted to grassy areas and not to streets, sidewalks or other paved areas.

**SECTION 83.110 Inspections.**

Prior to commencing any work within the subdivision, the subdivider shall make arrangements with the Village Engineer or Director of Public Facilities to provide for resident inspection of underground utility construction with the subdivider responsible for all costs. The Village Engineer shall inspect and approve all completed work prior to approval of the final plat or any release of the security deposited pursuant to Section 83.113 and as provided by and consistent with Section 83.112.

**SECTION 83.111 Installation by Village Contract.**

Where the Village Board determines that it is in the best interests of the Village to install some or all of the required improvements by Village contract, the Village may require the subdivider to enter a legally binding agreement with the Village under applicable Village contracting procedures. If the Village determines to install some or all of the required improvements by Village contract, the plans and construction specifications required for the work shall be prepared by the Village Engineer. The cost of such plan and specification preparation, construction of the required improvements, and engineering, inspection, consulting and legal services rendered in connection with the required improvements, and all other associated costs incurred by the Village in connection with installation of the required improvements, shall be paid for by the subdivider in accordance with the agreement or shall be assessed to the subdivider or the benefited properties in the amount and under the terms and conditions as established by the Village Board.

**SECTION 83.112 Acceptance of Improvements.**

After the subdivider has installed all required improvements, the subdivider shall notify the Village Engineer in writing that the work is complete and ready for final inspection. The Village Engineer shall inspect the improvements and forward a letter to the subdivider indicating his approval or disapproval. When the improvements have been approved by the Village Engineer, the Village Administrator/Clerk-Treasurer shall prepare a final billing for any engineering, inspection, and legal fees remaining due and shall submit it to the subdivider for payment. In addition, when the improvements are situated within the corporate limits of the Village, the subdivider and all general contractors shall file lien waivers or affidavits, in a form acceptable to the Village and approved by the Village Attorney, evidencing that there are no claims, actions, or demands for damages, based upon contract or tort, arising out of or in any way related to the project and that no moneys are owed to any surveyor, mechanic, subcontractor, materialman, or laborer. When the remaining engineering, inspection, and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, a resolution accepting those improvements constructed within the corporate limits of the Village will be prepared and presented to the Village Board.

#### **SECTION 83.113 Release of Security.**

- (a) For improvements within the corporate limits.
  - (1) Unless otherwise provided for in a Development Agreement, the security furnished pursuant to Section 83.11(b) shall remain in full force for a period of 14 months after the acceptance of the improvements by the Village Board unless partially released as hereinafter provided. The guarantee period shall begin upon Board action on resolution. The security shall be held to guarantee the work performed pursuant to private contracts against defects in workmanship and materials. If any defect appears during the period of the guarantee, the subdivider or its contractor shall, at its expense, install replacements or perform acceptable repairs. In the event 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. When surface asphalt is deferred until the next construction season, a separate guarantee shall be required.
  - (2) The Village may from time to time, but no more often than monthly during the course of construction, partially release the security when:
    - a. The reduced security deposit will be sufficient to guarantee the work performed pursuant to private contracts against defects in material and workmanship or will be at least 25% of the total cost of improvements, whichever is greater;
    - b. 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
- c. An application for a partial security release has been filed with the Village Engineer on or before the 10th day of the month.
- (b) For improvements within the extraterritorial jurisdiction.
- (1) The security furnished pursuant to Section 83.11(b) shall be returned to the subdivider upon completion of all required improvements and their acceptance by the town in which they are situated unless partially released as hereinafter provided.
  - (2) The Village may from time to time, but no more often than monthly during the course of construction, partially release the security when:
    - a. The reduced security will be sufficient to assure that uncompleted improvements will be timely made and installed.
    - b. The partial release has been authorized by all other parties named as additional obligees, payees, or beneficiaries on the security furnished by the subdivider.
    - c. An application for such partial release has been filed with the Village Engineer on or before the 10th day of the month.

**SECTION 83.114 Conditions for Plat or Certified Survey Approval.**

The Administrator/Clerk-Treasurer 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:

- (a) The agreement to provide all required improvements has been executed by the subdivider and approved by the Village Board;
- (b) The security required by Section 83.11(b) has been posted;
- (c) Any parkland dedication fees and application and review fees imposed pursuant to Sections 83.12(b)(2) and 83.120 known to that date have been paid;
- (d) Any area assessments or outstanding charges have been paid;
- (e) Fully executed deed restriction documents, waivers or other documents required by the Village Board have been provided; and
- (f) The subdivider has met all other requirements.

**SECTIONS 83.115 – 83.117 Reserved**

**ADMINISTRATION**

### **SECTION 83.118 Building Permits.**

No building permit shall be issued for erection of a structure on a parcel created by any act of division of land within the corporate limits of the Village until all required improvements have been made and installed and have been inspected and accepted by the Village in accordance with Section 83.112 of this chapter and all other provisions of this chapter have been complied with. Where, under Section 83.106(b) of this chapter, a two-year street construction program has been allowed, building permits may be issued after completion of the curb and gutter, crushed aggregate base course and the lower layer of the asphalt pavement. Strict compliance with this provision may be waived, in whole or in part, in accordance with the provisions of Section 83.121 of this chapter. 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.

### **SECTION 83.119 Fees.**

- (a) **Review Fees.** At the time of submitting the preliminary plat, final plat or Comprehensive Development Plan, the subdivider shall pay the applicable review fees as periodically established by Village Board resolution.
- (b) **Engineering, Inspection, Consulting and Legal Fees.**
  - (1) **Payment for Review Services.** The subdivider shall pay all administrative costs incurred by the Village for studying and reviewing the proposed development plans of the subdivider incurred prior to and through the date of a formal subdivision or development submission. Further, the subdivider shall pay all administrative costs incurred by the Village for studying and reviewing the proposed development plans of the subdivider incurred from the date the project is submitted up to and through the date the project receives final approval from the Village or the date the project is withdrawn by the subdivider. These costs shall include, but not be limited to because of enumeration, planning, legal, engineering, and Village staff service costs incurred by the Village in connection with the review of the subdivider's plans and review of compliance with all Village ordinances. The legal, planning and/or engineering consultants retained by the Village are acting exclusively on behalf of the Village and not the subdivider.
  - (2) **Guarantee of Payment.**
    - a. The subdivider shall reimburse the Village for all administrative costs described in Subsection (b)(1) and as required by Village ordinance as the same shall be billed from time to time by the Village. The subdivider shall deposit with the Village Administrator/Clerk-Treasurer, in escrow, the cash sum of \$5,000 for developments of five acres or less and \$7,500 for developments of greater than five acres to ensure performance of the promise or guarantee of reimbursement. The Village may draw upon the escrow from time to time as necessary to reimburse the Village for fees and

expenses incurred. If at any time moneys in the escrow are insufficient to pay expenses incurred by the Village for planning, legal, engineering, and staff services, the subdivider shall deposit additional amounts as determined by the Village within 15 days of written demand or further review and evaluation of the proposed development shall be delayed or terminated.

- b. Payment of all administrative costs shall be a condition of any further approvals required from the Village. Further, should the subdivider withdraw the project and the amount of the escrow is insufficient to cover all of the Village's administrative, planning, legal, and engineering costs, the subdivider shall immediately reimburse the Village within 15 days of final billing. Should the subdivider withdraw the project or the project reach completion and there are sums held in escrow by the Village which shall exceed the final amount owed to the Village, the Village shall return all excess funds in escrow to the subdivider within 15 days of reconciling the final billing statement with the subdivider.
- (3) **Default.** In the event of default by the subdivider, in addition to any other remedies to which the Village may be entitled, the Village shall recover from the subdivider all of its costs in enforcing this chapter, including actual attorney fees, and may elect to collect the administrative costs and all costs of collection as a special charge upon the new tax roll on lands being reviewed if owned by the subdivider pursuant to the authority of Section 66.0627, Wis. Stats.

### **SECTION 83.120 Variances and Waivers.**

- (a) **Procedure.** Variance from, or waivers of, any of the specific terms or provisions of this chapter, other than those required by state law, may be granted for any land division 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:
  - (1) A request for a variance or waiver shall be submitted in writing to the Village Administrator/Clerk-Treasurer, who 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 chapter, and would not

impede the desirable development of the Village in accordance with an adopted Comprehensive Plan.

- (2) A three-fourths affirmative vote of the entire membership of the Village Board is required to grant a variance or waiver under this section. 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 chapter, and would not impede the desirable development of the Village in accordance with an adopted 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.
- (b) **Other Provisions Remain Applicable.** If a variance or waiver is granted for one or more provisions of this chapter, the land division or subdivision remains subject to all other applicable provisions of this chapter and related ordinances.
- (c) **Procedure Prevails.** This procedure applies to all waivers or variance requests under this chapter whether or not specifically noted and notwithstanding general waiver language.
- (d) **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 chapter to require that both the Plan Commission and Village Board approve the variance or waiver request before it can be granted.

### **SECTION 83.121 Appeals.**

- (a) 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 to 15, Wis. Stats.
- (b) The provisions of Ch. 68, Wis. Stats., shall not be applicable to any determination made pursuant to the provisions of this chapter.

### **SECTIONS 83.122 – 83.124 Reserved**

## **DEFINITIONS**

### **SECTION 83.125 Definitions.**

In this chapter, 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:

- (a) **Act Of Division.** The division of a lot or parcel of land into two or more parcels.
- (b) **Certified Survey Map.** A drawing meeting all of the requirements of Section 236.34, Wis. Stats., which is the map or plan of record for a land division.
- (c) **Cluster Development.** A development pattern and technique wherein structures are arranged in closely related groups to enable building at higher densities in certain areas while preserving natural features in others. A cluster development would normally incorporate private common open space areas and give emphasis to the pedestrian as opposed to the automobile in its design. The development might also contain owner-occupied row housing with privately owned common property comprising a major element of the development. The provisions of Sections 83.76 through 83.85 relating to design standards may be waived for cluster developments by the Village Board upon recommendation of the Plan Commission and the Village Engineer.
- (d) **Community Park.** A park that serves several neighborhoods and has community-organized recreational facilities for people of all ages. Community parks may contain facilities like facilities in a neighborhood park. Community parks may also include structures such as a swimming pool, elaborate ball fields, larger play areas, tennis courts, ice-skating rinks, picnic areas, volleyball courts, shelters, skateboard park, and rest room facilities. These parks generally include parking. The general service area is within a one- to two-mile radius.
- (e) **Comprehensive Development Plan (CDP).** A total site plan of an area of land 80 contiguous acres or more in size all under the control of a developer(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. The term “comprehensive development plan” shall include cluster development.
- (f) **Comprehensive Plan.** Any master, development or regional plan adopted pursuant to Sections 61.35, 62.23 and 66.0309, Wis. Stats., including but not limited to proposals for future land use, transportation, urban development and public facilities, which is applicable to the Village.
- (g) **Conservancy Park.** Areas that contain environmentally significant and sensitive features, such as landforms, outcrops, vegetation, wildlife, and water features. These areas provide several important benefits to the community, including preserving locations of scenic beauty or other unique natural features; preserving wetlands, floodplains, hillsides, and hilltops; and constraining noise, air pollution, and excessive lighting. These areas provide open space for low-impact recreational use, such as nature study, hiking, and cross-country skiing. Some of these areas, because of their sensitivity, are not readily accessible to all members of the public. However, these areas benefit the community by improving the overall quality of life.
- (h) **Curb Face to Curb Face.** All of the paved portion of the street plus the concrete portion of the gutter.

- (i) **Driveway.** A surfaced vehicle access from private property to a public street.
- (j) **Extraterritorial Plat Approval Jurisdiction.** The unincorporated area within 1 ½ miles of Village limits.
- (k) **Family.** An individual or two or more persons, each related by blood, marriage or adoption or guardianship, living together as a single housekeeping unit, or a group of not more than four persons not so related maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.
- (l) **Final Plat.** The map or plan of record of a subdivision and any accompanying material as described in Section 83.45 through 83.54.
- (m) **Greenway.** An open area of land, the primary purpose of which is to carry stormwater 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, stormwater retention basins, park development and other related uses.
- (n) **Hillside.** The area of greater than twenty-percent slope lying between the base of the hillside and the top of the hillside.
- (o) **Hillside, Base of.** As shown on Exhibit A-1, the higher elevation end of a twenty-percent slope, where the slope is determined by measurement from an area of lower elevation and of slope less than or equal to 20% to an area of higher elevation and of slope greater than 20%.
- (p) **Hillside, Top of.** The higher elevation end of a twenty-percent slope, where the slope is determined by measurement from an area of higher elevation and of slope less than or equal to 20% to an area of lower elevation and of slope greater than 20%.
- (q) **Hilltop.** An area of twenty-percent or less slope, exclusive of the hilltop edge, which lies at an elevation of 924 feet or above and is contiguous with the hilltop edge.
- (r) **Hilltop Edge.** An area, measured upslope from the top of hillside and perpendicular to the slope, being 150 horizontal feet in depth.
- (s) **Land Division.** A division of a parcel of land where the act of division creates fewer than five lots, parcels or building sites of 15 acres each or less in area.
- (t) **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.
- (u) **Lot, Corner.** A lot abutting two streets shall be considered to have two street yards.
- (v) **Lot, Double Frontage.** A lot which is not a corner lot and abuts two or more streets, with possible vehicular access to both streets.
- (w) **Lot, Reverse Frontage.** A double frontage lot for which the boundary along one of the streets is established as the rear lot line.

- (x) **Neighborhood Park.** A park that provides a blend of open space for passive or spontaneous recreation with developed playground areas for active recreation and designed for use primarily by neighborhood residents of all ages. Depending on the size and composition of the neighborhood, the site could include features such as playground equipment for preschool and elementary age children; older youth facilities, such as a skateboard area, basketball and/or volleyball area, or baseball/softball fields; and other similar amenities. Park sites would ideally be partially scenic or wooded with some open space for future facilities as needs arise. It is important that the site be easily accessible to all ages and physical capabilities. The general service area is within a one-fourth to one-half-mile radius.
- (y) **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), Wis. Stats.
- (z) **Outlot.** A parcel of land, other than a lot or block, so designated on the plat or certified survey map.
- (aa) **Parcel.** Contiguous lands under the control of a subdivider whether or not separated by streets, highways, or railroad rights-of-way.
- (bb) **Plan Commission.** The Plan Commission of the Village of Cross Plains.
- (cc) **Planned Commercial Site.** A specified area of land comprising one or more contiguous ownership parcels or building sites for nonresidential uses and which area is legally limited by a reciprocal land use agreement and plan of building placement, reciprocal use of off-street parking facilities and reciprocal use of ingress and egress facilities for each building, loading and parking site. A planned commercial site must have a plan and reciprocal land use agreement approved by the Village of Cross Plains recorded in the office of the Dane County Register of Deeds. An approved plan and reciprocal land use agreement may not be changed without approval by the Village of Cross Plains. No portion of a planned commercial site may include or front on a street, highway, walkway, parkway, or utility route designated in the Village Comprehensive Plan or Official Map at the time of initial recording unless the designated facility is in public ownership or easement.
- (dd) **Planned Development District (PDD).** Zoning districts provided for in the Dane County and local zoning ordinances which allow diversification and variation in the physical development of land in return for an improved environment.
- (ee) **Preliminary Plat.** A map showing the salient features of a proposed subdivision or land division, as described in sections 83.33-83.41 of this chapter, submitted to the Village for purpose of preliminary consideration prior to all final plats and, when required, prior to all land divisions.
- (ff) **Public Way.** Any public road, street, highway, walkway, drainageway, or part thereof.
- (gg) **Replat.** The 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.
- (hh) **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.
  - (ii) **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.
    - (1) **Arterial Streets and Highways.** Those streets, such as Hwy 14, Hwy KP and Hwy P, which provide rapid movement of concentrated volumes of traffic over relatively long distances..
    - (2) **Collector Streets.** Those streets which provide moderate-speed movement of persons and goods within large areas. They are basically local streets which usually, because of more directness of routing and higher capacity than other local streets, receive higher volumes of traffic to be distributed from or collected toward nearby arterial streets.
    - (3) **Local Streets.** Those streets which are designed for low speeds and volumes and are to provide access from low-generation land activities to the collector and arterial systems.
    - (4) **Frontage Streets.** Those streets which are parallel and adjacent to arterial streets and highways and which provide access to abutting properties and protection from through traffic.
    - (5) **Alleys.** Those streets which are a secondary means of access for vehicular service to the back or side of properties otherwise abutting on a street.
  - (jj) **Structure.** Anything which has the capacity to contain, 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.
  - (kk) **Subdivider.** Any person, firm, corporation, partnership, or entity of any sort who or which divides or proposes to divide land in any manner which results in a land division or subdivision.
  - (ll) **Subdivision.** The division of a lot, parcel or tract of land where the act of division:
    - (1) Creates five or more lots, parcels or building sites of 15 acres each or less in area; or
    - (2) Creates five or more lots, parcels or building sites of 15 acres each or less in area by successive divisions within a period of five years.
  - (mm) **Suitable.** Land of sufficient type and size to serve as or contribute to a neighborhood park, community park, conservancy park, or trail or linear parkway. Factors to consider in determining whether land is suitable for one or more park purposes include, but are not necessarily limited to, whether the Village Comprehensive Plan, Official Map, or Park Plan indicates that the land should be used for park purposes; the topography and natural features of the land; whether

the land would allow the types of passive and active recreational activities that occur in the type of park under consideration; and the availability of another park that already serves the land to be subdivided (for example, the existence of a community park within one-half-mile walking distance indicates that the land may not be suitable for a community park but the land may be suitable for other park purposes, such as a neighborhood park, trail or linear parkway, or conservancy park).

- (nn) **Trails and Linear Parkways.** Sidewalks officially designated for bicycle trails, snowmobile trails, hiking and jogging trails, nature trails, cross-country ski trails, pathways connecting neighborhoods with parks, playgrounds, schools and other public facilities, recreational areas, and park access pathways. Sometimes such lands are leased or contained within the right-of-way of existing transportation corridors. Linear parkways may include minimal facilities such as benches, picnic tables, or play lots. The most efficient linear trail systems either connect to a larger trail, whether local, regional, or national, or have a defined final destination.
- (oo) **Twenty-Percent Slope.** A vertical elevation differential of 10 feet in 50 horizontal feet, the horizontal distance being measured perpendicular to the slope.
- (pp) **Urban Service Area.** That area within the Village of Cross Plains 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.
- (qq) **Viewshed.** An open view from a lower elevation of the natural topography, features and vegetation of the hillsides, hilltop edge and hilltop undisturbed by man-made structures (except for vegetated screening and/or vegetated earthen berms only within the hilltop), uses or activities except as permitted in this chapter.
- (rr) **Village.** The Village of Cross Plains, Dane County, Wisconsin.

#### **Exhibit A-1: Base of Hillside**

