

# TITLE 10 CHAPTER 3

## LAND DIVISION REGULATIONS

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## ARTICLE A - ADOPTION AND INTRODUCTION

### SECTION 10-3-1 Introduction and Purpose

- (a) INTRODUCTION. In accordance with the authority granted by sec. 236.45, Wis. Stats., and for the purposes listed in secs. 236.01 and 236.45, Wis. Stats., the Village Board of the Village of Friendship hereby ordains as follows:
- (1) The provisions of this Chapter are minimum requirements adopted to promote the health, safety, morals, comfort, prosperity, and general welfare of the Village.
  - (2) This Chapter shall not repeal, impair, or modify private covenants or public ordinances, except that it shall apply whenever it imposes stricter restrictions on land use.
- (b) PURPOSE. The purpose of this Chapter is to promote the public health, safety, convenience, and general welfare. The regulations are designed to lessen congestion in the Streets; to foster the orderly layout and use of land; to insure safety from fire, flooding, panic, and other dangers; to provide optimum light and air; to discourage overcrowding of the land; to lessen concentration of population; to facilitate adequate provision of transportation, public water and sewerage, schools, parks, playgrounds, and other public necessities; and to facilitate the further division of large tracts of land into smaller Parcels. The regulations are made with reasonable consideration of, but not limited to, the present character of the Village and its environment with the objectives of conserving the value of the land and improvements placed thereon, providing the most appropriate environment for human habitation, encouraging commerce and industry, and providing for the most appropriate use of land in the Village.
- (c) DISCLAIMER ON APPROVALS.
- (1) This Chapter shall not be interpreted as placing any responsibility or liability on any Village official, Village employee, or the Village, as a municipal corporation, for the granting of approval or the denial of any approval.
  - (2) Approvals issued by the Village shall not be construed as an assumption or expression of any responsibility, warranty, or guarantee for the design or construction of any improvements within the Land Division.

### SECTION 10-3-2 Severability and Repeal

- (a) SEVERABILITY. If any section, portion, or provision of this Chapter is invalid or unconstitutional or if the application of this Chapter to any Person or circumstances is adjudged invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Chapter which can be given effect without the invalid or unconstitutional provision or application.
- (b) REPEAL. All other ordinances or parts of ordinances of the Village inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.

## ARTICLE B -- DEFINITIONS

### SECTION 10-3-3 Definitions

- (a) ALLEY. A public or private Right-Of-Way shown on a Plat which provides secondary access to a Lot, Block, or Parcel of land.
- (b) ARTERIAL STREET. A Street which provides for the movement of relatively heavy traffic to, from, or within the Village. It has a secondary function of providing access to abutting land.
- (c) BIKEWAY. A bike route completely apart from a Street and restricted to bicycle, pedestrian, and maintenance vehicle traffic.
- (d) BLOCK. An area of land within a Subdivision that is entirely bounded by a combination or combinations of Streets, exterior boundary lines of the Subdivision, and streams or water bodies.
- (e) BUILDING LINE OR BUILDING SETBACK LINE. A line parallel to a Lot Line and at a distance from the Lot Line so as to comply with the yard and setback requirements of the Village Zoning code, or any restriction on the Plat which identifies a line on the Plat as a Building Setback Line.
- (f) CERTIFIED SURVEY MAP ("CSM"). A map intending to create not more than four (4) Parcels of land as provided in sec. 236.34, Wis. Stats. Certified Survey Map shall, in addition to the provisions of sec. 236.34, Wis. Stats., bear a certificate of approval of the Village Board certified by the Village Clerk.
- (g) COLLECTOR STREET. A Street which collects and distributes internal traffic within an Urban Area, such as a residential neighborhood, between Arterial and Local Streets. It provides access to abutting property.
- (h) COMMISSION. The Plan Commission created by the Village Board pursuant to secs. 61.35 and 62.23, Wis. Stats.
- (i) COMMON ELEMENTS. The Common Elements shall consist of all of the Condominium, except individual units and fixtures therein, and shall include, without limitation, the land on which the building(s) are located; building exteriors, bearing walls, floors and ceilings (except the interior unfinished surfaces thereof), which form the outer boundaries of a Unit; roofs; foundations; pipes; ducts; electrical wiring and conduits; utility services; public utility lines; water and sewer laterals; outside walls; girders, beams and supports; and the walks, driveways, porches. Patios, outdoor parking areas, landscaping; and all tangible property required for maintenance of the Condominium, even though owned by an Association.
- (j) COMPREHENSIVE DEVELOPMENT PLAN ("CDP"). A plan depicting the entire area

of contiguous real estate under the control and/or Ownership of the Developer, which area of land the Developer intends to develop in stages, with a separate Final Plat or CSM for every stage. The CDP shall depict, in sufficient detail as required by this Chapter, the end result of the development once all stages are complete.

- (k) CONDOMINIUM DEVELOPMENT OR CONDOMINIUM. A real estate development in which a Condominium form of Ownership, pursuant to Chapter 703, Wis. Stats., is subject to.
- (l) CONSOLIDATION. Merging two (2) or more Parcels into a single Parcel.
- (m) CONVEYANCE. Where the title or a part of the title to an interest in real estate is transferred by the execution and delivery of a land contract, option to purchase, offer to purchase and acceptance, deed, or other document of Conveyance.
- (n) COPY. A true and accurate Copy of all sheets of the original Plat or CSM. Such copies shall be on durable, white, mat-finished paper with legible dark lines and lettering.
- (o) CUL-DE-SAC. A short Street having one end open to traffic and the other end being permanently terminated in a vehicular turn around.
- (p) DEAD END STREET. A Street permanently or temporarily closed at one end, with or without turnarounds.
- (q) DIVISION OF LAND OR LAND DIVISION. A division of a Lot, Parcel, or tract of land, or Replat of land by the Owner or the Owner's agent for any purpose including sale or development.
- (r) DRAINAGEWAY OR GREENWAY. An open area of land, either in an Easement or dedicated Right-Of-Way, the primary purpose of which is to carry storm water on the ground surface in lieu of an enclosed storm sewer. A Drainageway may serve multiple purposes in addition to its principal use including but not limited to, maintenance, bicycle and pedestrian traffic, sanitary sewers, water mains, storm sewers, storm water detention, park development and other related uses.
- (s) EASEMENT. The area of land set aside or over or through which a privilege, use or advantage in land, distinct from ownership of the land, is granted to the public or any part thereof or some particular person.
- (t) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. The unincorporated area within one and one-half (1-1/2) miles of a fourth class city or a Village and within three (3) miles of all other cities (hereinafter "Extraterritorial Jurisdiction").
- (u) FINAL PLAT. The final map, drawing, or chart on which the Subdividers plan of Subdivision or Condominium Development is presented for approval and which, if approved, will be submitted to the county register of deeds for recording.
- (v) FRONTAGE STREET. A Minor Street auxiliary to and located on the side of an Arterial

Street for control of access and for service to the abutting development.

- (w) LOCAL STREET. A Street of little or no continuity designed to provide access to abutting property and leading into Collector Streets.
- (x) LOCATION MAP. A plan prepared by the Subdivider and presented during the pre-application procedure. The plan should depict the proposed development in sufficient detail so as to further understanding and discussion between the Subdivider and the Plan Commission during the pre-application procedure.
- (y) LOT. A Parcel of land, having frontage on a public street or other officially approved means of access, intended for building development or as a unit for transfer of ownership 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.
- (z) LOT AREA. The area contained within the exterior boundaries of a Lot excluding streets and land under navigable bodies of water.
- (aa) LOT, CORNER. A Lot abutting intersecting streets at their intersection.
- (bb) LOT LINES. The peripheral boundaries of a Lot as here defined.
- (cc) LOT, REVERSED CORNER. A Corner Lot which is oriented so that it has its rear Lot Line coincident with or parallel to the side Lot Line of the interior Lot immediately to its rear.
- (dd) LOT, THROUGH. A Lot having a pair of opposite Lot Lines along two more or less parallel public Streets and which is not a Corner Lot. On a "Through Lot," both Street Lines shall be deemed front Lot Lines.
- (ee) LOT WIDTH. The width of a parcel of land measured along the front Building Line.
- (ff) MAJOR THOROUGHFARE. A Street used or intended to be used primarily for fast or heavy through traffic. Major Thoroughfares shall include freeways, expressways, and other highways and parkways as well as Arterial Streets.
- (gg) MASTER PLAN. A comprehensive plan prepared by the Village indicating the general locations recommended for the various functional classes of land use, places and structures, and for the general physical development of the Village and includes any unit or part of such plan separately adopted and any amendments to such plan or parts thereof.
- (hh) MINOR STREET. A Street used, or intended to be used, primarily for access to abutting properties; also referred to as a "Local Street."
- (ii) OFFICIAL MAP. A map indicating the location, width, and extent of existing and proposed Streets, highways, Drainageways, parks, playgrounds, and other facilities, as

adopted by the Village Board pursuant to Chapter 62, Wis. Stats.

- (jj) OUTLOT. A parcel of land, other than a Lot, so designated on a Plat or Certified Survey and which is not intended for building or structure development in the proposed Land Division, except structures relating to the provisions of public utility and/or recreation services.
- (kk) OWNER. Includes the plural as well as the singular and may mean either a natural Person, firm, association, partnership, private corporation, public or quasi-public corporation, or any other legal entity or a combination of any of the foregoing.
- (ll) PARCEL. Contiguous lands under the control of a Subdivider whether or not separated by a combination of Streets, exterior Subdivision boundary lines, streams, or other water bodies.
- (mm) PEDESTRIAN PATHWAY. A public way, usually running at right angles to Streets, which is intended for the convenience of pedestrians only. It may also provide public right-of-way for utilities.
- (nn) PERSON. Includes the plural as well as the singular and may mean any individual, firm, association, syndicate, partnership, corporation, trust, or any other legal entity.
- (oo) PHASED PROJECT. Where the Subdivider intends to develop an area of real estate owned or controlled by the Subdivider, in separate stages involving individual Plats or CSM's per stage.
- (pp) PLANNED UNIT DEVELOPMENT OR PUD. A form of development usually characterized by a unified site design for a number of housing units. The concept usually involves clustering of buildings, providing common open space, and mixing different types of housing (single family, duplexes, and multi-family). Ordinances permitting Planned Unit Developments permit planning a project and calculating densities for the entire development rather than on an individual lot-by-lot basis. It is hereby declared that regulating Planned Unit Developments requires greater involvement of public officials in site plan review and development aspects of both zoning and Land Division regulation since such developments require exceptions from both types of regulation.
- (qq) PLAT. The map, drawing, or chart on which the Subdivider's plan of Subdivision or plan of Condominium Development is presented to the Village for approval.
- (rr) PRELIMINARY PLAT. The Preliminary Plat map, drawing, or chart indicating the proposed layout of the Subdivision or Condominium Development to be submitted to the Plan Commission for its consideration as to compliance with the Master Plan and Village Ordinances, along with required supporting data.
- (ss) PROTECTIVE OR RESTRICTIVE COVENANTS. Contracts entered into between private parties or between private parties and public bodies pursuant to sec. 236.293, Wis. Stats., which constitute a restriction on the use of real estate within a Land

Division for the benefit of the public or property Owners or others.

- (tt) PUBLIC IMPROVEMENTS. An addition made to real estate intended to enhance its value, beauty, or utility or to adapt it for new or future purposes. Public Improvements include, but are not limited to, streets, sidewalks, sewers, and utilities.
- (uu) RECORDING. The act of recording of the Preliminary Plat, Final Plat, CSM or CDP with the Adams County Register of Deeds.
- (vv) REPLAT. The process of changing, or a map or Plat which changes, the boundaries of a recorded Subdivision Plat or part thereof. The legal dividing of a large Block, Lot, or Outlot, within a recorded Subdivision Plat without changing exterior boundaries of said Block, Lot, or Outlot is not a Replat.
- (ww) RIGHT-OF-WAY. A public way dedicated to the public for its intended use.
- (xx) SHORELANDS. Those lands within five hundred (500) feet, horizontally, from the high-water elevation of navigable lakes, ponds and flowages.
- (yy) STREET. A public way for pedestrians and vehicular traffic and utility access including but not limited to highways, thoroughfares, parkways, through highways, roads, avenues, boulevards, lanes, places, and courts, and any pavements, turf, fixtures, facilities, structures, plantings, signs, and other elements of the Right-Of-Way.
- (zz) STRUCTURE. Anything constructed or erected, the use of which requires more or less permanent location on the ground, or attached to something having permanent location on the ground, excepting public utility fixtures and appurtenances.
- (aaa) SUBDIVIDER. Any Person or entity of any sort which divides or proposes to divide, by Plat, Certified Survey or Replat land in any manner including such heirs and assigns as may be responsible for the obligations of the Subdivider under the provisions of this Chapter. In those sections that apply to Condominiums, the term Subdivider shall include Condominium developers.
- (bbb) SUBDIVISION. A division of a Lot, Parcel, or tract of land by the Owner thereof, or the Owner's agent, for the purpose of sale or of building development where:
  - (1) the act of division creates five (5) or more Parcels, or building sites of one and one-half (1-1/2) acres each or less in area; or
  - (2) five (5) or more Parcels, or building sites of one and one-half (1-1/2) acres each or less in area are created by successive divisions within a period of five (5) years.
- (ccc) URBAN SERVICE AREA. That portion of the Village and that area within its Extraterritorial Jurisdiction which has been designated by the Village Board (or other governmental body having appropriate jurisdiction thereof) as the area to which services required in Urban Areas shall be provided in a planned and orderly process, particularly those facilities which are placed on or in the land as part of the urban development process. Such services include but are not limited to public sanitary and storm sewers, water supply and distribution system, and streets and highways.



(ddd) VILLAGE. "Village," as used throughout this Chapter, refers to the Village of Friendship. The Village of Friendship is a municipal corporation organized under the laws of Wisconsin with a defined territory and the power to regulate the local or internal affairs of its territory. "Village" may be used to refer to a defined territory or the body politic.

(eee) ZERO LOT LINE. The term "Zero Lot Line" or "Zero Lot Line Parcel" shall refer to a parcel that has been subdivided into two lots with a 2 unit dwelling located on the parcel such that there is a common sidewall between the two units that is congruent or coincidental with the side lot line created by the subdivision.

## ARTICLE C -- GENERAL REQUIREMENTS

### SECTION 10-3-4 General Provisions

- (a) COMPLIANCE. No Person shall develop a Condominium nor divide any land subject to this Chapter which results in a Condominium Plat, Subdivision, CSM or a Replat; no such Condominium Plat, Subdivision, CSM or Replat shall be entitled to be recorded; and no Street shall be laid out or improvements made to land without compliance with all requirements of this Chapter and the following:
- (1) The provisions of Chapters 236 and 703 and sec. 80.08, Wis. Stats.
  - (2) The roles of the Department of Administration contained in Wisconsin Administrative Code Comm 85, for Subdivisions not served by public sewer.
  - (3) The roles of the Division of Highways, Wisconsin Department of Transportation, contained in Wisconsin Administrative Code Chapter Trans. 233 for Subdivisions which abut a state trunk highway or connecting Street.
  - (4) The rules of the Wisconsin Department of Natural Resources contained in the Wisconsin Administrative Code for Floodplain Management Program, Sewerage Systems and Water Systems.
  - (5) Comprehensive plans or components of such plans prepared by state, regional, county, or municipal agencies duly adopted by the Village Board.
  - (6) All applicable Village and county regulations and ordinances including zoning, sanitary and building ordinances.
  - (7) The Village of Friendship Comprehensive Plan and Official Map.
  - (8) All applicable rules contained in the Wisconsin Administrative Code not listed in this subsection.
  - (9) All applicable rules as approved by the Wisconsin Public Service Commission.
- (b) JURISDICTION.
- (1) Rule. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Friendship and the Extraterritorial Jurisdiction of the Village of Friendship.
  - (2) Specific Transactions Excluded From Application of This Chapter. The provisions of this Chapter, as they apply to divisions of tracts of land into less than five (5) Parcels, shall not apply to:
    - a. transfers of interests in land by will or pursuant to court order;
    - b. leases for a term not to exceed ten (10) years, mortgages or

- Easements;
  - c. the sale or exchange of parcels of land between Owners of adjoining property if additional Lots are not thereby created and the Lots resulting are not reduced below the minimum sizes required by this Chapter or other applicable laws or ordinances;
  - d. cemetery Plats under see. 157.07, Wis. Stats.; and
  - e. assessor's Plats made under see. 70.27, Wis. Stats., but such assessor's Plat shall comply with sees. 236.15(1)(a) through (g) and 236.20(1) and (2)(a) through (c), Wis. Stats.
- (c) CERTIFIED SURVEY. Any Division of Land other than a Subdivision as defined in sec.236.02(12), Wis. Stats., shall be surveyed and a CSM prepared as provided in sec. 236.34, Wis. Stats.
- (d) PERMITS. No building permit or other permit shall be issued by the Village authorizing the building on or improvement of any parcel of land not on record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been met, except as otherwise provided for by law.
- (e) SUITABILITY. No land shall be subdivided for residential, commercial, or industrial use which is held unsuitable for such use by the Village Board upon the recommendation of the Plan Commission, for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography, 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 Board, in applying the provisions of this section, shall in writing recite the particular facts upon which it bases its conclusion that the land is not suitable for residential, commercial, or industrial use and afford the Subdivider an opportunity to present information regarding such unsuitability if he/she so desires. Thereafter the Village Board, upon the recommendation of the Plan Commission, may affirm, modify, or withdraw its determination of unsuitability.
- (f) EXISTING FLORA. The Subdivider shall make every effort to protect and retain all existing trees, shrubbery, vines, and grasses not actually laying in public roadways, drainage ways, building foundation sites, private driveways, soil absorption waste disposal areas, paths, and trails. Such flora will be protected and preserved during construction in accordance with sound conservation practices, possibly including the preservation of trees by well islands or retaining walls whenever abutting grades are altered, pursuant to a landscaping plan filed by the Subdivider.
- (g) RECORDING OF PLATS, CSMs and CDPs. Final Plats, CSMs and CDPs approved by the Village Board of the Village of Friendship must be recorded with the county register of deeds within thirty (30) days of the date of final approval and not later than six (6) months following the date of the first approval thereof. Land Divisions shall not be recognized by the Village until such Final Plat, CSM or CDP evidencing the Land Division is recorded with the Register of Deeds. The volume, page, and document numbers of the recording shall be filed with the Village Clerk prior to the issuance of any building permits. The Subdivider shall file ten (10) certified copies of the approved Final Plat, CSM or CDP showing thereon the recording data from the Register of

Deeds, with the Village Clerk, and shall include a digital format compatible with the current Village GIS. Such certified and digital copies shall be in a format acceptable to the Village Clerk. All recording fees shall be paid by the Subdivider.

- (h) CALCULATION OF TIME WHEN ACTION IS REQUIRED. The time period within which action is required by the Village Board and/or Plan Commission, shall not begin prior to the time the Village Clerk has received all completed documents required by this Chapter to be submitted prior to the taking of any action. Upon receipt of all necessary documents, the Village Clerk will notify the Subdivider in writing of the date that the Village is in possession of all necessary completed documents. The date of this written notification shall be the beginning of the time period within which action is required by the Village Board and/or Plan Commission.
- (i) FILING FEE. No Preliminary Plat, Final Plat, CSM or CDP will be accepted for filing with the Village Clerk unless the fees required under SECTION 10-3-32 hereof have been remitted by the Subdivider to the Village Clerk.
- (j) UNPAID ASSESSMENTS/TAXES. A Final Plat or CSM shall not be approved by the Village Board if there are unpaid special assessments or real estate taxes on the land. Approval may issue when the Village Clerk certifies, on the face of the Final Plat or CSM or by a separate document attached to the Final Plat or CSM, that there are no unpaid special assessments or taxes on the land.

## ARTICLE D -- CONDOMINIUMS

### SECTION 10-3-5 Condominium Developments

- (a) APPLICABILITY TO CONDOMINIUMS.
- (1) General Rule. Pursuant to sec. 703.27(1), Wis. Stats., this Chapter is made expressly applicable to Condominium Developments within the Village's jurisdiction. For purposes of this Chapter, a Condominium unit and any associated limited or general common elements shall be deemed to be equivalent to a Lot or Parcel created by the act of Subdivision.
- (2) Certain Condominiums Excluded From General Rule. The provisions of this ordinance shall not apply to:
- a. A single principal building located on a single Lot or Parcel which is in compliance with the current zoning and land use ordinances and which is subsequently transformed into a Condominium, without resulting in a Land Division.
  - b. A Condominium consisting of a single principal building which is constructed after adoption of this ordinance, is situated on a single Lot or Parcel, and which does not involve a Division of Land.
  - c. Condominiums that exist as of the date of enactment of this ordinance, except to the extent such condominiums are expandable pursuant to Section 703.26, Stats, in which event, the expansion is subject to the provisions of this Article D.

(b) PURPOSE.

- (1) The Village Board finds that certain issues arise in Condominium developments that require limited applicability of this Chapter. The State Legislature has recognized that Subdivision ordinances may apply to Condominiums but that Subdivision ordinances shall not impose requirements upon Condominiums that are different from those imposed on other property that is physically identical but under a different form of Ownership.
- (2) This Chapter applies to Condominium Developments since Condominiums involve the creation of multiple, distinct property entities or units at or near the ground surface, subject to property taxation as separate Parcels, each of which may have different Ownership and management. The Village Board determines that this makes a Condominium Development dissimilar, both physically and in ownership, from developments in which the land and improvements are under unitary Ownership, management and control.
- (3) The Village Board finds that Condominium Developments can place impacts on community resources in the same manner as other new developments, which are characterized by the Division of Land into Lots. These impacts include:
  - a. Additional population density.
  - b. Possibility of use of particular land in a manner unsuitable to the land's characteristics.
  - c. Additional demands upon the Village's parks, recreation areas, utilities and schools.
  - d. Additional traffic and Street use.
- (4) A Condominium Development Plat shall be procedurally treated as a CSM for purposes of the portions of Chapter Three applicable to Condominium Developments.

(c) PORTIONS OF CHAPTER THREE APPLICABLE TO CONDOMINIUM DEVELOPMENTS

The following sections of this Chapter shall apply to Condominium Developments.

- (1) ARTICLE A - ADOPTION AND INTRODUCTION
- (2) ARTICLE B - DEFINITIONS
- (3) ARTICLE C - GENERAL PROVISIONS
- (4) SECTION 10-3-6 RELATING TO THE PREAPPLICATION PROCEDURE
- (5) SECTION 10-3-9 RELATING TO CSM APPROVAL. THIS STAGE OF APPROVAL SHALL BE THE ONLY APPROVAL REQUIRED FOR A CONDOMINIUM DEVELOPMENT.
- (6) ARTICLE H - REQUIRED IMPROVEMENTS
- (7) ARTICLE I - PARK AND PUBLIC LAND DEDICATIONS
- (8) ARTICLE J - FEES

(d) ADDITIONAL REQUIREMENTS APPLICABLE TO CONDOMINIUM DEVELOPMENTS  
Proposed Condominium Developments shall include the following provisions in

addition to those specified in 10-3-5(c):

- (1) Condominium Developments consisting of even-numbered unit members must include a mandatory third-party arbitration provision for conflict resolution.
- (2) Condominium Declarations shall include a voluntary termination provision that requires Friendship Village Board consent prior to termination.
- (3) All Condominium Developments shall include a provision for the establishment of a mandatory escrow account with sufficient funding for purposes of maintenance, repair and/or replacement of common elements.
- (4) All Condominium Developments shall establish a Declaration of Easements, Restrictions, Covenants and Conditions for operation and maintenance of said units, which shall be approved by the Village Board and recorded with the County Register of Deeds.

## ARTICLE E -- PRE-FILING REQUIREMENTS

### SECTION 10-3-6 Pre-Application Procedure

- (a) CONFERENCE WITH PLAN COMMISSION. Before submitting the original Preliminary Plat or CSM to the Department of Administration and before filing an application for approval of a Preliminary Plat or CSM with the Village Clerk, the Subdivider shall confer with the Plan Commission. The purposes of this pre-application conference are to allow the Subdivider to describe the proposed Division of Land in general terms; to allow the Plan Commission to inform the Subdivider of the purposes, objectives, and requirements of this Chapter and of the components of the Village's Master Plan; to identify, at the earliest possible time, whether or not the Division of Land may involve a Phased Project; to identify any problems or potential adverse impacts that will need to be addressed in the planning and approval process; and to otherwise assist the Subdivider and the Village in making sound Land Division decisions.
- (b) LOCATION MAP. At least fourteen (14) days prior to the initial conference with the Plan Commission, the Subdivider shall provide to the Village Clerk a Location Map, which includes the following information:
  - (1) Public Street layout, existing and proposed;
  - (2) Lot or Parcel layout, existing and proposed;
  - (3) Zoning, existing and proposed;
  - (4) Lands reserved or dedicated for Streets, parks, playgrounds, schools and other public purposes, existing or proposed; and
  - (5) Any other information the Subdivider believes will be helpful in conducting the pre-application conference.
- (c) PHASED PROJECTS. The pre-application conference shall address the potential or likelihood of a Phased Project. The Subdivider shall inform the Plan Commission if he/she is planning, contemplating, or if there is a possibility of the Land Division involving a Phased Project. Any Land Division involving a Phased Project shall be subject to the roles and procedures delineated by this Ordinance, the Village Board and/or Plan Commission.

## ARTICLE F -- PLAT REVIEW AND APPROVAL

### SECTION 10-3-7 Comprehensive Development Plan

- (a) SUBMISSION OF COMPREHENSIVE DEVELOPMENT PLAN TO THE VILLAGE CLERK. When the Subdivider has a contiguous Parcel of twenty (20) acres or more under his/her control and wishes to submit a Preliminary Plat, Final Plat or CSM for only a portion of such land a Comprehensive Development Plan ("CDP") shall be filed with the Village Clerk prior to filing a Preliminary Plat with the Department of Administration and prior to filing a Preliminary Plat or CSM with the Village Clerk. The CDP does not replace the CSM, Preliminary Plat and the Final Plat process. However, subsequent Preliminary Plats, Final Plats and CSMs shall conform to the CDP, unless any major deviation or discrepancy has been approved by the Village Board upon recommendation from the Plan Commission. The CDP shall include all items as listed in Section 10-3-6(b). The Subdivider shall submit to the Village Clerk ten (10) copies of the CDP and an application (which application may be obtained from the Village Clerk).
- (b) REVIEW OF CDP BY PLAN COMMISSION AND VILLAGE BOARD. The Plan Commission shall review the CDP, and shall recommend in writing, to the Village Board, approval, conditional approval or rejection of the CDP, along with the reasons thereof. 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 conditionally or rejected, the conditions of approval or reasons for rejection shall be endorsed thereon or attached thereto. Failure to complete the action required herein within one hundred twenty (120) days of the filing of the CDP shall constitute an approval of the CDP.
- (c) RECORDATION. The Subdivider shall record with the county register of deeds, the original CDP as approved by the Village Board.
- (d) CDP CHANGES. No major change, deviation or discrepancy in a recorded CDP can be made without the approval of the Village Board. Any proposed change in the CDP shall be filed with the Village Clerk. The Plan Commission shall determine whether the change is major and within sixty (60) days of filing shall recommend approval, conditional approval or rejection, along with the reasons thereof to the Village Board. The Village Board shall then in writing approve, conditionally approve, or reject the proposed change, and state the reasons thereof, within forty-five (45) days. Any approved major change to a CDP shall be recorded with the county register of deeds.
- (e) PORTIONS OF CHAPTER THREE APPLICABLE TO CDPs. CDPs shall be subject to the following SECTIONS:
- (1) ARTICLE H - REQUIRED IMPROVEMENTS
  - (2) ARTICLE I - PARK AND PUBLIC LAND DEDICATIONS

### SECTION 10-3-8 Subdivision Procedures

- (a) PRELIMINARY PLAT REVIEW.
- (1) Submission of Preliminary Plat to the Department of Administration. Prior to

submitting a copy of the Preliminary Plat to the Village Clerk, the Subdivider shall submit the original Preliminary Plat prepared in accordance with this Chapter, to the Plat Review Unit of the Department of Administration for their review pursuant to Sec. 236.12(6), Wis. Stats. Upon certification by the Department of Administration on the face of the original Preliminary Plat that there are no objections, the Subdivider may submit the Preliminary Plat to the Village Clerk in accordance with this Chapter.

- (2) Submission of Preliminary Plat to the Village Clerk. The Subdivider shall file with the Village Clerk at least twenty-five (25) days prior to the meeting of the Plan Commission at which time the Preliminary Plat will be considered the following: an application (which application may be obtained from the Village Clerk), the documents required by this Chapter to accompany the Preliminary Plat, ten (10) copies of the Preliminary Plat in accordance with this Chapter showing thereon the certification by the Department of Administration, and one (1) reduced Copy of the Preliminary Plat no larger than 11" x 17".
- (3) Documents to Accompany Preliminary Plat. The Subdivider shall provide the following documents when submitting the Preliminary Plat unless directed otherwise by the Village Board or Plan Commission.
  - a. A report addressing sewer and water service feasibility and drainage facilities.
  - b. The preliminary plans and specifications for the construction of any Public Improvements required under this Chapter. The Village Engineer shall determine the content of such preliminary plans and specifications, reasonably necessary to assist the Plan Commission and Village Board in reviewing and acting upon the Preliminary Plat.
  - c. A letter indicating when the improvements public or otherwise, will be made.
  - d. An environmental assessment checklist, which checklist form is available from the Village Clerk.
  - e. A "use" statement detailing the proposed use of Lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population.
  - f. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
  - g. Street plans and profiles showing existing ground surface and proposed and established Street grades, including extensions for a reasonable distance beyond the limits of the proposed Subdivision.
  - h. Preliminary Erosion Control Plan.
  - i. Any additional documents found reasonably necessary by the Village Engineer or Village Clerk.

The Subdivider shall confer with the Village Engineer to determine the form and content of the above documents. The Village Engineer shall provide the Subdivider with a copy of any policy, resolution or ordinance defining or

applying to the contents of the Final Plat and required documents.

- (4) Additional Documents. The Subdivider may be required by the Village Board and/or Plan Commission to provide a preliminary soils report listing the types of soil in the proposed Subdivision, their effect on the Subdivision and a proposed soil testing and investigation program. The Village Board and/or Plan Commission may require that borings and soundings be made in specific areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. The Village Board may require the Subdivider to provide reasonably necessary additional documents not specified herein.
- (5) Copies of Preliminary Plat to Authorities, Agencies, Utilities, and Village Officials.
- a. On the same day that the Subdivider files the documents listed in SECTION 10-3-8 (a)(2) and (3) with the Village Clerk, the
1. The local cable, electric, gas, telephone, water and sewage utilities (the "Utilities").
  2. All government bodies which have approval authority under sec. 236.10, Stats., excluding the Village of Friendship (the "Approving Authorities").
  3. The Subdivider shall provide the Village Clerk with proof of the above submission in a form acceptable to the Village Clerk.
  4. Said documents will be used for internal review by Village Engineer, Fire and Police Chief, Public Works/Utilities Director and such other persons as directed by the Village Clerk.
- b. The Village Clerk shall, prior to the meeting of the Plan Commission, submit a copy of the Preliminary Plat to the Plan Commission, Village Engineer and any other Village official designated by the Village Clerk. The Village Clerk may also submit, prior to the meeting of the Plan Commission, copies of any documents required under this Chapter to Village officials designated by the Village Clerk.
- (6) Review of Preliminary Plat by Authorities, Agencies, Utilities and Village Officials.
- a. Upon receipt of the Preliminary Plat, the Utilities and Approving Authorities shall have twenty (20) days to review the Preliminary Plat and transmit written comments to the Village Clerk. Comments received after twenty (20) days may or may not be considered by the Plan Commission, in its sole discretion.
- b. Except for the Plan Commission, any Village official who receives a copy of the Preliminary Plat or Required Document(s) for his/her review, shall submit a written commentary to the Village Clerk prior to the meeting of the Plan Commission.



- c. The Village Clerk shall forward all commentary received to the Plan Commission prior to its next meeting.
- (7) Plan Commission Review. Following its review & the materials specified in this Section, the Plan Commission shall recommend in writing to the Village Board, approval, conditional approval, or rejection of the Preliminary Plat, and state in writing any conditions or the reasons for recommending rejection. The Village Clerk shall promptly transmit the Preliminary Plat, all related documents and the Plan Commission's comments and recommendations to the Village Board within sixty (60) days of the date specified in SECTION 10-3-4(h).
- (8) Board Action. After receipt of the Plan Commission's comments and recommendations, the Village Board (and applicable Approving Authorities) shall, within ninety (90) days of the date specified in SECTION 10-3-4(h), approve, approve conditionally or reject the Preliminary Plat and shall state, in writing, any conditions of approval or reasons for rejection. Failure of the Village Board (and applicable Approving Authorities) to act within ninety (90) days, shall constitute approval of the Preliminary Plat. The Village Clerk shall communicate to the Subdivider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk shall endorse it for the Village Board.
- (9) Effect of Preliminary Plat Approval. Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of the Preliminary Plat approval by the Village Board (and applicable Approving Authorities), and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval. Submission of a Final Plat after six (6) months shall be subject to the discretionary approval of the Village Board.
- (10) Preliminary Plat Amendment. Should the Subdivider desire to amend the Preliminary Plat as approved, he/she may submit an amended preliminary Plat which shall follow the above procedure except for the filing fee, unless the amendment is, in the opinion of the Plan Commission, of such scope as to constitute a new Preliminary Plat, in which such case it shall be refiled.

(b) FINAL PLAT REVIEW

- (1) Submission of Final Plat to the Department of Administration. Prior to submitting the original Final Plat to the Village Clerk, the Subdivider shall submit the original Final Plat, prepared in accordance with this Chapter, to the Plat Review Unit of the Department of Administration for their review pursuant to sec. 236.12(6), Stats. Upon certification by the Department of Administration on the face of the original Final Plat that there are no objections, the Subdivider may submit the original Final Plat to the Village Clerk in accordance with this Chapter.
- (2) Submission of Final Plat to the Village Clerk. The Subdivider shall prepare a Final Plat in accordance with this Chapter. The Subdivider shall submit to the Village Clerk the original Final Plat as certified by the Department of Administration, ten (10) copies of the Final Plat showing thereon the

certification by the Department of Administration, any documents required under this Chapter that differ from those initially submitted, and one (1) reduced copy of the Final Plat no larger than 11" x 17". Such submission shall be at least fifteen (15) days prior to the meeting of the Plan Commission at which time the Final Plat is to be considered. At this time, the Subdivider shall also submit to the Village Clerk a letter identifying all changes that have been made to the Final Plat since the approval of the Preliminary Plat, the final plans and specifications of Public Improvements required by this Chapter, and a signed copy of the developer's contract as required by SECTION 10-3-18.

- (3) Contents of Final Plat and Required Documents. The Final Plat shall conform to the Preliminary Plat as approved, to Chapter 236, Wis. Stats., and to the requirements of all applicable ordinances. In addition, the following documents shall accompany the Final Plat:
- a. All proposed Restrictive Covenants and deed restrictions.
  - b. A draft of the legal instruments and rules for proposed property Owners associations, if applicable.
  - c. An abstract of title, title report or registered property report showing title or control of the plan in the Subdivider.
  - d. Drainage plan/engineering report and all documents required by Section 17 of the Village Land Division Improvement Design Requirements.
  - e. Master site-grading plan.
  - f. Proof of installation of monuments.
  - g. Final Erosion Control Plan.
  - h. Evidence showing review of Utility Easements by applicable utility companies.
  - i. Copies of the construction plans and specifications for the required Public Improvements.
  - j. Proposed plan of roadway construction depicting materials, design, computations and construction method.
  - k. Location of park and public improvements proposed, that will be deeded to the Village upon acceptance of project.
  - l. Any additional documents found reasonably necessary by the Village Engineer or Village Clerk.

The subdivider shall confer with the Village Engineer to determine the form and content of the above documents. The Village shall provide the Subdivider with a copy of any policy, resolution or ordinance defining or applying to the contents of the Final Plat and required documents.

- (4) Transmittal of Copies of Final Plat and Required Documents. The transmittal of copies of the Final Plat and the Required Documents, shall occur in conformance with the provisions of SECTION 10-3-8(a)(5), which deal with transmitting copies of the Preliminary Plat and Required Documents. The Village Clerk shall also transmit at this time a current certified abstract of title, title report, or registered property report showing title or control of the Final Plat in the Subdivider to the Village Attorney.

(5) Review and Approval of Final Plat.

- a. Village Officials, Utilities, and Approving Authorities. The Final Plat shall be reviewed by Village officials, Utilities, and Approving Authorities in accordance with SECTION 10-3-8(a)(6). In addition to the above, the Village Engineer shall examine the Final Plat and plans and specifications of Public Improvements for technical details and, if found satisfactory, shall so certify in writing to the Plan Commission within fifteen (15) days of the filing of the Final Plat with the Village Clerk. If the Final Plat or the plans and specifications are not satisfactory, the Village Engineer shall return them to the subdivider and so advise the Plan Commission.
- b. Plan Commission. The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter, Chapter 236, Stats., and all applicable ordinances, rules and regulations that may affect it. The Plan Commission shall recommend approval, conditional approval, or rejection of the Final Plat and shall state in writing any conditions or the reasons for recommending rejection. The Plan Commission shall promptly transmit the Final Plat, all related documents and its comments and recommendations to the Village Board within thirty (30) days of the date specified in SECTION 10-3-4(h).
- c. Board Review and Approval. The Village Board (and applicable Approving Authorities) shall, within sixty (60) days of the date specified in SECTION 10-3-4(h), approve, approve conditionally or reject the Final Plat and shall state in writing any conditions of approval or reasons for rejection. If the Final Plat is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the Subdivider. If there is an incorporated city or Village within one thousand (1,000) feet of the Final Plat, the Village Board must give written notice to the city or village clerk of its intent to approve the Final Plat at least ten (10) days prior to such approval. If the Village Board (and applicable Approving Authorities) fails to approve or reject the Final Plat within sixty (60) days of the date specified in SECTION 10-3-4(h), the Final Plat shall be deemed approved.
- (d) Partial Platting. The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat, which the Subdivider proposes to record at that time.

**SECTION 10-3-9 Land Division and Consolidation By Certified Survey Map**

(a) USE OF A CERTIFIED SURVEY MAP.

- (1) A CSM, prepared and recorded in accordance with sec. 236.34, Wis. Stats., and the requirements of this Chapter, and having been approved by the Village Board, may be used in lieu of a Subdivision Plat to divide or consolidate lands

- which Land Division does not qualify as a Subdivision as defined hereunder.
- (2) The CSM shall include the entire original Parcel of land owned or controlled by the Subdivider, including those proposed for Land Division or Consolidation. The Subdivider shall comply with sec. 236.34, Wis. Stats., and with all requirements of this Chapter.

- (b) CONTENTS OF CSM AND REQUIRED DOCUMENTS. The CSM shall conform to Chapter 236, Wis. Stats. and to the requirements of all applicable ordinances. In addition, the following documents shall accompany the CSM:
  - (1) Drainage Plan/engineering report if required by Village Engineer or Village Clerk.
  - (2) Master site-grading plan.
  - (3) Public Improvement plan if applicable.
  - (4) Environmental Assessment Checklist if required by Village Engineer or Village Clerk.
  - (5) All proposed Restrictive Covenants and Deed Restrictions.
  - (6) Erosion Control Plan.
  - (7) Any additional documents found reasonably necessary by the Village Clerk or Engineer.

The Subdivider shall confer with the Village Engineer to determine the content of the documents. The Village shall provide the Subdivider with a copy of any policy, resolution or ordinance defining or applying to the contents of the CSM required documents.

- (c) SUBMISSION OF CSM TO THE VILLAGE CLERK. The Subdivider shall file with the Village Clerk at least twenty-five (25) days prior to the meeting of the Plan Commission at which time the CSM will be considered, the following: an application (which application may be obtained from the Village Clerk), the documents required by this Chapter to accompany the CSM, ten (10) Copies of the CSM, the original CSM, and one (1) reduced copy of the CSM no larger than 11" x 17".
- (d) REVIEW BY OTHER VILLAGE OFFICIALS. The Village Clerk shall transmit a copy of the CSM and/or documents required under this Chapter to the Village Engineer, Village Attorney, Public Safety officials, Public Works/Utilities Director or to any other Village official designated by the Village Clerk. Village officials receiving a copy of the CSM and/or required documents shall, prior to the meeting of the Plan Commission, transmit in writing to the Village Clerk any recommendations or comments. The Village Clerk shall forward all commentary received to the Plan Commission prior to its next meeting.
- (e) REFERRAL TO PLAN COMMISSION FOR REVIEW. The CSM shall be reviewed by the Plan Commission for conformance with this Chapter, Chapter 236, Stats., and all applicable ordinances, and rules, and regulations. The Plan Commission shall, within thirty (30) days from the date specified in SECTION 10-3-4(h), recommend approval, conditional approval, or rejection of the CSM and shall state in writing any conditions or the reasons for recommending rejection, and shall transmit the CSM along with its recommendations, to the Village Board.
- (f) REVIEW AND APPROVAL BY VILLAGE BOARD. The Village Board shall within sixty

(60) days from the date specified in SECTION 10-3-4(h) approve, conditionally approve or reject such CSM and shall state in writing any conditions of approval or reasons for rejection. If the CSM is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the Subdivider. If the CSM is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original CSM.

#### **SECTION 10-3-10 Replat**

- (a) Except as provided in sec. 70.27(1), Wis. Stats., when it is proposed to Replat a recorded Subdivision or part thereof so as to change the exterior boundaries of a recorded Subdivision or part thereof, the Subdivider wishing to Replat shall vacate or alter the recorded Preliminary Plat and Final Plat as provided in secs. 236.40 through 236.44, Wis. Stats. The Subdivider shall then proceed using the approval procedures for Preliminary and Final Plats prescribed in this Chapter.
- (b) Whenever an approved Final Plat is submitted for re-approval within six (6) months of the Village Board's approval of the Final Plat and which substantially conforms to the approved Final Plat and which has not been recorded with the county register of deeds, this Plat shall be re-approved by the Village Board. No Final Plats shall be re-approved by the Village Board following the expiration of the six-(6) month period. Such Plats shall be submitted as a new Plat. All previous approvals shall be void and shall have no bearing on the subsequent review and approval of the Plat by the Village.

#### **SECTION 10-3-11 Determination of Adequacy of Public Facilities and Services**

- (a) Any Plat or CSM shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services will be available to meet the needs of the proposed Land Division and that no public funds (other than those already provided in an adopted capital or operating budget) are required; unless the Village Board agrees otherwise.
- (b) The Subdivider shall furnish any data requested by the Village Clerk who shall transmit this information to the appropriate Commission(s), committee(s), and staff for review; the Village Clerk shall act as coordinator of the reports from staff to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities, and schools.
- (c) Public facilities and public services for a proposed Land Division may be found adequate when the following conditions exist:
  - (1) The proposed Land Division is located in an Urban Service Area where adequate sewer service is presently available for extension, under construction, or designated by the Village Board for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and Village Board shall consider the recommendations of the Village Engineer and

the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.

- (2) The proposed Land Division is located within an Urban Service Area contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources, and storage facilities, as well as any other information presented.
  - (3) The Village Clerk verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities and other public facilities.
  - (4) The Director of Public Works can demonstrate to the Plan Commission and the Village Board that Street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety, or general welfare to the future residents of the proposed Land Division or existing Village residents.
  - (5) The Plan Commission verifies that the future residents of the proposed Land Division can be assured park, recreation, and open space facilities and services which meet the standards of the Village's Master Plan.
  - (6) The Police Department, Emergency Medical Service, and Fire Department verify that timely and adequate service can be provided to the residents.
  - (7) The proposed Land Division is accessible by existing and officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed Land Division in accordance with the Official Map and Village standards.
  - (8) Where the Plan Commission and the Village Board determine that one (1) or more public facilities or services are not adequate for the proposed development but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development. If phasing is allowed, such phasing shall be specifically addressed in the Development Agreement required under sec. 10-3-19(a).
- (d) No land shall be divided which has been officially mapped as public lands storm water management facility lands or is determined by the Village Board to be unsuitable for use by reason of flooding, bad drainage, soil or rock formations with severe limitations

for development, severe erosion potential or unfavorable topography, or any other feature likely to be harmful to health, safety, or welfare of future residents or landowners in the proposed Land Division or of the community.

The Plan Commission or Village Board may waive any or all of the above requirements for Land Divisions occurring in the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer made water shall be required to connect to the Village public water distribution and/or public sewerage, unless the Village Board, in its sole discretion, determines otherwise.

**SECTION 10-3-12 Procedures and Criteria for Land Divisions Within the Extraterritorial Plat Approval Jurisdiction.**

- (a) Application Required. No person, firm or corporation shall divide any land located within the one and one-half mile extraterritorial plat approval jurisdiction of the Village without first filing an application and a certified survey map and/or preliminary plat with the Village for approval by the plan commission.
- (b) Preapplication Procedure.
  - (1) Before filing an application for approval of a land divisions, the subdivider shall consult with the plan commission and shall:
    - a. Prepare a preliminary sketch for review and approval;
    - b. Complete an environmental assessment checklist.
  - (2) This procedure will assist the applicant in appraising the objectives of these regulations, the master plan, the official map and other pertinent Village ordinances.
  - (3) The preapplication information shall be submitted to the plan commission for review and approval fifteen (15) days prior to when the application will be considered.
- (c) Extraterritorial Land Division Policies. The following policies shall govern the village plan commission in approving division of land within the one and one-half mile extraterritorial area in order to protect rural character and farming viability, preserve future opportunities for orderly urban development and associated public utility extensions, ensure that land divisions will be provided with adequate public facilities and services, and implement the Village's comprehensive plan in concert with any Town or County Land Use Plan;
  - (1)
    - a. No subdivisions without public sanitary sewer service as defined in this chapter, except for land divisions in agricultural zoned and R-2 rural residential zoned parcels, will be permitted within the one and one-half mile extraterritorial limits of the Village.
    - b. At the time of submission of a final subdivision plat, the subdivider shall present evidence of a binding commitment for public sanitary sewer service to each lot within the proposed subdivision prior to the sale of any lot within the subdivision.
  - (2) For land divisions by certified survey as defined in Section 10.3.9, the procedure for approval by the Village shall be as specified in Section 10-3-9. The plan commission may require approval of the certified

survey map by the pertinent town board before acting as specified under this section. Land divisions by certified survey as referred to in Section 10-3-9 will be permitted for farm-related dwellings, and for rural residential dwellings not exceeding the appropriate zoning district lot area requirements. Commercial uses shall be regulated based on district requirements with respect to adequate public facilities. The only exception to this policy is that lots resulting in the infill of existing subdivisions may also be permitted. Approval will be determined based on the provisions of Section 236.13, Wis. Stats.

- (3) The Village will attempt to seek consistency of the locally adopted Town plan. To the extent that the policies of the Village are more restrictive and are applicable under law, the Village's policies shall prevail unless Town requirements control. All land divisions within the one and one-half mile extraterritorial area will be subject to the land preservation or dedication requirements of this chapter. This specifically means the following:
  - a. Any waterway or stormwater management area identified on the Village master plan or official map shall be dedicated in conformance with requirements of this chapter.
  - b. Any lands falling within the limits of an environmental corridor, as mapped by the Village or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village Zoning Code.
- (4) Lands falling within the one and one-half mile extraterritorial area shall be required to meet all of the design standards contained herein where applicable, unless town requirements control.
- (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this chapter.
- (6) The plan commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village plan commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.
- (7) In all cases, the time period within which action is required shall not begin until the Town board, pertinent county reviewing officials and the Village have received all maps, drawings and data required for plat approval, applications have been completed and fees have been paid.



## ARTICLE G -- REQUIRED PLAT AND CSM DATA

### SECTION 10-3-13 Technical Requirements For Preliminary Plats

- (a) GENERAL. A Preliminary Plat shall be required for all Subdivisions and shall be based upon a survey by a registered land surveyor and the Plat prepared on Mylar, muslim or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) Title under which the proposed Subdivision is to be recorded. Such title shall not be the same or similar to a previously approved and recorded Plat, unless it is in addition to a previously recorded Plat and is so stated on the Plat.
  - (2) Location of the proposed Subdivision by government Lot, quarter section, township, range, county and state.
  - (3) Date, Scale and North Arrow.
  - (4) Names and Addresses of the Owner, Subdivider and land surveyor preparing the Plat.
  - (5) Entire Area contiguous to the proposed Plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Village Board, upon the Plan Commission's recommendation, may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and undue hardship would result from strict application thereof.
- (b) PLAT DATA. All Preliminary Plats shall show the following:
- (1) Exact Length and Bearing of the exterior boundaries of the proposed Subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
  - (2) Locations of all Existing Property Boundary Lines, Structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
  - (3) Location, Right-Of-Way Width and Names of all existing Streets, Alleys or other public ways, Easements, railroad and utility Rights-of -Way and all section and quarter section lines within the exterior boundaries of the Plat or immediately adjacent thereto.
  - (4) Location and Names of any Adjacent Subdivisions, parks and cemeteries and Owners of record of abutting unplatted lands.
  - (5) Type, Width, and Elevation of any existing Street pavements within the exterior boundaries of the Plat or immediately adjacent thereto, together with any legally established centerline elevations.
  - (6) Location, Size and Invert Elevation of any existing sanitary or storm sewers,

culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the Plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.

- (7) Corporate Limit Lines within the exterior boundaries of the Plat or immediately adjacent thereto.
- (8) Existing Zoning on and adjacent to the proposed Subdivision.
- (9) Contours within the exterior boundaries of the Plat and extending to the centerline of adjacent public Streets to National Map Accuracy Standards based upon Mean Sea level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the Plat; the location of the bench marks shall be indicated on the Plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the Parcel from a mean sea level reference elevation, another datum may be used.
- (10) High-Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the Plat or located within one hundred (100) feet therefrom.
- (11) Water Elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the Plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) Floodland and Shoreland Boundaries and the contour line lying a vertical distance of two feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the Plat or within one hundred (100) feet therefrom.
- (13) Soil Types and their boundaries, as shown on the operational soil survey maps prepared by the U.S. Department of Agriculture, Soil Conservation Service.
- (14) Location and Results of Soil Boring Tests within the exterior boundaries (within the Extraterritorial Area) of the Plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code and delineation of areas with three (3) foot and six (6) foot groundwater and bedrock levels where the Subdivision will not be served by public sanitary sewer service. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1)

test per Lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat.

- (15) Location and Results of Percolation Tests within the exterior boundaries of the Plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the Subdivision will not be served by the public sanitary sewer service. The number of such test initially made shall not be less than one (1) test per three (3) acres or one (1) test per Lot, whichever is greater. The results of such tests shall be submitted along with the Preliminary Plat.
  - (16) Location, Width and Names of all proposed Streets and public Rights-of-Way such as Alleys and Easements.
  - (17) Approximate Dimensions of All Lots together with proposed Lot and Block numbers. The area in square feet of each Lot shall be provided.
  - (18) 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.
  - (19) Approximate Radii of All Curves.
  - (20) Any Proposed Lake and Stream Access with a small drawing clearly indicating the location of the proposed Subdivision in relation to access.
  - (21) Any Proposed Lake and Stream improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
  - (22) Where the Plan Commission, Village Board or Village Engineer finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the Subdivider.
  - (23) Location of Utility Easements.
  - (24) Setbacks or Building Lines required by the Village Board and the Village Zoning Code.
- (c) ADDITIONAL INFORMATION. The Plan Commission and/or Village Board may require a proposed Subdivision layout of all or part of the contiguously owned land even though division is not planned at the time.

#### **SECTION 10-3-14 Technical Requirements For Final Plats**

- (a) GENERAL. A Final Plat prepared by a Registered Land Surveyor shall be required for

all Subdivisions. It shall comply in all respects with the requirements of sec. 236.20, Wis. Stats., and this Chapter.

(b) ADDITIONAL INFORMATION. The Final Plat shall show correctly on its face, the information required by sec. 236.20, Wis. Stats., the information required for Preliminary Plats under this Chapter and the following:

- (1) Exact Length and Bearing of the centerline of all Streets.
- (2) Exact Street Width along the line of any obliquely intersecting Street.
- (3) Exact Location and Description of lighting utility Easements.
- (4) Railroad Rights-of-Way within and abutting the Plat.
- (5) All Lands Reserved for future public acquisition or reserved for the common use of property Owners within the Plat.
- (6) Special Restrictions required by the Village Board relating to access control along public ways or to the provision of planting strips.
- (7) Setback or Building Lines required by Village codes and ordinances.
- (8) Utility and/or Drainage Easements.

(c) SURVEY ACCURACY

- (1) Examination. The Plan Commission, Village Board and/or the Village Engineer, or its designee shall examine all Final Plats within the Village and may make, or cause to be made by a registered land surveyor under the supervision or direction of the Village Engineer, field checks for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
- (2) Maximum Error of Closure. Maximum error of closure before adjustment of the survey of the exterior boundaries of the Subdivision shall not exceed, in horizontal distance or position, the ratio of one part in ten thousand (1:10,000), nor in azimuth, for (4) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
- (3) Street, Block and Lot Dimensions. All Street, Block and Lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If field checks disclose an error for any interior line of the Plat greater than the ratio of one part in five thousand (1:5,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer;

necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

- (4) Plat Location. Where the Plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by sec. 236.20(3)(b), Wis. Stats., shall be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Plat is tied shall be indicated on the Plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the Subdivision. The Village Board shall review the results of any examination prior to approving the Final Plat.
- (5) Surveying and Monumenting. All Final Plats shall meet all the surveying and monumenting requirements of sec. 236.15, Wis. Stats.
- (6) Certificates. All Final Plats shall provide all the certificates required by sec. 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he/she has fully complied with all the provisions of this Chapter.
- (7) Digital Format. The developer, within 30 days of submittal to the Register of Deeds office, shall submit a digitized file copy of the final plat to the Village Clerk in a format approved by the Village Engineer.

#### **SECTION 10-3-15 Technical Requirements For Certified Survey Maps**

- (a) GENERAL. A CSM shall comply in all respects with the requirements of sec. 236.34, Wis. Stats.
- (b) ADDITIONAL INFORMATION. The CSM shall show correctly on its face, in addition to the information required by sec. 236.34, Wis. Stats., the following:
  - (1) All Existing Buildings, watercourses, drainage ditches and other features pertinent to proper Land Division.
  - (2) Setbacks or Building Lines required by the Village Board and the Village Zoning Code.
  - (3) All Lands Reserved for future acquisition.
  - (4) Date of the Map.
  - (5) Graphic Scale.

- (6) Name and Address of the Owner, Subdivider and surveyor.
  - (7) Square Footage of each Parcel
  - (8) Present Zoning for the Parcels
  - (9) Utilities and/or Drainage Easements.
  - (10) Existing and Proposed Contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than five (5) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum of 1929 (mean sea level). This requirement may be waived if the Parcel(s) created are fully developed.
  - (11) Entire Area Contiguous to the proposed CSM owned or controlled by the Subdivider shall be included on the CSM even though only a portion of said area is proposed for immediate development. The Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.
  - (12) Location of Soil Boring Tests, where required by Section H 85.06(2) of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such test shall be submitted along with the CSM.
  - (13) Location of Soil Percolation Tests, where required by Section H 85.06(3) of the Wisconsin Administrative Code, conducted in accordance with Sec. H 85.06(4) of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per Lot, whichever is greater. The results of such tests shall be submitted along with the CSM.
- (e) STATE PLANE COORDINATE SYSTEM. Where the map is located within a U.S. Public Land Survey quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.

- (d) CERTIFICATES. The surveyor shall certify on the face of the CSM that he/she has fully complied with all provisions of this Chapter.
- (e) STREET DEDICATION. 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 sec. 236.21(2)(a), Wis. Stats.
- (f) REQUIREMENTS. To the extent reasonably practicable, the CSM shall comply with the provisions of this Chapter relating to general provisions, design standards and required improvements.
- (g) DIGITAL FORMAT. The surveyor, within 30 days of submittal to the Register of Deeds office, shall submit a digitized file copy of the final plat to the Village Clerk in a format approved by the Village Engineer.

**SECTION 10-3-16 Technical Requirements For Comprehensive Development Plans**

- (a) GENERAL. A CDP shall be drawn to scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
  - (1) Title under which the proposed Subdivision or CSM is to be recorded. Such title shall not be the same or similar to a previously approved and recorded Plat or CSM, unless it is in addition to a previously recorded Plat or CSM and is so stated on the Plat or CSM.
  - (2) Location of the proposed Subdivision or CSM by government Lot, quarter section, township, range, county and state.
  - (3) Date, Scale and North Arrow.
  - (4) Names and Addresses of the Owner, Subdivider and land surveyor preparing the Plat.
- (b) PLAN DATA. All CDPs shall show the data required under SECTION 10-3-13(b).

**SECTION 10-3-17 Technical Requirements For Condominium Plats**

- (a) CONDOMINIUM PLATS shall include on their face, the data required by Chapter 703, Wis. Stats.

**ARTICLE H -- REQUIRED IMPROVEMENTS**

**SECTION 10-3-18 Required Improvements**

- (a) GENERAL REQUIREMENTS. In accordance with sec. 236.13, Wis. Stats., the Village hereby requires that, as a condition of Final Plat or CSM approval, the Subdivider agrees to make and install all Public Improvements required by this Chapter and that the Subdivider shall provide the Village with security to ensure that the Subdivider will

make the Required Improvements. As a further condition of approval, the Village Board hereby requires that the Subdivider be responsible for the cost of any necessary alterations of any existing utilities which, by virtue of the Platting or CSM, fall within the public Right-Of-Way.

- (b) COST OF INSTALLATION. The required Public Improvements shall be installed by the Subdivider at his/her cost, unless the Village Board agrees to an alternative method of payment and/or installation.
- (c) COST OF OFFSITE AND OVERSIZED IMPROVEMENTS. In addition to SECTION 10-3-18(b), the Village may enter into an Agreement to reimburse the Subdivider, for his/her cost (at the time of construction) of those offsite improvements and/or oversized improvements constructed within the proposed Land Division, but which are oversized to serve lands beyond the boundaries of the Land Division or other lands within the Subdivider's control, and which have not been reimbursed to the Subdivider. Said payment shall be only for the actual additional cost of constructing the offsite and/or oversized improvements within the boundaries of the Land Division and shall not provide for payment of any interest. The Village shall then establish special assessments against those benefiting properties outside the proposed Land Division boundaries or the Subdivider's control for those costs. To be eligible to proceed under this provision, the Land Division must occur within areas identified in the Village's Master Plan or other adopted Comprehensive Development or public facilities plan.
- (d) PUBLIC IMPROVEMENTS. The following Public Improvements are required to be made and installed under this Chapter:
  - (1) Street Improvements.
  - (2) Curb & Gutter; Drainage Facilities
  - (3) Sidewalks & Bikeways
  - (4) Sanitary Sewerage System
  - (5) Water Supply Facilities
  - (6) Storm Water Drainage Facilities
  - (7) Street Lamps
  - (8) Street Signs
  - (9) Erosion Control
  - (10) Partition Fences
  - (11) Other Facilities and/or Improvements
- (e) GENERAL STANDARDS. The required Public Improvements shall be installed in accordance with the engineering standards and specifications, which have been adopted by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with established engineering practices, approved prior to the start of construction by the Village Engineer. When new or revised standards and/or specifications have been adopted by the Village, work on Public Improvements not begun within eighteen (18) months of the date of Final Plat adoption shall be made to the new or revised standards and/or specifications. The Village Engineer shall review and approve the construction plans, specifications and calculations for the construction of the required Public Improvements.



- (f) PROJECT MANAGER. The Subdivider shall designate a project manager who shall be readily available on the project site during the construction of the required Public Improvements. The project manager shall be granted authority on behalf of the Subdivider to make decisions related to the construction of the required Public Improvements as they may arise during the course of the construction. The project manager shall also be responsible for the scheduling and coordination of the required work to construct the required improvements. Correspondence with or verbal orders to the designated project manager shall have the same authority as with the Subdivider directly.

**SECTION 10-3-19 Required Agreement Providing For Proper Installation Of Improvements; Surety**

- (a) DEVELOPMENT AGREEMENT. Before final approval of any Final Plat or CSM the Subdivider shall be required to enter into a contract with the Village for Land Division improvements agreeing to install improvements as herein provided. Such contract shall be contingent upon final approval of the Land Division. The contract form shall be provided by the Village and may provide for a phasing of Public Improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits, sequence, and/or additional surety so as to provide for continuity of Streets, sewers, water mains, and other necessary Public Improvements within and between the phases.

(b) FINANCIAL GUARANTEES.

- (1) The Subdivider shall file with said contract, subject to the approval of the Village Attorney, a bond, a certificate of deposit, irrevocable letter of credit or certified check in an amount equal to one hundred ten percent (110%) of the estimate of the cost of improvements, as determined by the Village Engineer; said filing of surety shall guarantee that such improvements will be completed by the Subdivider or his/her contractors not later than eighteen (18) months from the date of Recording the Final Plat or CSM. When a certificate of deposit or certified check is posted as security, the instrument must be negotiable by the Village. When a letter of credit is posted as security, the Village must be the beneficiary. 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 Adams County, or either of them, as additional obligees, payees or beneficiaries.

- (2) The Subdivider may elect, with the approval of the Village, to install the improvements in construction phases provided that:

- a. The phases are specified in the contract for Land Division improvements;
- b. The Subdivider submits surety in an amount equal to one hundred ten percent (110%) of the estimated costs of improvements next required by the installation and construction schedules as determined by the Village Engineer. Improvements constructed during the first stage and each

- successive stage of construction shall not be accepted nor shall any building permit be issued for construction within the completed area of the Subdivision or CSM until the security required for the next stage of construction has been posted with the Village;
- c. The developer records deed restrictions approved by the Village which specify that the Lots which are included in future construction phases of the Land Division will not be transferred or sold unless the Village's approval is obtained;
  - d. The Subdivider minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
  - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (3) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property Owners for Street and other improvements to serve lands adjacent to and within the Land Division.
- (4) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the Subdivider from time to time, is authorized to recommend to the Village a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, Street, sidewalk, greenway or other improvements) are completed by the Subdivider and determined acceptable by the Village Engineer, the Village Board may consider a reduction in the amount of surety, after the submission of lien waivers by the Subdivider's contractors. The amount of surety remaining shall be equal to one hundred ten percent (110%) of all improvements for the Final Plat or CSM under consideration and to insure performance of the one (1) year guarantee as specified in Subsection (d) below against defects in workmanship and material on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for non-completion, the Village Board may accept a reduction of the required surety to any amount in the estimate of the Village Engineer, sufficient to cover the work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. The contractor and subcontractors who are to be engaged in the construction of the Public Improvements shall be reviewed for such work by the Village Engineer and, if necessary, approved by the Village Board prior to commencing construction.
- (5) Governmental units to which these bond and guarantee provisions apply may, in lieu of said contract or instrument of guarantee, file a resolution or letter from officers authorized to act in their behalf, which resolution or letter contains an Agreement to comply with the provisions of this Section.
- (c) WAIVER OF SPECIAL ASSESSMENT NOTICE AND HEARING. The Subdivider shall file with said contract, subject to the approval of the Village Attorney, a waiver of

special assessment notices and hearings such that the Subdivider, his/her heirs and assigns (including purchasers of property from the Subdivider), waive notice and hearing for and authorize the assessment for any and all of the required Public Improvements in phases of the Land Division intended for future development in accordance with sec. 66.60(18), Wis. Stats.

- (d) IMPROVEMENT GUARANTEE. The Subdivider shall include in said contract an instrument of Public Improvement guarantee by irrevocable letter of credit, certified check, cash escrow deposit, or performance bond whereby a bonding company with assets exceeding Ten Million Dollars (\$10,000,000.00) and authorized to do business in the State of Wisconsin guarantees maintenance, repair, replacement by the Subdivider of said Public Improvements which deteriorate or fail to meet performance or operating standards during the bond term, or any penalties which may be incurred as a result thereof, equal to fifteen percent (15 %) of the Village Engineer's estimate of the cost of the Public Improvements. If within one (1) year after the date of final acceptance of any Public Improvements by the Village Board (or such longer period of time as may be prescribed by laws or regulations or by the terms of any special guarantee required by the terms of said contract as may be necessary due to the phasing of the construction of Public Improvements), any work on any Public Improvement is found to be defective, the Subdivider shall remove it and replace it with non-defective work in accordance with written instructions given by the Village Engineer. If the Subdivider does not promptly comply with the terms of such instructions, or in an emergency where delay would cause serious risk of loss or damage, the Village may cause the removal and replacement of said defective work and charge all direct, indirect and consequential costs of such removal and replacement to the performance bond or improvement guarantee instrument.
- (e) SURVEY MONUMENTATION. Before final approval of a Final Plat or CSM within the corporate limits of the Village, the Subdivider shall install monuments placed in accordance with the requirements of Chapter 236, Wis. Stats., or as may be required by the Village Engineer. All survey monumentation located adjacent to Street or public Right-Of-Way, but not located within Street pavement, shall be protected with steel fence posts erected near the survey monumentation. The Village Engineer may waive the placement of monuments for a reasonable time during Public Improvement construction on condition that the Subdivider executes a surety to insure the placing of such monuments within the time required. Building permits shall not be issued until all survey monumentation for the Block(s) of Lots in which the Lot(s) for which building permits are being applied for within the phase of the Land Division under development has been installed. When the Land Division includes an established one-half (1/2), one quarter (1/4), one quarter-one quarter (1/4-1/4), or other such section monument, the established monument shall be preserved and/or fully restored by the Subdivider at his/her cost.

#### **SECTION 10-3-20 Required Construction Plans; Village Review; Inspection**

- (a) ENGINEERING REPORTS, CONSTRUCTION PLANS AND SPECIFICATIONS. As required by SECTION 10-3-8(a)(3), engineering reports, plans and proposed specifications shall be submitted simultaneously with the filing of the Preliminary Plat.

At the Final Plat or CSM stage, construction plans for the required improvements conforming in all respects with the standards of the Village Engineer and the ordinances of the Village shall be prepared at the Subdivider's expense by a professional engineer who is registered in the State of Wisconsin, and said plans shall contain his/her seal. Such plans, together with the quantities of construction items, shall be submitted to the Village Engineer for his/her approval and for his/her estimate of the total cost of the required improvements; upon approval they shall become a part of the contract required pursuant to SECTION 10-3-19(a). Simultaneously with the filing of the Final Plat or CSM with the Village Clerk or as soon thereafter as practicable, copies of the construction plans and specifications shall be furnished for the following Public Improvements:

- (1) Street Plans and Profiles showing existing and proposed grades, elevations and cross sections of required improvements.
  - (2) Street Lighting Plans.
  - (3) Sanitary Sewer plans and profiles showing the locations, grades, sizes, elevations and materials of required facilities.
  - (4) Storm Sewer and Open Channel plans and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities.
  - (5) Water Main plans and profiles showing the locations, sizes, elevations and material of required facilities.
  - (6) Erosion and Sedimentation Control plans showing those Structures required to retard the rate of runoff water and those grading and excavating practices that will prevent erosion and sedimentation. Such plans shall comply with the Village's Erosion Control Chapter (Building Code), if applicable.
  - (7) Planting Plans showing the locations, age, caliper, species and time of planting of any required grasses, vines, shrubs and trees.
  - (8) Additional special plans or information as required by Village officials.
- (b) ACTION BY THE VILLAGE ENGINEER. The Village Engineer shall review or cause to be reviewed the plans and specifications for conformance with the requirements of this Chapter and other pertinent Village ordinances, resolutions and design standards recommended by the Village Engineer and approved by the Village Board. If the Village Engineer rejects the plans and specifications, he/she shall notify the Owner, who shall modify the plan and/or specifications accordingly. The plans and/or specifications as corrected are subject to the Village Engineer's approval.
- (c) CONSTRUCTION AND INSPECTION.
- (1) Prior to starting any of the work covered by the plans approved above, written authorization to start the work shall be obtained from the Village Clerk upon

receipt of all necessary permits and in accordance with this Chapter. Building permits shall not be issued until all improvements required by this Chapter are satisfactorily completed.

- (2) During the course of construction, the Village Engineer shall make such inspections as he/she or the Village Board deems necessary to insure compliance with the plans and specifications as approved. The Owner shall pay the actual cost incurred by the Village for such inspections. This fee shall be the actual cost to the Village of inspectors, engineers and other parties necessary to insure satisfactory work.
- (d) RECORD PLANS. After completion of all Public Improvements and prior to final acceptance of said improvements, the Subdivider shall make or cause to be made two (2) copies of record plans showing the actual "as-built" location of all valves, manholes, stubs, sewers and water mains and such other facilities as the Village Engineer shall require. These plans shall be prepared on the original mylars or other media as required by the Village of the construction plans and shall bear the signature and seal of a professional engineer registered in Wisconsin. The presentation of the record plans shall be a condition of final acceptance of the improvements and release of the surety bond assuring their completion. Such plans shall be filed with the Village Clerk.

#### **SECTION 10-3-21 Easements**

- (a) UTILITY EASEMENTS. The Village Board, on the recommendation of appropriate departments, utilities and agencies serving the Village, shall require utility Easements for poles, wire, conduits, storm and sanitary sewers, gas, water and head mains or other utility lines. It is the intent of this Chapter to protect all established Easements so as to assure proper grade, assure maintenance of the established grade, prohibit construction of permanent fences or retaining walls over underground installation and prevent the planting of trees in the Easement area. All such utilities shall be installed underground.
- (b) DRAINAGE EASEMENTS. Drainage Easements shall comply with the policies and/or resolutions adopted by the Village Board.
- (c) EASEMENT LOCATIONS.
  - (1) Utility Easements shall be at least fifteen (15) feet wide, or wider where recommended by the Village Engineer, and may run across Lots or alongside of rear Lot Lines. Such Easements should preferably be located along rear Lot Lines. Evidence shall be furnished to the Plan Commission that Easements and any Easement provisions to be incorporated in the Final Plat or in deeds have been reviewed by the individual utility companies or the organization responsible for furnishing the services involved.
  - (2) All Easements dedicated on Final Plat or CSM for poles, cables or conduits for cable, electricity, telephone or other private utility lines shall be noted thereon as "Utility Easement." All Easements for storm and sanitary sewers, water and

force mains, 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.

- (d) DEED RESTRICTION FOR EASEMENTS. Deed restrictions shall accompany each Final Plat or CSM, and shall be filed within the Register of Deeds office. In addition to whatever else may be contained therein, such restrictions shall describe the location and width of utility and public Easements, which are being established; a description by reference to the Final Plat or CSM shall suffice. Such restrictions shall further recite that the utility companies and the public agencies using such Easements are granted the right to place utilities in the Easement area and shall state that the elevation of such Easements as graded by the Subdivider may not be altered thereafter by him/her, or any subsequent landowner by more than six (6) inches.

### **SECTION 10-3-22    Extra-Sized and Off-Site Facilities**

When any Public Improvements of adequate capacity are not available at the boundary of a proposed Land Division, the Village, or its duly authorized representative, shall require, as a prerequisite to approval of a Final Plat or CSM, assurances that such improvement extensions shall be provided as follows in accordance with the following standards:

- (a) DESIGN CAPACITY. All improvements within or entering or leaving the proposed development shall be installed to satisfy the service requirements for the entire service or drainage area in which the development is located and the improvements shall be of sufficient capacity to handle the expected development of the overall Land Division area.
- (b) LIFT STATIONS. Where sanitary or storm sewer lift stations and force mains are required to lift sewage to the gravity system, the Subdivider shall have plans, profiles, specifications and estimated operation and maintenance costs prepared for the installation of such facilities to the Village Engineer's requirements. Equipment similar to existing Village equipment shall be utilized whenever possible. The installation, inspection, supervision and engineering fees for lift stations and/or force mains shall be paid for by the Subdivider unless otherwise determined and agreed upon by the Village Board. Gravity sanitary sewer service shall be employed whenever determined by the Village Engineer to be feasibly accessible.

### **SECTION 10-3-23    Acceptance Of Improvements; Dedications**

- (a) ACCEPTANCE OF IMPROVEMENTS. Public Improvements, utilities, Streets, parks, Easements, Rights-Of-Way or other lands or rights dedicated or conveyed to the Village or the public shall not be considered accepted by the Village for public Ownership until such time as the required Public Improvements within the intended dedication have been completed and accepted by the Village Board by adoption of a resolution accepting such dedication. Improvements shall be accepted by the Village free and clear of any encumbrances. The Subdivider shall be responsible for and liable for the maintenance, safety and operation of all required Public Improvements until such time as the improvements are accepted by the Village Board by resolution. In the

event the Village must take measures to maintain, operate or make safe a Public Improvement existing or required as a result of the Land Division but which has not yet been accepted by the Village, the costs of such measures shall hereby be determined to be Village-incurred costs to be reimbursed to the Village by the Subdivider in accordance with the provisions of this Chapter.

(b) INSPECTION AND CERTIFICATION OF IMPROVEMENTS.

(1) After any of the following increments of the required improvements have been installed and completed, the Subdivider shall notify the Village Engineer, in writing, that the works is complete and ready for final inspection, shall file reproducible record drawings of the completed improvements and shall file lien waivers or affidavits, in a form acceptable to the Village Engineer 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, contractor, subcontractor, materialman or laborer after all required improvements have been installed. Acceptance of the improvements may be requested in the following increments:

- a. Sewer mains and services (either storm or sanitary).
- b. Water mains and services.
- c. Streets comprised of all grading, gravel, curb and gutter, culverts and paving.
- d. Other miscellaneous appurtenances to the above increments such as sidewalks, bikeways, Street lighting, Street signing, etc.

(2) The Village Clerk shall certify that there are no unpaid taxes or unpaid special assessments on any of the lands included in the Final Plat or CSM and shall prepare a final billing for engineer, inspection and legal fees and submit it to the Subdivider for payment. The Village Engineer shall conduct any necessary final inspections of the improvements and forward a report to the Village Board recommending either approval or disapproval. When the engineering, inspection, taxes, special assessment and legal fees have been paid and when the necessary lien waivers and affidavits have been filed, the report and recommendations of the Village Engineer, shall be forwarded to the Village Board for approval and acceptance of the improvements and dedications.

**SECTION 10-3-24 THROUGH SECTION 10-3-25 RESERVED FOR FUTURE USE**

**ARTICLE I -- PARK AND PUBLIC LAND DEDICATIONS**

**SECTION 10-3-26 General Park and Public Land Dedication Requirements**

(a) DEDICATION REQUIREMENT. In order that adequate open spaces and sites for

public uses may be properly located and reserved and in order that the cost of providing public areas, such as but not limited to, parks, recreation areas and public schools may be equitably apportioned on the basis of additional need created by a CSM or Subdivision development, each Subdivider shall be required to dedicate land or fees in lieu of land for park or other public uses.

(b) GENERAL DESIGN. In the design of any Land Division, provision shall be made for suitable sites of adequate area for schools, parks, playgrounds, open spaces, Drainageways and other public purposes. Such sites are to be shown on all Plats and CSMs, and shall comply with the Village Master Plan or component of said Plan. Consideration shall be given to the preservation of scenic and historic sites, stands of trees, marshes, lakes, ponds, streams, water courses, watersheds, ravines and woodlands, prairie and wetlands, and plant and animal communities.

(c) SITE RESERVATIONS REQUIRED.

(1) Where the area proposed to be divided contains a park, playground or other public area which is shown upon the Master Plan of the Village, at the Village Board's determination, such area shall either be dedicated to the proper public agency, or it shall be reserved for acquisition thereby within a three (3) year period by purchase or other means. If the land is not acquired during this period, it shall be released to the Subdivider.

(2) Whenever any river, stream or important surface-drainage course is located in the area being divided, the Subdivider of land shall provide an Easement along each side of the river, stream or drainage course for the purpose of widening, deepening, relocating, improving or protecting the river, stream or drainage course for drainage or recreational purposes.

#### **SECTION 10-3-27 Land Dedication**

(a) DEDICATION OF SITES. Where feasible and compatible with the Comprehensive or Master Plan of the Village, the Subdivider shall provide and dedicate to the public adequate land to provide for park, recreation, school and open space needs of the land development within the Village. The location of such land to be dedicated shall be determined by the Village Board. Where the dedication is not compatible with the Comprehensive or Master Plan, or for other reasons is not feasible as recommended by the Plan Commission, and as approved by the Village Board, the Subdivider shall, in lieu thereof, pay to the Village a fee if an impact study fee and ordinance has been established, pursuant to State Law requirements.

(b) DEDICATION OF PARKS, PLAYGROUNDS, RECREATION AND OPEN SPACES. The developer shall dedicate sufficient land area to provide adequate park, playground, recreation and open space to meet the needs created by the Land Division, subject to a determination of acceptability by the Plan Commission. The subdivider shall dedicate sufficient land area that is suitable and readily developable to provide adequate park, playground, recreation and open space to meet the needs to be created by and to be provided for the subdivision, land division, group housing project or planned



community development project. The minimum dedication shall be:

- (1) Five percent (5%) of the total acreage intended to be used for commercial or industrial uses;
  - (2) Ten percent (10%) of the total acreage intended to be used for single-family dwelling units but not less than 1,300 square feet per dwelling unit;
  - (3) Ten Percent (10%) of the total acreage intended to be used for duplexes but not less than 1,100 square feet per dwelling unit;
  - (4) Fifteen percent (15%) of the total acreage intended to be used for multi-family dwellings but not less than 1,000 square feet per dwelling unit.
- (c) COMBINATION OF RESIDENTIAL USES. Where a definite commitment is made to the Village by the developer with respect to those portions of the total acreage intended for single family, duplex and multi-family dwellings, the dedication shall be based upon the maximum dedications which the zoning classification of the Parcel will permit.
- (d) MINIMUM SIZE OF PARK AND PLAYGROUND DEDICATIONS.
- (1) In general, land reserved for recreation purposes shall have an area of at least two (2) acres. Where the amount of land to be dedicated is less than two (2) acres, the Village Board may require that the recreation area be located at a suitable place on the edge of the proposed Land Division so that additional land may be added at such time that the adjacent land is divided. In no case shall an area of less than one (1) acre be reserved for recreational purposes if it will be impractical or impossible to secure additional lands in order to increase its area.
  - (2) Land reserved for recreation purposes shall be of a character and location suitable for use as a playground, playfield or for other recreation purposes, and shall be relatively level and dry. A recreation site shall have a total street frontage on one (1) or more Streets of at least two hundred (200) feet, and no other dimension of the site shall be less than two hundred (200) feet.

#### **SECTION 10-3-28      Reservation Of Additional Land**

When public parks and sites for other public areas as shown on the Master Plan or Master Plan component lie within the proposed area for development and are greater in area than required by SECTION 10-3-26, the Owner shall reserve for acquisition by the Village, through Agreement, purchase or condemnation, the remaining greater public area for a period of one (1) year of Final Plat or CSM approval unless extended by mutual Agreement.

#### **SECTION 10-3-29      Development Of Park Area**

- (a) When parklands are dedicated to the Village, the Subdivider is required to:

- (1) Properly grade and contour for proper drainage;
  - (2) Provide surface contour suitable for anticipated use of area as approved by the Village Engineer; and;
  - (3) Cover areas to be seeded with a minimum of four (4) inches of quality topsoil, seed as specified by the Village Engineer, fertilize with 16-6-6 at a rate of seven (7) pounds per one thousand (1,000) square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629." The topsoil furnished for the park 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 (1) year following execution of the Development Agreement unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform grass cover to a two-(2) 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 their dedication and acceptance by the Village.
  - (c) A neighborhood park and/or community park area as defined and chosen by the Village Board shall be provided by the Subdivider. A neighborhood park area shall include standard residential water service unless located directly adjacent to a fire hydrant. A community park area shall include a minimum six (6) inch water service or at least one (1) fire hydrant, and at least one (1) four (4) inch sanitary sewer lateral, all located at the Street property line.
  - (d) A dedicated neighborhood park shall include a proposed playground equipment plan. This plan shall be submitted along with park dedication materials and subject to approval by the Plan Commission and Village Board. The cost for purchase and/or installation of such playground equipment shall be borne by the subdivider. If fees are accepted in lieu of land dedication, an amount, in addition to the fees in lieu of land dedication, shall be paid to the Parks Special Fund by the developer.
  - (e) The Village Board may require certification of compliance by the Subdivider with this Article. The cost of such report shall be paid by the Subdivider.
  - (f) If the Subdivider fails to satisfy the requirements of this Section, the Village Board may contract said completion and bill such costs to the Subdivider, following a public hearing and written notice to the Subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of all building permits until such costs are paid.
  - (g) The Subdivider shall pay all costs of Public Improvement in the public Streets adjacent to or within all public and/or parklands.

SECTION 10-3-30 THROUGH SECTION 10-3-31 RESERVED FOR FUTURE USE

ARTICLE J -- FEES

SECTION 10-3-32 Administrative and Other Fees

- (a) GENERAL. The Subdivider shall pay the Village all fees as specified in the Schedule of Fees hereinafter required and at the times specified before being entitled to Recording of a Plat or CSM. All fees specified hereinafter shall be paid prior at the time of submission of materials for consideration. At the time of submission of a Plat or CSM, the Village Board, or its authorized designee, at its sole discretion, may require the Subdivider to make a good faith deposit with the Village Clerk to cover, in all or part, the expenses anticipated to be incurred by the Village because of the Land Division. Unused portions of such fund may be refunded to the Subdivider.
- (b) ENGINEERING FEE. The Subdivider shall pay a fee equal to the actual cost to the Village for all engineering work incurred by the Village in connection with the Plat or CSM, including inspections required by the Village pursuant to SECTION 10-3-20. The Subdivider shall pay a fee equal to the actual cost to the Village for such engineering work and inspection as the Village Board and/or Village Engineer deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village or any other governmental authority. Engineering work shall include the preparation of construction plans, standard specifications and administration of the engineering work.
- (c) ADMINISTRATIVE FEE. The Subdivider shall pay a fee to the Village equal to the cost of any legal, administrative or fiscal work, which may be undertaken by the Village in connection with the Plat or CSM.
- (d) LOCATION MAP. There shall be no fee, other than an engineering fee or administrative fee, for the Village's review of a Location Map of a proposed Land Division. However, such reviews shall be conducted only as staff time permits.
- (e) PRELIMINARY PLAT.
- (1) The Subdivider shall pay a PRELIMINARY PLAT REVIEW FEE as specified in the Schedule of Fees to the Village Clerk at the time of first application for Preliminary Plat approval of said Plat.
  - (2) A Reapplication Fee as specified in the Schedule of Fees shall be paid to the Village Clerk at the time of reapplication for approval or amendment of any Preliminary Plat, which has previously been reviewed.
- (f) FINAL PLAT REVIEW FEE.
- (1) The Subdivider shall pay a FINAL PLAT REVIEW FEE as specified in the Schedule of Fees to the Village Clerk at the time of first application for Final Plat approval of said Plat.

- (2) A Reapplication Fee as specified in the Schedule of Fees shall be paid to the Village Clerk at the time of a reapplication for approval or amendment of any Final Plat, which has previously been reviewed.

(g) CERTIFIED SURVEY.

- (1) The Subdivider shall pay a CERTIFIED SURVEY REVIEW FEE as specified in the Schedule of Fees for each CSM, which results in two (2) Lots, Outlots, or Parcels within the CSM.
- (2) The Subdivider CERTIFIED SURVEY REVIEW FEE as specified in the Schedule of Fees, for each CSM which results in more than two (2) Lots, Outlots, or Parcels within the CSM.
- (3) Should the Subdivider submit an amended or revised CSM, the Village Clerk shall collect a fee as stated in the Schedule of Fees for each amended or revised CSM.

- (h) PUBLIC SITE FEE. If the Land Division does not contain lands to be dedicated as required in this Chapter, the Village Clerk shall require a fee pursuant to SECTION 10-3-27 for the acquisition and development of public sites to serve the future inhabitants of the proposed Land Division.

- (i) VARIANCE. Any person seeking a variance from the regulations imposed by this Subdivision Ordinance shall pay an Application for Variance Fee as specified in the Schedule of Fees and shall pay engineering and administrative fees as determined under sub-sections (b) and (c) above.

- (j) ASSESSMENTS. All outstanding assessments due to the Village shall be due prior to the signing of the Final Plat or CSM by the Village.

- (k) COST DETERMINATION. The Subdivider of Land Divisions within the Village or Village extraterritorial plat review jurisdiction shall reimburse the Village for its actual costs of design, inspection, testing, construction and associated legal and real estate fees incurred in connection with the Preliminary Plat, Final Plat, Replat or CSM. The Village's costs shall be determined as follows:

- a. The cost of the Village employees' time engaged in any way with the Land Division based on the hourly rate paid to the employee multiplied by a factor determined by the Village Clerk to represent the Village's cost for expenses, benefits, insurance, sick leave, holidays, vacation and similar benefits.
- b. The cost of the Village equipment employed.
- c. The cost of mileage reimbursed to Village employees, which is attributed to the Land Division.

- d. The actual costs of Village materials incorporated into the work, including transportation costs plus a restocking and/or handling fee not to exceed ten percent (10%) of the cost of the materials.
- e. All consultant fees, including but not limited to legal and engineering, at the invoiced amount plus administrative costs. Unless the amount totals less than Fifty Dollars (\$50.00), the Village shall bill the Subdivider monthly for expenses incurred by the Village. Statements outstanding for more than thirty (30) days shall accrue interest at the rate of one and one-half percent (1-1/2%) per month. Bills outstanding for more than ninety (90) days shall be forwarded to the Subdivider's surety agency for payment. Amounts less than Fifty Dollars (\$50.00) shall be held for billing by the Village until amounts total more than Fifty Dollars (\$50.00) or until the conclusion of project activities.

**SECTION 10-3-33 THROUGH SECTION 10-3-34 RESERVED FOR FUTURE USE**

**ARTICLE K -- VARIANCES; PENALTIES AND VIOLATIONS**

**SECTION 10-3-35 Variations and Exceptions**

- (a) Where the Subdivider alleges that extraordinary hardships or particular difficulties may result from strict compliance with these regulations, he/she may request variations or exceptions to the regulations so that substantial justice may be done and the public interest secured, provided that such variation or exception shall not have the effect of nullifying the intent and purpose of this Chapter. Application for any such variance shall be made in writing by the Subdivider to the Village Clerk at the time when the Preliminary Plat or CSM is filed for consideration, stating fully all facts relied upon by the Subdivider, and shall be supplemented with map, plans, or other additional data which may aid Village officials in the analysis of the proposed project. The Village Clerk may request that the Village Engineer, Village Attorney or other officials review each situation to insure that the request is consistent with the requirements and standards of this Chapter. The Village Clerk shall refer the matter to the Plan Commission with a written report and recommendation from Village staff. The Plan Commission shall make a recommendation to the Village Board. The previous granting of variances or exceptions in the same or similar circumstances shall not of itself constitute grounds for the granting of a variance or exception, nor shall strictly financial rationale.
- (b) The Plan Commission shall not recommend nor shall the Village Board grant variations or exceptions to the regulations of this Chapter unless it shall make findings based upon the evidence presented to it in each specific case that:
  - (1) Failure to grant the variation may be detrimental to the public safety, health or welfare or injurious to other property or improvements in the neighborhood in which the property is located;