

ARTICLE IV
Plat Review and Approval

§ 474-11. Submission of preliminary plat.

- A. Submission. Before submitting a final plat for approval, the subdivider shall prepare a preliminary plat and a letter of application. The subdivider shall submit 10 copies of the preliminary plat. The preliminary plat shall be prepared in accordance with this chapter, and the subdivider shall file copies of the plat and the application as required by this section with the Village Clerk at least 15 days prior to the meeting of the Plan Commission at which consideration is desired. The Village Clerk shall submit a copy of the preliminary plat to the Plan Commission and to the Village Engineer and for review and written report of their recommendations and reactions to the proposed plat.
- B. Public improvements; plans and specifications. Simultaneously with the filing of the preliminary plat, the owner shall file with the Village Clerk plans and specifications for the construction of any public improvements required by this chapter, specifically addressing sewer and water service feasibility, drainage facilities, typical street cross sections, erosion control plans, pavement design and other improvements necessary in the subdivision.
- C. Property owners' association; restrictive covenants. A draft of the legal instruments and rules for proposed property owners' associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to § 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the preliminary plat with the Village Clerk.
- D. Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this chapter.
- E. Supplementary data to be filed with preliminary plat. The following shall also be filed with the preliminary plat:
 - (1) Use statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units and types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) Zoning changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions.
- F. Street plans and profiles. The subdivider shall provide general 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 when requested.
- G. Soil testing. If requested by the Village Engineer, the subdivider shall be required 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. Pursuant to the public policy concerns prescribed in § 474-7, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table, pursuant to § 474-13C.
- H. Drafting standards. The subdivider shall submit to the Village Clerk and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a preliminary plat (or certified survey) based upon an accurate exterior boundary survey by a professional land surveyor which shall show clearly the proposed subdivision at a scale of not more than one inch per 100 feet, having two-foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land) and easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

§ 474-12. Preliminary plat review and approval.

- A. Referral to other agencies.
 - (1) The subdivider or the subdivider's agent will submit the original plat to the Department of Administration, which shall forward two copies to each of the agencies authorized to object. The Department of Administration shall have the required number of copies made at the subdivider's expense. The subdivider shall provide written

verification to the Village that these submittals have been made.¹

- (2) The Village Clerk shall also transmit copies of the preliminary plat to the Village Plan Commission and additional copies to utilities and all affected Village committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission within 30 days from the date the preliminary plat is filed. The preliminary plat shall then be reviewed by the Plan Commission for conformance with this chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.
- B. Objecting agency response. Within 20 days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection A(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If an agency fails to act within 20 days from the date on which it received the copy or copies of the plat, and the Department of Administration fails to act within 30 days from the date on which it received the copy of the plat, it shall be deemed that there are no objections to the plat and, upon demand, the Department of Administration shall so certify on the face of the plat.²
 - C. Advisory Plan Commission review. After review of the preliminary plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within 60 days of the date the plat was filed with the Village Clerk, make a recommendation to approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. The Plan Commission may obtain an extension of time from the subdivider by which the Plan Commission must act on said plat (this procedure is recommended in those cases where objections are made to the layout, design or similar aspects of said preliminary plat and there is insufficient time in which said corrections may be made by the subdivider and resubmitted to the Plan Commission for action). The subdivider shall be notified in writing of any conditions for approval or the reasons for rejection. The recommendations of the Plan Commission shall be submitted to the Village Board for approval.³
 - D. Board action, public hearing.. After receipt of the Plan Commission's recommendations, the Village Board shall, within 90 days of the date the plat was filed with the Village Clerk, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. The Village Clerk shall schedule a public hearing on the preliminary plat by listing it as an agenda item in the Board's posted meeting notice and publishing a Class 2 notice per Ch. 985 Wis. Stats. The notice shall include the name of the applicant, the address of the property in question and the requested action. Property owners within 200 feet of the proposed land division shall receive written notice of the public hearing. Failure of the Village Board to act within 90 days or extension thereof shall constitute an approval of the preliminary plat, unless other authorized agencies object to the 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.
 - E. 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 36 months of preliminary plat approval and conforms substantially to the preliminary plat layout, the final plat shall be entitled to approval. Conditional approval may be granted subject to satisfactory compliance with pertinent provisions of this chapter and Ch. 236, Wis. Stats. The preliminary plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.⁴
 - F. Preliminary plat amendment. Should the subdivider desire to amend the preliminary plat as approved, he/she may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the
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opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

§ 474-13. 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 professional land surveyor and the plat prepared on Mylar or paper of good quality at a scale of not more than 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, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the Village unless considered an addition to the subdivision.
 - (2) Legal description/location of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) Date, scale and North point.
 - (4) Names, telephone numbers, and addresses of the owner and any agent having control of the land, engineer, subdivider, and land surveyor preparing the plat.
 - (5) Entire area contiguous to the proposed plat owned or controlled by the subdivider may be required by the Plan Commission and/or Village Board to be included on the preliminary plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the preliminary plat in question. The Village Board, upon the recommendation of the Village Engineer, may waive these requirements where adjacent development patterns have already been established or where severe 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 United States Public Land Survey and the total acreage encompassed thereby.
 - (2) Locations of all existing property boundary lines, structures, drives, streams and watercourses, 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 center-line elevations.
 - (6) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drainpipes, the location of manholes, catch basins, hydrants, and 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 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 center line of adjacent public streets to National Map Accuracy Standards based upon mean sea level datum at vertical intervals of not more than two feet. At least two 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 100 feet therefrom.
 - (11) Water elevation of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within 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-year recurrence interval flood or, where such data is not available, two feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within 100 feet therefrom.
 - (13) Location and results of percolation tests within the exterior boundaries of the plat conducted in accordance with Ch. SPS 383, Wis. Adm. Code, where the subdivision will not be served by public sanitary sewer service.
 - (14) Location, width and suggested names of all proposed streets and public rights-of-way such as alleys and easements; the Village Board shall have final approval authority over street names.
 - (15) Approximate dimensions of all lots together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
 - (16) 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.
 - (17) Approximate radii of all curves.
 - (18) Any proposed lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
 - (19) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.⁵
 - (20) Soil tests and reports as may be required by the Village Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
 - (21) Setbacks and building lines for each lot consistent with the pertinent requirements of Chapter 480, Zoning, of this Code.
 - (22) Design features.
 - (a) Locations and widths of proposed alleys, pedestrianways and utility easements.
 - (b) Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - (c) Minimum front, rear, side, and street yard building setback lines.
 - (d) Location and size of proposed sanitary sewer lines and water mains.
 - (e) Gradients of proposed streets and sewer lines (and water mains, if required).
 - (f) Areas, other than streets, alleys, pedestrianways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - (g) Location and description of survey monuments.
 - (h) An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - (i) Sites, if any, to be reserved for parks or other public uses.
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- (j) Sites, if any, for multifamily dwellings, shopping centers, churches, industry or other nonpublic uses, exclusive of single-family dwellings.
 - (k) Provisions for surface water management, including both minor and major system components, and detention/retention facilities, including existing and post-development one-hundred-year flood elevations, etc.
 - (l) Potential resubdivision and use of excessively deep (over 200 feet) or oversized lots must be indicated in a satisfactory manner.
 - (m) Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (23) Where the Village Board, Plan Commission or Village Engineer finds that it or he requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it or he shall have the authority to request in writing such information from the subdivider.
- C. Testing. The Village Board, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. The Village does not guarantee, warrant, or represent that those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. SPS 383, Wis. Adm. Code, shall be complied with and the appropriate data submitted with the preliminary plat.
- D. Soil and water conservation. The Village Board and/or Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the latest revision of publication WR-222, Wisconsin Construction Site Best Management Practice Handbook, as prepared by the Wisconsin Department of Natural Resources.⁶

§ 474-14. Technical requirements for final plats.

- A. General. A final plat prepared by a professional land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of § 236.20, Wis. Stats., and this chapter.
- B. Additional information. The final plat shall show correctly on its face, or on a supporting document, in addition to the information required by § 236.20, Wis. Stats., the following:
- (1) Exact street width along the line of any obliquely intersecting street.
 - (2) Exact location and description of streetlighting and lighting utility easements.
 - (3) Railroad rights-of-way within and abutting the plat.
 - (4) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat.
 - (5) Special restrictions required by the Village Board, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
 - (6) Taxes. Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.
 - (7) Groundwater presence. Where the groundwater table is equal to or less than nine feet from the proposed street center-line elevation, the subdivider shall place the following note on the plat: "Subsoil information indicates the presence of high groundwater conditions on Lot(s) _____. On these lots, either basement elevations

must be elevated above the groundwater level or the basement exteriors must be fully waterproofed."

- (8) Dimensions of lot lines shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
 - (9) A numbered identification system for all lots and blocks.
- C. Deed restrictions. Restrictive covenants and deed restrictions for the proposed subdivision shall be filed with the final plat.
 - D. Property owners' association. The legal instruments creating a property owners' association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the final plat.
 - E. Street dedication. Public rights-of-way for streets and other public areas shall be dedicated to the Village with final plat approval. Such dedications shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by § 236.21(2)(a), Wis. Stats.
 - F. Survey accuracy.
 - (1) Examination. The Village Engineer shall examine all final plats within the Village and may check 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 5,000, nor in azimuth, 30 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 checks disclose an error for any interior line of the plat greater than the ratio of one part in 3,000, or an error in measured angle greater than one minute of arc for any angle where the shorter side forming the angle is 300 feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than 300 feet in length, the error shall not exceed the value of one minute multiplied by the quotient of 300 divided by the length of the shorter side; however, such error shall not in any case exceed five minutes of arc.⁷
 - G. Engineer's report. The Village Board shall receive the results of the Village Engineer's examination prior to approving the final plat.
 - H. Surveying and monumenting. All final plats shall meet all the surveying and monumenting requirements of § 236.15, Wis. Stats.
 - I. State plane coordinate system. Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat 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 coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
 - J. Certificates. All final plats shall provide all the certificates required by § 236.21, Wis. Stats., and in addition the surveyor shall certify that he has fully complied with all the provisions of this chapter.

§ 474-15. Final plat review and approval.

- A. Filing requirements.
 - (1) The subdivider shall prepare a final plat and a letter of application in accordance with this chapter and shall file 10 copies of the plat and the application with the Village Clerk at least 25 days prior to the meeting of the Plan
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Commission at which action is desired. The owner or subdivider shall file copies of the final plat not later than 36 months after the date of approval of the preliminary plat; otherwise, the preliminary plat and final plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the approval of the preliminary plat.⁸

- (2) The Village Clerk shall, within two days after filing with the Village, transmit four copies to the county planning agency, two copies to the Wisconsin Department of Administration, and additional copies to the Department of Administration for retransmission of two copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Safety and Professional Services if the subdivision is not served by a public sewer and provision for service has not been made. The county planning agency, the Wisconsin Department of Administration, the Wisconsin Department of Transportation, and the Wisconsin Department of Safety and Professional Services shall be hereinafter referred to as "objecting agencies."⁹
- (3) The final plat shall conform to the preliminary plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by § 236.12(2), Wis. Stats.
- (4) Simultaneously with the filing of the final plat or map, the owner shall file with the Village Clerk 6 copies of the final plans and specifications of public improvements required by this chapter and a signed copy of the developer's contract required by § 474-21.
- (5) The Village Clerk shall refer two copies of the final plat to the Plan Commission, one copy to the Village Engineer, one copy to the Village Attorney, and a copy each to the telephone and power and other utility companies. . The Village Clerk shall also refer final plans and specifications for public improvements required by this chapter to the Village Engineer for review. The recommendations of the Plan Commission, , and Village Engineer shall be made within 30 days of the filing of the final plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.

B. Plan Commission review.

- (1) The Plan Commission shall examine the final plat as to its conformance with the approved preliminary plat, any conditions of approval of the preliminary plat, this chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the plat to the Village Board.
- (2) The objecting state and county agencies shall, within 20 days of the date of receiving their copies of the final plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Administration has 30 days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the plat and shall return that copy to the Village. If an objecting agency fails to act within 20 days, and the Department of Administration fails to act within 30 days, it shall be deemed to have no objection to the plat.¹⁰
- (3) If the final plat is not submitted within 36 months after the last required approval of the preliminary plat, the Village Board may refuse to approve the final plat or may extend the time for submission of the final plat.¹¹
- (4) The Plan Commission shall, within 30 days of the date of filing of the final plat with the Village Clerk,

recommend approval, conditional approval or rejection of the plat and shall transmit the final plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information, provided that the timetables in Subsection C below are complied with.

C. Board review and approval.

(1) Action on final plat.

(a) The Village Board shall, within 60 days of the date of filing the original final plat with the Village Clerk:

[1] Approve the final plat.

[2] Approve the final plat with conditions.

[3] Reject the final plat with reasons.

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

(b) If the 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.

(c) The Village Board may not inscribe its approval on the final plat unless the Village Clerk certifies on the face of the plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within 20 days or, if filed, have been met.

(2) The Village Board shall, when it determines to approve a final plat, give at least 10 days' prior written notice of its intention to the municipal clerk of any municipality within 1,000 feet of the final plat.

(3) Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved. In the case of time extensions, the Village Board and applicant must mutually agree upon such extension.

D. Recordation. After the final plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation are filed, the Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds as required by § 474-6G of this chapter.

E. Copies. The subdivider shall file 10 copies of the adopted final plat with the Village Clerk for distribution to the Village Engineer, approving agencies, and other affected agencies for their files.

F. 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 the time.