

CHAPTER 11

FAIR HOUSING AND SUBDIVISION AND PLATTING OF LAND

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(1) Preamble. The Village of Montfort recognizes its responsibilities under Section 106.50, Wisconsin Statutes, as amended, and endorses the concepts of fair and open housing for all persons and prohibition of discrimination therein;

(2) The Village of Montfort hereby adopts Section 106.50, Wisconsin Statutes, as amended, and all subsequent amendments thereto.

(3) The officials and employees of the Village shall assist in the orderly prevention and removal of all discrimination in housing within the Village by implementing the authority and enforcement procedures set forth in Section 106.50, Wisconsin Statutes, as amended.

(4) The Village Clerk shall maintain forms for complaints to be filed under Section 106.50, Wisconsin Statutes, as amended, and shall assist any person alleging a violation thereof in the Village of Montfort to file a complaint thereunder with the Wisconsin Department of Work Force Development, Equal Rights Division, for enforcement of Section 106.50, Wisconsin Statutes, as amended.

11.02 SUBDIVISION AND PLATTING OF LAND

(1) Purpose. The purpose of this ordinance is to promote the public health, safety and general welfare of the community. These regulations are designed to lessen congestion in the streets and highways; to further the orderly layout and use of land; to secure safety from fire, panic and other dangers; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate adequate provisions for transportation, water, sewerage, schools, parks, playgrounds and other public requirements; and to facilitate the further re-subdivision of larger tracts into smaller parcels of land.

(2) Definitions. For the purpose of these subdivision regulations, certain words used in this ordinance are defined as follows:

(a) Extraterritorial plat approval jurisdiction. This is the unincorporated area within one and one-half miles of the Village.

(b) Subdivision. The term "subdivision" means the division of a lot, parcel or tract of land where:

(i) The act of division creates three or more parcels or building sites of three acres or less in area; or

(ii) The act of division creates five or more parcels or building sites of one and one-half acres each or less in area by successive divisions within a period of five years.

(c) Minor Subdivision. The division of a lot, parcel or tract of land that does not meet the definition of a subdivision.

(3) Jurisdiction. Jurisdiction of these regulations shall include all lands within the corporate limits of the Village of Montfort as well as the extraterritorial plat approval jurisdiction of the Village of Montfort which is the unincorporated area within one and one-half miles of the corporate limits of the Village.

(4) Compliance. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations without compliance with the following:

- (a) The provisions of this ordinance;
- (b) The provisions of Chapter 236 of the Wisconsin Statutes;
- (c) The rules of the Department of Administration;
- (d) The rules of the Department of Transportation; and
- (e) The zoning ordinance and official map of the Village of Montfort.
- (f) The comprehensive plan for the Village of Montfort.
- (g) Any other applicable ordinances, regulations or rules governing the property to be subdivided.

No subdivision or replat shall be recorded and no street or improvements shall commence without compliance with all of the requirements of the above regulations. In case of conflict between any of the above regulations, the more stringent requirements shall be controlling.

(5) Submission of Preliminary Plat for major subdivisions.

(a) Submission.

(i) Before submitting a Final Plat for approval, the Land Divider shall prepare a Preliminary Plat and an application. The Land Divider shall submit one hard copy and ten additional copies of the Preliminary Plat, application and all other submittal documents. The Preliminary Plat shall be prepared in accordance with the provisions and requirements of this chapter and Chapter 236, Wis. Stats. The Land Divider shall file the copies of the Preliminary Plat and application with the Village Office at least 21 calendar days prior to the regular meeting of the Plan Commission at which review of the Preliminary Plat is desired.

(ii) The application shall include the following:

a. Written description. A written description of the proposed Land Division;

b. Use statement. A statement of the proposed use of Lots stating the type of residential buildings with the number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards, police services and congestion of population;

c. Zoning changes. If any zoning changes are contemplated, the proposed zoning plans for the areas, including dimensions;

(b) Affidavit. The surveyor preparing the Preliminary Plat shall certify on the Preliminary Plat that it is a correct representation of all existing Land Divisions and features and that the surveyor has fully complied with all provisions of this chapter.

(c) Referral to other agencies. The Land Divider shall, within two days after filing of the Preliminary Plat and application, transmit the necessary copies of the Preliminary Plat to the appropriate agencies for approval or objection as specified in Chapter 236, Wis. Stats.

(6) Preliminary plat review and approval.

(a) Notice

(i) The Village Clerk shall give notice of the Plan Commission's review of the Preliminary Plat by listing it as an agenda item in the Plan Commission's posted meeting notice. The notice shall include the name of the Land Divider, the address of the property proposed to be divided and the requested action.

(ii) The Village Clerk shall give notice of the Village Board's review and public hearing on the Preliminary Plat by listing it as an agenda item in the Board's posted meeting notice. The Land Divider shall also be notified in writing. The meeting notice shall include the name of the Land Divider, the address of the property in question and the requested action. Abutting property Owners and property Owners within 500 feet of the Land Divider's total Parcel, together with the Clerk of a Village or municipality within 1000 feet of the land proposed to be divided shall receive written notice of the public hearing.

(b) Plan Commission recommendations. After review of the Preliminary Plat submittals, and negotiations, if any, with the Land Divider regarding changes and the kind and extent of Public Improvements which will be required, the Plan Commission shall recommend to the Village Board disapproval, approval or conditional approval of

the Preliminary Plat.

(c) Village Board review; public hearing. The Village Clerk shall schedule the public hearing on the Preliminary Plat before the Village Board.

(d) Village Board action. Within 90 days of the date the Preliminary Plat was filed with the Village Office, the Village Board shall, taking into consideration the Plan Commission's recommendations, if any, approve, approve conditionally or reject such Preliminary Plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the Land Divider. 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 Preliminary Plat. The Village Office shall communicate in writing to the Land Divider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk shall endorse it for the Village Board. [Note: An extension of time may only be made by written agreement with the Land Divider. Section 236.11(1)(a), Wis. Stats.]

(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 thirty-six (36) months after the last required approval of the Preliminary Plat and conforms substantially to the Preliminary Plat as approved, including layout, any conditions of that approval, and local plans and ordinances that were in effect at the time the Preliminary Plat was submitted and state laws, the Final Plat shall be entitled to approval with respect to such layout. An approved or conditionally approved 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 Village Board at the time of its submission. If a Final Plat is not filed within thirty-six (36) months after the last required approval of the Preliminary Plat, the Village Board may reject the Final Plat, and the Land Divider shall be required to resubmit the Preliminary Plat and meet the requirements of sec. 11.02(6) and this section. [Note that an extension of time may only be made by written agreement between the Village Board and Land Divider.]

(f) Preliminary plat amendment. Should the Land Divider amend the Preliminary Plat as approved, the Land Divider may submit an amended Preliminary Plat which shall follow the same submittal procedure as described in sec. 11.02(5) and shall be subject to the same approval and review procedures described in sec. 11.02(6), including the Village having 90 days to approve, conditionally approve or reject the amended Preliminary Plat. The Village Board may waive any of the requirements of sec. 11.02(5) and/or sec. 11.02(6) if the amendment is, in the opinion of the Village Board, of such minor scope that it is unnecessary to require that such requirements be met.

(g) Multi-Phase Plats. The Village Board may, in its sole discretion, approve a Preliminary Plat for a Land Division that will be Final Platted all at once, but built-in multiple construction phases, or that will be Final Platted with multiple Final Plats and

built in multiple corresponding construction phases. The Village Board finds it reasonable and necessary to require, as conditions of such approval, that the Land Divider and Owner shall, among other things, enter into a Developer Agreement, record Deed Restrictions, and provide financial guarantees as provided for in this chapter.

(7) Final plat review and approval for major subdivisions.

(a) Filing requirements.

(i) The Land Divider shall prepare a Final Plat and application in accordance with this chapter and shall file one hard copy and ten additional copies of the Final Plat and the application with the Village Office 21 days prior to the meeting of the Plan Commission at which action is desired. One hard copy and one electronic copy of all documents required on the Final Plat submittal checklist shall be also be provided. The Village Office shall give notice of the Plan Commission's meeting in the manner prescribed in sec. 11.02(6).

(ii) The Land Divider shall, within two days after filing of the Final Plat and application, transmit the necessary copies of the Final Plat to the appropriate agencies for approval or objection as specified in Chapter 236, Wis. Stats.

(iii) The Land Divider shall also submit copies of the Final Plat to the telephone, power, and all other applicable utility companies.

(iv) The Final Plat shall conform to the Preliminary Plat as approved, including layout, any conditions of that approval, and local plans and ordinances and state laws, and shall be submitted by the Land Divider for certification of those agencies having the authority to object as provided by § 236.12(2), Wis. Stats.

(b) Incomplete submission. All items and documents required by this section must be submitted to the Village Office before the time requirements for review of Land Divisions will legally commence. Failure to submit all items and documents required by this section may constitute a reason for the Village Board to reject a Final Plat.

(c) Plan Commission review. 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 Final Plat to the Village Board. The Plan Commission may recommend rejection of the Final Plat if there is incomplete or inadequate information.

(d) Village Board review and approval.

(i) The Village Board shall, within 60 days of the date of filing the original Final Plat with the Village Office, approve, conditionally approve, or reject such Final Plat unless the time is extended by written agreement with the Land Divider. If the Final Plat is rejected, the reasons shall be stated in the minutes of the Village Board meeting and a written statement of the reasons for rejection shall be forwarded to the Land Divider. The Village Board may not inscribe its approval on the Final Plat unless the Village Office certifies on the Final Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within the time required, or if filed, such objections have been met. The Village Engineer, or other person designated by the Village Board to review Plats shall determine if a Final Plat substantially conforms to the Preliminary Plat. The determination shall be given to the Village Board along with a recommendation for approval/denial of the Final Plat. The conclusion and recommendation are not required to be in writing but must be made part of the public record at the Village Board meeting where the Final Plat is being considered.

(ii) Failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Final Plat shall be deemed approved.

(iii) After the Final Plat has been approved by the Village Board, and all conditions of approval have been resolved to the Village's satisfaction and required improvements either installed or a contract and sureties insuring their installation are filed, the Village Office shall cause the certificate inscribed upon the Final Plat attesting to such approval to be duly executed and the Final Plat shall be returned to the Land Divider for recording with the County Register of Deeds. The County Register of Deeds cannot record the Final Plat unless it is offered within the time frame specified in the Wisconsin Statutes. In addition, the Village Clerk shall not sign the Final Plat if it is presented to the Clerk for signature after resolution of all outstanding conditions of approval, if more than 36 months have passed since the date the Village Board approved or conditionally approved the Final Plat. [Note that an extension of time may only be made by written agreement between the Village Board and Land Divider.]

(iv) If the Final Plat is not submitted within 36 months after the date of the last required approval of the Preliminary Plat, the Village Board may reject the Final Plat. [Note that an extension of time may only be made by written agreement between the Village Board and Land Divider.]

(v) The Land Divider shall file one full-size and three reduced size (11 inches by 17 inches maximum) copies of the recorded Final Plat with the Village Office.

(8) Partial Platting and Multi-Phase Plats. The Final Plat may, if permitted by

the Village Board in its sole discretion, constitute only a portion of the approved Preliminary Plat which the Land Divider proposes to record at that time.

(9) Replat.

(a) Except as provided in § 70.27(1), Wis. Stats., when it is proposed to Replat a recorded subdivision, or part thereof, so as to alter areas dedicated to the public, the Land Divider shall simultaneously vacate or alter the recorded Plat as provided in §§ 236.40 through 236.44, Wis. Stats. The Land Divider shall then proceed, using the procedures for Preliminary and Final Plats contained in this chapter.

(b) The Village Clerk shall schedule a public hearing before the Village Board when a Preliminary Plat of a Replat of lands within the Village is filed, and shall cause notices of the proposed Replat and public hearing to be mailed to the Land Divider and to the Owners of all properties within the limits of the exterior boundaries of the proposed Replat, to all abutting property Owners, and to the Owners of all properties within 600 feet of the exterior boundaries of the proposed Replat.

(10) Technical requirements of the preliminary plat. A preliminary plat shall be based upon a survey of a registered land surveyor and the plat must be prepared on tracing cloth or paper of good quality at the scale of not more than 100 feet to the inch. The preliminary plat shall show correctly on its face the following information.

(a) The proposed name of the subdivision shall not duplicate or approximate any other subdivision or plat previously recorded in the Village or in Grant or Iowa Counties.

(b) A legal description of the property included in the subdivision.

(c) The names and addresses of the owners of record, the sub-divider and the engineer or surveyor.

(d) The names of the abutting landowners and the names of adjacent subdivisions.

(e) The boundary lines accurate in scale of the tract to be divided.

(f) The locations, width and names of all existing or platted streets, or other public ways within or adjacent to the tract and other important features such as the existing, permanent buildings, trees which are 12 inches in diameter, watercourses, railroad lines, corporation lines and Villageship lines.

(g) Existing utilities, existing sewers, water mains, culverts and other underground structures within the tract and immediately adjacent thereto with pipe sizes and grades indicated.

(h) Topography and soil characteristics: contours normally within intervals of two feet where the slope of the ground surface is less than 10% or more. Elevation shall be marked on the contours of U.S.G.S. datum and soil characteristics as shown on U.S. soil maps.

(i) Proposed design of streets, water, sewer, lighting, electrical, and drainage. The layout, names and width of these proposed streets, alleys and easements; the location and approximate sizes of catch basins, culverts and other drainage structures, including storm sewer, the layout and approximate dimensions of proposed lots.

(j) Zoning boundary lines if any, proposed uses of property and proposed front yard setback lines.

(k) All parcels of land intended to be dedicated for public use.

(l) The date of the preliminary plat, the scale and the North point.

(11) Technical requirements for final plats.

The final plat must meet all of the requirements of the preliminary plat, the provisions of this ordinance and the requirements listed in Chapter 236 of the Wisconsin Statutes.

(12) Technical requirements for certified survey land divisions; review and approval.

(a) Certified survey requirements. When a Land Divider proposes to create a Minor Subdivision, the Land Divider shall subdivide by use of a Certified Survey map, prepared in accordance with § 236.34, Wis. Stats., and this chapter.

(b) Submission and review.

(a) Ten copies of the Certified Survey map and application shall be submitted to the Village Office 21 days prior to the Village Plan Commission meeting at which action is desired. In addition, one hard copy and one electronic copy of submittal documents required on the Certified Survey map submittal checklist shall be provided. The Certified Survey shall be reviewed by the Plan Commission and their recommendations, if any, made to the Village Board. The Village Board shall approve, conditionally approve or reject the Certified Survey. Village review and action shall be completed within 90 days of filing with the Village Office.

(b) The application shall include the following:

(i) Written description. A written description of the proposed Land Division;

(ii) Zoning changes. If any zoning changes are contemplated, the proposed zoning plans for the areas, including dimensions;

(c) The Village Clerk shall give notice of the Plan Commission's review of the Certified Survey by listing it as an agenda item in the Plan Commission's meeting notice. The notice shall include the name of the Land Divider, the address of the property in question and the requested action.

(d) The Village Clerk shall schedule a public hearing on the Certified Survey before the Village Board. The Village Clerk shall give notice of the Village Board's review and public hearing on the Certified Survey by listing it as an agenda item in the Board's posted meeting notice. The Land Divider shall also be notified. The notice shall include the name of the Land Divider, the address of the property in question and the requested action. Abutting property Owners and property Owners within 600 feet of the Land Divider's total Parcel shall receive written notice of the public hearing.

(e) The Certified Survey map shall show correctly on its face, in addition to the information required by § 236.34, Wis. Stats., the following:

(i) All lands reserved for future public acquisition.

(ii) Date of the map.

(iii) Graphic scale.

(iv) Name and address of the Owner, Land Divider, and surveyor.

(v) Square footage of each Parcel.

(vi) Notification that shall read as follows: "Further Land Divisions by Certified Survey may be restricted for a period of up to five years under the provisions of the Village of Montfort Subdivision Ordinance and chapter 236, Wis. Stats."

(f) Certificates. All Certified Survey maps shall provide all the certificates required by § 236.34, Wis. Stats.; and in addition, the surveyor shall certify on the Certified Survey map that he has fully complied with all the provisions of this chapter.

(g) 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 § 236.21(2)(a), Wis. Stats.

(h) Incomplete submission. All items and documents required by this section must be submitted to the Village Office before the time requirements for review of Land Divisions will legally commence. Failure to submit all items and documents required by this section may constitute a reason for the Village Board to reject a Certified Survey map.

(i) Village Board review and approval.

(i) Within 90 days of the date the Certified Survey map was filed with the Village Office, the Village Board shall, taking into consideration the Plan Commission's recommendation, if any, approve, approve conditionally, or reject such Certified Survey and shall state in writing any conditions of approval or reasons for rejection, unless the time is extended by written agreement with the Land Divider. The Village Clerk shall communicate in writing to the Land Divider the action of the Village Board.

(ii) After the Certified Survey map is approved by the Village Board, the Village Clerk shall sign the Certified Survey map.

(iii) The County Register of Deeds cannot record the Certified Survey map unless it is offered within the time frame specified in the Wisconsin Statutes. In addition, the Village Clerk shall not sign the Certified Survey map if it is presented to the Clerk for signature more than 24 months have passed since the date the Village Board approved or conditionally approved the Certified Survey map. [Note that an extension of time may only be made by written agreement between the Village Board and Land Divider.] Failure to do so shall necessitate a new filing and review and approval of the Certified Survey map by the Village Board.

(iv) The Land Divider shall file one full-size and three reduced size (11 inches by 17 inches maximum) copies of the recorded Certified Survey map with the Village Office.

(13) Cost of improvements; general standards.

(a) Payment for improvements. The improvements prescribed in this chapter are required as a condition of approval of a Land Division. The required improvements described in this chapter shall be installed, furnished and financed at the sole expense of the Land Divider unless the Village Board, in its sole discretion, permits that improvements, be financed through special assessments.

(b) General standards.

(i) The required public improvements in this chapter shall be designed and installed in accordance with the engineering standards and specifications that have been adopted or approved by the Village Board. Where standards and specifications have not been adopted, the improvements shall be made in accordance with good and accepted engineering practices. All engineering designs, standards and specifications must be approved by the Village Engineer prior to the start of any construction and shall meet the requirements of the Village for design of public improvements.”

(ii) All features, amenities, and improvements that are depicted, shown, or referred to in or on any documents, drawings, or maps shall be considered to be part of the plan to divide the land and shall be the responsibility of the Land Divider to provide and/or install unless specifically noted in the documents, drawings, or maps to the contrary.

(14) Required agreement providing for proper installation of improvements.

(a) Contract. Prior to installation of required improvements, if any, and prior to the Village signing the Final Plat or Certified Survey map, the Land Divider and Owner shall enter into a written contract, termed a "Developer Agreement," with the Village requiring the Land Divider to furnish and construct said improvements at his or her sole cost and in accordance with plans and specifications and usual contract conditions, which shall include provision for inspection and approval of construction details by the Village Engineer. If it is determined by the Village Board that the Land Divider or Owner is in default under the Developer Agreement during installation of the improvements, the Village may issue a cease-and-desist order stopping all activities until the issue(s) has been satisfactorily addressed in the opinion of the Village Board.

(b) The Land Divider and Owner shall be required to enter into a Developer Agreement for each phase of construction of a Land Division at the time the Final Plat is approved, whether it is Final Platted all at once or with multiple Final Plats. The Village Board finds it reasonable and necessary to require the following:

(c) For a Land Division that is Final Platted with multiple Final Plats by construction phase, the requirements for open space and parkland dedication, or fees in lieu of, and all other requirements of this chapter must be met within each construction phase and Final Plat for the Land Division.

(d) For a Land Division that is Final Platted with one Final Plat, the requirements for open space and parkland dedication, or fees in lieu of, and all other requirements of this chapter must be met within each construction phase of the Final Plat.

(e) Alternatively, if a construction phase or Final Plat of a Land Division does not meet the requirements for open space and parkland dedication, and all other

requirements of this chapter, the Land Divider and Owner may voluntarily Final Plat the entire Land Division and enter into a Developer Agreement for the entire Land Division.

(f) If the Village Board approves a Land Division that will be Final Platted all at once, but built-in multiple construction phases, or is Final Platted with multiple Final Plats and built in multiple corresponding construction phases, the Village Board finds it reasonable and necessary to require the Land Divider and Owner to:

(i) Enter into a Developer Agreement for construction of the first phase of improvements, and

(ii) Record a Deed Restriction that prevents the sale of any Lots outside of the first phase of construction until the Land Divider and Owner have entered into a Developer Agreement and have posted surety for improvement of the lots in the particular construction phase and Final Plat of the development.

(g) Financial guarantees.

(i) The Developer Agreement shall require the Land Divider and Owner to make a cash escrow deposit or furnish a letter of credit or bond, the amount of such surety to be equal to one hundred and twenty (120) percent of the estimate of the total cost of the improvements. The amount of the deposit shall be determined as provided under §236.13(2)(am)1d., Wis. Stats. For purposes of this section, at a minimum, Improvements shall include street and stormwater infrastructure, utility infrastructure and lot corner monumentation. Improvements do not include any fees charged by the Village for land disturbing activities that are necessary to achieve the desired subgrade for public improvements. Letters of credit are to be provided in the form available from and approved by the Village. Bonds shall be provided in a form that meets the requirements of §236.13(2)(am)1m.c., Wis. Stats. The Village Board finds it reasonable and necessary to require that the Land Divider and Owner shall provide financial guarantees for the first phase of construction of a Land Division, at the time the Final Plat is approved, whether it is Final Platted all at once or with multiple Final Plats, and prior to each subsequent construction phase.

(ii) On request of the Land Divider, the Developer Agreement may provide for completion of all or part of the improvements covered thereby prior to the approval of the Land Division, and in such event the amount of the deposit or letter of credit or bond shall be reduced in a sum equal to the estimated costs of the improvements so completed prior to approval of the Final Plat or Certified Survey map.

(iii) On request of the Land Divider and upon recommendation by the Village Engineer, the Board may accept improvements and allow a reduction in the letter of credit or bond upon completion of all or a portion of required

improvements. A one-year warranty period is required for all improvements except stormwater. Stormwater improvements shall be under warranty until: 80% of the lots in the subdivision have been sold and the Developer's engineer has certified that the facilities are functioning properly; required plantings are adequate and well established; and all necessary maintenance has been properly performed. At its discretion, the Village Board could waive the 80% requirement but still require the certification on other requirements. If any defects appear during the warranty period, the Land Divider shall make the required replacement or acceptable repair as directed by the Village Board at the Land Divider's expense. During the warranty period for such completed portions of the required improvements, the Village may lower the letter of credit or bond to 15% of the cost of the improvements completed. In addition, the letter of credit or bond should also include 120% of the estimated cost of unfinished required improvements until that work is complete.

(iv) If the required improvements are not completed within the period specified within the Developer Agreement, all amounts held under deposit or letters of credit or bonds shall be turned over to the Village and applied to the cost of the required improvements. Any balance remaining after such improvements have been made shall be returned to the Land Divider.

(v) The Village Board, at its option, may require extension of the deposit or letter of credit or bond period for additional periods not to exceed two years for each additional period.

(vi) The time for completion of the required improvements, and the several parts thereof, shall be determined by the Village Board upon recommendation of the Village Engineer. The Village Engineer shall consult with the Land Divider regarding the establishment of the time for completion of the required improvements. The completion date shall be a component of the Developer Agreement. The Village Board may, in its sole discretion, provide such penalties as it deems appropriate to ensure the timely completion of the required improvements.

(vii) The Land Divider shall pay the Village for all costs incurred by the Village for review, approval and inspection of the Subdivision and Development thereof. Such costs shall include, but not be limited to, the review, and preparation at the Village Board's sole discretion, of plans and specifications by the Village Engineer, special studies or projects undertaken by the Village Engineer or other Persons at the direction of the Village Board; the review, and preparation at the Village Board's sole discretion, of legal documents, plans and specifications by the Village Attorney; as well as all other costs of a similar nature which are related to the review, approval and inspection of the Subdivision and Development thereof. The Land Divider shall also be responsible for all engineering costs associated with the design, review, and construction observation

of all required improvements.

(15) Administrative fees.

(a) General. The Land Divider shall pay the Village all fees as hereinafter required and at the times specified before being entitled to recording of a Plat or Certified Survey map.

(b) Engineering fees. The Land Divider shall pay a fee equal to the actual cost to the Village for all engineering and technical assistance work incurred by the Village in connection with the Preliminary Plat, Final Plat or Certified Survey map, including inspections required by the Village to determine the quality and potential acceptance of improvements and the compliance with provisions of the Developer Agreement and Restrictive Covenants which the Village may have an interest in. The Land Divider shall pay a fee equal to the actual cost to the Village for such inspection as the Village Board deems necessary to assure that the construction of the required improvements is in compliance with the plans, specifications and ordinances of the Village and any other governmental agency.

(c) Legal fees. The Land Divider shall pay a fee equal to the actual cost to the Village for all legal fees and costs incurred by the Village in connection with the Preliminary Plat, Final Plat or Certified Survey map, including acceptance of improvements and the compliance with provisions of the Developer Agreement and Restrictive Covenants in which the Village may have an interest. Such legal services include, but are not limited to, conferences, review and preparation of documents, and consultations with the Land Divider or the Village.

(d) Administrative fees. The Land Divider shall pay a fee equal to the cost of any administrative or fiscal work, publication and special meeting costs which may be incurred or undertaken by the Village in connection with the Preliminary Plat, Final Plat or Certified Survey map or acceptance of improvements and the compliance with provisions of the Developer Agreement and Restrictive Covenants in which the Village may have an interest.

(e) Preliminary plat and certified survey review and final plat review fees. The Land Divider shall pay fees for Village review of Preliminary Plats, Final Plats, Replats, special meetings and Certified Survey maps as established by resolution of the Village Board.

(f) Escrow account.

(i) At the time of filing with the Village Office a Preliminary Plat or Certified Survey map, the Land Divider shall deposit with the Village Office an escrow fund amount of \$10,000 for Plats which include fewer than 15 Lots, \$15,000 for Plats which include 15 or more Lots, and \$2,500 for Certified

Surveys. As required at the sole discretion of the Village Board, funds may be drawn against such escrow accounts for the payment of engineering, legal, administrative and other costs incurred by the Village in reviewing the proposed Land Division.

(ii) Monies not required for such engineering, legal, administrative and other costs shall be returned to the Land Divider within 180 days of final acceptance of all improvements required by the Village and compliance with all provisions of the Developer Agreement and provisions of the Restrictive Covenants to which the Village may be a party. If Village costs exceed the initial amount deposited in the escrow account, the Village shall require the Land Divider to deposit an additional amount in the escrow account.

(iii) Escrow amounts may not reflect final costs for review, and in fact could vary significantly based on the size and complexity of the proposed Land Division.

(16) Required Improvements.

(a) Subdivider to contract for improvements. The Village Board shall approve the quantity and quality of all of the materials used by the subdivider in all subdivisions for the following improvements unless a variance is granted:

(i) Roadways. The roadways of every subdivision shall have concrete curb and gutter, 12-inch crushed rock base, a six-inch crown and a 2 ½ inch asphalt surface on all of the streets in the subdivision. The streets shall have a minimum right-of-way of 60 feet. All cul-de-sacs, except those granted a variance by the Village Board, shall have a maximum of 500 feet length, a 60-foot minimum right-of-way radius and a minimum diameter of 90 feet from curb to curb. A subdivider may seek a variance of the requirements set forth in this paragraph. The Village Board may grant a variance to the requirements of this section if it is found that a lesser amount of right-of-way is acceptable after taking into consideration the proposed traffic, utility usage and other relevant factors pertaining to the street in question.

(ii) Water. The subdivision shall be provided with a complete water distribution system adequate to serve the area platted including connections for each lot, and appropriately spaced fire hydrants as approved by the Village Engineer. The Village will pay for the material for fire hydrants but the subdivider shall be responsible for all of the work and material necessary for the complete water distribution system. In addition to paying for the cost of material and labor for the water hook-up, the subdivider shall pay a fee set forth in the official fee schedule on file at the Village office, for a hook-up fee for each building connected to the building water system.

(iii) Storm sewers. When required by the Village Board, the developer or subdivider shall construct storm sewers including manholes, catch basins and catch basin leads. The size, design and type of the construction shall be approved by the Village Board.

(iv) Sanitary sewers. The subdivision shall be provided with a complete sanitary sewer system connected with the public sanitary sewer system including the lateral connection for each lot. In addition to paying for the cost of material and labor for the sewer hook-up, the sub-divider shall pay a fee set forth in the official fee schedule on file at the Village office, for a hook-up fee for each building connection to the building sewer system.

(v) Monuments. Permanent and other monuments shall be placed in accordance with the requirements of Chapter 236 of the Wisconsin Statutes and shall be reviewed by the engineer retained by the Village.

(vi) Construction and grading plans Construction and grading plans, including the following for improvements to be installed, shall be furnished in accordance with the recommendations or specifications of the Village Board and shall receive approval of the Village Engineer before grading is started or improvements are installed.

a. The profile of each proposed street, and locations and size of utility mains.

b. The cross section of each proposed street, and locations and size of utility mains.

c. The plans and profiles of proposed sewers and storm water sewers, with grades and sizes indicated.

d. Plan and profiles of the proposed water distribution system showing pipe sizes and the location and valves and fire hydrants.

e. All open cuts of ground shall be re-turfed in a satisfactory manner. Sod shall be provided for any open cut subject to excessive erosion, which sod shall be laid out in strips at intervals and at right angles to the flow of water, in order to prevent erosion. In order to aid in preserving and protecting the natural beauty and character of the landscape, no major change in the existing topography of any land shall be made without the consent of the abutting property owner or: owners and the approval of the Village Board, or which would alter the existing drainage in any way as to adversely affect the adjoining property. In no case shall any slope exceed the normal angle of slippage of the material involved, and all slopes shall be protected against erosion. Removing and

hauling away any topsoil, washing or hauling away of gravel shall not be permitted without approval of the engineer retained by the Village.

(vii) Inspection. Prior to starting any work covered by the plans approved as above, arrangements shall be made to provide for the inspection of the work sufficient in the opinion of the engineer retained by the Village to start the work. The Village shall pay for the services of the engineer who is performing the inspection for the Village. The engineer retained by the Village shall inspect and approve all completed work prior to approval and acceptance of the required improvements or release of sureties.

(viii) Underground installation of utility services. Facilities for the distribution of electric, telephone and gas utility service Located within subdivision shall be installed underground except where the Village Boards finds that adverse soil conditions or problems of utility distribution makes such installation prohibitively expensive or impractical. Transformers, junction boxes, meter points or similar equipment may be installed above the ground surfaces. Any landscape screening plan required for such above ground equipment shall be submitted to the utility for approval.

(ix) Street lighting. In a newly platted area, the sub-divider shall provide for the location of all street lights within the area being developed, upon consultation with the electric utility serving the subdivision and as approved by the Village Board.

(x) Sidewalks. The Village Board may require sidewalks to be installed on one or both sides of the streets, including intersections, by the owner or developer in accordance with the specifications as established by the Village Board. Unless otherwise directed, the sidewalks shall be installed at the time of the installation of the curb and gutter.

(xi) No building or zoning permit issued until improvements completed. All road grading, the 12-inch base on the road, the sewerage and water systems, and the concrete curb and gutter shall be completed prior to the issuance of a building or zoning permit for the construction of building in the subdivision.

(b) Design Standards and Requirements. In laying out a subdivision, the sub-divider shall comply with the following general principles and requirements set forth in this. Chapter.

(i) Street and Block Layout,

a. The street layout on the subdivision shall be in conformity with a plan for the most advantageous development of adjoining area and for the: entire neighborhood.

b. Where appropriate to the design, proposed streets shall be continuous and in alignment with existing, planned or platted streets with which they are to connect.

c. Proposed streets shall be extended to the boundary limits of the tract to be subdivided, unless prevented by the topography or other physical conditions or unless in the opinion of the Village Board such extension is not necessary or desirable for the coordination of the layout of the subdivision with the existing layouts or the most advantageous future development of adjacent tracts. Dead cud streets of reasonable length (a maximum of 500 feet) may be approved where necessitated by topography or where, in the opinion of the Village Board, they are appropriate to the type of development contemplated.

d. Proposed streets shall intersect one another as nearly at right angles as topography and other limiting factors of good design permit.

e. Wherever there exists adjacent to the tract to be subdivided a dedicated or platted and recorded half-width street or alley, the other half-width of such street or alley shall be platted.

f. Blocks shall have sufficient width to provide for two tiers of lots of appropriate depth.

1. The lengths of the blocks shall be such as, in the opinion of the Village Board, are appropriate for the locality and the type of development contemplated, but shall not exceed 1,500 feet where the average size of lots does not exceed two acres in area.

2. In any block over 900 feet in length the Village Board may require that a crosswalk or pedestrian way, not less than 10 feet wide, be provided near the center and entirely across such block.

(ii) Minimum right-of-way width and street surface widths. Street right-of way shall be 60 feet. The roadway width shall be 32 feet. Each street shall have a 12-inch crushed rock base and a six-inch crown. All streets shall be constructed with a 2 1/2-inch asphalt surface. The grade of street shall not exceed 10% unless a variance is approved by the Village Board. A minimum site distance

with clear visibility, measured along the centerline, shall be at least 100 feet. The Village Board may grant a variance to the requirements of this section if it is ground that a lesser amount of right-of-way is acceptable after taking into consideration the proposed traffic, utility usage and other relevant factors pertaining to the street in question.

(iii) Intersections. At street intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be 10 feet and 5 feet respectively. In business districts a chord may be substituted for such an arc. Street curb intersections may be rounded by radii of at least 20 feet. The above minimum radii shall be increased when the smallest angle of intersection is less than 60 degrees.

(iv) Lots.

a. The size, shape and orientation of lots shall be appropriate for the location of the proposed subdivision and for the type of development contemplated.

b. Excessive depth in relation to width shall be avoided. A proportion of two to one shall normally be considered as appropriate, except in the case of narrow lots.

c. Every lot shall abut on a street.

d. A lot shall comply with all of the minimum requirements of that particular zoning district wherein located, including area, and all other zoning requirements.

e. Double frontage lots and reversed frontage shall be avoided.

f. Side lot lines shall be approximately at right angles to the right-of-way line of the street on which the lot faces.

g. Corner lots for residential use shall be plated wider than interior lots in order to permit conformance with the front yard setback on the side street required by the zoning regulations.

(v) Subdivision area to be maintained. The subdivider shall: adequately maintain the undeveloped portion of a subdivision until such time as the-entire subdivision is completely developed. The maintenance shall include the control and removal of noxious weeds, lawn mowing, rubbish and debris removal and the general care and upkeep of the subdivision property.

(f) Penalties. Any person violating any provision of this ordinance, or any amendment or supplement thereto, shall be deemed guilty of a misdemeanor and upon conviction thereof, pay a forfeiture not less than \$50 nor more than \$200 plus the cost of this action, or be imprisoned in the County jail until such forfeiture and costs be paid but not to exceed 30 days for each violation. Each day a violation exists or continues shall constitute a separate offense. In addition, the Village may bring an action to enjoin any violation of this ordinance and the Zoning Administrator is instructed to refuse to issue a zoning permit for construction of any premises located in a subdivision which does not comply with this ordinance.

(17) Variances and exceptions.

(a) Where, in the sole judgment of the Village Board, it would be inappropriate to apply literally the provisions of this chapter because exceptional or undue hardship would result, the Village Board may waive or modify any requirements to the extent deemed just and proper by the Village Board. All requests for variances shall first be referred to the Plan Commission for recommendation.

(b) Application for any such variance shall be made in writing by the Land Divider on a form prescribed by the Village. Such application for variance shall be made at the time when the Preliminary Plat or Certified Survey map is filed with the Village Office for consideration, stating fully all facts relied upon by the Land Divider, and shall be supplemented with maps, plans or other additional data which may aid the Village Board and the Plan Commission in the analysis and evaluation of the requested variance.

(c) The Village Board shall not grant variations or exceptions to the regulations and provisions of this chapter unless it determines based upon the evidence presented to it in each specific case that all of the following apply:

(i) The granting of the variance will not be detrimental to the public safety, health or welfare or injurious to other property or improvements;

(ii) The conditions upon which the request for a variance is based are unique to the property for which the variation is sought and are not applicable generally to other property;

(iii) Because of the particular surroundings, shape or topographical conditions of the specific property involved, a particular hardship to the Owner or Land Divider would result, as distinguished from a mere inconvenience, financial hardship or self-imposed hardship, if the regulations contained in this chapter were strictly enforced.

(d) Such relief shall be granted without detriment to the public good, without impairing the intent and purpose of this chapter or the desirable general development of the Village. In determining whether a variance is in the best interest of the Village, the

Village will consider impacts of the proposed Land Division to the following:

- (i) Public safety.
 - (ii) Public infrastructure.
 - (iii) Adequacy of access to parcel.
 - (iv) Adequacy of access to adjoining parcels.
 - (v) Potential future development of adjacent parcels.
 - (vi) Building setbacks.
 - (vii) Land use (including connectivity to adjoining Parcels or conformance to approved neighborhood plans).
 - (viii) Aesthetics (proposed development should be consistent with surrounding development in terms of Lot dimensions, building placement, and building spacing).
- (e) The Plan Commission shall forward any recommendation regarding a requested variance or exception to the Village Board. The Village Board, if it approves of the request for variance, shall do so by resolution. The Village Office shall notify the Land Divider of the action of the Village Board.
- (f) A majority vote of the members of the Village Board present at the meeting at which the variance is being considered shall be required to grant any variance of this chapter. Such vote shall be by roll call of the members present and the reasons for granting or denying the variance from the requirements of this chapter shall be entered in the minutes of the Board.
- (g) The Village Board may waive the placing of monuments, required under § 236.15(1)(b), (c) and (d), Wis. Stats., for a reasonable time on condition that the Land Divider execute a letter of credit to ensure the placing of such monuments within the time required.

(18) Extraterritorial plat approval. When the land to be subdivided lies within the extraterritorial plat approval jurisdiction of the Village, the sub-divider shall indicate on the application which agencies are to receive a copy of the plat and, if the Village is the first-agency to receive the application of the sub-divider, the Village Clerk shall transmit the copies of the plat to the other agencies and authorities according to the procedure set out in Section 236.12 of the Wisconsin Statutes. A sub-divider may proceed with the installation of improvements under the regulations of the Village Board of the Village within whose limits the plat lies provided that none of the approval agencies object to such improvements. When connection to the Village

utility is desired, permission for such connection shall be approved by the Village Board. All improvement requirements specified by the Village Board, or other approval agencies or special improvement districts iii matters over which they have jurisdiction, shall be met before the filing of the final plat.:

(19) Violations and penalties; appeals.

(1) Violations. It shall be unlawful to build upon, divide, convey, record, or monument any land in violation of this chapter or the Wisconsin Statutes, and no Person shall be issued a building permit by the Village authorizing the building on, or improvement of, any Land Division or Replat within the jurisdiction of this chapter not of record as of the effective date of this chapter until the provisions and requirements of this chapter have been met. The Village may institute appropriate action or proceedings to enjoin violations of this chapter or the applicable Wisconsin Statutes.

(2) Penalties.

(a) Any Person or entity that fails to comply with the provisions of this chapter shall, upon conviction thereof, forfeit no less than \$200 nor more than \$2,000 and the costs of prosecution for each violation, and in default of payment of such forfeiture costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 90 days. Each day a violation exists or continues shall constitute a separate offense.

(b) Any Person or entity causing improper recording of a Final Plat shall be subject to forfeiture as provided in § 236.30, Wis. Stats.

(c) Except as otherwise provided in § 236.31, Wis. Stats., any Land Divider, or his/her/its agent, who offers or contracts to convey, or conveys, any Subdivision or any Lot or Parcel in any Subdivision in an unrecorded Plat shall be subject to the penalties provided in § 236.31, Wis. Stats.

(d) Any Person or entity that violates § 236.32, Wis. Stats., relating to the removal, disturbance and placement of monuments shall be subject to the penalties provided in § 236.32, Wis. Stats.

(e) Any Person or entity who makes or causes a division of a Lot or Parcel in a recorded Plat for purposes of sale or building development resulting in Lots or Parcels which do not conform to this chapter, to Chapter 236, Wis. Stats., or to the rules of the Department of Commerce under § 236.13, Wis. Stats., shall be subject to the penalties provided in § 236.335, Wis. Stats.

(3) Appeals. Any Person aggrieved by an objection to a Plat or a failure to approve a

Plat may appeal therefrom, as provided in §§ 236.13(5) and 62.23(7)(e)10, 14 and 15, Wis. Stats., within 30 days of notification of rejection of the Plat. Where failure to approve is based on an unsatisfied objection, the agency making the objection shall be made a party to the action. The court shall direct that the Plat be approved if it finds the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.