

**LAND DIVISION ORDINANCE**

(Rep. & recr. #250)

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**18.01 INTRODUCTION.**

- (1) **AUTHORITY.** These regulations are adopted under the authority granted by §236.45, Wis. Stats.
- (2) **SHORT TITLE.** This ordinance shall be known as, referred to, or cited as the "Land Division Ordinance".
- (3) **PURPOSE.** The purpose of this ordinance is to regulate and control the division of land within the corporate limits of the Village of Dousman, Wisconsin, and within the extraterritorial plat approval jurisdiction of the Village in order to promote the public health, safety, morals, prosperity, aesthetics and general welfare of the Village of Dousman and its environs.
- (4) **INTENT.** It is the general intent of the Ordinance to regulate the division of land so as to:
  - (a) Promote the wise use, conservation, protection, and property development of the Village of Dousman's soil, water, wetland, woodland, and wildlife resources and attain proper adjustment of land use and development to the supporting and sustaining natural resource base;
  - (b) Lessen congestion in the streets and highways;
  - (c) Further the orderly layout and appropriate use of land;
  - (d) Secure safety from fire, panic and other dangers;
  - (e) Provide adequate light and air;
  - (f) Facilitate provision for housing, transportation, water supply, wastewater, schools, parks, playgrounds, and other public facilities and services;
  - (g) Secure safety from flooding, water pollution, disease and other hazards;
  - (h) Prevent flooding damage to persons and properties and minimize expenditures for flood relief and flood control projects;
  - (i) Prevent and control erosion, sedimentation and other pollution of surface and subsurface waters;
  - (j) Preserve natural vegetation and cover and promote the natural beauty of the Village of Dousman and its environs.
  - (k) Restrict building sites on floodlands, shorelands, areas covered by poor soils, or in other areas poorly suited for development;
  - (l) Facilitate the further division of larger tracts into smaller parcels of land;

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- (m) Ensure adequate legal description and proper survey monumentation of subdivided land; 10/8/01
  - (n) Provide for the administration and enforcement of this Ordinance;
  - (o) Provide penalties for its violation; and
  - (p) Implement those municipal, county, watershed or regional comprehensive plans or plan components adopted by the Village of Dousman, and in general to facilitate enforcement of Village of Dousman development standards as set forth in the adopted regional, county, and local comprehensive plans, adopted plan components, Village of Dousman Zoning Ordinance, Village of Dousman Building Code.
- (5) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Ordinance to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall govern.
- (6) **INTERPRETATION.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the Village of Dousman and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- (7) **SEVERABILITY.** If any section, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.
- (8) **DISCLAIMER OF LIABILITY.** The Village of Dousman does not guarantee, warrant, or represent that only those areas designated as floodlands on plats and Certified Survey Maps will be subject to periodic inundation, nor does the Village guarantee, warrant or represent that the soils shown to be unsuited for a given land use from tests required by the Ordinance are the only unsuited soils within the jurisdiction of the Ordinance; and thereby asserts that there is no liability on the part of the Village board, its agencies, agents or employees for flooding problems, sanitation problems, or structural damages that may occur as a result of reliance upon, and conformance with this Ordinance.
- (9) **INCONSISTENCY WITH OTHER ORDINANCES.** This Ordinance shall supersede all other general and Zoning Ordinances, or part thereof, inconsistent or in conflict with this Ordinance, to the extent of the inconsistency only.

**18.02 DEFINITIONS.**

- (1) GENERAL DEFINITIONS. For the purposes of this Ordinance, the following definitions shall be used. Words used in the present tense include the future; the singular number includes the plural number; and the plural number includes the singular number. The word “shall” is mandatory and not discretionary.
- (2) SPECIFIC WORDS AND PHRASES.

Advisory Agency. Any agency, other than an objecting agency, to which a plat or Certified Survey Map may be submitted for review and comment. An advisory agency may give advice to the Village of Dousman and may suggest that certain changes be made to the plat or certified map, or it may suggest that a plat or Certified Survey Map be approved or denied. Suggestions made by an advisory agency are not, however, binding on the Village Board or on the Village Plan Commission. Examples of advisory agencies include the Waukesha County Department of Parks and Land Use Division, the Southeastern Wisconsin Regional Planning Commission, school districts and local utility companies.

Alley. A public or private right-of-way shown on a plat which provides secondary access to a lot, block, or parcel of land.

Approving Agency. An agency empowered to approve a subdivision plat pursuant to approval authorities as set forth in §236.10, Wis. Stats. The Village Board is the approving agency for any plat.

Arterial Street. (See “Street, Arterial”)

Block. A tract of land bounded by streets, or by a combination of streets, public parks, cemeteries, railway right-of-way, bulkhead lines, or shorelines of navigable waterways and municipal boundaries.

Building. Any structure having a roof supported by columns or walls used or intended to be used for the shelter or enclosure of persons, animals, equipment, machinery or materials.

Building Line. A line parallel to any lot line and at a specified minimum distance from the lot line to comply with terms of this Ordinance and the Village of Dousman Zoning Ordinance.

Certified Survey Map. A map prepared by a Registered Land Survey in accordance with §236.34, Wis. Stats. Certified Survey Maps may, under the terms of this Ordinance, be used to create “minor land divisions”. Certified Survey Maps are prepared on map sheets measuring 8 ½ inches by 14 inches at a map scale not to exceed one-inch equals 200 feet.

Collector Street. (See “Street, Collector”)

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Community. A Village, municipality, or group of adjacent Towns and/or municipalities having common social, economic or physical interests.

Comprehensive Plan. Any extensively developed plan also called a master plan prepared and adopted by the Village Board Plan Commission and certified to the Village Board pursuant to §62.23, Wis. Stats., including proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official mapping, land division control ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.

Copy. A true and accurate copy of all sheets of the original subdivision plat. Such copy shall be on durable white matte finished paper with legible dark lines and lettering.

Cul-de-sac Street. (See "Street. Cul-de-sac")

Department. The Department of Administration.

Dwelling Unit. A building or part of a building used for a place of abode and occupied by one family.

Environmental Corridor. Those lands containing concentrations of scenic, recreational, and other natural resources as identified and delineated in the comprehensive planning program of the Southeastern Wisconsin Region by the Southeastern Wisconsin Regional Planning Commission. These natural resource and resource-related elements include the following: 1) lakes, rivers, streams, together with their natural floodplains; and 2) wetlands.

Extraterritorial Plat Approved Jurisdiction. The unincorporated area within 1 ½ miles of a fourth-class city or village and within 3 miles of all other cities. Where such jurisdiction overlaps, the jurisdiction over the overlapping area is divided along a line, all parts of which are equal distance from the boundaries of each municipality.

Fill. Sand, gravel, earth or other material of any composition whatever placed or deposited by human beings.

Final Plat. A map prepared in accordance with the requirements of Ch. 236, Wis. Stats., and this Ordinance for the purpose of dividing larger parcels into lots and conveying those lots. The lines showing where lots and other improvements are located are precise.

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Financial Guarantee. A letter of credit, cash or certified check guaranteeing performance of a contract or obligation through possible forfeiture of the letter of credit, cash or certified check if said contract or obligation is unfilled by the subdivider.

Floodlands. Those lands, including the floodplains, floodways, floodfringe, and channels, subject to inundation by the 100-year recurrence interval flood.

Frontage (Lot). The total dimension of a lot abutting a public street measured along the street.

Frontage Street. (See "Street, Frontage")

High Groundwater Elevation. The highest elevation to which subsurface water rises. This may be evidenced by the actual presence of water during wet periods of the year.

Improvement, Public. Any sanitary sewer, storm water, open channel, water main, roadway, park, parkway, public access, sidewalk, pedestrian way, planting strip, or other facility for which the Village of Dousman may be ultimately assume the responsibility for maintenance and operation.

Irrevocable Letter of Credit. An agreement guaranteeing payment for subdivision improvements, entered into by a bank, savings and loan, or other financial institution which is authorized to do business in this State and which has a financial standing acceptable to the Village of Dousman, and which is approved, as to form, by the Village Attorney. The letter of Credit shall be automatically renewed, cannot be canceled or terminated without 90-day written notice to the Village and shall contain a cost of living escalator clause.

Lot. A parcel of land having frontage on a public street, occupied or intended to be occupied by a principal structure or use and sufficient in size to meet the lot width, lot frontage, lot area, yard, parking area and other open space provisions of the Village of Dousman Zoning Ordinance.

Lot, Corner. A lot abutting 2 or more streets at their intersection provided that the corner of such intersection shall have an angle of 135 degrees or less, measured on the lot side.

Lot, Double Frontage. A lot, other than a corner lot, with frontage on more than one street. Double frontage lots shall normally be deemed to have 2 front yards, 2 side yards, and no rear yard. Double frontage lots shall not generally be permitted unless the lot abuts an arterial highway. Double frontage lots abutting arterial highways should restrict direct access to the arterial highway by means of a planting buffer or some other acceptable access buffering measure.

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Lot, Flag. A lot not fronting on or abutting a public street and where access to the public street system is by a narrow strip of land, and where the area of the lot, for zoning purposes, shall not include the narrow strip.

Lot, Interior. A lot other than a corner lot, with frontage on one street.

Mean Sea Level Datum. Mean Sea Level Datum, 1929 Adjustment as established by the U.S. Coast and Geodetic Survey.

Minor Land Division. Any division of land not defined as a “subdivision”. Such minor divisions be made by Certified Survey Map.

Minor Street. (See “Street, Minor”)

Municipality. An unincorporated Village or City.

National Map Accuracy Standards. Standards governing the horizontal and vertical accuracy of topographic maps and specifying the means for testing and determining such accuracy, endorsed by all federal agencies having surveying and mapping functions and responsibilities. These standards have been fully reproduced in Appendix D of SEWRPC Technical Report No. 7, Horizontal and Vertical Survey Control in Southeastern Wisconsin.

Navigable Water. Lake Michigan Lake Superior, all-natural inland lakes within Wisconsin, and all streams, ponds, sloughs, flowages, and other water within the territorial limits of this state, including the Wisconsin portion of boundary waters, which are navigable under laws of this state. The Wisconsin Supreme Court has declared as navigable, bodies of water with a bed differentiated from adjacent uplands and with levels of flow sufficient to support navigation by a recreational craft of the shallowest draft on an annually recurring basis. The Wisconsin Department of Natural Resources is responsible for determining if a water body or watercourse is navigable.

Objecting Agency. An agency empowered to object to a subdivision plat or Certified Survey Map pursuant to Ch. 236, Wis. Stats. The Village of Dousman may not approve any plat or Certified Survey Map upon which an objection has been certified until the objection has been satisfied. On any plat, the objecting agencies may include the Wisconsin Department of Administration, the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Commerce (DOC), and the Wisconsin Department of Natural Resources (WDNR). The Waukesha County Department of Public Works is an objecting agency on any plat or Certified Survey Map abutting a County Trunk Highway. On any Certified Survey Map, the objecting agencies may be Wisconsin Department of Transportation, Division of Highways and Waukesha County Department of Public Works.

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Ordinary High-Water Mark (Surface Water). The point on the bank or shore up to which the presence and action of surface water is so continuous as to leave a distinctive mark such as by erosion, destruction, or prevention of terrestrial vegetation, predominance of aquatic vegetation, or other easily recognized characteristic.

Outlot. A parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, the intention of which is to either re-divide into lots or combine it with one or more other adjacent outlots or lots in adjacent subdivision or minor subdivisions in the future for the purpose of creating buildable lots. Outlots are also designated for storm water management facilities, manmade lakes, ponds, common open space and parks.

Owner. An individual, firm, association, syndicate, partnership, or corporation having a proprietary interest in a parcel of land.

Plat. A map of a subdivision.

Preliminary Plat. A map showing the salient features of proposed subdivision submitted to an approving authority for purposes of preliminary consideration. A Preliminary Plat precisely describes the location and exterior boundaries of the parcel proposed to be divided, and shows the approximate location of lots and other improvements

Public Way. Any public road, street, highway, walkway, drainageway, or part thereof.

Recording a Plat. The filing of the Final Plat with the Waukesha County Register of Deeds.

Replat. The process of changing, or the 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 or Certified Survey Map without changing exterior boundaries of said block, lot or outlot is not a replat.

Sanitary Sewer Service Area. The area within a surrounding the Village, or other community that is planned to be served with public sanitary sewerage facilities as determined by the facility plan as updated from time to time.

Shorelands. Those lands lying within the following distances; 1,000 feet from high water elevation of navigable lakes, ponds, and flowages or 300 feet from the high-water elevation of navigable streams or to the landward side of floodplain, whichever is greater.



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Soil Mapping Unit. Soil types, slopes, and erosion factors delineated on detailed operational soil survey maps prepared by the U.S. Soil Conservation Service (now known as the Natural Resources Conservation Service).

Solar Access. Access to solar rays so there is no shading to the south wall or rooftop of any proposed structure.

South Wall. Any wall facing within 45 degrees of due south.

Street, Arterial. A street used, or intended to be used, primarily for fast or heavy through traffic. Arterial street shall include freeways and expressways as well as standard arterial streets, highway and parkways.

Street, Collector. A street used, or intended to be used, to carry traffic from minor streets to the major system of arterial streets including the principal entrance streets to residential developments.

Street, Cul-de-sac. A minor street within only one outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.

Street, Frontage. 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.

Street, Minor (Local). A street used, or intended to be used, primarily for access to abutting properties.

Subdivider. Any person, firm, or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, replat, certified survey map or condominium.

Subdivider's Agreement (Developer's Agreement). An agreement entered into by and between the Village and a subdivider whereby the Village and the subdivider agree as to the design, construction and installation of required public improvements; the payments for such public improvements; dedication of land; and other matters related to the requirements of this Ordinance. The Development Agreement shall not come into effect unless and until a Letter of Credit or other appropriate surety has been provided to the Village by the subdivider. A Subdivider's Agreement may also be referred to as a Developer's Agreement.

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Subdivision. The division of a lot, parcel, or tract of land by the Owners thereof, or the Owner's Agent(s), or a subdivider for the purpose of transfer of ownership or building development where the act of division created 5 or more parcels or building sites inclusive of the original remnant parcel of 1 ½ acres each or less in area; or where the act of division creates 5 or more parcels or building sites inclusive of the original remnant parcel of the 1 ½ acres each or less in area by successive divisions of any part of the original property by any person within a period of 5 years; or where the act of decision creates 6 or more parcels or building sites for single family residential development inclusive of the original remnant parcel of any size by successive divisions of any part of the original property by any person within a period of 5 years. Other divisions shall be termed "minor land divisions".

Village Plan Commission. The Commission created by the Village Board of the Village of Dousman pursuant to §62.23, Wis. Stats., and authorized to plan land use within the Village of Dousman.

Wetlands. An area where water is at, near, or above the land surface long enough to be capable of supporting aquatic or hydrophytic vegetation and which has soils indicative of wet conditions.

Wisconsin Administrative Code (Wis. Adm. Code). The rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by §35.93 and CH. 227, Wis. Stats., including subsequent amendments to those rules.

Zoning Administrator. The officer designated by the Village Board to administer this Ordinance.

**18.03 GENERAL PROVISIONS.**

- (1) JURISDICTION. Jurisdiction of these regulations shall include all lands and waters within the corporate limits of the Village of Dousman as established in §61.35, 62.23(2) and 236.10, Wis. Stats. The provisions of this Ordinance as it applies to divisions of tracts of land into less than 5 parcels shall not apply to:
  - (a) Transfer of interest in land by will or pursuant to court order.
  - (b) Leases for a term not to exceed 10 years, mortgages or easements.
  - (c) Sale or exchange of parcels of land between Owners of adjoining property if additional lots are not thereby created and the lots resulting are not reduced below the minimum sizes required by these regulations, the Village Zoning Ordinance, or other applicable laws or ordinances, subject to the procedures and requirements set forth in Section 18.04(9) of this chapter. 9/8/14
  - (d) Cemetery plats made under §157.07, Wis. Stats.
  - (e) Assessor's plat made under §70.27, Wis. Stats., but such assessors' plats shall comply with §236.15(1)(a) to (g) and 236.20(a) and (2)(a) to (e), Wis. Stats.
  - (f) Remnant parcels larger than 20 acres in size may be excluded from a plat or Certified Survey Map by waiver of Village Plan Commission.
- (2) COMPLIANCE. No person, firm or corporation shall divide any land located within the jurisdictional limits of these regulations so that such divisions results in a subdivision, minor land division, or replat as defined herein; no such division, minor land division or replat shall be entitled to recording , and, no street shall be laid out or improvements made to land without compliance with all requirements of this Ordinance and the following documents
  - (a) Provisions of Ch. 236, Wis. Stats.
  - (b) Rules of the Wisconsin Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by a public sewer and provisions for such service have not been made.
  - (c) Rules of the Wisconsin Department of Transportation relating to safety of access and the preservation of the public interest and investment in the highway system if the land owned or controlled by the Subdivider abuts on a state trunk highway or connecting street.
  - (d) Rules of the Wisconsin Department of Natural Resources setting water quality standards preventing and abating pollution, and regulating development within floodland, wetland, and shoreland areas.

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- (e) Duly approved Comprehensive Plan or comprehensive plan components of the Village of Dousman.
- (f) The Village of Dousman Zoning Ordinance and all other applicable local and county ordinances.

### (3) DEDICATION AND RESERVATION OF LANDS.

- (a) Streets, Highways and Drainageways. Whenever a tract of land to be subdivided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, other public way, or public access to navigable lakes or streams which has been designated in the duly adopted Village of Dousman Comprehensive Plan or adopted comprehensive plan components or on the official map of the Village of Dousman, said public way shall be made part of the plat or Certified Survey Map and dedicated or reserved by the Subdivider in the locations and dimensions indicated on said plan, comprehensive plan components, or map and as set forth in §18.08 of this Ordinance.
- (b) Schools, Parks, and Other Open Spaces. Whenever a tract of land to be divided within the Village of Dousman encompasses all or part of a school site, park site, or other open space, other than streets, highways, drainageways, other public ways or public access to navigable lakes or streams which has been designated on a duly adopted Village of Dousman Comprehensive Plan or adopted comprehensive plan

component of the Village of Dousman, said school site, park site, or other space shall be made part of the plat or Certified Survey Map and dedicated or reserved by the Subdivider in the locations and dimensions on said plan.

- (4) IMPROVEMENTS. Before installation of any improvements, the subdivider shall enter into a developer's agreement with the Village of Dousman agreeing to install the requirement improvements and shall file with said agreement, as letter of credit, cash or certified check meeting the approval of the Village Attorney in an amount equal 110% to the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Village Board upon the recommendation of the Village Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one year from the date of recording of the plat and as further guarantee that all obligations to subcontractors for work on the development are satisfied except as modified by the Village Board in a developer's agreement. In addition:

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- (a) Contract and contract specifications for the construction of street and utility improvements on dedicated street right-of-way, as well as the contractors and subcontractors who are to be engaged in the construction of street and utility improvements on dedicated street right-of-way shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village of Dousman.
- (b) Governmental units to which these bonds and contract provisions apply, may file, in lieu of said contract and bond, a letter from officers authorized to act on their behalf agreeing to comply with the provisions of this section.
- (c) Survey Monuments. Before final approval of any plat or Certified Survey Map within the corporate limits of the Village of Dousman or its extraterritorial jurisdictional limits, the Subdivider shall install survey monuments placed in accordance with the requirements of Ch. 236.15, Wis. Stats., and as may be required by the Village.
- (d) The Village Board may waive the placing of monuments, required under §236.15(b)(c) and (d), Wis. Stats., for a reasonable time on condition that the Subdivider file with the Village a Letter of Credit, cash or certified check to insure the placing of such monuments within the time required.
- (e) The subdivider shall pay and reimburse the Village of Dousman in advance of signing the Subdivider's Agreement all fees, expenses and disbursements which are incurred by the Village of Dousman and shall pay and reimburse the Village of Dousman without limitation

by reason of enumeration, design, engineering, preparing, checking and review of designs, plans and specifications; supervision, inspection to insure that construction is in compliance with the applicable plans, specifications, regulations and ordinances; legal, administrative and fiscal work undertaken to assure and implement such compliance.

- (5) EXCEPTIONS AND MODIFICATIONS. Where, in the judgment of the Village of Dousman Village Board, it would be inappropriate to apply literally the provisions of this Ordinance due to exceptional circumstances, the Village Board may waive or modify any requirement to the extent deemed just and proper on a case-by-case basis after receiving and considering a recommendation from the Village of Dousman Plan Commission.

No exception or modification to the provisions of this Ordinance shall be granted unless the Village Board finds that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

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- (a) Exceptional Circumstances. There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Ordinance would result in a severe burden. (Such circumstances should not apply generally to other properties or be of such a recurrent nature as to suggest that the Land Division Ordinance should be changed).
  - (b) Preservation of Property Rights. That such exception or modification is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same vicinity.
  - (c) Absence of Detriment. That the exception or modification will not create substantial detriment to adjacent property, the desirable general development of the Village and its environs, and will not materially impair or be contrary to the purpose and spirit of this Ordinance, or the adopted Village of Dousman Master Plan, Comprehensive Plan or adopted plan components, or the public interest.
- (6) LAND SUITABILITY. No land shall be subdivided as a Plat or Certified Survey Map which is determined to be unsuitable for such a use by the Village Plan Commission and Board, upon the recommendation of the Village staff or any other agency as determined by the Village Plan Commission and Village Board, for reason of flooding, inadequate drainage, adverse soil or rock formations with severe limitations for development, severe erosion potential, unfavorable topography, inadequate

water supply or sewage disposal capabilities, 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 Village of Dousman. In addition:

- (a) Floodland and Shorelands. All lots served by a septic tank system shall contain not less than 40,000 square feet of land which is above flood protection elevation at least 2 feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, 5 feet above the maximum flood record. Where such flood stage data are not available, as determined by the Federal Emergency Management Agency or the Southeastern Wisconsin Regional Planning Commission, the regulatory flood elevation shall be determined by a registered professional engineer and the sealed report of the engineer setting forth the regulatory flood stage and the method of its determination shall be approved by the Village Board upon recommendation by the Village Engineer.
- (b) Fill in materials (Sewage Disposal). Lands made, altered, or filled with non-earth materials within the last 10 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems.

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- (c) Fill Materials (Sewage Disposal). Lands made, altered, or filled with non-earth materials within the preceding 20 years shall not be divided into building sites which are to be served by soil absorption waste disposal systems except where soil tests prepared by a professional soil scientist clearly show that the soils are suited to such use. Soil reports shall include, but need not be limited to, an evaluation of soil permeability, depth to groundwater, depth to bedrock, soil bearing capacity, and soil compaction. To accomplish this purpose, a minimum of one test per lot shall be made initially additional tests may be required by the Village Plan Commission or Village Board. The Village of Dousman does not guarantee, warrant, or represent that the required samples represent conditions on an entire property and thereby asserts that there is no liability on the part of the Village Board, its agencies or employees for sanitary problems or structural damages that may occur as a result of reliance upon such tests.
- (d) Steep Slopes. Each lot proposed to be served by an on-site soil absorption sewerage disposal system shall have 50% of its minimum required lot area, or 10,000 square feet, whichever is less, in slopes of less than 12%.
- (e) Shallow Bedrock. Lands having bedrock within 6 feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewerage disposal system.
- (f) Shallow Groundwater Table. Lands having ground water within 6 feet of the natural undisturbed surface shall not be divided into building sites to be served by soil absorption sewerage disposal systems without approval of the Village Plan Commission and Board.
- (g) Soil Tests. Shall be per appropriate agency requirements.
- (h) Holding Tanks. Properties shall comply with sewerage holding tank regulations as described in the appropriate section of the Village Code.
- (i) The Village of Dousman Plan Commission and 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 unsuitable for residential use and afford the Subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if he so desires. Thereafter the Village Plan Commission and Board may affirm, modify, or withdraw its determination of unsuitability.

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### (7) EXTRATERRITORIAL LAND DIVISIONS.

- (a) Extraterritorial Land Division Policies. The following policies shall govern the Village Plan Commission and Board in approving division of land within the extraterritorial plat approval jurisdiction of the Village of Dousman in order to promote the intent of this chapter as described in §18.01(4).
1. No subdivision or minor land division as defined in §18.02 will be permitted within the extraterritorial plat approval jurisdiction of the Village of Dousman without the approval of the Village Board.
  2. Land divisions may be made pursuant to the minor land division procedures for farm-related dwellings and for rural residential dwellings, not exceeding an overall density of one dwelling unit for 35 acres, exclusive of the farmstead. Whether land divisions may be made pursuant to the minor land division procedures for commercial use will be handled on a case-by-case basis pursuant to §18.03(5) of this chapter. The standards used to review these land divisions will be the same as the standards contained in §18.04(1) to (5) of this code. The only exception to this policy is that resulting in the infill of existing subdivisions may be permitted by minor land division, on a case by case basis pursuant to §18.03(5) of this chapter.
  3. The minimum lot size in the extraterritorial plat approved jurisdiction shall be one acre. A smaller lot size may be allowed if approved by the Village Board pursuant to §18.03(5) of this chapter.
  4. The Village of Dousman will attempt to seek consistency with locally adopted Village master Plan and plan components thereof. To the extent that the policies of the Village of Dousman are more restrictive, the Village's policies shall prevail only as to land division quality of development issues, and not as to land use issues or public improvement requirements. All minor land divisions within the extraterritorial area will be subject to the land reservation or dedication requirements of this chapter. This specifically means the following: 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.
  5. Lands falling within the extraterritorial plat approved jurisdiction shall be required to meet all of the design standards contained in §18.08 of this chapter.



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7. All land divisions within extraterritorial plat approved jurisdiction shall pay the required review fees contained in §18.11 of this chapter.

(b) Extraterritorial Land Division Procedures.

1. Pre-application procedure. Before filing an application for approval of a certified survey or plat, the subdivider may consult with the Village staff and may prepare a preliminary sketch for review and approval. This procedure is intended to assist the subdivider in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances. The pre-application information may be submitted to the Plan Commission for review and approval.
2. Application. No person, firm or corporation shall divide any land located within the extraterritorial plat approved jurisdiction of the Village of Dousman, without first filing a cover letter and a certified survey map or plat for approval by the Plan Commission.
3. Timeframe. Failure of the applicant to file all required information within 90 days of the filing of the preliminary plat shall result in disapproval of the preliminary plat.

- (c) Extraterritorial Land Division Requirements. Submittal requirements for land division within the extraterritorial plat approval jurisdiction of the Village shall be identical to those required for land divisions within the Village limits.

(8) VIOLATIONS.

- (a) It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Ordinance or the Wisconsin

Statutes; and no person, firm or corporation shall be issued a Village of Dousman Zoning or Building Permit authorizing the building on, or improvement of, any lot, block, parcel, Certified Survey Map or any part of any subdivision or replat within the jurisdiction of this Ordinance not of record as of the effective date of this Ordinance until the provisions and requirements of this Ordinance have been fully met. The Village of Dousman may institute appropriate action or proceedings to enjoin violations of this Ordinance or the applicable Wisconsin Statutes.

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- (b) Every structure, fill or development placed or maintained on floodlands in violation of this Ordinance is hereby declared a public nuisance and the creation thereof may be enjoined and maintenance thereof may be abated by action at suit of the State, the Village of Dousman or any citizen thereof.
- (9) DRAINAGE TO BE MAINTAINED. It shall be unlawful to obstruct or divert the flow of surface water so as to prevent surface water from reaching a storm sewer or drainage channel without interim ponding, except as provided in an approved storm water and drainage plan.
- (10) ADMINISTRATION. This Ordinance shall be administered by the Village of Dousman Clerk or designee. The Village of Dousman Clerk or designee, in the administration of this Ordinance shall:
  - (a) Receive plats and Certified Survey Maps from the Subdivider. The Village Clerk or designee shall distribute copies of plats and Certified Survey Maps as provided for this Ordinance and shall receive comments from review agencies, boards, and committees required to comment on such land division.
  - (b) Advise the Subdivider of all recommendations made by the Village Plan Commission and actions taken by the Village Board.
  - (c) Maintain records of plat and Certified Survey Map filings, approvals, fees paid, and other sureties.
  - (d) Determine that all land division within the jurisdiction of this Ordinance requiring review by this Ordinance have secured the necessary review and approvals.
  - (e) Assist the Village Attorney in the prosecution of Ordinance violations.

Located at the end of this chapter is a checklist that will be used as a guide.

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- (11) **PENALTIES AND REMEDIES.** Any person, firm or corporation who violates or fails to comply with the provisions of this Ordinance shall, upon conviction thereof, forfeit not less than \$100 and no more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisonment in the County Jail until payment thereof, but not exceeding 6 months. Provided however, that the maximum forfeiture where a violation of any provisions of this Ordinance, which is also a violation of State Statute, shall not exceed the maximum fine imposed by the statute. In addition, the Village of Dousman may seek injunction relief or other appropriate remedial action and in addition to the forfeiture, may order an assessor's plat to be made under §70.27, Wis. Stats., at the expense of the Subdivider or his agent, when a subdivision is created by successive divisions of land. Each day a violation exists or continues shall constitute a separate offense. Violations and concomitant penalties shall include:
- (a) Recordation improperly made carries penalties as provided in §236.60, Wis. Stats.
  - (b) Conveyance of lots in unrecorded plats carries penalties as provided for in §236.31, Wis. Stats.
  - (c) Monuments disturbed or not placed carries penalties as provided for in §236.32, Wis. Stats.
- (12) **APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal there from, as provided in §236.13(5), Wis. Stats., within 30 days of notification of the 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 that the action of the approving or objecting agency is arbitrary, unreasonable or discriminatory.

18.04 **LAND DIVISION PROCEDURES.**

(1) PRE-APPLICATION.

- (a) It is recommended that, prior to the filing of an application for the approval of a Preliminary Plat, or Certified Survey Map, the Subdivider consult with the Village Clerk and all affected utilities in order to obtain advice and assistance. This consultation is neither formal nor mandatory, but is intended to inform the Subdivider of the purpose and objectives of these regulations, the adopted regional, county or Village of Dousman comprehensive plans or adopted plan components, and duly adopted plan implementation ordinances of the Village of Dousman and to otherwise assist the Subdivider in planning his development. In so doing, both the Subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and Village of Dousman and the Subdivider will gain a better understanding of the subsequent required procedures.
- (b) Prior to formal submittal of a Preliminary Plat as outlined below, the Subdivider may submit a preliminary sketch or concept plan for review by the Plan Commission. The purpose of such a sketch is to gain tentative approval from the Plan Commission prior to expending time and resources on a Preliminary Plat. This review by the Plan Commission is not binding on either the Village of Dousman or the Subdivider.
- (c) Subdivider must submit 27 copies (12 copies reduced to size 11" X 17") to the Village Clerk at least 30 days before the meeting at which action is desired.

(2) PRELIMINARY PLAT REVIEW. Before submitting a Final Plat for approval, the Subdivider shall prepare a Preliminary Plat which shall be clearly marked "preliminary Plat" and a letter of application. The Preliminary Plat shall be prepared in accordance with this Ordinance, and the Subdivider shall file 27 folded copies of the Plat, 12 copies shall be a reduced size of 11" X 17" or as approved by the Village Board with the Village Clerk or designee at least 30 days prior to the meeting of the Village Plan Commission at which action is desired. The statutory time limit(s) shall commence with the filing date stamp of the Village. In addition:

- (a) The Village Clerk or designee shall, within 2 normal workdays after filing, transmit required copies to appropriate regulatory approving and objecting agencies.

## LAND DIVISION ORDINANCE 18.04

- (b) The Village Clerk or designee shall transmit 7 copies to the Village Plan Commission, and one copy each to the following: Village Planner, Village Trustees not on the Plan Commission, Village Engineer, and Fire Department, for their review and recommendations concerning matters within their jurisdiction. The recommendations, if any, of Village boards, commissions, and departments shall be submitted to the Village Plan Commission. The Preliminary Plat shall then be reviewed by the Village Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components.
  - (c) The Village Clerk or designee shall transit 2 copies to the Gas Company, and one copy each to the Electric Company, Telephone Company, the Cable Television franchise, and the School District for their review and information concerning matters within their jurisdiction. Their comments, if any, shall be transmitted to the Village Plan Commission within 30 days from the date the Plat is filed.
  - (d) The Village Plan Commission is designated as the recommending agency with respect to design and layout of the Preliminary Plat pursuant to the provisions of §18.08 and §18.09.
  - (e) The Wisconsin Departments assigned for plat review authority, the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Natural Resources (DNR), and the Waukesha County Department of Transportation, shall be hereinafter referred to as objecting agencies.
- (3) **PRELIMINARY PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat, notify the Subdivider and all other approving and objecting agencies of any 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 Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat.
- (a) The Village Plan Commission shall, within 90 days of the date of filing of a Preliminary Plat with the Village Clerk or designee, examine the Preliminary Plat as to its conformance with this Ordinance; consider review comments from objecting agencies, Village of Dousman staff, and other agencies required to review and comment on the Preliminary Plat; and shall recommend approval, approval with conditions, or rejection of the Preliminary Plat to the Village Board.
  - (b) The Village Board, within 90 days of the date of filing a Preliminary Plat with the Village Clerk or designee, shall approve, approve conditionally, or reject such Plat. If the Preliminary Plat is approved conditionally or rejected, the Village of Dousman shall state, in writing, any conditions of

approval or the reasons for rejection. One copy each of the Plat and letter shall be placed in the Village Plan Commission permanent files.

- (c) Failure of the Village Board to act within 90 days of the date of filing or within the times as extended by agreement with the Subdivider, shall constitute an approval.
- (d) 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 6 months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout as provided under §236.11(1)(b), Wis. Stats., the Final Plat shall be entitled to approval with respect to such layout unless changes are mandated by construction and/or stormwater management plans as approved by the Village Board. If the Final Plat is not submitted within 6 months of the last required approval of the Preliminary Plat, any approving authority may refuse to approve the Final Plat. In addition, the approval or conditional approval of a Preliminary Plat shall become null and void if the Final Plat is not submitted within one year of the last required approval of the Preliminary Plat. An approved Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted, and used as a guide in the preparation of the Final Plat which will be subject to further consideration by the Village Plan Commission and Village Board at the time of its submission.
- (e) Upon approval or conditional approval of a Preliminary Plat from the Village Plan Commission or Village Board, the Subdivider may proceed with installation of subdivision improvements after review and recommendation of approval of the engineering plans by the Village Engineer and approval of the Village Board and approval of all other applicable agencies and submittal to the Village of Dousman of copies of all permits and letters of approval, and/or may submit a Final Plat for review. The Subdivider shall, as per §18.03(4) of this Ordinance, enter into a developer's agreement with the Village of Dousman agreeing to install the required improvements and shall file with said agreement and letter of credit, cash or certified check meeting the approval of the Village Attorney in an amount equal to 110% of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Village Board upon the recommendation of the Village Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one year from the date of recording of the plat or as approved by the Village Board and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If after the approval or conditional approval of the Preliminary Plat by the Plan Commission and the Village Board, the subdivider creates a substantial change to the subdivision layout, the Village of Dousman shall require the re-submittal of a Preliminary Plat in conformance with §18.04(2) of this Ordinance.

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A substantial change to the subdivision layout will have presumed to occur if the external boundaries of the subdivision plat are changed in any manner, or there is an increase in the number of lots by more than 5%, or there is a change in street configuration, or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Village of Dousman a substantial change shall not be presumed to occur and the Subdivider may proceed with submittal of Final Plat.

- (4) **FINAL PLAT REVIEW.** The Subdivider shall prepare a Final Plat and a letter of application in accordance with this Ordinance and shall file 27 folded copies of the Plat (12 copies shall be 11" X 17" or as directed by the Village Board) with the Village Clerk or designee at least 30 days prior to the meeting of the Village of Dousman Plan Commission at which action is desired. The statutory time limit(s) shall commence with the filing date stamp by the Village. In addition:
- (a) The Village Clerk or designee, shall, within 2 normal workdays after filing, transmit the required copies to appropriate regulatory approving and objecting agencies.
  - (b) The Village Clerk or designee, shall, within 7 copies to the Village Plan Commission and one copy each to the following: Village Planner, Village Trustees not on Plan Commission, Village Engineer, and Fire Department, for their review and recommendations concerning matters within their jurisdiction. The recommendations, if any, of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission. The Final Plat shall then be reviewed by the Village Plan Commission and Board for conformance with this Ordinance and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components.
  - (c) The Village Clerk or designee shall transmit 2 copies to the Gas Company, and one copy each to the Electric Company, Telephone Company, the Cable Television franchise, and the School District for their review and information concerning matters within their jurisdiction. Their comments, if any, shall be transmitted to the Plan Commission within 20 days from the date the Plat is filed.
  - (d) The Village Plan Commission is designated as the recommending agency with respect to design and layout of the Final Plat pursuant to the provisions of §18.08 and the Village Board is designated as the approving authority with respect to all sections of this Ordinance.

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- (e) The Wisconsin Departments assigned for plat review authority, the Wisconsin Department of Transportation (WDOT), the Wisconsin Department of Natural Resources (DNR), and the Waukesha County Department of Transportation, shall be hereinafter referred to as objecting agencies.
- (f) The Village 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 Ordinance and all Ordinances, rules, regulations, adopted regional, county or Village of Dousman comprehensive plans and adopted components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.
- (g) Partial Platting. The approved Preliminary Plat may be Final Platted in phases with each phase encompassing only that portion of the approved Preliminary Plat which the Subdivider proposes to record at one time, however, it is required that each such phase be Final Platted and be designated as a phase of the approved Preliminary Plat.
- (h) Upon approval of the Final Plat or Preliminary Plat (see §18.04(3)(e)) from the Plan Commission and Village Board, the Subdivider may proceed with installation of subdivision improvements after review and recommendation of approval of the engineering plans by the Village Engineer and approval of the Village Board and approval of all other applicable agencies and submittal to the Village of Dousman of copies of all permits and letters of approval. The Subdivider's agreement with the Village of Dousman agreeing to install the required improvements and shall file with said agreement, a letter of credit, cash or certified check meeting the approval of the Village Attorney in an amount equal to 110% of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Village Board upon recommendation of the Village Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractor not later than one year from the date of recording of the plat or as approved by the Village Board and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. If after the approval or conditional approval of the Final Plat by either the Plan Commission or Village Board, the Subdivider creates a substantial change to the subdivision layout, the Village shall require the re-submittal of a Preliminary Plat in conformance with §08.04(2) of this Ordinance.



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A substantial change to the subdivision layout will have presumed to occur if the external boundaries of the subdivision plat are changed in any manner, or there is an increase in the number of lots by more than 5%, or there is a change in street configuration, or if a permitting agency denies a permit on which the plat depends. If the change is made at the request of the Village of Dousman a substantial change shall not be presumed to occur.

The objecting 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. 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 of Dousman Plan Commission. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the plat.

### (5) FINAL PLAT APPROVAL.

- (a) Submission. IF the Final Plat is not submitted within 6 months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
- (b) The Village Plan Commission shall, within 60 days of the date of the filing of the Final Plat with the Village Clerk or designee, 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.
- (c) The Village Board may refuse to approve the Final Plat if the required improvements are not installed or the Construction Plans, Developer's Agreement, and Financial Guarantees are not submitted to and recommended for approval to the Village Board.
- (d) The Village Board shall, within 60 days of the date of filing the original Final Plat with the Clerk or designee, approve or reject such Plat unless the time is extended by agreement with the Subdivider. All corrections as required by the objecting and approving agencies shall be made to the Final Plat, Construction Plans, Financial Guarantees, and Subdivider's Agreement prior to placement on the Village Board agenda. 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 and surveyor. 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 the objecting agencies as required herein the date thereof, and that no objections have been filed within 20 days or, if fined, have been met.

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- (e) Failure of the Village Board to act within 60 days, the time having not been extended and no satisfied objections having been filed, and all fees payable by the Subdivider having been paid, the plat shall be deemed approved.
  - (f) Recordation. After the Final Plat has been approved by the Village Board and required improvements as shall be required by the Village Board either installed or a Subdivider's Agreement and sureties insuring their installation is filed, the Village Clerk shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed. The Village Clerk shall record the Plat with the Waukesha County Register of Deeds after receipt of all fees from the subdivider. The Clerk or designee shall verify the original Final Plat meets all requirements and shall cause the original to be reproduced for recording as per State Statutes. The Register of Deeds shall not record the Plat unless it is offered within 30 days from the date of the last approval or 24 months of first approval per §236.25(2)(b).
  - (g) Copies. Prior to the recording of the Final Plat, the Subdivider shall reimburse to the Village for all reproduction costs including a reproducible mylar and 5 folded copies of the Final Plat. The Village Clerk or designee will distribute the Village Assessor, Village Planner, Fire Department and other affected departments and agencies for their files.
- (6) MINOR LAND DIVISION REVIEW AND APPROVAL – CERTIFIED SURVEY MAP. Any division of land not defined as a “subdivision” is a minor land division. Exception: When the parcel(s) to be created by a land division is/are 20 acres or more in area and is/are not intended for development, the Plan Commission may waive the requirement of a Certified Survey Map.
- (a) A pre-application conference similar to the consultation suggested in §18.04(1) of this Ordinance is recommended prior to submitting the sketch or preliminary map for approval. Prior to submitting a Certified Survey Map or plat of survey for approval, the Subdivider may submit a preliminary map or sketch to the Village Plan Commission for approval, which shall be sufficient in detail to determine whether the final Certified Survey Map will meet the requirements of this Ordinance and all Ordinances, rules, regulations, adopted regional, county and Village of Dousman comprehensive plans, or adopted plan components which affect it. At a minimum, all sketches shall be submitted using Village of Dousman Cadastral Map as the base map.

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- (b) The Village Clerk or designee shall transmit 7 copies of the certified survey map and letter of application to the Village Plan Commission.
- (c) The Village Clerk shall transmit a copy of the map to all approving or objecting agencies, affected Village departments, Village Planner and Village Engineer for their review and recommendations concerning matters within their jurisdiction. The recommendation shall be transmitted to the Village Plan Commission within 30 days from the date the map is transmitted by the Village Clerk.
- (d) Upon approval of the Certified Survey Map from the Plan Commission and Village Board, the Subdivider may proceed with installation of subdivision improvements after approval of the engineering plans by the Village Board and for approval of all other applicable agencies and submittal to the Village of Dousman of copies of all permits and letters of approval. The subdivider shall, as per §18.03(4), enter into a developer's agreement with the Village of Dousman agreeing to install the required improvements and shall file with said agreement, a letter of credit, cash or certified check meeting the approval of the Village Attorney in an amount equal to 110% of the estimated cost of the improvements, plus the estimated Construction Review fees, said estimate to be made by the Village Board upon the recommendation to the Village Engineer, as a guarantee that such improvements will be completed by the Subdivider or his subcontractors not later than one year from the date of recording of the certified survey map or as approved by the Village Board and as further guarantee that all obligations to subcontractor for work on the development are satisfied.
- (e) The Village Plan Commission shall approve, approve conditionally or reject the map within 60 days from the date of filing of the map, unless time is extended by agreement with the Subdivider, and shall transmit the map along with its recommendations to the Village Board.
- (f) The Village Board shall approve, approve conditionally or reject the map within 60 days from the date of filing of the map, unless time is extended by agreement with the Subdivider. All corrections, as required by the objection and approving agencies, shall be made to the Certified Survey Map prior to placement on the Village Board agenda. If the map is rejected, the reasons shall be stated, and a written statement forwarded to the Subdivider and surveyor.

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- (g) The Village Board may refuse to approve the Certified Survey Map of the required improvements are not installed or the construction plans, developer's agreement and financial guarantees are not submitted to and recommended for approval by the Village Engineer to the Board.
  - (h) Recordation. After the Certified Survey Map, Construction Plans, Developer's Agreement and financial guarantees have been approved by the Village Board, the Village Clerk shall cause the certificate to be inscribed upon the Map attesting to such approval and the Village Clerk or designee shall record the Map with the Waukesha County Register of Deeds at the Subdivider's expense. The Register of Deeds shall not record the Map unless it is offered within 30 days from the date of the last approval.
- (7) REPLAT. When it is proposed to replat a recorded subdivision, or part thereof, so as to change the boundaries of a recorded subdivision, or part thereof, the Subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in §236.40 through 236.44, Wis. Stats. The Subdivider, or person wishing to replat, shall then proceed as specified in §18.01(1) through (5) of this Ordinance.
- The Village Clerk shall schedule a meeting before the Village Plan Commission when a Preliminary Plat of a replat of lands within the Village of Dousman is filed, and shall cause notices of the proposed replat meeting to be mailed to the Owners of all properties within the limits of the exterior boundaries of the proposed Replat.
- (8) CONDOMINIUM PLATS. A condominium plat prepared pursuant to §703.11, Wis. Stats., shall be reviews in the same manner as a subdivision as set forth in §18.01(1) of this Ordinance.
  - (9) PRIOR REVIEW OF SALES OR EXCHANGES OF PARCELS BETWEEN ADJOINING LANDOWNERS. IN every situation, regardless of circumstances, that a property owner seeks to convey land in a manner that would adjust a lot line or create or eliminate a lot line, and that conveyance does not require a certified survey map or subdivision plat pursuant to this ordinance, and where an adjacent property owner intends to acquire such an interest in land, the proposed action shall be submitted to the Village of Dousman Plan Commission for prior review, before the conveyance documents are signed and before the conveyance is recorded in the office of the Waukesha County Register of Deeds.

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Such application must be filed with the Village Clerk along with a fee payment to offset all or part of the cost of this limited review, in an amount to be determined from time to time by separate resolution of the Village Board. The Village Plan Commission review shall be limited to considering whether the conveyance is in compliance with Wisconsin Statutes Section 236.45(2)(am)(3) and the applicable laws cited therein, including these regulations, the Zoning Ordinances, and other applicable laws and ordinances. Such conveyance can only be approved if the same number of lots exists prior to the conveyance as would exist after the conveyance. Such conveyance can only be approved if the resulting lots would all be both legal and conforming, even if any such lots are legal nonconforming prior to the conveyance, because the conveyance created new lots which do not predate the ordinance and therefore have no legal non-conforming rights. Such conveyance must not be approved if the conveyance includes land that has a legal nonconforming use, because the legal nonconforming rights are limited to use of the preexisting lot. Such conveyance shall not be approved if any of the resulting lots and the existing improvements on the lots would be in violation of applicable open space requirements. Such conveyance shall not be approved if the conveyance would make an existing conforming structure illegal or nonconforming, or would increase the extent of any preexisting legal nonconformity of an existing structure.9/8/14

**18.05 PRELIMINARY PLAT SUBMITTAL REQUIREMENTS SECTION.**

- (1) GENERAL. A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a Registered Land Surveyor (RLS) and the plat prepared on reproducible drafting film, or paper of good quality at a preferred sheet size of 22" X 30" and a map scale of not more than 100 feet to the inch, unless a different scale is approved by the Village Board and shall show correctly on its face the following information:
  - (a) Title or name 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 an addition to a previously recorded plat and is so stated on the plat.
  - (b) Property location of the proposed subdivision by: government lot, quarter section, section, Town, range, county and state.
  - (c) General location sketch showing the location of the subdivision within the U.S. Public Land Survey section.
  - (d) Date, graphic scale and north arrow.
  - (e) Names, addresses and daytime phone numbers of the Owner, Subdivider and Land Surveyor preparing the plat.
  - (f) Entire area contiguous to the proposed plat owned or controlled by the Subdivider shall be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. The Village Plan Commission may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Ordinance and severe hardship would result from strict application thereof.
- (2) PLAT DATA. All Preliminary Plats shall show the following:
  - (a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
  - (b) Locations of all existing property boundary lines, structures and the first floor elevations thereof, drives, visible and known wells, streams and watercourses, all wetlands, rock outcrops, wooded areas, railroad tracks and other similar significant natural and man-made features within the tract being subdivided or immediately adjacent thereto, within a distance of 200 feet.

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- (c) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility right-of ways and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto, within a distance of 200 feet.
- (d) Location and names of any adjacent subdivisions, parks and cemeteries, and Owners of record of abutting un-platted lands.
- (e) A required by the Village, type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, based on the National Geodetic Vertical Datum of 1929.
- (f) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catch basins, 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, based on the National Geodetic Vertical Datum of 1929. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by their direction and distance from the tract, size, and invert elevations.
- (g) Corporate limits lines.
- (h) Existing zoning on and adjacent to the proposed subdivision.
- (i) Existing contours to National map Accuracy Standards at vertical intervals of not more than 2 feet. Elevations shall be marked on such contours based on the National Geodetic Vertical Datum of 1929. At least 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 the National Geodetic Vertical Datum of 1929, and the monumentation of the bench marks clearly and completely described.
- (j) High-water elevation of all ponds, streams, lakes, flowages, and wetlands, within the exterior boundaries of the plat or located within 100 feet therefrom referenced to the National Geodetic Vertical Datum of 1929.
- (k) Water elevations of all streams, ponds, lakes, flowages, and wetlands within the exterior boundaries of the plat and located within 100 feet therefrom at the date of the survey, referenced to the National Geodetic Vertical Datum of 1929.

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- (l) Floodplain limits of the 100-year recurrence interval flood as determined by the Federal Emergency Management Agency, or the Southeastern Wisconsin Regional Planning Commission, or other technical documents, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village, within the exterior boundaries of the plat or located within 100 feet therefrom.
- (m) Location and results of soil boring tests within the exterior boundaries of the plat made to a depth of 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 depth of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one test per 3 acres shall be made initially. The Village Plan Commission may require that additional tests be provided. The results of such tests shall be submitted along with the Preliminary Plat.
- (n) Location of soil boring tests where required by §COMM 85.06 (on-site septic systems), Wis. Adm. Code, taken at the location and depth in which the soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one test per 3 acres or one test per lot, whichever is greater. The results of such test shall be submitted along with the Final Plat.
- (o) Location, width and names of all proposed streets and public right of ways, such as alleys and easements.
- (p) Approximate dimensions of all lots together with proposed lot and block numbers.
- (q) Location and approximate dimensions of any sites to be reserved or dedicated for schools, parks, environmental corridors, drainageways, or other public use or open space, or which are to be used for group housing, shopping centers, church sites or other private uses not requiring lotting.
- (r) Approximate radii of all curves.



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- (s) Any proposed riparian lake and stream access with a small drawing clearly indicating the location of the proposed subdivision in relation to the access.
  - (t) Any proposed lake and stream improvement or relocation, and notice of application for approval by the Department of Natural Resources, when applicable.
  - (u) Any additional information required by the Village Board, Village Engineer, or Plan Commission including the location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
  - (v) Approximate location of all wetlands based on aerial photographs provided by Southeastern Wisconsin Regional Planning Commission or field survey of delineation of wetlands by an approved agency.
  - (w) Lake and stream meander lines existing or proposed to be established.
- (3) **STREET PLANS AND PROFILES.** The Village of Dousman Plan Commission and Board, upon the recommendation of the Village Engineer may require that the Subdivider provide street plans and profiles showing existing ground surface, proposed and established street grades, including extensions for a reasonable distance beyond the limits if the proposed subdivision when requested. All elevations shall be based upon means sea level (1929) datum, and plans and profiles shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village Board.
- (4) **TESTING.** The Village Plan Commission and 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 ground water table. The Village of Dousman does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village of Dousman 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 Ordinance. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. COMM 85, Wis. Adm. Code, shall be complied with; and the appropriate date submitted with the Preliminary Plat.

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- (5) **SOIL AND WATER CONSERVATION.** The Village Board shall require the Subdivider to file with the Village Clerk a copy of the Erosion Control Plan, recommended for approval by the Village Engineer to the Village Board for final approval prior to approval of construction plans and the commencement of any land disturbance.
- (6) **DEED RESTRICTIONS.** The Village Plan Commission shall require submission of a draft of deed restrictions proposed, whereby the Subdivider intends to regulate land use, building sites to protect solar access by the use of offsets, setback and height restrictions, which are more restrictive than the regulations of the Zoning District where located in the proposed subdivision and otherwise protect the proposed development. The deed restrictions may be subject to the review and the approval of the Village Attorney as to legality and form. The Village of Dousman shall not be responsible for enforcing private deed restrictions.
- (7) **EASEMENTS.** Easements shall be shown on the Preliminary Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street right-of-way, pedestrian right-of-way, park or school lands, or other public lands requiring dedication. Drainage easements shall be owned and maintained by the individual lot owners. If an Outlot, then the outlot will be owned and maintained by all lot owners or as approved by the Village Board.
- (8) **AFFIDAVIT.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Ordinance.

**18.06 FINAL PLAT SUBMITTAL REQUIREMENTS.**

- (1) 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 §236.20, Wis. Stats.
- (2) ADDITIONAL INFORMATION. The Plat shall show correctly on its face, in addition to the information required by §236.20, Wis. Stats., the following:
  - (a) Exact length and bearing of the centerline of all streets.
  - (b) Exact street width along the line of any obliquely intersecting street.
  - (c) Railroad right-of way within and abutting the plat.
  - (d) Setbacks or building lines required by the Village Plan Commission or Board in accordance with the guidelines set forth in §18.08(7) of this Ordinance.
  - (e) Easements shall be shown on the Final Plat and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street right-of ways, pedestrian right of way, park or school lands, or other public lands requiring dedication.
  - (f) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat. If property reserved for common use is located within the subdivision, provisions and plans for its use and maintenance shall be submitted with the plat. A note shall be placed on the face of the Plat noting ownership and maintenance of all common use areas and that deed restriction(s) will be on file with the Waukesha County Register of Deeds.
  - (g) A note on the face of the plat noting ownership and maintenance obligations of all drainage swales, easements, retention and detention ponds or other facilities shall be required.
  - (h) Special restrictions required by the Village Plan Commission and Board any other approving or objecting agency relating to access control along public ways, the provision of planting Strips, solar access restrictions, to prevention of wetlands, to more restrictive yard requirements, or to special restrictions for environmentally significant lands.

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- (i) Location, area, depth, and type of the soil absorption waste disposal system for each building site, if applicable.
- (j) Floodplain limits of the 100-year recurrence interval flood as determined by the Federal Flood Insurance Study or other technical documents, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village of Dousman. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year occurrence interval flood, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and approval of the Village of Dousman within the exterior boundaries of the plat or located within 10 feet therefrom.
- (k) Where the Village Board, Village Planner, or Village Engineer finds that it requires additional information relative to a particular problem presented by a proposed development to review the Final Plat, it shall have the authority to request in writing such information from the Subdivider.
- (l) Delineation of all wetlands and shoreland/wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of Natural Resources, the Southeastern Regional Planning Commission, or other agency or firm certified to make such delineation by the Federal Government of the Wisconsin Department of Natural Resources.
- (m) Location of Soil Boring Tests. 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 test per 3 acres shall be made initially, the results of such tests shall be submitted.
- (n) Location of soil boring tests where required by §COMM 85.06 or §COMM 8309, Wis. Adm. 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 test per 3 acres or one test per lot, whichever is greater. The results of such tests shall be submitted.

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- (3) **SURVEY ACCURACY.** The Village Engineer shall examine all Final Plats within the Village of Dousman and may recommend that the Village Board make, or cause to be made by a Registered Land Surveyor under the direction of the Village Engineer, such field checks as the Village may deem necessary or desirable for the accuracy and closure of survey, the proper kind and location of monuments and legibility and completeness of the drawing.
- (a) The maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed that which is permitted by state statute.
  - (b) All street block and lot dimensions shall be computed as closed geometric figures upon the control provided by the closed exterior boundary survey.
  - (c) Where the plat is located within a U.S. Public Land Survey quarter-section the corners of which have been relocated, monumented and coordinated by the Village of Dousman or the Southeastern Wisconsin Regional Planning Commission, the tie required by §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 in 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 and the street, block and lot dimensions shall comply with the requirements of §236.15, Wis. Stats.
  - (d) The Village Board shall receive the results of the Village Engineer's examination prior to approving the Final Plat.
- (4) **SURVEYING AND MONUMENTING.** All Final Plats shall meet all the surveying and monumenting requirements of §236.15, Wis. Stats. The Village Boards may waive setting of monuments for a specified period of time as per §18.03(4)(d) of this Ordinance.

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- (5) **STATE PLANE COORDINATE SYSTEM.** Where the Plat is located within a U.S. Public Land Survey quarter section the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System by the Southeastern Wisconsin Regional Planning Commission, or Waukesha County or the Village of Dousman, the Plat shall be tied directly to 2 or more of the section or quarter corners so relocated, monumented and coordinated. The exact trig bearing and distance of such tie shall be determined by field measurements, and the type of monument and Wisconsin State Plane Coordinates of the monument marking, the relocated section or quarter corners to which the Plat is tied shall be indicated on the Plat

All distances and bearings shall be referenced to the Wisconsin Coordinates System, South Zone. 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 and as adjusted to the SEWRPC Section's control survey.

- (6) **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 Ordinance.
- (7) **RECORDATION.** The Final Plat shall be recorded with the Waukesha County Register of Deeds only after the certificates of the Wisconsin Department of Local Affairs and Development, of the Village Board, of the Surveyor, and those certificates required by §236.21, Wis. Stats., are placed on the face of the plat. The plat shall be recorded by the Village Clerk or designee after receipt of all fees from the Subdivider and within 30 days of its approval by the Village Board.
- (8) **DUPLICATE PLAT REQUIRED.** Within 30 days of recording of the plat, the Subdivider shall provide the Village all reproductions including a duplicate reproducible copy of the Plat on dimensionally stable polyester film to the Village of Dousman along with 5 folded blue-line copies, and shall provide the Village with one copy in DXF format on a 3 ½ inch diskette at the Subdivider's expense.

**18.07 CERTIFIED SURVEY MAP SUBMITTAL REQUIREMENTS – MINOR LAND DIVISION.**

- (1) GENERAL. A Certified Survey Map prepared by a Registered Land Surveyor shall be required for all minor land division. It shall comply in all respects with the requirements of §236.34, Wis. Stats. The minor land division shall comply with the design standards set forth in §18.08 and the improvement requirements set forth in §18.09 of this Ordinance.
  - (a) A Preliminary Map or sketch may be submitted to the Village of Dousman Plan Commission for all tracts of land proposed to be divided in accordance with §18.04(1) of this Ordinance.
- (2) REQUIRED INFORMATION.
  - (a) Date of the map.
  - (b) Insert showing map of area with property location.
  - (c) Graphic scale and north arrow.
  - (d) Name, address, and daytime phone numbers of the Owner, Subdivider and Land Surveyor.
  - (e) All existing structures, including square footage and horizontal offset to existing and/or proposed lines, and the first-floor elevation thereof, visible and known wells, watercourses, drainage ditches, existing property lines of abutting property, and other features pertinent to proper division.
  - (f) Name of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
  - (g) Location of the area on the lot where a structure may be built to afford solar access to the rooftop and south wall.
  - (h) Additional setbacks or building lines required by the Village Plan Commission and Board which are more restrictive than the regulations of the Zoning District in which the plat is located or which are proposed by the Subdivider and are to be included in recorded deed restrictions.
  - (i) Additional setbacks or offsets proposed by the Subdivider which are more restrictive than the regulations of the Zoning District in which the plat is located.
  - (j) All lands reserved for future public acquisition.

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- (k) Floodplain limits of the 100-year recurrence interval flood as determined by the Federal flood insurance study or other technical document, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and the approval of the Village. The contour line lying a vertical distance of 2 feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, the elevation shall be determined by a Registered Professional Engineer and the sealed documents shall be subject to the review and recommendation of approval of the Village Engineer and the approval of the Village within the exterior boundaries of the plat.
- (l) Easements shall be shown on the Certified Survey map and shall be limited to utility easements, drainage easements, conservation easements, access easements, scenic easements, mineral easements, or air rights easements. Easements shall not be used for the conveyance of street right-of ways, pedestrian right of way, park or school lands, or other public lands requiring dedication.
- (m) Exact length and bearing of the centerline of all streets.
- (n) Exact street width along the line of any obliquely intersecting street.
- (o) Railroad right-of way within and abutting the plat.
- (p) A drainage and grading plan for all lots on the map bearing a statement concerning the relation of all drainage swales, ponds, or other facilities.
- (q) Special restrictions required by the Village Plan Commission and any other approval or objecting agency relating to access control along a public ways, the provision of planting strips, solar access restrictions, to preservation of wetlands, to more restrictive yard requirements, or to special restrictions for environmentally significant lands.
- (r) Location, area, depth, and type of the soil absorption waste disposal system for each building site, if applicable.
- (s) Delineation of all conservancy zoning district lands, wetlands and shoreland/wetlands based on a field staking by the U.S. Army Corps of Engineers, the Wisconsin Department of natural Resources, the Southeastern Wisconsin Regional Planning Commission, or other agency or firm certified to make such delineation by the Federal Government or the Wisconsin Department of Natural Resources.



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- (t) Grading plan for the proposed land division extending 150 feet from the proposed property lines.
  - (u) Additional information, if required by the Village Plan Commission, Board or staff.
- (3) **ADDITIONAL INFORMATION.** The Village Plan Commission may require that the following additional information be provided when necessary for the property review and consideration of the map:
- (a) Existing Contours at vertical intervals of not more than 2 feet where the slope of the ground surface is less than 10%, and if not more than 5 feet where the slopes of the ground surface is 10% or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (NGVD) of 1929 (mean sea level). The requirement to provide topographic data may be waived if the parcel(s) created are fully developed.
  - (b) Soil type, slope, and boundaries as shown on the detailed operational soil survey maps prepared by the U.S. Soil Conservation Service.
  - (c) Setbacks or building lines required by the Village Plan Commission and Board in accordance with the guidelines set forth in §18.07(7) of this Ordinance.
  - (d) Location of Soil Boring Tests. 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 test per 3 acres shall be made initially. The results of such tests shall be submitted along with the Certified Survey map.
  - (e) Location of soil boring tests where required by COMM §85.06 or 83.09, Wis. Adm. 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 test per 3 acres. The results of such tests shall be submitted along with the Certified Survey map.
  - (f) The Village Plan Commission may waive the requirement that the entire area contiguous to the land outlined in the proposed Certified Survey Map owned or controlled by the Subdivider be included on the Certified Survey map even though only a portion of said area is proposed for immediate development, however, this waiver may only occur when the parcel(s) to be created by a land division is/are 20 acres or more in area and is/are not intended for development.

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- (4) **STATE PLANE COORDINATE SYSTEM.** Where the map is located within a U.S. Public Land Surveyor quarter section the corners of which have been relocated, monumented and placed on the Wisconsin State Plane Coordinate System by the Southeastern Wisconsin Regional Planning Commission, or Waukesha County, the Map shall be tied directly to 2 or more 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 type of monument and Wisconsin State Plane Coordinates 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. 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.
- (5) **CERTIFICATES.** The surveyor shall certify on the face of the Map that he has fully complied with all provisions of this Ordinance. The Village Board, after receiving a recommendation of approval from the Village Plan Commission and the recommendation by all reviewing agencies, shall certify its approval on the face of the map.
  - (a) When a certified Survey Map includes the dedication of streets and other public areas, an Owner's certificate in substantially the same form as required by §236.21(2)(a), Wis. Stats., shall be required.
  - (b) All Certified Survey Maps shall provide all the certificates required by §236.21, Wis. Stats.
- (6) **RECORDATION.** The Certified Survey Map shall be recorded with the county register of deeds only after the certificates of the Village Board, the surveyor and the Owner are placed on the face of the Map. The Map shall be recorded by the Village Clerk or designee after payment of all fees and within 30 days of its last approval by the Village Board. The Village of Dousman shall not permit the applicant, title company, or any other entity to record the Certified Survey Map.
- (7) **DUPLICATE MAP REQUIRED.** The Subdivider shall provide 2 copies of the Certified Survey Map and one copy in DXF format on a 3 ½-inch diskette to the Village of Dousman within 30 days of recording the Certified Survey Map.
- (8) **NOTATIONS.** Any notes required by the Village of Dousman shall be placed on the face of the Certified Survey map prior to recording by the Village of Dousman.

**18.08 DESIGN STANDARDS.**

- (1) **STREET ARRANGEMENT.** In any new subdivision or Certified Survey Map the street, block and lot layouts shall conform to the arrangement width and location indicated on the Village of Dousman official map, County Jurisdictional Highway System Plan, comprehensive plan or plan component, or neighborhood development plan, if any, of the Village of Dousman, and shall be designated as to: be within the capability of the land and water resources; least disturb existing terrain, flora, fauna and water regimen; and meet all the use, site, sanitary, floodland, and shoreland regulations contained in the Village of Dousman Zoning Ordinance. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to the public convenience and safety, to the proposed use of land to be served by such streets, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory solar access and access to a public street.
  - (a) Arterial streets, as heretofore defined, shall be arranged so as to provide ready access to centers of employment, centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. Arterial streets shall also be properly integrated with and related to the existing and proposed area-wide system of arterial streets and highways and shall be, insofar as practicable, continuous and in alignment with existing or planned streets with which they are to connect.
  - (b) Collector streets, as heretofore defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the arterial street and highway system and shall be properly related to the mass transpiration system, to special traffic generators such as schools, churches, and shopping centers and other concentrations of population and to the arterial streets into which they connect.

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- (c) Minor streets, as heretofore defined, shall be arranged to conform to the topography, to discourage use by through traffic, to permit the design of efficient storm and sanitary sewerage systems, as required by the Village and to require the minimum street area necessary to provide safe and convenient access to abutting property.
- (d) Proposed streets shall extend to the boundary lines of the tract being subdivided unless prevented by topography or other physical conditions, or unless the Village Plan Commission and Board finds that such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts.
- (e) Arterial street and highway protection. Whenever the proposed subdivision contains, or is adjacent to an arterial street or highway, adequate protection of residential properties, limitation of access and separation of through and local traffic shall be provided by reversed frontage with screen planting contained in a non-access reservation along the rear property line, or by the use of frontage streets consistent with §18.08(2)(a) of this Ordinance.
- (f) Public access shall be provided to all navigable stream or lake shores. Such access shall be at least 60 feet in width platted to the low watermark at intervals of not more than one-half mile as required by §236.16(3), Wis. Stats., unless greater intervals and wider access is agreed upon by the Village Board, the Wisconsin Department of Natural Resources, and the head of planning function for the Wisconsin Department of Local Affairs and Development. All platted public access shall front on a public street, highway, parkway, or other public way.
- (g) Reserve strips shall not be provided on any plat to control access to streets or alleys, except where control of such strips is placed under conditions approved by the Village Plan Commission and Board
- (h) Street names shall not duplicate or be similar to existing street names, and existing street names shall be projected wherever possible and final approval of street names rests with the Village Board upon the recommendation of the Plan Commission, Police and the Fire Department.
- (i) Access shall be provided in commercial and industrial areas for off-street loading and service areas unless otherwise required by the Plan Commission and Board.

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- (2) LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT. Whenever the proposed subdivision contained or is adjacent to a limited access highway, arterial or railroad right-of-way, the design shall provide the following treatment. These standards do not apply to State or County Highways, which are under the jurisdiction of the respective Department of Transportation of said Department of Transportation imposes a more restrictive requirement.
- (a) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway, arterial or a railroad, a planting strip at least 30 feet in depth shall be provided adjacent to the highway or railroad in addition to the normal lot depth. This strip shall be part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the plating of trees and shrubs and the building of all structures excepting public or private utility structures hereon is prohibited."
  - (b) Where commercial and industrial districts are involved there shall be provided, on each side of the limited access highway or railroad, streets approximately parallel to and at a suitable distance from such highway or railroad for the appropriate use of the land between such streets and highway or railroad, but shall not be less than 150 feet from the right-of-way of the limited access highway or railroad.
  - (c) Streets parallel to a limited access highway or railroad right-of-way, when intersection a major street and highway or collector street which crosses said railroad or highway, shall be located at a minimum distance of 250 feet from said highway or railroad right-of-way. Such distance, where desirable and practicable, shall be determined with sue consideration of the minimum distance required for the future separation of grades by means of appropriate approach gradients.
  - (d) Minor streets immediately adjacent and parallel to railroad rights-of-way shall be avoided, and location of minor streets immediately adjacent to arterial streets and highways and to railroad rights-of-way shall be avoided in residential areas.

(3) STREET AND PEDESTRIAN WAY DESIGN STANDARDS.

- A. Minimum width. The minimum right-of-way and roadway width of all proposed streets and alleys shall be as specified by the Comprehensive Plan or component thereof, Official Map, or County jurisdictional highway system plan. If no width is specified therein, the minimum right-of-way and roadway widths for arterial collector, and land access streets shall be as shown on Table 1 for streets having an urban cross-section.
- B. Cross-sections for collector and land access streets having an urban cross-section shall be as shown on Table 1. The cross-sections for arterial streets should be based on detailed engineering studies presented for final review and approved by the Village Planning Commission in consultation with the Village Engineer.
- C. Cul-de-Sac streets designed to have one end permanently closed shall not exceed 1,--- feet in length unless provisions are made for adequate emergency access and water main configuration. Cul-de-sac streets shall terminate in a circular turnaround having a minimum right-of-way radius of 75 feet. Cul-de-sac turnabouts with an urban cross-section shall have a minimum outside face-of-curb radius of 60 feet.
- D. Temporary termination of streets intended to be extended at a later date shall be accomplished with the construction of a temporary "T" shaped turnabout contained within the street right-of-way subject to review and approval as to the final design by the Village Engineer.
- E. Bicycle and Pedestrian Ways with a right-of-way width of not less than 8-12 feet may be required where deemed necessary by the Plan Commission to provide adequate bicycle and pedestrian circulation or access to schools, shopping centers, churches, or transportation facilities. Bicycle and pedestrian ways in wooded and wetland areas shall be so designated and constructed as to minimize the removal of trees, shrubs, and other vegetation, and to preserve the natural beauty of the area.
- F. Grades.
  - 1. Street grades shall be established wherever practicable so as to avoid excessive grading, the promiscuous removal of ground cover and tree growth, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of a minimum length equivalent in feet to 30 times the algebraic difference in the rate of grade for arterial streets, and one-half this minimum for all other streets

TABLE 1

## Required Urban Cross-Sections for Streets and Other Public Ways

<u>Type of Street Or Public Way</u>	<u>Right-of-Way Width To be Dedicated</u>	<u>Roadway, Terrace, Sidewalk, and Related Widths</u>
Arterial Streets	120 feet, or as required by the Village Official Map, Comprehensive Plan and/or as determined by the Village Planning Commission in consultation with the Village Engineer.	As determined by the Village Plan Commission in consultation with the Village Engineer
Collector Streets	80 feet	^ 48-foot pavement (face of curb to face of curb) ^ 10-foot terraces ^ 5-foot sidewalks/both sides of street ^ 1-foot sidewalk buffers
Local Streets	^ Land access streets [1] 60 feet	^ 36-foot pavement (back of curb to back of curb) ^ 24-inch standard curb & gutter ^ 8-foot terrace ^ 5-foot sidewalks/both sides of street
Alley	25 feet	^ 20-foot pavement ^ Curb, gutter, sidewalks, terraces, and buffers if/as determined necessary by the Planning Commission in the consultation with the Village Engineer.

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Cul-de-sac	75-foot outside radius	^ 62-foot outside curb radius ^ 60-foot pavement face of curb to face of curb ^ 24-foot pavement (back of curb to back of curb) ^ 8-foot terrace ^ 5-foot sidewalk ^ 1-foot sidewalk buffer
Pedestrian and Bicycle Ways	12 feet [4]	^ 8-12 foot placement width (to be determined by the Planning Commission in consultation with the Village Engineer) [5] ^ 2-foot buffer

### Notes to Table 1

- [1] For land access streets serving higher density single and multifamily residential, commercial, and industrial areas, a minimum width of 36 feet should be provided.
- [2] For land access streets would be relatively short loop and cul-de-sac streets in areas of single-family homes with attached garages and driveways, with adequate area available on each lot for off-street parking and snow storage, and where no bus or truck traffic other than occasional school buses and service or delivery trucks would be expected to operate over the street.
- [3] Sidewalks may be eliminated on one side of minor land access streets at the discretion of the Planning Commission
- [4] Recommended right-of-way width for combined bicycle and pedestrian ways separate from street rights-of-way.
- [5] The pavement width of pedestrian and bicycle ways in areas of high use may be increased to 12 feet, and the buffers decreased to four feet each.

### F. Grades, cont...

- (2) Unless necessitated by exceptional topography, subject to the approval of the Plan Commission, the maximum center line grade of any street or public way shall not exceed the following:
  - a. Arterial streets: 6%
  - b. Collector streets: 8%
  - c. Land access streets, alleys and frontage streets: 10%
  - d. Bicycle ways: 5%; however, steeper grades are acceptable for distances up to 500 feet.
  - e. Pedestrians ways: 12%. Steps or stairs shall be provided if the grade will exceed 12%.



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- (3) The grade of any street shall in no case exceed 10% or be less than  $\frac{1}{2}$  of 1% for streets with an urban cross-section, and 1% for streets with a rural cross section.
- G. Crowns. Unless otherwise approved, roadway pavements shall be designed with a center line crown. Offset crowns or continuous cross-slopes may be utilized upon approval of the Village Engineer. Alley pavements shall be "V"-shaped, with a center line gutter for drainage.
- H. Radii and curvature.
1. When a continuous street center line deflects at any one point by more than  $10^\circ$ , a circular curve shall be introduced having a radius of curvature on said center line of not less than the following:
    - a. Arterial streets and highways: 500 feet.
    - b. Collector streets: 300 feet.
    - c. Land access streets: 100 feet.
  2. A tangent at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.
- I. Elevations of Arterial Streets shall be set so that they will not be overtopped by a fifty-year recurrence interval flood.
- J. Bridges and culverts. All new and replacement bridges and culverts over navigable waterways, including pedestrian and other minor bridges, shall be designed so as to accommodate the peak rate of discharge of a one-hundred-year recurrence interval flood event without raising the peak stage, either upstream or downstream, more than 0.01 foot above the peak stage for the one-hundred-year recurrence interval flood, as established by the Southeastern Wisconsin Regional Planning Commission or the Federal Emergency management Agency. Larger permissible flood stage increases may be acceptable for reaches having topographic or land use conditions which could accommodate the increased stages without creating additional flood damage potential upstream or downstream of the proposed structure, providing that flood easements or other appropriate legal measures have been secured from all property owners affected by the excess stage increases. Such bridges and culverts shall be so designed and constructed as to facilitate the passage of ice flows and other debris.

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- K. Half-streets. Where an existing dedicated or platted half-street is adjacent to the proposed land division or condominium plat, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.

### (4) STREET INTERSECTIONS.

- A. Right angle. Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- B. The Maximum Number of streets converging at one intersection shall not exceed two.
- C. The Number of Intersections along arterial streets and highways shall be held to a minimum. Wherever practicable, the distance between such intersections shall not be less than 1,200 feet.
- D. Continuation of land access and collector streets. Land access and collector streets shall not necessarily continue across arterial streets; but if the center lines of such streets approach the arterial streets from opposite sides within 300 feet of each other, measured along the center line of the arterial or collector streets, then the location of the collector and/or land access streets shall be so adjusted so that a single intersection is formed.
- E. Corner Curves. Property lines at intersections of arterial streets and at intersections of collector and arterial streets shall be rounded to an arc with a minimum radius of 15 feet, or a greater radius if required by the Village Engineer.
- F. Vision Clearance Easements shall be provided at street intersections as may be required by the Village zoning ordinance and by any approving or objecting authority concerned.

### (5) BLOCKS. The widths, lengths, and shapes of blocks shall be suited to the planned use of the land; zoning requirements; need for convenient access, control and safety of street traffic; topography; and solar access.

- (a) The lengths of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1,200 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.

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- (b) Pedestrian ways of not less than 200 feet in width may be required where deemed necessary by the Village Plan Commission and Board to provide safe and convenient pedestrian circulation between the individual lots, streams, lakeshores, park lands, or other public areas, or may be required near the center and entirely across any block where deemed essential by the Village Plan Commission and Board to provide adequate pedestrian circulation or access to schools, shopping centers, churches, parks, open spaces, or transportation facilities. The Final Plat shall contain a special restriction addressing by whom mid-block pedestrian ways will be maintained.
  - (c) The width of blocks shall be wide enough to provide for 2 tiers of lots of appropriate depth except where otherwise required to separate residential development from through traffic. Width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
  - (d) Utility easements shall, where practical, be placed on mid-block easements along rear lot lines minimum of 10 feet wide but not within and parallel to drainage easements.
- (6) LOTS. The size, shape, and orientation of lots shall be appropriate for the use location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting, and for solar access for the building contemplated. In addition:
- (a) Side lot lines shall be at right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines rather than cross them.
  - (b) Double frontage and reverse frontage lots shall be prohibited except where necessary to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation.
  - (c) Access. Every lot shall front or abut for a distance of at least 30 feet on a public street and shall be at least 45 feet on all proposed cul-de-sacs or on a Village of Dousman approved access.

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- (d) Area and dimensions of all lots shall conform to the requirements of the Village of Dousman Zoning Ordinance where the land division occurs. Those building sites not served by a public sanitary sewer system or other approved systems shall be sufficient to permit the use of an on-site soil absorption sewage disposal system designed in accordance with Ch. COMM 83, Wis. Adm. Code, and administered by Waukesha County. In no case shall the width and area of lots located on soils suitable for the use of an on-site soil absorption sewage system be less than 120 feet in width and 20,000 square feet in area.
- (e) Whenever a tract is subdivided into parcels 5 acres or less in area and more than twice the minimum lot area required for the Zoning District in which such parcel is located, the Village Plan Commission and Board may require such parcels to be arranged and dimensioned so as to allow re-subdivision of any such parcels in accordance with the provisions of this Ordinance and in conformance with the Village Zoning Ordinance.
- (f) Depth OF lots shall be a minimum depth of 120 feet. Excessive depth in relation to width shall be avoided and a proportion of 2.5:1 shall be considered a desirable ration under normal conditions. Depth and width of lots or parcels reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the zoning restrictions for such use.
- (g) Double frontage and revere frontage lots, where permitted to provide separation of residential development from through traffic or to overcome specific disadvantages of topography and orientation shall provide an extra lot depth of 30 feet or landscaped buffering unless a greater depth is specified herein.
- (h) Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed subdivisions and the water's edge shall be included as part of lots, outlots, or public dedications in any plat abutting a stream or lake.
- (i) Width of lots shall conform to the requirements of the Zoning Ordinance, or other applicable Ordinance, and in no case shall a lot be less than 100 feet in width at the required building setback line.
- (j) Corner lots shall be designed and platted with at least 15 feet of extra width over and above the minimum required for the Zoning District wherein located to permit adequate building setbacks from side streets and access shall be restricted to the minor street, if required by the Village Plan Commission or Board.

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- (k) The shape of lots shall be generally rectangular. Lots platted on cul-de-sacs will generally be narrower at the street line than at the rear lot line.
- (7) **BUILDING AND SETBACK LINES.** Building setback lines, appropriate to the location and type of development contemplated which are more or less restrictive than the regulations of the Zoning District in which the plat is located, may be required by the Village Plan Commission and Board if under a Planned Unit Development, Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulations of the Zoning District in which the plat is located, may be required by the Village Plan Commission and Board and shall be shown on the Final Plat or Certified Survey Map. Examples of the application of this provisions would include requiring greater setbacks on cul-de-sacs lots to achieve the necessary lot width at the required building setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements. Shoreland/wetland and isolated wetland offsets, in addition to those required by the Village of Dousman Zoning Ordinance, may be required.
- (8) **SPECIAL RESTRICTIONS.** Special restrictions, which are appropriate to the location or design of the land division, may be required and shall be shown on the Final Plat or Certified Survey map. Examples of the application of this provision include access control along public ways, required planting and buffering strips, and prohibition of structures and vegetative clearing in environmentally significant lands.
- (9) **EASEMENTS.** The Village Plan Commission and Board may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lots and on each side of all side lots or across lots where necessary or advisable for electric power and communication facilities, storm and sanitary sewers; street trees, water, street lights and other utility lines, and solar access. All easements shall be noted on the Final Plat followed by reference to the use or uses for which they are intended. Where a subdivision is traversed by a watercourse, drainageway channel, or stream, an adequate easement shall be provided. The location, width, alignment, and improvement of such drainageway or easement shall be subject to the review and recommendation of approval by the Village Engineer and approval of the Village Board; and parallel streets or parkways may be required in connection therewith. Where necessary, storm water drainage shall be maintained by landscaped open channels of adequate size and grade to hydraulically accommodate maximum potential volumes of flow, subject to review and recommendation of approval by the Village Engineer and approval of the Village Board. All easements shall be noted on the Final Plat followed by reference to the use or uses for which they are intended.

## **18.09 REQUIRED SUBDIVISION IMPROVEMENTS.**

- (1) GENERAL. All require improvements shall be constructed in accordance with plans and standard specifications approved by the Village Board upon recommendations of the Village Engineer and the Wisconsin Department of Natural Resources, as may be appropriate. Said plans and standard specifications shall be submitted, reviewed, and approved in accordance with §18.10(3) of this Ordinance.
- (2) SURVEY MONUMENTS. The Subdivider shall install survey monuments placed in accordance with the requirements of Ch. 236.15, Wis. Stats., and as may be required by the Village Board.
- (3) GRADING.
  - (a) Cut and filled lands shall be graded in accordance with the approved plans or the soils angle of repose, whichever is the lesser, and an approved cover shall be established within 30 days following completion of grading operations.
  - (b) The Subdivider shall grade the fill width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Board and any agency having jurisdiction including the Wisconsin Department of Natural Resources, upon the recommendation of the Village Engineer. The Subdivider shall grade the roadbeds in the street right-of ways to subgrade.
  - (c) Where Electric and Communications facilities are to be installed underground, the utility easements shall be graded to within 6 inches of final grade by the Subdivider prior to the installation of such facilities, and earth fill, piles or mounds of dirt or construction materials shall not be stored on such easement areas.
- (4) SURFACING. After the installation of all utility, sanitary sewer, water main and storm water drainage improvements, the Subdivider shall surface all roadways in streets proposed to be dedicated, to the widths prescribed by these regulations and the adopted Village of Dousman comprehensive plans or adopted plan components. Said surfacing shall be done in accordance with plans and standard specifications approved by the Village Board, upon recommendations of the Village Engineer. The second lift of asphalt shall not be installed less than one year nor greater than 3 years after base course pavement is installed for a given phase.

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- (5) **CURB AND GUTTER.** The Village Board may require the Subdivider to construct concrete curb and gutters in accordance with plans and standard specifications approved by the Village of Dousman, upon the recommendation of the Village Engineer and adoption by the Village Board, Mountable curbs shall generally be constructed.
- (6) **SIDEWALKS.** The Village Plan Commission and Board may require the Subdivider to construct a concrete sidewalk or asphalt off-road path on one side of all frontage streets and on one or both sides of all other streets within the subdivision.

Wider than standard sidewalks may be required by the Village Plan Commission and Board in the vicinity of schools, commercial areas and other places of public assemblage where the potential pedestrian density may warrant, and the Village Board may require the construction of sidewalks in locations other than required under the preceding provisions of this Ordinance if such walks are necessary in their opinion, for safe and adequate pedestrian circulation.

- (7) **PUBLIC SANITARY SEWAGE DISPOSAL FACILITIES.** When public sanitary sewer facilities are available to the subdivision plat, the Subdivider shall construct sanitary sewerage facilities in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:
  - (a) Except as may otherwise be permitted by action of the Village Board (see section 18.09(7)(a)i. below), subdivisions within the adopted sanitary sewer service area shall be provided with the public sanitary sewer facilities.
    - i. In the case of proposed subdivisions in locations where the Village Board, upon recommendation from the Village Engineer, reasonably concludes that municipal sanitary sewer and/or water utilities are unlikely to be made available within then or more years, the Village Board may, upon recommendation from the Plan Commission, permit the development of a subdivision located within the Village Sanitary Sewer Service Area without initially requiring sewer and/or water extensions provided:
      - a. A specific and limited period of time, to be determined at the Village Board's sole discretion, is specified in any such approval identifying the period of each time lot in the subdivision is exempt from the Village's otherwise compulsory municipal sanitary sewer and/or water utility connections; and

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- b. The property owner, and all successors and assigns, agree that when the Village Board determines that sewer and/or water is available to the subdivision, the Village will construct sewer and/or water mains throughout the subdivisions and assess the costs of such improvements to every lot in the subdivision; or
- c. Within 12 months of sewer and/or water mains being installed in the subdivision, the lot owner shall connect to such facilities at their sole expense, and shall abandon any and all private wells and private onsite wastewater treatment facilities as applicable, at their sole expense; and
- d. A deed restriction is recorded simultaneously with recording of the subdivision plat, against each lot in the subdivision advising of the specific terms of this limited exemption and binding the property owners to all terms and conditions stated herein, in a form approved by the Village Attorney.



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- (8) **STORM WATER DRAINAGE FACILITIES.** The Subdivider shall construct storm water drainage facilities, adequate to serve the subdivision which shall include, but not limited to, curbs and gutters, catch basins and inlets, storm sewers, road ditches, open channels, eater retention structures, water detention structures, temporary sedimentation basins, and setting basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazard to life or property. In addition:
- (a) The Village of Dousman shall require the installation of storm water detention and retention facilities which shall be designed so that the post development runoff shall not exceed pre-development rates, velocities, or volumes.
  - (b) Unpaved road ditches and street gutters shall be permitted and shall be shaped and seeded and/or sod as grasses waterways. Where the velocity of flow is in excess of 4 feet per second on soils having a severe or very severe erosion hazard and in excess of 6 feet per second on soils having moderate, slight, or slight erosion hazard, or where deemed necessary the Subdivider shall install a paved invert or check dams, flumes, or other energy dissipating devices.
  - (c) Shoreland/wetland and isolated wetland drainage facilities:
    - 1. Storm water detention/retention facilities shall not be allowed in wetland areas.
    - 2. Storm water discharges or discharges of urban storm water pollutants to wetlands may be appropriate when the increase or decrease in the runoff volume do not negatively change the wetland functional value. Where such changes are proposed the impact of the proposal on wetland functional values shall be assessed using a methodology acceptable to the Village Board and the Department of Natural Resources.

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- (d) The design criteria, the size, type, grades and installation of all storm water drains and sewers and the cross-section, invert and erosion control paving, check dams, flumes or other energy dissipating structures and seeding and or/sod or open channels and unpaved road ditches proposed to be constructed shall be in accordance with the plans and standard specifications approved by the Village Board.
  - (e) The Subdivider shall assume the cost of installing all storm sewers within the proposed subdivision, including the added cost of installing storm sewers which are necessary to serve tributary drainage areas lying outside of the proposed subdivision.
- (9) **WATER SUPPLY FACILITIES.** When public water supply and distribution facilities are available to the subdivision plat, the Subdivider shall cause such water supply and distribution facilities to be installed in such a manner as to make adequate water service available to each lot within the subdivision. The subdivider shall make provision for adequate private water systems as required by the Village board in accordance with the standards of the Wisconsin Department of Natural Resources and Wisconsin Department of Health and Social Services. Engineered plans must be submitted to the Village Plan Commission and Wisconsin Department of Natural Resources or other regulatory agencies as required.
- (10) **OTHER UTILITIES.** The Subdivider shall cause gas, electrical power, cable television, and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No such electrical, telephone, or cable television service shall be located on overhead poles. In addition, plans indicating the proposed location of all such utilities shall be submitted for review and recommended for approval by the Village Engineer to the Village Board. All new electric or communication lines from which lots are individually served shall be installed underground within newly platted subdivisions or Certified Survey Maps unless the Village Board shall find that the lots to be served by said facilities can be served directly from existing overhead facilities. Associated equipment and facilities which are pertinent to underground electric and communications systems, including but not limited to substations, pad-mounted transformers, pad-mounted sectionalizing switches and pedestal-mounted terminal boxes may be located above ground. Any landscape screening plan required for such above-ground equipment shall be submitted to the affected utilities for approval. All utility installation should occur prior to final grading and shall not be located in areas of concentrated storm water flow.

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- (11) **STREETLAMPS.** The Subdivider shall pay to the Village of Dousman the cost to install street lights of a design subject to the review and recommendation of approval by the Village Engineer and approval of the Village Board, at each subdivision street which intersects an arterial or collector and at such interior block spacing as may be required by the Village Board.
- (12) **STREET SIGNS.** The Subdivider shall pay to the Village of Dousman the costs for installing street signs of a design approved by the Village of Dousman at the intersection of all streets proposed to be dedicated, which signs shall be provided and installed by the Village of Dousman,
- (13) **WOODED AREAS AND NATURAL TREE SETTINGS.** Heavily wooded areas should be preserved insofar as possible and by application of reservation and dedication provisions of this and other applicable Ordinances.
- (14) **IMPROVEMENT OF EXISTING HALF-STREETS.** Where a subdivision or minor land division abuts an existing street or half-street, and lots within the subdivision or minor land division access the existing street or half-street, the Subdivider shall be responsible for installing and paying for all improvements in the existing street or half-street right-of-way.
- (15) **REMOVAL OF TEMPORARY CUL-DE-SACS.** Where a subdivision or minor land division abuts an existing temporary cul-de-sac, and the approved plans include extending the street ended by said temporary cul-de-sac, the Subdivider shall be responsible for the removal of the temporary cul-de-sac, reconstruction of the drainage and roadside ditches or curb and gutter, as applicable, reinstallation of culverts, reconstruction of driveways and restoration of all disturbed areas. The Village Board, upon review and recommendation of the Village Engineer, will determine if the existing culvert(s) may be salvaged and reused.

## **18.10 CONSTRUCTION STANDARDS.**

- (1) **COMMENCEMENT.** No construction or installation of improvements shall commence in a proposed subdivision until the Preliminary Plat or Certified Survey Map has been approved by the Village Board and the approving authorities having jurisdiction have given written authorization. No construction shall commence without the Developer's Agreement, Construction Plans, and Financial Guarantees being approved and in place as required by §18.04(3), (4), (5) and/or (6). No pre-construction meeting shall be scheduled or held until all permits required by the EDNR, U.S. Army Corp. Of Engineers, or other such agency have been received by the Village Clerk and Village Engineer.
- (2) **BUILDING PERMITS.** No building shall be constructed prior to the issuance of the necessary zoning, building, and sanitary permits (as applicable). No building, zoning, sanitary, or other permits shall be issued for erection of a structure on any lot not of record until all requirements of this Ordinance have been met, unless modified by the Developer's agreement.
  - (a) **Access.** Village of Dousman staff shall have access to premises and structures during reasonable hours to make those inspections as deemed necessary to ensure compliance with this Ordinance. If, however, he is refused entry after presentation of his identification, he shall procure a special inspection warrant in accordance with §963.10, Wis. Stats., except in cases of emergency when he shall have the immediate right of entry.
- (3) **IMPROVEMENT PLAN APPROVAL PROCEDURE.** The following procedure shall be followed for all subdivision construction/improvement plans and submittal of revised plans:
  - (a) 7 copies of each plan shall be submitted to the Village Clerk for distribution to the Village Board and the Village Engineer. The deadline for submittal is 3 weeks prior to the Village Board Meeting.
  - (b) Erosion control plans will be submitted by the Developer to the Village Clerk and Engineer. Village Engineer recommended approval letter must be submitted to the Village Board for approval.
  - (c) In no case will plans be accepted or reviewed by the Village Engineer, Village Planner, or any Village Committee without first being processed through the Village Clerk.

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- (d) In no case will plans be accepted unless all improvement plans are included with the submittal. Plans will not be reviewed on a piece-meal basis. The submittal shall include: (grading plans, drainage plan, public improvement plans (including streets, sanitary sewer, storm sewer, water and other utilities), landscape plan and erosion control plan. An individual plan may be submitted if it is one of the total set of plans and is being submitted as a revised plan wherein the remaining plans have been previously approved.
- (e) Any preliminary meeting between the Village Engineer or Planner and the developer must have an authorization form signed by the developer and/or property owner and copied to the Village Clerk and there may be a fee for this meeting depending on the scope and length of the meeting.
- (f) There will not be a review of so-called "pre-final" or "preliminary" construction plans for review by only the Village Engineer. Preliminary plan submittals shall be transmitted via the Village Clerk to all reviewers for their comments in accordance with the above. These preliminary comments shall be sent to the Village Clerk prior to transmittal to the applicant. Multiple reviews may be necessary and all comments from the reviewers shall be forwarded to the Village Clerk with copies to the applicant. The Village Clerk shall be the coordinator of plan review.
- (g) Each copy of the plans shall have a drawing and/or revision date in order for it to be accepted and routed for review.
- (h) The Village Clerk will transmit the full set of "final" construction/improvement plans sanitary sewer or water main to the Village Engineer. The Village Engineer will transmit to the outside approving agencies. Once the review is complete, the Village Clerk will schedule the plans for review by the Village Board with a letter of recommendation by the Village Engineer.
- (i) It will be the applicant's responsibility to contact the Village Clerk, to confirm the date, time, and location of the respective Plan Commission and Village Board meetings.
- (j) Once the Village Board and the outside approving agencies provide written approval, the applicant may schedule a pre-construction meeting through the Village Engineer.

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- (4) **REQUIRED PLANS.** The following plans and accompanying construction specifications shall be provided by the Subdivider and reviewed and approved by the Village of Dousman, Wisconsin Department of Natural Resources, and the Village Engineer, as applicable, before construction or installation of improvements is authorized:
- (a) Street plans and profiles as required showing existing and proposed grades, elevations and cross sections of required improvements.
  - (b) Sanitary sewer plans and profiles as required showing the locations, grades, sizes, elevations and materials of required facilities.
  - (c) Storm water management plans, calculations, and profiles showing the locations, grades, sizes, cross sections, elevations and materials of required facilities which includes street culverts and lot culverts.
  - (d) Water main plans and profiles as required showing the locations, sizes, elevations and materials of required facilities.
  - (e) Master site grading plan showing the finished yard grades of each lot in the subdivision.
  - (f) Planting plans as required showing the locations, age, caliper, and species of any required grasses, vines, shrubs, and trees.
  - (g) Erosion and sedimentation control plan (Zoning Code §17.30).
  - (h) Additional special plans or information as required.
- (5) **CONSTRUCTION REVIEW.** The Subdivider, prior to commencing any work within the subdivision, shall make arrangements with the Village Engineer for a preconstruction meeting where all details regarding the installation of the required improvements shall be presented and reviewed and shall include provisions for engineering construction review services. Engineering construction reviews shall be made by the Village Engineer or per the Village Board. The approving authorities or their representatives and the Village Engineer shall review and recommend for possible approval all completed work prior to release of the sureties and acceptance of dedicated subdivision improvements.

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- (6) **AS-BUILT PLANS WHERE REQUIRED.** Within 30 days following the completion and recommendation for acceptance by the Village Engineer of all improvements, the Subdivider shall provide a duplicate reproducible copy of all improvement plans. Sewer and water as-builts shall be prepared by the Subdivider and forwarded to the Village Clerk.
- (7) **EXISTING FLORA.** The Subdivider shall make every effort to protect and retain all existing trees over 9 inches in base diameter, shrubbery, vines and grasses not actually lying in public roadways, drainageways, building foundation sites, private driveways, soil absorption waste disposal areas, paths and trails. Such trees are to be protected and preserved during construction in accordance with sound conservation practices, including the preservation of trees by well islands, temporary fencing or retaining wall whenever abutting grades are altered. In addition:
  - (a) Temporary vegetation and mulching shall be used to protect critical areas, and permanent vegetation shall be installed as soon as practical.
  - (b) Construction at any given time shall be confined to the smallest practical area and for the shortest practical period of time.
  - (c) Sediment basins shall be installed and maintained at all drainageways to trap, remove, and prevent sediment and debris from being washed outside the area being developed.

### **18.11 FEES.**

- (1) GENERAL. The Subdivider shall pay the Village of Dousman all fees to the Village Clerk as hereinafter required and the times specified before being entitled to recording of a Plat or Certified Survey Map.
- (2) PRELIMINARY PLAT, FINAL LAT AND CSM REVIEW FEE. The Subdivider shall submit a fee, established from time to time by Ordinance adopted by the Village Board, to the Village Clerk at the time of application for any Preliminary Plat, Final Plat or CSM to defray the cost of giving notice, investigation, or other administrative processing. A reapplication fee shall be submitted at the time of reapplication submittal, a fee as from time to time established by Ordinance and adopted by the Village Board to defray the cost of giving notice, investigation, or other administrative processing of any Preliminary Plat, Final Plat or CSM which has been previously reviewed. In addition to the application fee, the Subdivider shall pay fees as provided for in §18.11(5), Administrative Fee.
- (3) CONSTRUCTION REVIEW FEE. The Subdivider shall pay a fee which shall be added to the "Developer's Deposit" or the Letter of Credit equal to the actual or projected cost of the Village Engineer's fees or other approving authorities having jurisdiction for such construction review deem necessary, to assure that the construction of the required improvements is in compliance with the plans, specifications and Ordinances of the approving authorities having jurisdiction or any other governmental authority.
- (4) ENGINEERING FEE. The Subdivider shall pay a fee equal to the actual cost of the Village of Dousman for all engineering work incurred by the Village in connection with the plat or Certified Survey map.

Engineering Work shall include the review of construction plans and specifications. The Village Board shall require the Subdivider to furnish all of the required construction plans in which case no engineering fees shall be levied for such plan preparation.

- (5) ADMINISTRATIVE FEE. The Subdivider shall pay a fee equal to the Cost of any legal, planning, administrative or fiscal work which may be undertaken by the Village of Dousman in connection with the plat. Legal work shall include the drafting of agreements between the Village and the Subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to attorneys, engineers, landscape architects, and land planners, requested by the Village Board or Plan Commission in connection with the land division being considered. At the time of application, a fee as from time to time established by Ordinance and adopted by the Village Board, shall be submitted to defray the cost of giving notice, investigation, or other administrative processing a petition for legal lot status.



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### (6) DEDICATION OF SITES.

- (a) Within the Village, where feasible and compatible with development of the community, the divider shall provide and dedicate to the public adequate land to provide for the park and recreation and other public needs of the subdivision or other division of land.
- (b) The amount of land to be provided shall be determined on the basis of an amount of land equal in value to \$500 per residential lot created by the division. The values of the land to be dedicated shall be determined by the Village Assessor on the basis of full and fair market value of the land prior to dividing.
- (c) If the owner is not satisfied with such appraisal, he may appeal such determination, in which case an appraisal board consisting of one appraiser selected by the Village as its own expense, one selected by the property owner at his own expense and a third selected by the two other appraisers at the Village expense, shall determine the value.

### (7) PROPORTIONATE PAYMENT IN LIEU OF DEDICATION.

#### (b) INTERPRETATION

The Village of Dousman exercises its authority to establish impact fee pursuant to Wisconsin Statute Section 66.0617, and this Ordinance shall be interpreted in conjunction with said Statute, and any further revisions thereto, including, but not limited to, the statutory definition of the term "Developers".

#### (c) IMPACT FEE FOR PARKS, PLAYGROUNDS, & LAND FOR ATHLETIC FIELDS.

- 1. The Developer or property owner shall pay an impact fee to the Village as described in this Section to pay for the capital costs that are necessary to accommodate future land development with regard to parks, playground and land for athletic fields.
- 2. Fee Amount. The amount of the impact fee shall be as follows:
  - i. Base Impact fee amount
    - a. Studio or one bedroom apartment \$555.00
    - b. Two bedroom apartment unit \$833.00
    - c. Three bedroom apartment unit/single family residence \$1,111.00

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- ii. In order to account for future increases in construction costs and interest costs, and in order to ensure that the fees are equitably distributed between current and future Developers, the base impact fees described herein shall automatically adjust on an annual basis on January 1 of each year by the percentage increase or decrease in the United States Department of Labor Bureau of Labor Statistics Consumer Index-Midwest Region from January 1 of the preceding year.

### (d) ACCOUNTING

Pursuant to Wisconsin Statute Section 66.0617(8), revenues from impact fees shall be placed in segregated, interest-bearing account and shall be accounted for separately from the other funds of the Village of Dousman. Impact fee revenues and interest earned on impact fee revenues may be extended only for capital costs for which the impact fees were imposed.

### (e) REFUND OF IMPACT FEES.

Impact fees that are imposed and collected by the Village of Dousman pursuant to this ordinance must be used within the time limits established under Wisconsin Statute Section 66.0617 unless applicable time is extended in accordance with State Law. Impact fees that are not used within applicable time limit shall be refunded to the then-current owner of the property with respect to which the impact fees were imposed along with any interest that has accumulated as provided in Wisconsin Statute Section 66.0617(9)

### (f) PAYMENT

1. Pursuant to Wisconsin Statute Section 66.01617(6)(g), impact fees imposed under this Section shall be by the Developer or the property owner to the Village of Dousman in full upon the issuance of a building permit.
2. Foregoing payment obligations applies only to such land development events that occur within the Village of Dousman from the effective date of this ordinance until the year 2030. If for any reason, intentional or unintentional, payment is not made when it first becomes due, the Village of Dousman, at its option, may enforce the obligation at the time of any succeeding land development event until payment is fully received. If more than one Developer participates in a land development project, or if different Developers participate at different times, the Developers shall be deemed to have independently apportioned their payment obligation among themselves.

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The Village of Dousman shall be entitled to refuse to approve a land development event until payment is made, and shall have no obligation to determine which Developer would not have been required but the fact that a prior Developer did not pay.

### (g) APPEAL

Pursuant to Wisconsin Statute 66.0617(10), a Developer upon whom an impact fee is imposed has the right to contest the amount, collection or use of the impact fee to the Village of Dousman Village Board. The procedures for such appeal shall be as follows. All appeals which challenge the Village authority granted by this Ordinance, or the procedures for adoption of this Ordinance, or otherwise challenge the validity of Ordinance, must be filed in writing with the Village Clerk within 90 days of the effective date of this Ordinance. All appeals which challenge the Village's actions in administering or enforcing this Ordinance must be filed in writing with the Village Clerk within 15 days of the date that the Village action that is to be appealed took place. In all cases, the appeal must be entitled "Notice of Appeal of Impact Fee" and shall state the Developer's name, address, telephone number, address (if available) and legal description of the land development upon which the impact fee is imposed, and a statement of the nature of and reasons for the appeal. The Village Clerk shall schedule the appeal for consideration by the Village Board at a regular or special meeting as soon as reasonably practicable under the circumstances and shall notify the Developer of the time, date and place of such meeting, in writing, by regular mail, deposited in the mail no later than three days before the date of such meeting. Upon review of such appeal, the Village Board may adjust the amount, collection or use of the impact fee that applies to the appellant, upon just and reasonable cause shown.

## **18.12 ADOPTION.**

All Ordinances or parts of ordinances conflicting with or contravening the provisions of this Ordinance are hereby repealed.

This Ordinance shall take effect upon the passage and posting as provided by law. Dated this 10<sup>th</sup> day of September, 2001.

## LAND DIVISION ORDINANCE

### LAND DIVISION CONTROL ORDINANCE CHECKLIST

Name	Submitted Date
Location	Review Date
	Reviewer

### VILLAGE OF DOUSMAN LAND DIVISION CONTROL ORDINANCE CHECKLIST

Development Identification	Preliminary Plat (P)	Final Plat (F)	Preliminary Certified Survey map	Certified Survey map
Development title				
Property location (¼ section, section, township, range, county)				
Location of map showing section or a government subdivision of section in which subdivision lies, oriented the same as main drawing.				
Name, address and daytime phone number of owner and subdivider				
Surveyor's certificate signed, dated, and sealed and revision dates on all pages			X	
Sheet numbers (total number of sheets notation)				
Project engineer, name, address and phone number				
Signature certificates	X		X	
<b>MAPPING FEATURES</b>				
North arrow and graphic scale				
100-year and 2' above 100-year floodplain limits (elevation and contour) as made available by FEMA and SEWRPC				
Topographic contours (Existing and proposed) not to exceed 2' interval if available, if not available 5' interval		X		X
Soil types		X		X
Ordinary high-water mark on any navigable water body				
Wetlands, (P-identify source of delineation; F-field delineation) lakes, streams, channels, ditches on or adjacent to the site				
Delineated shoreland jurisdiction as applicable				
Bearing and length of exterior boundaries			X	

## LAND DIVISION ORDINANCE

Development Identification	Preliminary Plat (P)	Final Plat (F)	Preliminary Certified Survey map	Certified Survey map
Right-of-way and street locations, names, width, bearing (F), elevation, grades and existing access drives, (P), including existing and proposed street extensions from adjacent parcels.				
Structures existing on-site and within 50' of adjoining property and use of structures to be retained.				
Existing easements, proposed easements (f) – type and dimensions, preplanned building sites and other improvements and any preplanned waste disposal systems, when limited by existing physical features.				
Vision corners and vision corner easement				
Lot numbers and dimensions (including outlots)				
Curve information on curve or in a table, street radius			X	
Public dedication parcels and right-of-way dedications				
Location of soil borings with numerical cross reference to data (frequency, location and depth need to be determined)				
Building or setback lines from wetlands, floodplains, and state highways (when required by Trans 233)				
Historic or cultural features (i.e., Indian mounds) As per State Historical Society of WI Division of Historian Preservation Archeological Site Inventory				
Foundation limitations due to high groundwater, bedrock or stormwater management facilities				
Landfill, manure or other waste storage facility locations on site and consistent with existing Administrative rules (Registry of Waste Disposal Sites of Wisconsin)	X		X	

Wells (on0site and within 100' of septic or stormwater facilities or as required by DNR Well Code)				
Drain tile location disclosure and function (if known)		X		X
Stormwater management facilities				

## LAND DIVISION ORDINANCE

Development Identification	Preliminary Plat (P)	Final Plat (F)	Preliminary Certified Survey map	Certified Survey map
Access easements, limitations, restrictions to adjacent roads and access for stormwater facility and open space maintenance				
Designation of source documents for mapping features				
<b>ACCOMPANYING DOCUMENTATION</b>				
Letter of Credit or other financial guarantee	X		X	
Restrictions			X	
Spoil boring and testing data or sewer service availability letter				
Preliminary stormwater management and erosion control plan approval		X		X
Stormwater facility and open space maintenance agreement with schedule and responsibility identified	X		X	
Final stormwater management and erosion control plat approval	X		X	
County or state road access permit				
Outlot ownership			X	
Developers agreements*	X		X	
Other regulatory permits				
Approved construction plans*	X		X	
*Only if public improvements				
<b>PLANNING AND ZONING DOCUMENT CONSISTENCY</b>				
Consistency with land use patterns and density standards set forth in the Village of Dousman Land Use Plan				
Street and highway width map				
Jurisdictional highway systems per Village plan				
Park and open space per Dousman Land Use Plan				
Local zoning				
Stormwater management system plans or water quality management plans				

NOTE: Crossed out areas (X) not applicable

10/8/01