

CHAPTER 18

LAND DIVISION ORDINANCE

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Adopted December 20, 2011 as part of Village Incorporation
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18.01 INTRODUCTION.

- 1) **AUTHORITY.** These regulations are adopted under the authority granted by Section 236.45 of the Wisconsin Statutes. Therefore, the Village Board of Supervisors of the Village of Bloomfield, Wisconsin, do ordain as follows:
- 2) **PURPOSE.** The purpose of this Chapter is to regulate and control the division of land, condominium development and planned development within the limits of the Village of Bloomfield, Wisconsin, in order to promote the public health, safety, morals, prosperity, aesthetics, and general welfare of the Village and its environs.
- 3) **INTENT.** It is the general intent of this Chapter to regulate the division of land so as to:
 - a) Obtain the wise use, conservation, protection, and proper land development of the Village's soil, water, wetland, woodland, and wildlife resources and attain a 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 adequate provision for housing, transportation, water supply, storm water, wastewater, schools, parks, playgrounds, and other public facilities and services;
 - g) Secure safety from flooding, water pollution, disease, and other hazards;
 - h) Prevent flood damage to persons and properties and minimize expenditures for flood relief and flood control project;
 - 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;
 - 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;
 - m) Ensure adequate legal description and proper survey monumentation of subdivided land;
 - n) Provide for the administration and enforcement of this Chapter;

- o) Provide penalties for its violation; and
 - p) Implement those municipal, county, watershed, transportation, or regional comprehensive plans or their components adopted by the Village, and in general to facilitate enforcement of Village development standards as set forth in the adopted regional, county, and local comprehensive plans, neighborhood plans, adopted plan components, zoning ordinance, and Village Building Code of the Village of Bloomfield, Wisconsin.
- 4) **ABROGATION AND GREATER RESTRICTIONS.** It is not intended by this Chapter to repeal, abrogate, annul, impair, or interfere with any existing easements, covenants, agreements, rules, regulations or permits previously adopted or issued pursuant to laws. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- 5) **INTERPRETATION.** In their interpretation and application, the provisions of this Chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Village and shall not be deemed a limitation or repeal of any other power granted by the Wisconsin Statutes.
- 6) **SEVERABILITY.**
- a) If any section, provision, or portion of this Chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Chapter shall not be affected thereby.
 - b) The Village does not guarantee, warrant, or represent that only those areas designated as floodlands will be subject to periodic inundation and that those soils listed as being unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Board of Supervisors, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter.
- 7) **REPEAL.** All other Chapters or sections of the Municipal Code inconsistent or conflicting with this Chapter, to the extent of the inconsistency only, are hereby repealed.
- 8) **TITLE.** This Chapter shall be known as, referred to, or cited as the "LAND DIVISION ORDINANCE, VILLAGE OF BLOOMFIELD, WALWORTH COUNTY, WISCONSIN".

18.02 GENERAL PROVISIONS.

- 1) **JURISDICTION.** Jurisdiction of these regulations shall include all incorporated lands within the Village of Bloomfield, Wisconsin. The provisions of this Chapter as it applies to divisions of tracts of land into less than five (5) parcels shall not apply to:
- a) Transfers of interests in land by will or pursuant to court order.
 - b) Leases for a term not to exceed 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 zoning ordinances, or other applicable laws or ordinances.
 - d) Cemetery plats made under Wisconsin Statutes 157.07.
 - e) Assessors' plats made under Wisconsin Statutes 70.27, but such assessors' plats shall comply with Wisconsin Statutes 236.15(1)(a) to (g) and 236.20(1) and (2)(a) to (e).
- 2) COMPLIANCE. No person, firm, or corporation shall divide any land located within the jurisdictional limits of these regulations so that such division results in a condominium, planned development, subdivision, minor land division, or replat as defined herein, and no such condominium, planned development, subdivision, 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 Chapter and the following documents:
- a) Chapters 236 and 703, Wisconsin Statutes.
 - b) Rules of the Department of Commerce regulating lot size and lot elevation if the land to be subdivided is not served by public sewer and provisions for such services have not been made.
 - c) Rules of the 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 highway.
 - d) Rules of the Wisconsin Department of Natural Resources, setting water quality standard preventing and abating pollution, and regulating development within floodland, wetland and shoreland areas.
 - e) Duly approved comprehensive plan or comprehensive plan component of the Village of Bloomfield, Wisconsin, if one exists.
 - f) All other applicable local, state and county ordinances and regulations.
 - g) The requirements of Chapter 236, Wisconsin Statutes, Section 236.16(2) shall not apply, which relates to minimum street width.
 - h) The requirements of Chapter 236, Wisconsin Statutes, Section 236.16(3), shall not apply, which relates to dedication of public access to lakes and streams with respect to a division of land which results in a subdivision, minor subdivision, or replat as defined by this Chapter, but shall be applicable to a division of land which results in a subdivision as defined in Section 236.02(12), Wisconsin Statutes.
- 3) DEDICATION AND RESERVATION OF LANDS. Streets, highways, and drainageways: Whenever a tract of land to be divided within the jurisdiction of this Ordinance encompasses all or any part of an arterial or collector street, drainageway, or other public way which has

been designated on a duly adopted Village or regional comprehensive plan or comprehensive plan component, said public way shall be made a part of the plat and dedicated or reserved by the subdivider in the locations and dimensions indicated on said plan or component and as set forth in Section 18.11 of this Chapter.

Whenever a tract of land to be subdivided, developed by condominium or planned development embraces all or any part of a proposed public playground, park, school site, open space site, or other public land, other than streets, highways, drainageways, other public ways or public access to navigable lakes or streams designated in the adopted regional and County comprehensive plans or adopted plan components of Walworth County, or other adopted Village of Bloomfield plan, these proposed public lands shall be made a part of the plat, condominium or planned development. The subdivider or developer shall reserve such proposed public lands for a period not to exceed three (3) years, unless extended by mutual agreement, for acquisition by the public agency having jurisdiction.

Whenever a tract of land to be subdivided, developed as a condominium or planned development embraces any part of existing floodlands, such floodlands shall be made a part of the plat, condominium or planned development. Floodlands included within a subdivision plat shall be included within lots, or reserved for acquisition as provided above, or if approved by the Village Plan Commission, shall be reserved in perpetuity for the recreational use of the future residents of the land to be divided or developed.

- 4) IMPROVEMENTS. Before final approval of any plat, condominium or planned development located within the jurisdictional limits of this Chapter, the subdivider shall install street and utility improvements as hereinafter provided. If such improvements are not installed as required at the time that the final plat or plan is submitted for approval, the subdivider shall, before the recording of the plat, enter into a contract with the Village agreeing to install the required improvements and shall file with said contract a bond or letter of credit meeting the approval of the Village Attorney or a certified check in an amount equal to the estimated cost of the improvements--said estimate to be made by the Village Plan Commission after review and recommendation by the Village Engineer--as a guarantee that such improvements will be completed by the subdivider or his subcontractors not later than one (1) year from the date of recording of the plat and as a further guarantee that all obligations to subcontractors for work on the development are satisfied. In addition:
 - a) Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work shall be subject to the approval of the VILLAGE Board.
 - b) Governmental units to which these bond 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 within the VILLAGE, the subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the VILLAGE Engineer.

d) The Village Board may waive the placing of monuments, required under Sec. 236.15(1)(b), (1)(c), and (1)(d), for a reasonable time on condition that the subdivider execute a surety bond to insure the placing of such monuments within the required time limits established by the Village.

5) VARIANCES. Where, in the judgment of the Village Plan Commission, it would be inappropriate to apply literally the provisions of Section 18.11 and Appendix A of this Chapter because exceptional or undue hardship would result, the VILLAGE Plan Commission may waive or modify any requirement to the extent deemed just and proper. No variance to the provisions of this Chapter shall be granted unless the VILLAGE Plan Commission finds by the greater weight of the evidence that all the following facts and conditions exist and so indicates in the minutes of its proceedings:

a) Exceptional circumstances: There are exceptional, extraordinary, or unusual circumstances or conditions where a literal enforcement of the requirements of this Chapter would result in severe hardship. (Such hardship 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 variance 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 variance will not create substantial detriment to adjacent property and will not materially impair or be contrary to the purpose and spirit of this Chapter or the public interest.

A simple majority vote of the entire membership of the Village Plan Commission shall be required to grant any modification of this Chapter.

6) LAND SUITABILITY. No land shall be subdivided, developed as a condominium or planned development for any use which is determined to be unsuitable for such use by the Village Plan Commission for reason of flooding, inadequate drainage, adverse soil or rock formation, unfavorable topography or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, condominium, or planned development or of the Village. In addition:

a) Floodlands: Any lot served by public sanitary sewer facilities shall have more than 50 percent of its required lot area at least 2 feet above the elevation of the 100-year recurrence interval flood. No lot one (1) acre or less in area served by an on-site sanitary sewage disposal (septic tank) system shall include floodlands. All lots more than one (1) acre in area 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 two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the maximum flood of record.

b) 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 on-site soil absorption sewage disposal systems.

- c) Lands made, altered, or filled with earth within the preceding seven (7) years shall not be divided into building sites which are to be served by on-site soil absorption sewage disposal systems.
- d) Lands having a slope of 12 percent or more shall be maintained in permanent open space use.
- e) Lands having bedrock within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.
- f) Lands having groundwater within six (6) feet of the natural undisturbed surface shall not be divided into building sites to be served by on-site soil absorption sewage disposal systems.
- g) Lands covered by soils having a percolation rate slower than 60 minutes per inch or faster than 10 minutes per inch shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.
- h) Lands drained by farm drainage tile or farm ditch systems shall not be divided into building sites to be served by onsite soil absorption sewage disposal systems.

The Village Plan Commission, 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 any use and afford the subdivider an opportunity to present evidence in rebuttal to such finding of unsuitability if they so desire. Thereafter the Village Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- 7) **VIOLATIONS.** It shall be unlawful to build upon, divide, convey, record or place monuments on any land in violation of this Chapter or the Wisconsin Statutes; and no person, firm or corporation shall be issued a building permit by the Village of Bloomfield authorizing the building on, or improvement of, any subdivision, minor land division, replat, condominium or planned development within the jurisdiction of this Chapter not of record as of the effective date of this Chapter until the provisions and requirements of this Chapter have been fully met. The Village may institute appropriate action or proceedings to enjoin violations of this Chapter or the applicable Wisconsin Statutes.
- 8) **PENALTIES AND REMEDIES.** Any person, firm or corporation who violates or fails to comply with the provisions of this Chapter shall, upon conviction thereof, forfeit not less than \$100 nor more than \$1,000 plus the costs of prosecution for each offense and the penalty for default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding six (6) months. 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 Section 236.30 of the Wisconsin Statutes.
 - b) Conveyance of lots in unrecorded plats carries penalties as provided for in Section 236.31

of the Wisconsin Statutes.

- c) Monuments disturbed or not placed carries penalties as provided for in Section 236.32 of the Wisconsin Statutes.

An assessor's plat made under Section 70.27 of the Wisconsin Statutes may be ordered as a remedy by the Village, at the expense of the subdivider, when a subdivision as defined herein is created by successive divisions.

- 9) **APPEALS.** Any person aggrieved by an objection to a plat or a failure to approve a plat may appeal such objection or failure to approve as provided in Sections 236.13(5) of the Wisconsin Statutes, 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.
- 10) **APPLICABILITY TO PENDING PRELIMINARY SUBDIVISION PLATS OR CERTIFIED SURVEY MAPS.** The provisions of this Chapter shall not apply to preliminary subdivision plats, certified survey maps, condominium plats or planned development plans which have been filed with the Village Plan Commission prior to the effective date of this Ordinance.

18.03 LAND DIVISION PROCEDURE.

- 1) **PRE-APPLICATION.** It is recommended that, prior to the filing of a conceptual plan, the subdivider consult with the Village Plan Commission and/or its staff in order to obtain their 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 comprehensive plan, comprehensive plan components, neighborhood plans, and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his/her 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 adverse effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.
- 2) **CONCEPTUAL PLAN.** It is required that, prior to the filing of an application for the approval of a preliminary plat, the subdivider submit six copies of a conceptual plan of the proposed land division prepared in accordance with this Ordinance for review and comment by the staff, Village Plan Commission, Village Board, Village Engineer, Village Attorney and where the location is within the Sanitary District jurisdiction to the District's engineer. The conceptual plan is intended to provide an early opportunity to review policy issues relating to the development and its possible adverse effects on the adjacent neighborhood and community.
- 3) **PRELIMINARY PLAT REVIEW.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat with supporting data and a letter of application. The Preliminary Plat and supporting data shall be prepared in accordance with this Ordinance, and the subdivider shall file an adequate number of copies of the Plat with

supporting data and the application with the Village Clerk together with all necessary fees at least 60 days prior to the meeting of the Village Plan Commission at which first consideration is desired. In addition:

- a) The subdivider shall file an adequate number of copies of the plat along with the application with the Director of Planning Function of the Wisconsin Department of Administration who shall distribute copies in the following manner:
 - i. 2 copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.
 - ii. 2 copies - Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.
 - iii. 2 copies - Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision.

Any fees paid by the subdivider for the required state agency reviews shall be forwarded by the subdivider to the head of the planning function in the Wisconsin Department of Administration, who along with the Wisconsin Department of Transportation and the Department of Commerce shall hereafter be referred to as objecting agencies.

- b) The Village Clerk shall, within two (2) days after filing, distribute copies of the proposed preliminary plat and supporting data in the following manner:
 - i. 2 copies - Village Board, Village Plan Commission, Village Public Works Committee, Fire Department, Village Engineer, Village Attorney, Clerk of a City or Village having extraterritorial jurisdiction, and where the location is within the Sanitary District jurisdiction to the District's engineer.
 - ii. 4 copies - County Park and Planning Commission.
 - c) The Village Clerk shall also transmit a copy of the Preliminary Plat and supporting data to all other affected Village commissions or departments, school districts and all affected local utility companies for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 20 days from the date the Plat is filed. The Preliminary Plat and supporting data shall then be reviewed by the Village Plan Commission and Village Engineer for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans. The Village Plan Commission shall then recommend approval, conditional approval or rejection of the Preliminary Plat to the Village Board.
- 4) **PRELIMINARY PLAT APPROVAL.** The objecting agencies shall, within 20 days of the date of receiving their copies of the Preliminary Plat and supporting data, 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 Clerk. If an objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat. In addition:

- a) The Village Board shall, within 90 days of the date of filing of a Preliminary Plat and supporting data with the Village Clerk, approve, approve conditionally, or reject such Plat. One (1) copy of the Plat shall thereupon be returned to the subdivider with the date and action endorsed thereon; and if approved conditionally or rejected, a letter setting forth the conditions of approval or the reasons for rejection shall accompany the Plat. One (1) copy each of the Plat and letter shall be placed in the Village Board's permanent file.
 - b) Failure of the Village Board to act within 90 days or within the time as extended by agreement with the subdivider, shall constitute an approval of the Plat as filed.
 - c) Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within thirty-six (36) months of preliminary plat approval and conforms substantially to the preliminary plat layout as indicated in Section 236.11(1)(b) of the Wisconsin Statutes, the Final Plat shall be entitled to approval with respect to such layout. The Preliminary Plat and supporting data shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat which will be subject to further consideration by the Village Plan Commission and Village Board at the time of its submission.
- 5) FINAL PLAT REVIEW. The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file an adequate number of copies of the Plat and the application with the Village Clerk at least 60 days prior to the meeting of the Village Plan Commission at which action is desired. In addition:
- a) The subdivider shall file an adequate number of copies of the plat along with the application with the Wisconsin Department of Administration who shall distribute copies in the following manner:
 - i. 2 copies - Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or connecting street.
 - ii. 2 copies - Department of Commerce if the subdivision is not served by a public sewer and provision for such service has not been made.
 - iii. 2 copies - Wisconsin Department of Natural Resources if shorelands or floodlands are contained within the proposed subdivision.
- Any fees paid by the subdivider for the required state agency reviews shall be forwarded by the subdivider to the Wisconsin Department of Administration who along with the Wisconsin Department of Transportation and the Department of Commerce shall hereafter be referred to as objecting agencies.
- b) The Village Clerk shall, within two (2) days after filing, distribute copies of the proposed plat in the following manner:
 - i. 2 copies each - Village Board, Village Plan Commission, Village Public Works

Committee, Fire Department, Village Engineer, Village Attorney and Clerk of a City or Village having extraterritorial jurisdiction.

- ii. 4 copies - County Park and Planning Commission.
 - c) The Village Plan Commission and the Village Engineer shall examine the final plat as to its conformance with the approved preliminary plat; any conditions of approval of the preliminary plat; this Chapter and all ordinances that are in effect when the subdivider submits a preliminary plat, rules, regulations, or comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, or rejection of the plat to the Village Board. The Village Engineers review shall be presented in writing and made a part of the record.
 - d) Partial (Phase) Platting. If permitted by the Village Board, 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” or “addition” to the approved preliminary plat. The approval of a “phase” development shall not be unreasonably withheld.
- 6) FINAL PLAT APPROVAL. 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 Plan Commission. If any objecting agency fails to act within 20 days, it shall be deemed to have no objection to the Plat.
- a) Submission. If the Final Plat is not submitted within thirty-six (36) 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 45 days of the date of filing of the Final Plat with the Village Clerk, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendation to the Village Board.
 - c) The Village Board shall, within 60 days of the date of filing the original Final Plat with the Village Clerk, approve or reject such Plat unless the time is extended by agreement with the subdivider. 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. The Village Board may not inscribe its approval of the Final Plat unless the Village Clerk certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof, and that no objections have been filed within 20 days or if filed, have been met.
 - d) Failure of the VILLAGE Board to take action on the Plat within 60 days, the time having not been extended and no unsatisfied objections having been filed, the Plat shall be deemed approved.

- e) Recordation. After the final plat has been approved by the Village Board and improvements required by the Village have either installed or a contract and sureties insuring their installation is filed, the Village Clerk shall cause this certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording with the County Register of Deeds. The Register of Deeds shall not record the plat unless it is offered within twelve (12) months after the date of the last approval of the plat and within thirty-six (36) months after the first approval, and as otherwise specified in Sec. 236.25, Stats.
 - f) Copies. The subdivider shall file a minimum of 10 copies of the approved Final Plat with the Village Clerk for distribution to the Village Attorneys, Village Engineer, Building Inspector, Assessor, Treasurer and other affected departments for their files.
- 7) PLATS WITHIN THE EXTRATERRITORIAL PLAT APPROVAL JURISDICTION. When the land to be subdivided lies within one and one-half (1-1/2) miles of the corporate limits of a village or city, the subdivider shall proceed as specified in Section 18.03(1) through 18.03(6) except:
- a) Transmittal responsibility lies with the Village, City, County, or Village Clerk to whomever the plat is first submitted; and the subdivider shall indicate which one in his application.
 - b) Approval agencies include:
 1. Village Board
 2. Village Plan Commission, Village Board
 3. City Plan Commission, Common Council
 4. Walworth County Park and Planning Commission

The Subdivider shall comply with the land division ordinance of these agencies.
 - c) All improvement requirements, specified by either the Town, Village, City or County in matters over which they have jurisdiction, shall be met before signing of the final plat.
- 8) 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 Section 236.36 through 236.445 of the Wisconsin Statutes. The subdivider, or person wishing to replat, shall then proceed as specified in Section 18.03.
- a) The Village Clerk shall schedule a public hearing before the Village Plan Commission when a preliminary plat of a replat of lands within the Village 's jurisdiction is filed, and shall cause a Class 2 notice of the public hearing to be published and mailed to the owners of all properties within the limits of the exterior boundaries of the proposed replat and to the owners of all properties within 200 feet of the exterior boundaries of the proposed replat.
- 9) MINOR LAND DIVISION REVIEW (CERTIFIED SURVEY MAP). When it is proposed to

divide land into not more than four (4) parcels or building sites, or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot, the subdivider may subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Chapter and shall file 10 copies of the Map and the letter of application with the Village Clerk at least 30 days prior to the meeting of the Village Plan Commission at which action is desired.

- a) The Village Clerk shall, within two (2) days after filing, transmit the copies of the Map and letter of application to the Village Plan Commission.
- b) The Village Clerk shall transmit a copy of the Map to the Village Attorneys, Village Engineer and all affected Village Boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 10 days from the date the Map is filed.

10) MINOR LAND DIVISION APPROVAL (CERTIFIED SURVEY MAP). The Map shall be reviewed by the Village Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, and comprehensive plan components, and neighborhood plans.

- a) The Village Plan Commission shall, within 45 days from the date of filing of the Map, recommend approval, conditional approval or rejection of the Map, and shall transmit the Map along with its recommendations to the Village Board.
- b) The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected Certified Survey Map, or reject such Certified Survey Map within 60 days from the date of filing of the Map unless the time is extended by agreement with the subdivider. If the Map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the subdivider. If the Map is approved, the Village Board shall cause the Village Clerk to so certify on the face of the original Map and return the Map to the subdivider.
- c) Recordation. The subdivider shall record the Map with the County Register of Deeds within 30 days of its approval by the Village Board.
- d) Copies. The subdivider shall file a minimum of 10 copies of the Certified Survey map with the Village Clerk for distribution to the Village Engineer, Building Inspector, Assessor, and other affected departments for their files.

11) CONDOMINIUM DEVELOPMENT REVIEW.

- a) When it is proposed to develop land into a condominium, a Condominium Development Plan shall be filed with the Village Clerk. The condominium developer shall file four (4) copies with the Village Clerk at least 60 days prior to the meeting of the Village Plan Commission at which action is desired. Prior to submitting a Condominium Development Plan, the condominium developer should submit a Preliminary Condominium Development Plan. It shall be clearly marked "Preliminary Condominium

Development Plan" and shall be in sufficient detail to determine whether the proposed development will meet the requirements of the Ordinance. If the condominium developer makes application for a conditional use permit with the Walworth County Park and Planning Commission, the condominium developer shall submit a copy of the information provided to the County to the Village Clerk.

- b) The Village Clerk shall, within two (2) days after filing, transmit a copy of the plan to the Village Board, Village Plan Commission, Village Public Works Committee, Fire Department, Village Attorney, Village Engineer and all other affected Village Committees or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 20 days.

12) CONDOMINIUM DEVELOPMENT APPROVAL. The plan shall be reviewed by the Village Plan Commission for conformance with this Ordinance and all ordinances, rules, regulations, adopted regional, County or Village comprehensive plan or adopted plan components which affect it.

- a) The Village Plan Commission shall, within 45 days of the date of filing copies of the Condominium Development Plan with the Village Clerk, recommend approval, conditional approval or rejection of such Condominium Development Plan unless the time is extended by agreement with the developer.
- b) The Village Board shall, within 60 days of the date of filing the Condominium Development Plan with the Village Clerk, approve or reject such Condominium Development Plan unless the time is extended by agreement with the developer. If the Condominium Development Plan is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the developer.
- c) Failure of the Village Board to act within 60 days, the time not having been extended, the Condominium Development Plan shall be deemed approved.

13) PLANNED DEVELOPMENT REVIEW. When it is proposed to develop land into a planned development, a Development Plan shall be filed with the Village Clerk. The developer shall file four (4) copies with the Village Clerk at least 60 days prior to the meeting of the Village Plan Commission at which action is desired. Prior to submitting a plan, the developer should submit a preliminary development plan. It shall be clearly marked "Preliminary Development Plan" and shall be in sufficient detail to determine whether the proposed development will meet the requirements of the Ordinance. If the developer makes application for a conditional use permit with the Walworth County Park and Planning Commission, the developer shall submit a copy of the information provided to the County to the Village Clerk.

- a) The Village Clerk shall, within two (2) days after filing, transmit a copy of the Development Plan to the Village Board, Village Attorney, Village Plan Commission, Village Public Works Committee, Fire Department, Village Engineer and all other affected Village Commissions or Departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Village Plan Commission within 20 days.

14) **PLANNED DEVELOPMENT APPROVAL.** The plan shall be reviewed by the Village Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, adopted regional, County or Village comprehensive plans or adopted plan components which affect it.

- a) The Village Plan Commission shall, within 45 days of the date of filing copies of the Development Plan with the Village Clerk, recommend approval, conditional approval or rejection of such Development Plan unless the time is extended by agreement with the developer.
- b) The Village Board shall, within 60 days of the date of filing the Development Plan with the Village Clerk, approve or reject such Development Plan unless the time is extended by agreement with the developer. If the Development Plan is rejected, the reasons shall be stated in the minutes of the meeting and a written statement of the reasons forwarded to the developer.
- c) Failure of the Village Board to act within 60 days, the time not having been extended, the Development Plan shall be deemed approved.

18.04 PRELIMINARY PLAT.

1) **GENERAL.** A preliminary plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor at a map scale of not more than 100 feet to the inch 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) The location of the proposed subdivision by government lot, quarter-section, section, Village, 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 and addresses 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 Chapter and severe hardship would result from strict application thereof.

2) **PRELIMINARY PLAT DATA.** All preliminary plats shall show the following:

- a) Exact length and bearing of the exterior boundaries of the proposed subdivision referenced to a corner established in U.S. Public Land Survey and the total acreage encompassed thereby;
 - b) Location, right-of-way width and names of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto;
 - c) Location and names of any adjacent subdivisions, parks and cemeteries, and owners of record of abutting unplatted lands;
 - d) Locations of all existing property boundary lines, structures, drives, streams and watercourses, marshes, rock outcrops, wooded areas, railroad tracks and other similar significant natural and man-made features within the tract being subdivided or immediately adjacent thereto;
 - e) Location, width and names of all proposed public rights-of-way and easements;
 - f) Approximate dimensions of all lots together with proposed lot and block numbers and street setback lines;
 - g) Location, approximate dimensions and size of any sites to be reserved or dedicated for parks, playgrounds, drainageways, or other public use or which are to be used for group housing, shopping centers, church sites, or other private uses not requiring platting;
 - h) Approximate radii of all curves;
 - i) Predominant soil types;
 - j) Existing zoning on and adjacent to the proposed subdivision;
 - k) Any proposed lake and stream access clearly indicating the location of the proposed subdivision in relation to the access;
 - l) Name of the School District and the boundary lines thereof when a proposed subdivision is situated in more than one school district.
 - m) Where the Village finds that it requires additional information relative to a particular problem presented by a proposed development in order to review the preliminary plat, it shall have the authority to request in writing such information from the subdivider.
- 3) **COVENANTS.** The Village Plan Commission shall require submission of a draft of protective covenants whereby the subdivider intends to regulate land use in the proposed subdivision, condominium or planned development and otherwise protect the proposed development. The Village Attorney shall review all covenants for compliance with this Chapter and conditions as established by the Village and shall approve covenants as to form.
 - 4) **PRELIMINARY GRADING AND STORM WATER MANAGEMENT PLAN.** All preliminary plans shall show the following on a separate sheet:

- a) The exterior boundaries of the proposed subdivision along with the proposed lots, lot numbers and drainage easements;
- b) Existing contours at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than five (5) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Datum (mean sea level) where available;
- c) Water elevations of adjoining lakes and streams at the date of the submittal and approximate high and low water elevations, all referred to mean sea level datum where available;
- d) Floodplain limits and the contour line lying a vertical distance of two (2) feet above the elevation of the 100-year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record, or where not recorded at the highwater level determined by the Department of Natural Resources;
- e) Location of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way.
- f) Type, width and elevation of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto together with any legally established centerline elevations, all to mean sea level datum where available;
- g) Location, size and invert elevation of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, power and telephone poles, and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sanitary or storm sewers or water mains are located on or immediately adjacent to the lands being platted, the nearest such sewers or water mains which might be extended to serve such lands shall be indicated by their direction and distance from the nearest exterior boundary of the plat and their size, and invert elevations;
- h) Preliminary street grading showing proposed streets with their proposed elevations and grades;
- i) Preliminary storm water management features showing proposed swales, storm sewers and storm water basins. Sizes of proposed storm sewers and storm water basins shall be shown, and the supporting calculations included in a report, to be filed as part of the preliminary data.
- j) Any proposed lake and stream improvement or relocation;
- k) Soil, type and boundaries as shown on the detailed operational soil survey maps prepared by the Natural Resource Conservation Service (formerly U.S. Soil Conservation Service);
- l) Location of soil boring tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth.

The number of such tests shall be adequate to portray the character of the soils and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plan;

- i. Existing Zoning on and adjacent to the proposed subdivision;
 - ii. Location of Soil Percolation Tests where required by Section Comm 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. Two (2) copies of all test results shall accompany the Preliminary Plat.
- 5) TESTING. The Village Plan Commission, upon recommendation of the Village Engineer, may require that borings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to groundwater table. Where the subdivision will not be served by public sanitary sewer service, the provisions of Chapter Comm 83 and Comm 85 of the Wisconsin Administrative Code shall be complied with; and the appropriate data submitted with the preliminary plat and plan.
- a) Street Plans and Profiles. The Village Plan Commission, upon 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 of the proposed subdivision when requested. All elevations shall be based upon National Geodetic Vertical Datum (NGVD) and plans and profiles shall meet the approval of the Village Engineer.
 - b) Affidavit. The surveyor preparing the preliminary plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he has fully complied with the provisions of this Chapter.
- 6) LANDSCAPING PLAN. The Plan Commission shall require submission of a draft of the landscaping, restoration and maintenance plan for the proposed development site. These documents shall be submitted to the plan commission prior to the preliminary plat being approved.

18.05 FINAL PLAT.

- 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 Section 236.20 of the Wisconsin Statutes.
- 2) ADDITIONAL INFORMATION. The Plat shall show correctly on its face, in addition to the information required by Section 236.20 of the Wisconsin Statutes, the following:
 - a) Exact Length and Bearing of the centerline of all streets;
 - b) Railroad rights-of-way within and abutting the plat;

- c) Setbacks or building lines if required by the Village Plan Commission or other ordinances;
 - d) Utility and/or drainage easements;
 - e) All lands reserved for future public acquisition or reserved for the common use of property owners within the plat and provisions and plans for its use and maintenance;
 - f) Special restrictions required by the Village Plan Commission relating to access control along public ways, delineation of floodland limits, or to the provision of planting strips.
 - g) Additional building setback lines required by the Village Plan Commission which are more restrictive than the zoning district in which the plat is located, or which are proposed by the subdivider and which are to be included in recorded protective covenants.
 - h) Additional yards required by the Village Plan Commission which are more restrictive than the zoning district in which the plat is located, or which are proposed by the subdivider and which are to be included in recorded protective covenants.
 - i) Floodland and shoreland boundaries and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, a vertical distance of five (5) feet above the elevation of the maximum flood of record.
 - j) Where the Village Plan Commission 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.
- 3) **DEED RESTRICTIONS.** The Village Plan Commission and/or Village Board may require that deed restrictions be filed with the Final Plat and be placed on the face of the plat.
- 4) **SURVEY ACCURACY.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one (1) part in 10,000, nor in azimuth, four (4) seconds of arc per interior angle.
- 5) **SURVEYING AND MONUMENTING.** All final plats shall meet all the surveying and monumenting requirements of Section 236.15 of the Wisconsin Statutes.
- 6) **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 coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village or Village, the Plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing, and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner, to which the Plat is tied, shall be indicated on the Plat. 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. All distances and bearings shall be referenced directly to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

- 7) **CERTIFICATES.** All final plats shall provide all the certificates required by Section 236.21 of the Wisconsin Statutes. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied.
- 8) **RECORDATION.** The Final Plat shall only be recorded with the County Register of Deeds after the certificates have been signed by the Director of the Planning Function in the Wisconsin Department of Administration, the Village Board, the Surveyor, and those certificates required by Section 236.21 of the Wisconsin Statutes are placed on the face of the plat. The plat shall be recorded within twelve (12) months after the date of the last approval of the plat and within thirty-six (36) months after the first approval.

18.06 CERTIFIED SURVEY MAP.

- 1) **GENERAL.** A Certified Survey Map prepared by a registered land surveyor shall be required for all minor land divisions. It shall comply in all respect with the requirements of Section 236.34 of the Wisconsin Statutes. The minor subdivision shall comply with the design standards and improvement requirements set forth in this Chapter.
- 2) **ADDITIONAL INFORMATION.** The Map shall show correctly on its face, in addition to the information required by Section 236.34 of the Wisconsin Statutes, the following:
 - a) All existing buildings, watercourses, drainage ditches and other features pertinent to proper land division.
 - b) Setbacks or building lines required by the Village Plan Commission and/or other ordinances.
 - c) Utility and/or drainage easements.
 - d) All lands reserved for future acquisition.
 - e) Existing contours when required by the Village Engineer at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than 10 percent, and of not more than five (5) feet where the slope of the ground surface is 10 percent or more. Elevations shall be marked on such contours based on National Geodetic Vertical Datum (mean sea level) as available. This requirement may be waived if the parcel(s) created are fully developed.
 - f) Proposed lot drainage as may be required by the Village Plan Commission, Village Public Works Committee, and/or Village Engineer.
 - g) Date of the map, graphic scale and north arrow.
 - h) Name and address of the owner, subdivider and surveyor.

- i) Location of soil boring tests, where required by Chapter COMM 83 and COMM 85 of the Wisconsin Administrative Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the certified survey map.
 - j) Location of soil percolation tests, where required by Section Comm 85.06 of the Wisconsin Administrative Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.
 - k) Name of the School District and the boundary lines thereof when a proposed certified survey map is situated in more than one school district.
 - l) Additional building setback lines required by the Village Plan Commission 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 protective covenants.
 - m) Additional yard setbacks required by the Village Plan Commission which are more restrictive than the regulations of the zoning district in which the plat is located.
 - n) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the highwater level determined by the Department of Natural Resources.
 - o) The existence of any protective covenants shall be noted on the face of the map.
 - p) Where the Village Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the certified survey map, it shall have the authority to request in writing, such information from the subdivider.
 - q) The entire area contiguous to the proposed certified survey map owned or controlled by the subdivider shall be included on the certified survey map 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 code and severe hardship would result from strict application thereof.
- 3) STATE PLANE COORDINATE SYSTEM. Where the Map is located within a U.S. Public Land Survey quarter-section, the corners of which have been relocated, monumented and coordinated by the Wisconsin Department of Transportation, the Southeastern Wisconsin Regional Planning Commission, or any County, City, Village or Town, the Map shall be tied directly to one (1) of the section or quarter corners so relocated, monumented and

coordinated. The exact grid bearing, and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the Map is tied shall be indicated on the Map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the control survey.

- 4) CERTIFICATES. The surveyor's certificate shall contain a description of the survey beginning at the U.S. Public Land Survey corner to which the survey is tied. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the map.
 - a) Protective covenants and dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
 - b) The Village Clerk or Village Treasurer and the County Treasurer shall certify on the face of the Certified Survey Map that there are no unpaid taxes or unpaid special assessments on any of the lands included in the Certified Survey Map.
- 5) RECORDATION. The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates have been signed by the Village Board and the surveyor. The Map shall be recorded within 30 days of its approval by the Village Board.

18.07 CONDOMINIUM PLAT.

- 1) GENERAL. A condominium plat prepared by a registered land surveyor shall be required for all condominiums. It shall comply in all respects with the requirements of Section 703.11 of the Wisconsin Statutes. A Condominium Development Plan shall be required for all condominiums and shall comply with the design standards set forth in Appendix A, and with Sections 18.04(3) and 18.04(4) of this Chapter. If the condominium is to be divided into units which have characteristics similar to lots in a subdivision, the provisions of Sections 18.03, 18.04, 18.05, and 18.06 shall be complied with. If the condominium is not to be subdivided into units which have characteristics similar to lots in a subdivision, the provisions of Sections 18.09(5) and 18.09(6) shall be inapplicable.
 - a) A preliminary plan shall be submitted to the Village Plan Commission for all tracts of land proposed to be developed as a condominium that contain floodlands or shorelands and shall show all the data required by Section 18.04(2) of this Ordinance for preliminary plats.
- 2) ADDITIONAL INFORMATION. The Condominium Development Plan and Preliminary Condominium Development Plan shall show correctly on its face, in addition to the information required by Section 703.11 of the Wisconsin Statutes, the following:
 - a) Date of plan.
 - b) Graphic scale.

- c) Name and address of the owner, condominium developer, and surveyor.
 - d) All existing buildings, proposed structures, streets, watercourses, drainage ditches and other features pertinent to the development.
 - e) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
 - f) Additional building setback lines required by the Village Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located, or which are proposed by the condominium developer and are to be included in recorded protective covenants.
 - g) Additional yard setback required by the Village Plan Commission which are more restrictive than the regulations of the zoning district in which the condominium is located.
 - h) All lands reserved for future public acquisition.
 - i) Existing contours in the area of the land to be developed.
 - j) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the highwater level determined by the Department of Natural Resources.
 - k) A list of soil types shall be shown on the plan when private, on-site sewage disposal systems are proposed to be used. These soils, if classified as having severe restrictions for sanitary purposes, shall be delineated on the plan.
 - l) Where the Village Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development to review the condominium, it shall have the authority to request in writing, such information from the condominium developer.
 - m) Name of the School District and the boundary lines thereof when a proposed condominium is situated in more than one.
- 3) **DENSITY.** Open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.
- 4) **REVIEW AND APPROVAL.** The Village Plan Commission and Public Works Committee shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.
- a) The Village Plan Commission may recommend approval of the Condominium

Development Plan to the Village Board provided that the proposed uses and structures are in accordance with the purpose and intent of this Chapter and are found to be not hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Village.

18.08 PLANNED DEVELOPMENTS.

1) GENERAL.

- a) A Development Plan shall be required for all planned developments based upon a survey prepared by a Registered Land Surveyor. The planned development shall comply with the design standards set forth in Appendix A and with Section 18.04(3) and 18.04(4) of this Chapter. If the planned development is not to be subdivided into lots, the provisions of Sections 18.09(5) and 18.09(6) shall be inapplicable.
- b) A preliminary plan shall be submitted to the Village Plan Commission for all tracts of land proposed to be developed as a planned development that contain floodlands or shorelands and shall show all the data required by Section 18.04(2) of this Chapter for preliminary plats.

2) ADDITIONAL INFORMATION. The Development Plan and Preliminary Development Plan shall show correctly on its face, the following:

- a) Date of plan.
- b) Graphic scale.
- c) Name and address of the owner, developer, and surveyor.
- d) All existing buildings, proposed structures, streets, watercourses, drainage ditches and other features pertinent to the development.
- e) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages, and wetlands.
- f) Additional building setback lines required by the Village Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located, or which are proposed by the developer and are to be included in recorded protective covenants.
- g) Additional yard setback required by the Village Plan Commission which are more restrictive than the regulations of the zoning district in which the planned development is located.
- h) All lands reserved for future public acquisition.
- i) Existing topographic contours, 2-foot intervals, in the area of the land to be developed.

- j) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, at a vertical distance of five (5) feet above the elevation of the maximum flood of record, or where not recorded at the highwater level determined by the Department of Natural Resources.
 - k) A list of soil types shall be shown on the plan when private on-site sewage disposal systems are proposed to be used. These soils, if classified as having severe restrictions for sanitary purposes shall be delineated on the face of the plan.
 - l) Where the Village Plan Commission finds that it requires additional information relative to a particular problem presented by a proposed development, it shall have the authority to request in writing, such information from the developer.
 - m) Name of the School District and the boundary lines thereof when a proposed planned development is situated in more than one.
- 3) DENSITY. Open space shall be provided so that the average intensity and density of land use shall be no greater than that permitted for the zoning district in which it is located.
- 4) REVIEW AND APPROVAL. The Village Plan Commission and Public Works Committee shall review the proposed plan, the site, existing and proposed structures, architectural plans, neighboring land and water uses, parking areas, driveway locations, highway access, traffic generation and circulation, drainage, waste disposal, water supply systems, and the effects of the proposed use, structure, operation, and improvement upon the area and upon flood damage protection, water quality, shoreland cover, natural beauty and wildlife habitat.
- a) The Village Plan Commission may recommend approval of the Development Plan to the Village Board provided that the proposed uses and structures are in accordance with the purpose and intent of this Chapter and are found to be no hazardous, harmful, offensive, or otherwise adverse to the environmental quality, water quality, shoreland cover, or property values in the Village.

18.09 DESIGN STANDARDS.

- 1) STREET ARRANGEMENT. In any new subdivision the street or alley layout shall conform to the arrangement, character, extent, grade, width, and location indicated on the official map, County jurisdictional highway system plan, comprehensive plan or plan component of the Village of Bloomfield, Walworth County, Wisconsin. In areas for which such plans have not been completed, the street layout shall recognize the functional classification of the various types of streets and shall be developed and located in proper relation to existing and proposed streets, to the topography, to such natural features as streams and tree growth, to public convenience and safety, to the proposed use of the land to be served by such streets, to existing or planned utilities, and to the most advantageous development of adjoining areas. The subdivision shall be designed so as to provide each lot with satisfactory access to a public street. In addition:
- a) Arterial Streets, as hereafter defined, shall be arranged so as to provide ready access to

centers of employment, centers of governmental activity, community shopping areas, community recreation, and points beyond the boundaries of the community. They shall also be properly integrated with and related to the existing and proposed system of 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 hereafter defined, shall be arranged so as to provide ready collection of traffic from residential areas and conveyance of this traffic to the major street and highway system and shall be properly related to the mass transportation system, to special traffic generators such as schools, churches, and shopping centers, and other concentrations of population and to the arterial streets to which they connect.
- c) Minor Streets, as hereafter defined, shall be arranged to conform to the topography, to discourage use by through traffic, where applicable to permit the design of efficient storm drainage, water supply, and sanitary sewerage systems, 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, in the opinion of the Village Plan Commission, such extension is not necessary or desirable for the coordination of the layout of the subdivision or for the advantageous development of the adjacent tracts. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider.
- e) 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 nonaccess reservation along the rear property line. Frontage streets should be avoided.
- f) Stream or Lake Shores shall have a minimum of 60 feet of public access platted to the low water mark at intervals of not more than one-half (0.5) mile as required by Section 236.16(3) of the Wisconsin Statutes.
- 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 with the Village under conditions approved by the Village Plan Commission.
- h) Alleys shall be provided in commercial and industrial areas for off-street loading and service access unless otherwise required by the Village Plan Commission but shall not be approved in residential districts. Dead-end alleys shall not be approved, and alleys shall not connect to an arterial street or highway.
- i) No street names may be used which would duplicate or be confused with the names of the existing streets. Existing street names must be projected across unplatted lands whenever possible. Each street name shall be approved by the Village Board.
- j) Streets are the preferred routing of the overland emergency floodway.

k) An approval letter from the jurisdiction controlling driveway access shall be provided by the subdivider.

l) Single purpose streets shall not be allowed.

2) **LIMITED ACCESS HIGHWAY AND RAILROAD RIGHT-OF-WAY TREATMENT.**

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

a) When lots within the proposed subdivision back upon the right-of-way of an existing or proposed limited access highway 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 a part of the platted lots but shall have the following restriction lettered on the face of the plat: "This strip reserved for the planting of trees and shrubs, the building of structures hereon prohibited."

b) Commercial and industrial properties shall have 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 not less than 200 feet.

c) Streets parallel to a limited access highway or railroad right-of-way, when intersecting an arterial street or highway, or a 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 due 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 OTHER PUBLIC WAY DESIGN STANDARDS.**

a) The minimum right-of-way and roadway width of all proposed streets and alleys are set forth in Appendix A.

b) Temporary Termination of streets at the boundary of a subdivision intended to be extended at a later date shall be accomplished with a temporary cul-de-sac in accordance with the design standards set forth in Appendix A.

c) Roadway Elevations. Elevations of roadways passing through floodplain areas shall be designed in the following manner:

i. Arterial highways shall be designed so they will not be overtopped by the 50-year recurrence interval flood.

ii. Collectors and local streets shall be designed so they will not be overtopped by the 10-year recurrence interval flood.

- d) New and Replacement Bridges and Culverts. All new and replacement bridges and culverts over perennial waterways, including pedestrian and other minor bridges, in addition to meeting other applicable requirements, shall be designed so as to accommodate the 100-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 100-year recurrence interval flood, as established in the adopted federal flood insurance study. Larger permissible flood stage increases may be acceptable for reaches having topographic land use conditions which could accommodate the increased stage without creating additional flood damage potential upstream or downstream of the proposed structure provided that flooding easements have been acquired 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 and conform to Wisconsin's Administrative Code NR 116.

All new and replacement bridges shall be constructed in accordance with all applicable State Statutes and Codes and shall be submitted to the Department of Natural Resources and U.S. Army Corp of Engineers, to assure compliance therewith. Street grades shall be established whenever 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 15 times the algebraic difference in the rates of grade for arterial and collector streets, and one-half (0.5) this minimum for all other streets.

- e) Half-Streets. Where an existing dedicated or platted half-street is adjacent to the tract being subdivided, the other half of the street shall be dedicated by the subdivider. The platting of new half-streets shall not be permitted.
- f) Private Streets. The Village may require or permit, at the Village Board's discretion, that minor land access streets be privately owned and reserved for possible future Village street purposes. Any such private street shall be designed and built to Village street standards pursuant to the design standards in Appendix A. In addition, any such private street shall be subject to a private street agreement that contains the following provisions:
- i. Irrevocable reservation of the street for future Village street purposes, which may be acceptable by the Village, at its option, at any time.
 - ii. Non-lapsing ownership of the street by owners of the lots served thereby.
 - iii. Mechanism for repairs and maintenance by benefitting owners.
 - iv. Reservation of special charges and special assessment rights to the Village.
 - v. Indemnification of the Village by the owners of the private street, for any claims arising from injury or loss occurring on or related to the private street.
 - vi. As a condition of the final approval of a private street intended to provide access to more than one (1) parcel, there shall be provided to the Village Board a Private Street Agreement, which:

1. Identifies the owner(s) of the private street.
 2. Demonstrates that the owners of each parcel having access to the private street accept the responsibility for the maintenance of the private street.
 3. Acknowledges that the Village has no responsibility for the construction and maintenance of the street.
 4. Creates a requirement that the street be paved by a developer of the private street with three (3) inches of asphaltic concrete upon or before the sale of 80 percent of the lots.
 5. Prohibits the sale or transfer of the last 20 percent of the lots until the paving is complete.
- vii. An irrevocable letter of credit or bond from the developer is also required.
- viii. The Private Street Agreement shall be in recordable form and shall be subject to review and approval by the Village as part of the Land Division review procedure.
- 4) **STREET INTERSECTIONS.** Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit. In addition:
- a) The number of streets converging at one (1) intersection shall be reduced to a minimum, preferably not more than two (2).
 - b) The number of intersections along arterial streets and highways shall be held to a minimum. Whenever practicable the distance between such intersections shall not be less than 1200 feet.
 - c) Property lines at street intersections shall be founded with a minimum radius of 15 feet or of a greater radius when required by the Village Plan Commission or shall be cut off by a straight line through the points of tangency of an arc having a radius of 15 feet.
 - d) Land access and collector streets shall not necessarily continue across arterial streets. If the distance between the centerline intersections of any street with any other intersecting street is less than 250 feet, measured along the centerline of the intersecting street, then the location shall be so adjusted that the distance is increased or the adjoinment across the intersecting street is continuous and a jog is avoided.
 - e) On all streets where sidewalks are required, ramps or openings to accommodate disabled individuals or vehicles shall be provided in accordance with Section. 66.0909 of Wisconsin Statutes.
- 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; and the limitations and opportunities of topography. In addition:

- a) The length of blocks in residential areas shall not as a general rule be less than 600 feet nor more than 1500 feet in length unless otherwise dictated by exceptional topography or other limiting factors of good design.
 - b) Pedestrian ways of not less than 10 feet in width may be required near the center and entirely across any block over 900 feet in length where deemed essential by the Village Plan Commission to provide adequate pedestrian circulation or access to schools, parks, shopping centers, churches, or transportation facilities.
 - c) No specific rule concerning the shape of blocks is made, but blocks must fit easily into the overall plan of the subdivision and their design must evidence consideration of lot planning, traffic flow, and public areas.
 - d) The width of blocks shall be wide enough to provide for two (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 designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and the area zoning restrictions for such use.
 - e) All telephone and electric power lines shall, where practical, be placed on mid-block easements of not less than 20 feet centered on the property line, and where possible, along rear lot lines for underground construction.
- 6) LOTS. The size, shape, and orientation of lots shall be appropriate for the location of the subdivision and for the type of development and use contemplated. The lots should be designed to provide an aesthetically pleasing building site and a proper architectural setting for the 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 fact. Lot lines shall follow municipal boundary lines rather than cross them.
 - b) Double frontage lots are discouraged except where lots back upon a primary street (major thoroughfare) and in such instances, vehicular access between the lots and the thoroughfare is prohibited or where topography of the land might render subdividing otherwise unreasonable. Such lots shall have an additional rear yard depth of at least twenty (20) feet in order to allow for a protective screen planting.
 - c) Access. Every lot shall front or abut for a distance of at least 66 feet of the building setback line.
 - d) Area and dimensions of all lots shall conform to the requirement of County Zoning for all land divisions within the Village. Those building sites not served by public sanitary sewerage system or other approved system shall be sufficient to permit the use of a private onsite waste treatment system designed in accordance with Chapter Comm 83 of the Wisconsin Administrative Code. In no instance shall the building lines be less than twenty-five (25) feet from the street line.
 - e) Excessive depth of lots in relation to width shall be avoided and a proportion of two to

one (2:1) shall be considered a desirable depth-to-width ratio under normal conditions. Depth of lots or parcels designated for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated.

- f) The minimum lot dimensions for residential development shall be pursuant to the County Zoning Ordinance at the established building line. Corner lots shall be sufficiently larger than interior lots to allow maintenance of building set back lines on both streets.
 - g) Corner Lots shall have an additional width of 15 feet to permit adequate building setbacks from side streets.
 - h) Shape of Lots shall generally be rectangular. Lots platted on cul-de-sacs will generally be narrower at the street than at the rear lot line, however, the creation of “flag” or “pan-handled” lots shall be avoided.
 - i) Lands lying between the meander line and the water’s edge and any otherwise unplattable lands which lie between a proposed subdivision and the water’s edge shall be dedicated to the public in any plat abutting a lake or stream.
 - j) Width of Lots. In no case shall a lot have a minimum lot width at the building setback line of less than that which is required by the applicable zoning ordinance.
- 7) **BUILDING AND SETBACK LINES.** Building setback lines appropriate to the location and type of development contemplated, which are more restrictive than the regulation of the zoning district in which the plat is located, may be required by the Village Plan Commission and shall be shown on the final plat or certified survey map. Examples of the application of this provision would include requiring greater setbacks on cul-de-sac lots to achieve the necessary lot width at the setback line, requiring greater setbacks to conform to setbacks of existing adjacent development, or setting special yard requirements to protect natural resource elements.
- 8) **EASEMENTS.**
- a) Easements when required for Village or Utility District owned and/or maintained utilities shall be at least twenty (20) feet wide and shall include a provision prohibiting the installation of trees, shrubs, hedges, bushes, playground equipment, fences, sheds, or other buildings and any other type of structure or building other than those owned by the Village or Utility District. All other easements provided for non-municipally owned utilities shall meet the requirements of the individual company.
 - b) The Village Plan Commission may require utility easements of widths deemed adequate for the intended purpose on each side of all rear lot lines and on side lot lines or across lots where necessary or advisable for electric power and communication lines, wires, conduits, side and rear yard drainage and other utility lines.
 - c) Where a subdivision is traversed by a water course, drainage way, channel, or stream, there shall be provided a storm water easement or drainage right-of-way conforming substantially with the lines of such water course, and such further width needed to straighten, or for maintenance access, or both, as will be adequate for the purposes.

Parallel streets or parkways may be required in connection therewith.

- d) Easements shall be added when stormwater from public or other private areas drains to a publicly or privately owned and maintained detention and retention areas such that a perpetual right to drain is established and the Village retains the right to enter the easement and perform any necessary maintenance if the private property owner fails to adequately maintain the privately owned area.

9) BUFFERS.

- a) When a proposed rural cluster development includes a required buffer with landscape screening, the screening shall contain sufficient landscape treatments, consisting of trees, shrubs, and berms, or any combination thereof, to adequately restrict the view of dwelling units from existing streets and from each other. A landscape plan showing the provision of such screening shall be submitted for review and approval by the Village of Bloomfield in accordance with 18.11(4) of this Ordinance. In addition:
 - i. Plantings. For required screening buffers shall be provided at a rate of one deciduous canopy tree at least two inches in diameter at chest height, two ornamental trees at least one- and one-half inches in diameter at chest height, two evergreen trees at least six feet in height, and six shrubs at least three feet in height for each one hundred feet in length of required screening. One deciduous canopy tree may be substituted for two evergreen trees or ornamental trees. The Plan Commission may permit alternative landscape treatments, which shall have a buffering or screening capacity equal to, or greater than, the requirements set forth herein.
 - ii. Existing healthy trees and shrubs should be used whenever possible to meet the requirements of this section upon approval by the Plan Commission. Said existing vegetation shall be clearly denoted “to remain” on the landscape plan and shall be properly protected from construction activities in accordance with sound conservation practices.
 - iii. Requirements for a buffer with landscape screening may be waived or modified by the Plan Commission when the existence of unusually wide-open areas, significant grade separations, or other unusual situations make the additional landscaping treatment unnecessary to achieve the objective of rural landscape preservation.
 - iv. Berms may be permitted to supplement or replace some of the planting requirements specified herein provided the width of the buffer area is adequate to accommodate the size of the berm, based on the berm’s slope, crown, height, and form. The berm shall contain side slopes not exceeding four feet of horizontal distance to one foot of vertical distance (4:1) and shall be undulating, whenever possible. The subdivider shall demonstrate that any reduction in required new plantings shall not reduce the effectiveness of the screen.
 - v. Fences and walls may be used for buffering or screening purposes and shall comply with the fencing requirements of the Village of Bloomfield zoning ordinance. Fencing or walls shall not replace required planting and buffers unless the Village Board determines a reduction in planting does not reduce the visual effectiveness of

the screen.

- vi. Openings, where appropriate, shall be provided for pedestrian or recreation trail access.
- vii. Vision clearance triangles at street intersections, as required in accordance with the Village of Bloomfield zoning ordinance, shall not be obstructed by plant material, berms, fences or walls.

18.10 REQUIRED IMPROVEMENTS.

- 1) **GENERAL.** No subdivision of land or development shall be approved, construction or installation of improvements began, without a certification of approval by the Village Clerk. The Village Clerk shall, after receiving approvals from the Village Engineer, Plan Commission, Public Works Committee and all other affected departments and agencies, certify to the Village Board that the improvements described in the plans and specifications for the development, together with agreements, meet the minimum requirements of all ordinances and design standards of the Village.
- 2) **STREET IMPROVEMENTS.**
 - a) Street improvements are required to be constructed in conformity with the Design Standards as set forth in Appendix A.
 - b) Final surface for public streets should be delayed to avoid premature damage of final surface course. Final surface course should be installed after approximately 75% of the lots have experienced construction, as determined in the "Contract for Subdivision or Development Improvements", but not more than three years from substantial completion.
- 3) **MINIMUM STREET STANDARDS.**
 - a) All minimum standards established are intended to be construed solely as minimums. Additional standards may be required depending on the topography, soil and overall geological or special conditions of each individual parcel being developed. The standards for streets shall be in conformance with the Design Standards established by the Village. The Village Engineer may recommend, and the Village Plan Commission may require standards beyond the minimums set forth when geological conditions dictate the necessity for additional standards.
 - b) All right-of-way widths shall conform to the dimensions shown in Design Standards as set forth in Appendix A.
- 4) **SURVEY MONUMENTS.** The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15 of the Wisconsin Statutes and as may be required by the Village Engineer.
- 5) **GRADING.**

- a) After the installation of temporary block corner monuments by the subdivider and establishment of street grades by the Village Engineer, the subdivider shall grade the full width of the right-of-way of all streets proposed to be dedicated in accordance with plans and standard specifications approved by the Village Engineer. The subdivider shall grade the roadbeds in the street right-of-way to subgrade.
- b) Cut and filled lands outside of street right-of-way shall be graded to a maximum slope of one (1) on four (4) or the soil's angle of repose, whichever is the lesser. All graded lands with the exception of the roadbeds of streets shall be treated and stabilized for sediment and erosion control purposes.

6) SURFACING.

- a) After the installation of all utility 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 comprehensive plan or comprehensive plan components of the Village.
- b) The subdivider shall be responsible for any defects due to faulty materials or workmanship which appear within a period of one (1) year from the date of acceptance by the Village and shall pay any damages resulting therefrom to Village property.

7) CURB AND GUTTER. In all subdivisions as defined herein the Village Board may require the subdivider to construct concrete curb and gutters in accordance with the State of Wisconsin, Department of Transportation Standard Specifications for Highway and Structure Construction. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts.

8) PUBLIC SANITARY SEWERAGE AND PRIVATE ONSITE WASTE TREATMENT SYSTEMS. When public sanitary sewerage facilities are available to the subdivision such facilities shall be designed and constructed in such a manner as to make adequate sanitary sewerage service available to each lot within the subdivision. In addition:

- a) The Village Board may require the installation of sewer laterals to the street lot line.
- b) The size, type and installation of all sanitary sewers and sanitary sewer laterals proposed to be constructed shall be in accordance with plans and standard specifications approved by the Village Engineer.
- c) Where a Sanitary District has been created pursuant to Section 60.30 of the Wisconsin Statutes for the purpose of providing and construction sanitary sewers, such plans and standard specifications shall be further subject to approval by the Sanitary District Commission and the Village Board.
- d) The subdivider shall assume the cost of installing all sanitary sewers, sewer laterals, and sewer appurtenances within the proposed subdivision, except for the added cost of installing sewers greater than eight (8) inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village or Sanitary District wherein the subdivision plat is

located a sanitary sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ratio which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.

- 9) **STORM WATER DRAINAGE FACILITIES.** The subdivider shall construct storm water drainage facilities adequate to serve the subdivision which may include curbs and gutters, catch basins and inlets, storm sewers, road ditches, culverts, open channels, water retention structures and settling basins. All such facilities shall be of adequate size and grade to hydraulically accommodate the maximum potential volumes of flow through and from within the subdivision and shall be so designed as to prevent and control soil erosion and sedimentation and to present no hazards to life or property. In addition, all drainage shall be in conformity with Walworth County Storm Water and Erosion Control Ordinance and Appendix A of this Ordinance.
- 10) **OTHER FACILITIES.** The subdivider shall cause electrical power, natural gas and telephone facilities to be installed in such a manner as to make adequate service available to each lot in the subdivision. No electrical or telephone service shall be located on overhead poles unless otherwise allowed by the Plan Commission due to exceptional topography or other physical barrier. Plans indicating the proposed location of all electrical power, natural gas, and telephone distribution and transmission lines required to service the plat shall be approved by the Village Engineer.
- 11) **STREET SIGNS AND GUARD RAILS.** Street signs and guard rails shall, at the option of the Village Board, be obtained by the Village and placed where necessary by the Village and the cost of the same shall be paid for by the subdivider.
- 12) **OPTIONAL PROVISION OF PUBLIC UTILITIES AND FACILITIES.** If for any reason the subdivider fails to install public utilities or facilities as prescribed herein or as ordered by the Village Board pursuant to this Ordinance, the Village Board may install such improvements and assess the full cost of such installations against the subdivider or subdivider may agree to have the public improvements installed by the Village pursuant to Section 66.0703 of the Wisconsin Statutes.
- 13) **LAKE AND STREAM ACCESS.** No land shall be developed as a condominium or planned development, subdivided into lots or outlots, sold or leased, or any interest therein created in such manner as to give access to any lake or stream by easement, common element, right to use, fractional ownership or otherwise to more than one family for each unit of lake or stream frontage equaling in width the minimum required width of a lot under the Walworth County Shoreland Zoning Ordinance for the zoning district in which the land is located.
- 14) **PUBLIC SITES AND OPEN SPACE.**

Purpose. The Village of Bloomfield specifically desires to provide sufficient land and improvements within new subdivisions to meet the demand for neighborhood recreational facilities for residents within each subdivision. Such facilities are intended to provide for facilities such as tot lots, walking trails, and smaller neighborhood parks intended primarily for use by subdivision residents, but are not intended to duplicate or replicate public or community recreational facilities provided by the Village.

- a) Required Reservation of Land. The Plan Commission shall require subdividers to reserve sufficient land and provide improvements to meet the needs for neighborhood recreation facilities within each subdivision. Land reserved for such purposes shall generally be owned and maintained by either an association of the landowners within the subdivision or another organization capable of managing, maintaining and upgrading the facilities, as needed.
- b) When determining the type and amount of land and improvements required for recreational use in a land division the Plan Commission shall consider the following:
 - i. The density (number of units) and intensity (proximity of units to each other) of the development;
 - ii. Preservation of scenic and historic sites;
 - iii. Natural contour of the land;
 - iv. Woodlands, marshes, lakes, ponds or wetlands preservations;
 - v. Style of landscaping;
 - vi. Possible passive recreation created or existing;
 - vii. Access to the public vs. private;
 - viii. Accessibility to open space;
 - ix. Public or private dedication;
 - x. Any other factor the Plan Commission deems appropriate for the creation of passive recreational land.
- c) Appeal. The subdivider shall be entitled to appeal the Plan Commission's decision to the Village Board, upon written request. The request must be made within 30 days of the decision of the Plan Commission.

15) STREET TREES. In all subdivisions with lots one acre and smaller in size, the Village Board shall, and in other subdivisions may, require the developer to plant at least one tree of an approved species and at least two inches in diameter at chest height approximately five feet above ground for each fifty feet of lot frontage in both conventional and rural cluster developments. The trees shall be distributed along the entire frontage of the lot with the curb lawns or, if there are no curb lawns, within the street right-of-way but outside roadside swales. In rural cluster development, street trees need not be evenly spaced but may be planted in common open spaces and on private lots abutting streets, upon approval by the Village Board, provided said streets are protected by deed restrictions or appropriate easements. This requirement may be waived by the Village if the street in a rural cluster development weaves between or passes through common open space that is primarily field, meadow, pasture or prairie.

16) **LANDSCAPED BUFFERS.** When required by this Ordinance, the Village zoning ordinance, or the Village Plan Commission, landscape screening within buffer areas in rural cluster developments shall be installed in accordance with approved landscape plans and specifications as required in Section 18.11(4) of this Ordinance. The landscape plan and specifications shall be approved by the Village Board, upon recommendation of the Village Plan Commission. If plantings are not installed prior to approval of a final plat, a landscaping schedule shall be specified in the subdivider's agreement and appropriate sureties shall be provided.

18.11 CONSTRUCTION.

- 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 and the Village Board has given written authorization for such commencement. Inspection fees shall be required as specified in Section 18.12 of this Chapter.
- 2) **BUILDING PERMITS.** No building, zoning, or sanitary permits shall be issued for erection of a structure on any lot not of record until all the requirements of this Chapter have been met, nor will any permit for any temporary or permanent facilities or structures be issued until all roadways are capable to support emergency equipment.
- 3) **OCCUPANCY PERMIT.** No occupancy permit shall be issued until all requirements of this Chapter are met to the satisfaction of the Building Inspector.
- 4) **PLANS.** The following plans and accompanying construction specifications may be required by the Village Engineer before authorization of construction or installation of improvements:
 - a) Street plans and profiles showing existing and proposed grades, elevations, and cross-sections of required improvements.
 - b) Sanitary sewer plans and profiles showing the locations, grades, sizes, cross-sections, elevations, and materials of required facilities.
 - c) Storm water plans and profiles showing the locations, grades, sizes, cross-sections, elevations and materials of required facilities.
 - d) Water main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
 - e) Erosion and sedimentation control plans showing those structures required to retard the rate of runoff water, those grading and excavating practices that will prevent erosion and sedimentation, the time span that soil will be exposed, and plans to protect existing vegetation, such as fences or tree wells, shall be prepared. Such plans shall follow the guidelines and standards set forth in Walworth County Land Disturbance, Erosion Control and Stormwater Management Ordinance.
 - f) Planting Plans showing the locations, size, quantity, species names, and common names

of any required grasses, vines, shrubs, and trees.

g) Additional special plans or information as required.

- 5) INSPECTION. The subdivider, prior to any work within the subdivision, shall make arrangements with the Village Engineer to provide for adequate inspection. The Village Engineer shall inspect and approve all roadway grading, drainage, and restoration prior to release of final surety and letter of credit.

18.12 FEES.

- 1) GENERAL. The Subdivider or Developer shall pay all fees and costs associated with the review, inspection and administration of the land division or development equal to the actual cost incurred by the Village, plus a five percent (5%) overhead factor to assist in defraying costs for Village supervision and administration. The Subdivider shall submit all required fees, bonds, and letters of credit to the Village Clerk at the times specified before final approval of a plat, condominium, planned development or certified survey map. Any costs the Village may incur for plan review, inspection and administration which exceed the deposit amounts shall be billed to the Subdivider by the Village. If a fund balance exists in the inspection deposit after acceptance of all improvements and refund of the improvement guarantees, the subdivider may request a refund of the remaining inspection deposit amounts. In addition, the Subdivider's Agreement shall be executed and filed by the Subdivider prior to final approval of any plat or certified survey map.
- 2) CONCEPTUAL PLAN REVIEW FEE. The Subdivider shall deposit a sum equal to \$500 to the Village Clerk at the time of application for the review of the conceptual plan. A re-application fee amounting to \$150.00 shall be paid to the Village Treasurer at the time of re-application for approval of any preliminary plat or certified survey map which has previously been reviewed.
- 3) CERTIFIED SURVEY MAP REVIEW FEE. The Subdivider of four (4) or less lots shall pay a fee of \$50.00 for each Certified Survey Map to the Village Clerk at the time of the application for approval of any proposed Certified Survey Map. A subdivider of more than four (4) lots shall pay \$300.00.
- 4) PRELIMINARY PLAT AND ENGINEERING REVIEW FEE. The Subdivider shall deposit a sum equal to \$1,000 to the Village Clerk at the time of the application for approval of such preliminary plat and engineering review.
- 5) CONDOMINIUM AND PLANNED DEVELOPMENT REVIEW FEE. The Developer of a condominium or planned development shall deposit a sum equal to \$500 to the Village Clerk at the time of application for approval of a Condominium Development Plan or Planned Development Plan.
- 6) FINAL PLAT REVIEW FEE. The Subdivider shall deposit a sum equal to \$500 to the VILLAGE Clerk at the time of the application for approval of such plat. A re-application fee amounting to the \$150.00 shall be paid to the Village Treasurer at the time of a re-application for approval of any final plat which has previously been reviewed.

- 7) **ENGINEERING AND INSPECTION FEES.** All public improvements proposed to be made under the provisions of this Section shall be inspected during the course of construction by the Village Engineer. All fees and costs connected with the review of the drawings and specifications for the improvements and inspection of the construction of the improvements, including final approvals and project guarantee reductions, shall be paid by the Subdivider. The Subdivider shall deposit with the Village Clerk, within seven (7) days of the date of application, a sum of up to Four Thousand Dollars (\$4,000.00) for review of project plans. The Village Clerk shall notify the Subdivider within three (3) days of the date of application, the exact amount of the deposit required.
- 8) **ADMINISTRATIVE FEE.** The Subdivider shall pay to the Village Clerk, the cost of any legal, administrative or fiscal services incurred by the Village in connection with its review of any plat or certified survey map. Legal work shall include, without limitation, the drafting of contracts between the Village and the Subdivider. These fees may also include the cost of obtaining professional opinions including, but not limited to those of attorneys, engineers, landscape architects, and land planners, requested by the Village Board in connection with the land division being considered.
- 9) **EFFECT ON NONPAYMENT OF FEES.** Notwithstanding any other provision of this Chapter, no final approval of any final plat, condominium or planned development, or certified survey map shall be granted by the Village Board until such time as all fees imposed under this Chapter have been paid in full, with the exception of construction-related fees. In the case of construction-related fees, the Village reserves the right to withhold building permits until all fees imposed under this Ordinance have been paid in full.
- 10) The Subdivider shall assume the cost of installing all storm sewers greater than 24 inches in diameter which are necessary to serve tributary drainage areas lying outside of the proposed subdivision. In addition, the subdivider shall pay to the Village or Sanitary District wherein the subdivision is located a storm sewer trunk line connection fee based on the added cost of installing larger sewers in the total tributary drainage area which shall be prorated in proportion to the ration which the total area of the proposed plat is to the total drainage area to be served by such larger sewers.
- 11) Developer is responsible for all cost above and beyond the fees required herein.

18.13 ACCEPTANCE PROCEDURE.

- 1) **SUBSTANTIAL COMPLETION.** Upon written request of the subdivider, and after all the required improvements have been substantially completed, the Village Engineer shall make an inspection of the work.
 - a) The Engineer shall then prepare a Substantial Completion Certificate and Punchlist for correction of items which do not comply with the approved drawings and specifications or Design Standards of the Village, which need immediate attention. Upon completion of all items listed in the punchlist, the subdivider shall sign and return the Substantial Completion Certificate. If all punchlist items are found to be completed, the Village Engineer shall notify the Village Clerk, in writing, that the project has been substantially

completed. If items required for substantial completion are not taken care of in a timely manner, the Village Board reserves the right to make a claim on the developers' bond or letter of credit to complete the necessary work, to withhold building and occupancy permits, or both.

- b) Improvements shall be maintained by the developer until such time as they are accepted by the Village.
- 2) FINAL ACCEPTANCE. Upon written request of the subdivider, after all the required improvements have been completed and record drawings have been submitted, the Village Engineer shall make a final inspection of the completed work. Upon acceptance of final work, the record drawing shall be submitted to the Village.
 - a) The Engineer shall then prepare a Final Completion Certification and Final Punchlist for correction of items which do not comply with the approved drawings and specifications or Design Standards of the Village. Upon completion of all items listed in the final punchlist, the subdivider shall request, in writing, a reinspection. If all punchlist items are found to be completed, the Village Engineer shall notify the Village Clerk, in writing, of his recommendation for approval and acceptance of the work. The Village Clerk shall schedule the acceptance for the next regular Village Board meeting.
 - b) Prior to final acceptance of the public improvements, the subdivider shall pay any outstanding invoices and submit five percent (5%) guarantee bond, letter of credit or cash deposit for the full value of the public improvements as estimated by the subdivider's engineer and verified by the Village Engineer. Said bond, letter of credit or cash deposit shall be the developer's guarantee against defects of the public improvements and shall terminate eighteen (18) months after acceptance of the public improvements by the Village Board.
 - c) Upon acceptance by the Village Board, the balance of the public improvements' construction guarantee, cash or letter of credit and any deposited fees remaining shall be released to the subdivider.
 - 3) GUARANTEE PERIOD. Before the end of the eighteen (18) month guarantee period, the Village Engineer shall make an inspection of the completed work.
 - a) The Engineer shall prepare a punchlist for correction of items not meeting Village standards.
 - b) If deficient items are not corrected by the developer prior to the end of the guarantee period, the Village Board reserves the right to make a claim on the maintenance bond to complete the necessary work, to withhold building and occupancy permits, or both.
 - 4) ENFORCEMENT. No plat of any subdivision or condominium, or Development Plan for a planned development shall be entitled to be recorded or conditional use granted until it shall have been approved in the manner prescribed by this Ordinance.

18.14 AGREEMENTS.

- 1) **GENERAL.** Prior to making public improvements to any property, a final plat, certified survey map, condominium declaration and plat, or plan for a planned development must be filed for record and be accompanied by the following:
 - a) An opinion of probable cost of all public improvements prepared by professional engineers licensed in the State of Wisconsin.
 - b) Construction plans and specifications for such improvements previously approved by the Village Engineer.
 - c) Agreements executed by the Village and the subdivider wherein they agree to make and install the improvements, in accordance with the plans and specifications accompanying the Final Plat.
 - d) Letter of credit in the form approved by the Village in the amount of one hundred twenty-five percent (125%) of the Village Engineer's opinion of probable costs of the installation of such improvements and issued by a reasonable financial institution, to be approved by the Village Board, conditioned upon the installation of the required improvements within two years of the approval of the final plat, or as otherwise agreed to in the Developer's Agreement. The letter of credit shall only be for improvements in the proposed "phase" being currently constructed or as otherwise necessary to improvements before the commencement of the installation of the improvement.
 - e) Maintenance Bond, Letter of Credit or Cash Deposit in an amount not less than 5% of all public improvements, approved by the Village Engineer, providing guarantee of workmanship and materials. The maintenance bond shall be delivered to the Village and shall guarantee for a period of eighteen (18) months from the project's final acceptance the public improvements items and improvements of a public nature that are constructed in a private development, including but not limited to streets, ditches, sewer mains, water mains and street lights.
 - f) The work schedule for each major phase of work to be performed under this agreement, with estimated starting and completion dates.
- 2) **REDUCTION OF LETTER OF CREDIT.** The Letter of Credit can be periodically reduced by the Village Board upon recommendation of the Village Engineer.
 - a) The subdivider shall submit to the Village Engineer a list of completed items and their cost along with copies of Waivers of Lien for the completed items. Upon review of these submittals, the Village Engineer shall recommend to the Village Board the reduction in the value of the Letter of Credit to be approved. The amount of the reduced Letter of Credit shall not be less than the estimated cost of completing the improvements. Each reduction requested shall not be more than the value of items estimated in the approved letter of credit guaranty amount.
 - b) The 25 percent (25%) contingency shall be held as retainage and not released until acceptance of the project and receipt of the 5 percent (5%) maintenance bond, letter of

credit or cash deposit as specified in Section 18.13.

- 3) **INSURANCE.** The subdivider's contractor shall provide and maintain Comprehensive General Liability Insurance which will protect the Village of Bloomfield and each of its officers, employees, agents, and consultants from claims which may arise out of or result from the performance of work by anyone directly or indirectly employed by the contractor or subcontractor, or by anyone for whose acts the contractor may be liable.
 - a) Comprehensive General Liability Insurance shall provide coverage in the amounts as shown in Exhibit C.
 - b) The subdivider's contractor shall not commence work until certificates of insurance showing coverage of all insurance required, signed by the insurance companies or their authorized agents have been filed with both the Village Clerk and Village Engineer.
 - c) The policies of insurance so required by this paragraph to be purchased and maintained shall:
 - i. With respect to comprehensive general liability insurance, include as additional insureds the Village and the Village Engineer, all of whom shall be listed by name as additional insured, and include coverage for the respective officers and employees of all such additional insureds;
 - ii. Remain in effect at least until final payment and at all times thereafter when the subdivider may be correcting, removing or replacing defective work in accordance with this Ordinance, and
 - iii. With respect to completed operations insurance, shall remain in effect for at least eighteen months after final payment and the subdivider shall furnish the Village and any other additional insured to whom an insurance policy has been furnished, evidence satisfactory to the Village and any such additional insured of continuation of such insurance at final payment and one year thereafter.

18.15 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 directory.
- 2) **SPECIFIC WORDS AND PHRASES.**
 - a) **ALLEY** shall mean a special public way affording only secondary access to abutting properties.
 - b) **ARTERIAL STREET** shall mean 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, highways and parkways.

- c) **BLOCK** shall mean a tract of land bounded by streets or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines of navigable waters, and municipal boundaries.
- d) **BUILDING LINE** shall mean a line parallel to a lot line and at a distance from the lot line to comply with the terms of this Ordinance.
- e) **COLLECTOR STREET** shall mean 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.
- f) **COMMUNITY** shall mean a Village, municipality, or a group of adjacent Villages and/or municipalities having common social, economic or physical interests.
- g) **COMPREHENSIVE PLAN** shall mean the extensively developed plan, also called a master plan adopted by the Village Plan Commission and certified to the Village Board pursuant to Section 66.1001 of the Wisconsin Statutes, including detailed neighborhood plans, proposals for future land use, transportation, urban redevelopment and public facilities. Devices for the implementation of these plans, such as zoning, official map, land division, and building line ordinances and capital improvement programs shall also be considered a part of the comprehensive plan.
- h) **CONDOMINIUM** shall mean any property subject to a condominium declaration established under Chapter 703 of Wisconsin Statutes.
- i) **CONDUIT** shall mean a buried pipe for the installation of wires or cables or the conveyance of gas, water, storm water or sewage.
- j) **CONTRACTOR** shall mean an individual, company, firm or other party or organization who contracts to physically construct all or a portion of a project for either a Subdivider or the Village.
- k) **CUL-DE-SAC** shall mean a local street with only one (1) outlet and having an appropriate turn-around for the safe and convenient reversal of traffic movement.
- l) **DESIGN ENGINEER** shall mean the individual or firm retained by the Subdivider who is responsible for the design and preparation of construction documents for a project.
- m) **DEVELOP** shall mean the conversion of raw land into an area suitable for residential, recreational or business purposes or to alter the characteristics of an area so as to make the same suitable for new or different residential, recreational or business purposes.
- n) **DEVELOPER** shall mean one who develops land.
- o) **EASEMENT** shall mean a grant by a property owner for the use of a strip or parcel of land by the general public, a corporation, or a certain person or persons for a specific purpose or purposes.

- p) EXTRATERRITORIAL PLAT APPROVAL JURISDICTION shall mean the unincorporated area within one and one-half (1 1/2) miles of a fourth-class city or a village and within three (3) miles of all other cities.
- q) FIELD INSPECTOR shall mean an individual, company or firm appointed by the Village to observe construction for compliance with approved drawings and specifications.
- r) FLOOD PROTECTION ELEVATION shall mean an elevation two (2) feet above the elevation of the 100-year recurrence interval flood.
- s) FLOODLANDS shall mean those lands, including the channels, floodways, and floodplain fringe of any given reach, which are subject to inundation by a flood with a given recurrence frequency.
- t) FRONTAGE shall mean the smallest dimension of a lot abutting a public street measured along the street line.
- u) FRONTAGE STREET shall mean a minor street auxiliary to and located on the side of any arterial street for control of access and for service to the abutting development.
- v) HIGH-WATER-MARK shall mean the average annual high water level of a pond, stream, lake, flowage, or wetland ordinary high-water-mark shall have that meaning specified in the Wisconsin Administrative Code NR 115.03(6) or as otherwise provided by the DNR, referred to an established datum plane or, where such elevation is not available, the elevation of the line up to which the presence of the water is so frequent as to leave a distinct mark by erosion, change in, or destruction of, vegetation or other easily recognized topographic, geologic, or vegetative characteristic.
- w) LOT shall mean a parcel of land of at least sufficient size to meet minimum zoning requirements for use, width, and area as set forth in this and County Ordinances.
- x) LOT, CORNER shall mean a lot abutting two (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.
- y) LOT, DOUBLE FRONTAGE shall mean a lot, other than a corner lot, with frontage on more than one (1) street. Double frontage lots shall normally be deemed to have two (2) front yards, two (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.
- z) MINOR LAND DIVISION shall mean any division of land not defined as a "subdivision". Minor land divisions include the division of land by the owner or subdivider resulting in the creation of two (2), but not more than four (4), parcels or building sites, or the division of a block, lot or outlot within a recorded subdivision plat into not more than four (4) parcels or building sites without changing the exterior boundaries of said block, lot or outlot.

- aa) MINOR STREET shall mean a street used, or intended to be used, primarily for access to abutting properties.
- bb) MUNICIPALITY shall mean an incorporated village, city, or town.
- cc) NATIONAL MAP ACCURACY STANDARDS shall mean 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.
- dd) NAVIGABLE WATERS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(5) or as otherwise provided by the DNR.
- ee) OUTLOT shall mean a parcel of land, other than a lot or block, so designated on the plat, but not of standard lot size, which can be dedicated to the public.
- ff) PARKWAY shall mean that area of a street right-of-way between the back of curb or pavement edge and the right-of-way line intended for use primarily by pedestrian traffic or roadside ditches and developed in a park-like character.
- gg) PLANNED DEVELOPMENT shall mean any proposed residential or commercial-recreation business use involving the development of land pursuant to a plan approved by the zoning agency, other than by subdividing.
- hh) PUBLIC WAY shall mean any public road, street, highway, walkway, drainageway, or part thereof.
- ii) RECORD DRAWINGS shall mean design drawings checked in the field and which are revised to show as-constructed location, elevation, grading and specification of material for improvements and utilities, certified by a licensed professional.
- jj) RELEASE RATE shall mean the controlled rate at which storm water is released from a holding reservoir.
- kk) REPLAT shall mean the process of changing, or the map or plat which changes, the boundaries of a recorded subdivision plat, certified survey map, or part thereof. The division of a large block, lot or outlot within a recorded subdivision plat or certified survey map without changing the exterior boundaries of said block, lot, or outlot is not a replat.
- ll) SHORELANDS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(8) or as otherwise provided by the Department of Natural Resources.
- mm) SINGLE PURPOSE ROAD shall mean any road or driveway which primarily serves a single parcel of property and is determined by the State of Wisconsin Department of Transportation, to be ineligible for highway aids to the Village.

- nn) SOIL MAPPING UNIT shall mean soil type, slope, and erosion factor boundaries as shown on the operational soil survey maps prepared by the Natural Resource Conservation Service (formerly U.S. Soil Conservation Service).
- oo) STANDARD SPECIFICATIONS shall mean the most current edition of the State of Wisconsin, Department of Transportation Standard Specifications for Highway and Structure Construction, which shall be used in conjunction with the specifications of the Village.
- pp) STORM WATER DETENTION BASIN shall mean a reservoir for the temporary storage of storm water.
- qq) STORM WATER RETENTION BASIN shall mean a reservoir for the permanent storage of storm water.
- rr) SUBDIVIDER shall mean any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a subdivision, minor land division (Certified Survey Map) or replat, responsible for preparing and recording the plats of the subdivision and for complying with these requirements. The term Subdivider encompasses the work "Developer" and the two words may be used interchangeably for the purpose of the standards set forth in this ordinance.
- ss) SUBDIVISION shall mean the division of a lot, parcel or tract of land by the owners thereof, or their agents, for the purpose of transfer of ownership or building development where the act of division creates five (5) or more parcels or building sites of fifteen (15) acres each or less in area; or where the act of division creates five (5) or more parcels or building sites of fifteen (15) acres each or less in area by successive division within a period of five (5) years.
- tt) SUBSTANTIAL COMPLETION shall mean improvements are considered to be substantially complete when they can be utilized for the purposes for which they were intended, as determined by the Village.
- uu) SURETY BOND shall mean a bond guaranteeing performance of a contract or obligation through forfeiture of the bond if said contract or obligation is unfulfilled by the subdivider.
- vv) SWALE shall mean a ditch or surface drainage channel meeting certain specific criteria as established herein for the surface movement of storm water.
- ww) VILLAGE ENGINEER shall mean the individual or firm appointed or contracted by the Village who is licensed to practice professional engineering in the State of Wisconsin and is responsible for reviewing subdivision plans on behalf of the Village, recommends changes from time to time to these Design Standards and performs other duties as directed by Village Ordinance.
- xx) WETLANDS shall have that meaning provided by Wisconsin's Administrative Code NR 115.03(13) or as otherwise provided by the Department of Natural Resources.

- yy) WISCONSIN ADMINISTRATIVE CODE shall mean the rules of administrative agencies having rule-making authority in Wisconsin, published in a loose-leaf, continual revision system as directed by Section 35.93 and Chapter 227 of Wisconsin Statutes, including subsequent amendments to those rules.

18.16 IMPACT FEES.

- 1) PUBLIC FACILITIES ASSESSMENT. In accordance with Section 66.0617 of the Wisconsin Statutes, the Village of Bloomfield has prepared a needs assessment regarding selected public facilities for which impact fees may be imposed. A copy of the reports “Public Facilities Needs Assessment: Parks, Police, Fire and Rescue for the Village of Bloomfield” and “Needs Assessment Study for Park Impact Fee” are on file and available in the Clerk’s office.
- 2) DEFINITIONS. The definitions set forth in Section 66.0617 of the Wisconsin Statutes, and any amendments thereto are incorporated and made a part of this section as though fully set herein.
- 3) FEES. An impact fee shall be imposed with this ordinance and Section 66.0617 of the Wisconsin Statutes by the Village of Bloomfield upon any person applying for a building period for residential construction with the Village of Bloomfield that results in an increase in the number of residential equivalent units in the Village of Bloomfield. An impact fee shall be charged for each additional residential equivalent unit resulting from the construction.
- 4) STANDARDS FOR FEE. In accord with Wisconsin Statutes, the Village of Bloomfield adopts the following standards for impact fees imposed under this ordinance. Impact fees adopted by the Village of Bloomfield:
 - a) Shall bear a rational relationship to the need for new, expanded, or improved public facilities that are required to serve land development.
 - b) May not exceed the proportionate share of the capital costs that are required to serve land development as compared to existing uses of land with the Village of Bloomfield.
 - c) Shall be based upon the actual capital costs or reasonable estimates of capital costs for new, expanded, or improved public facilities.
 - d) Shall be reduced to compensate for other capital costs imposed by the Village of Bloomfield with respect to land development to provide or pay for public facilities including special assessments, special charges, land dedications, or fees in lieu of land dedication under Chapter 236, Wisconsin Statutes, or any other items of value.
 - e) Shall be reduced to compensate for money received from the federal or state government specifically to provide or pay for the public facilities for which the impact fees are imposed.

- f) May not include amounts necessary to address existing deficiencies in public facilities.
- 5) COLLECTION. Impact fees shall be collected as follows:
- a) Impact fees will be collected in full by the Village Clerk from the property owner before a building permit is issued.
 - b) Impact fees will also be collected when a building permit is issued if land is converted from existing residential units to additional residential units.
- 6) LOW-COST HOUSING. No exemptions shall be made on land development that provides for low-cost housing.
- 7) FEE SCHEDULE. Impact fees for public police, fire and rescue facilities will be collected for industrial, commercial, or institutional issues as the demand for public facilities are equally generated by these developments in the Village. Impact fees shall be based upon a residential equivalent unit (REU) with each separate dwelling unit equal to one (1) REU. Impact fees for industrial, commercial, or institutional development shall be based on the size of the development compared to new residential development. The average size of a new house is 2,000 square feet. The area of the new industrial, commercial, or institutional development shall be divided by 2,000 square feet to determine the number of REUs to be charged to the development. This number shall be left to the discretion of the Village of Bloomfield Building Inspector and may be reduced if appropriate, depending on the service requirements of the new development. The number of REU's for residential properties shall be the number of separate dwelling units assigned by the Village of Bloomfield Building Inspector. New residential development shall be charged all three fees. The impact fees for each type of public facility are as follows:
- a) Capital costs for Parks and Open Space Systems, including construction: \$908 per residential unit. Credit shall be given for the amount of any Park Fees previously paid to the Village of Bloomfield pursuant to Section 18.17 of the Municipal Code with respect to the lot or parcel for which a building permit is sought.
 - b) Capital costs for the Police Department, including land and buildings: \$516 per residential unit. Credit shall be given for the amount of any Police Department Fees previously paid to the Village of Bloomfield pursuant to Section 18.17 of the Municipal Code with respect to the lot or parcel for which a building permit is sought.
 - c) Capital costs for the Fire and Rescue Department, including land and buildings: \$773.00 per residential unit. Credit shall be given for the amount of any Fire and Rescue Department Fees previously paid to the Village of Bloomfield pursuant to Section 18.17 of the Municipal Code with respect to the lot or parcel for which a building permit is sought.
- 8) SEPARATE FUND ESTABLISHED. The Village shall establish and maintain a segregated, interest-bearing account for each category of impact fees collected by it. Such funds shall be accounted for separately from other funds of the Village. Impact fees and interest earned on impact fees may be expended only for capital costs for which the impact fees were imposed.

- 9) REFUND OF FEE. Any impact fee imposed and collected under this ordinance which is not expended for committed for expenditure within ten (10) years from the date the impact fee was paid shall be refunded to the current property owner upon which said impact fee was imposed. The Village Board has determined the ten-year period to be appropriate for planning and financing the selected public facilities for which the impact fees are imposed.
- 10) FEE REVIEW. The fee schedule set forth in this ordinance may be reviewed by the Village Board at any time as a result of changes in facility needs, inflation, revised cost estimates, capital improvements, changes in other funding sources and other relevant factors, and in accordance with the standards for impact fees in Section 66.0617(6) of the Wisconsin Statutes.
- 11) APPEAL. A person upon whom an impact fee is imposed, within fifteen (15) days of the imposition of the impact fee, may contest the amount, collection, or use of the impact fee by filing a written request with the Village Clerk describing the nature of said appeal, providing supporting documentation, and specifying the basis upon which the appeal is taken. At the next regular Village Board meeting, the Village Board shall notify the appealing party of the time and place of the Village Board meeting at which time the appealing party shall be given the opportunity to present additional information in support of the appeal.
- 12) SEVERABILITY. If any portion of this Section is declared illegal or invalid for any reason, that illegality or invalidity shall not affect the remaining legal and valid portions of this ordinance which shall remain in full force and effect.