

ARTICLE D

Plat Review and Approval

SEC. 14-1-30 PRELIMINARY CONSULTATION.

Before filing a Preliminary Plat or certified survey map (minor land division), the subdivider is encouraged to consult with the Plan Commission for advice regarding general subdivision requirements. Information on meeting dates, agenda deadlines and filing requirements may be obtained from the Village Clerk-Treasurer. The subdivider shall also submit a location map showing the relationship of the proposed subdivision to traffic arteries and existing community facilities. 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 and duly adopted plan implementation devices of the Village and to otherwise assist the subdivider in planning his development. In so doing, both the subdivider and planning agency may reach mutual conclusions regarding the general program and objectives of the proposed development and its possible effects on the neighborhood and community. The subdivider will gain a better understanding of the subsequent required procedures.

SEC. 14-1-31 SUBMISSION OF PRELIMINARY PLAT.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit five (5) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission and to the Village Engineer and Village Attorney for review and written report of their recommendations and reactions to the proposed plat. An abstract of title or registered property report shall be referred to the Village Attorney at this time for his examination and report.
- (b) **Public Improvements; Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer a report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary

- Plat with the Village Clerk-Treasurer.
- (d) **Environmental Assessment.**
- (1) Filing Requirement. An Environmental -Assessment Checklist shall be completed by the subdivider for review by the Plan Commission with the Preliminary Plat, or preferably as part of the preliminary consultation, for any subdivision or land division by certified survey which the Village has authority to approve.
 - (2) Purpose. The purpose of this Environmental Assessment Checklist is to provide the basis for an orderly, systematic review of the effects of all new subdivisions upon the community environment in accordance with the principles and procedures of Wisconsin Statutes set for local subdivision regulation. The Plan Commission will use these procedures in determining land suitability. The goals of the community in requiring this checklist are to eliminate or reduce pollution and siltation to an acceptable standard, assume ample living space per capita, preserve open space and parks for recreation, provide adequately for stormwater control, maintain scenic beauty and aesthetic surroundings, administer to the economic and cultural needs of the citizens and provide for the effective and efficient flow of goods and services.
 - (3) Coverage. The Environmental Assessment Checklist shall apply to all reviewable subdivisions, and land divisions by certified survey. The Plan Commission may waive the requirement for the filing of an Environmental Assessment Checklist for land divisions by certified survey of less than five (5) acres total area.
 - (4) Preliminary Checklist for Environmental Assessment of Plats. Land Divisions and Community Development Plans. An Environmental Assessment Checklist form as required under this Subsection is available from the Village Clerk-Treasurer. (Cross-Reference: Appendix A).
- (e) **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.
- (f) **Supplementary Data to be filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
- (1) Use Statement. A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) Zoning Changes. If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
 - (3) Area Plan. Where the subdivider owns property adjacent to that which is being proposed for the subdivision, the Plan Commission and/or Village Board may require that the subdivider submit a Preliminary Plat of the remainder of the property so as to show the possible relationships between the proposed subdivision and future subdivision. In any event, all subdivisions must be shown to relate well with existing or potential adjacent subdivisions.
- (g) **Street Plans and Profiles.** The subdivider shall provide street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.

- (h) **Soil Testing.** The subdivider may be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table.
- (i) **Drafting Standards.** The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

SEC. 14-1-32 PRELIMINARY PLAT REVIEW AND APPROVAL

- (a) **Referral to Other Agencies.**
 - (1) The subdivider shall, within two (2) days after filing with the Village, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by the public sewer and provision for such service has not been made, and an adequate number of copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.
 - (2) Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (i)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat.

- (3) In lieu of the procedure under Subsection (i)(1) above, the subdivider or the subdivider's agent may submit the original plat to the Wisconsin Department of Agriculture, Trade and Consumer Protection which shall forward two (2) copies to each of the agencies authorized to object. The Department shall have the required number of copies made at the subdivider's expense. Within twenty (20) days of the date of receiving the copies of the plat, any agency having authority to object shall notify the subdivider, and all agencies having the authority to object, of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or if there is no objection, it shall so certify on the face of a copy of the plat and return that copy to the Department of Agriculture, Trade and Consumer Protection. After each agency and the Department have certified that they have no objection or that their objections have been satisfied, the Department shall so certify on the face of the plat. If an agency fails to act within twenty (20) days from the date of the receipt of copies of the plat, and the Department fails to act within thirty (30) days of receipt of the original plat, it shall be deemed that there are no objections to the plat and, upon demand, it shall be so certified on the face of the plat by the Department.
- (b) **Plan Commission Review.** *(rev. 1-12-93)* After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within sixty (60) days of filing, or within such time as extended by agreement with the subdivider of its submission, approve, approve conditionally, or reject the plat. The subdivider shall be notified in writing of any conditions for approval of the reasons for rejection. Such action of the Plan Commission shall be submitted to the Village Board for approval and the subdivider shall be notified in writing of any changes or modifications in the action of the Plan Commission and the reasons therefor.
- (c) **Board Action.** *(rev. 2-9-93)* After receipt of the Plan Commission's recommendation, the Village Board shall, within ninety (90) days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
- (d) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval. Conditional approval may be granted subject to satisfactory compliance with pertinent provisions of this Chapter and Ch. 236, Wis. Stats. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.

- (e) **Preliminary Plat Amendment.** Should the subdivider desire to amend the Preliminary Plat as approved, he may resubmit the amended plat which shall follow the same procedure, except for the fee, unless the amendment is, in the opinion of the Village Board, of such scope as to constitute a new plat, in which such case it shall be refiled.

SEC. 14-1-33 FINAL PLAT REVIEW AND APPROVAL

(a) Filing Requirements.

- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file five (5) copies of the Plat and the application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Section 14-1-32(a) (2). The owner or subdivider shall file five (5) copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the approval of the Preliminary Plat.
- (2) The subdivider shall, within two (2) days after filing with the Village, transmit two (2) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Industry, Labor and Human Relations if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat and adequate copies to the Plan Commission. The subdivider shall file with the Village Clerk-Treasurer an affidavit indicating that he has fully complied with the requirement of filing with objecting agencies. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, and the Wisconsin Department of Industry, Labor and Human Relations shall be hereinafter referred to as objecting agencies.
- (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
- (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer twelve (12) copies of the final plans and specifications of public improvements required by this Chapter, and a signed copy of the developer's contract required by Section 14-1-51.

- (5) The Village Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Village Engineer, one (1) copy to the Village Attorney, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report and Final Plat shall be referred to the Village Attorney for his examination and report. The Village Clerk-Treasurer shall also refer final plans and specifications for public improvements required by this Chapter to the Village Engineer for review. The recommendations of the Plan Commission, Village Attorney, and Village Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.
 - (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Agriculture, Trade and Consumer Protection has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information.
- (c) **Board Review and Approval.**
- (1) The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer, 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 on the Final Plat unless the Village Clerk-Treasurer 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 twenty (20) days or, if filed, have been met.

- (2) The Village Board shall, when it determines to approve a Final Plat, give at least ten (10) days prior written notice of its intention to the Municipal Clerk-Treasurer of any municipality within one thousand (1,000) feet of the Final Plat.
- (3) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (d) **Recordation.** After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed, the Village Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of Preliminary Plat approval or thirty (30) days after the date of Final Plat approval.
- (e) **Copies.** The subdivider shall file eight (8) copies of the Final Plat with the Village Clerk-Treasurer for distribution to the approving agencies, affected sanitary districts, and other affected agencies for their files.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

SEC. 14-1-34 LAND DIVISIONS AND CONSOLIDATIONS BY CERTIFIED SURVEY MAP.

- (a) **Use of Certified Survey Map.**
 - (1) A Certified Survey Map, prepared and recorded in accordance with Sec. 236.34, Wis. Stats. and the requirements of this Article, and having been approved by the Village Board, may be used in lieu of a subdivision plat to divide or consolidate lands, or dedicate lands, provided that one of the following conditions is met:
 - a. The division or consolidation is of any lot, outlot, parcel, or other lands previously approved by the Village and recorded with the County Register of Deeds as a subdivision plat, certified survey, or assessors plat, of any size, which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of any changes in ownership, within any five (5) year period; or
 - b. The division or consolidation is of any lot, outlot, parcel, or other lands previously recorded with the County Register of Deeds, including those recorded by a metes and bounds description, provided any of the resulting parcels are not less than thirty-five (35) acres in size and which results in not more than four (4) lots, outlots, parcels, or mortgage descriptions, being created by any division or successive division, regardless of changes of ownership, within any five (5) year period.
 - (2) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.

- (3) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The applicant shall comply with all requirements of this Chapter including, but not limited to, Article G (Design Standards), Article F (Required Public Improvements), and Article H (Park and Public Land Dedications) when a certified survey map is used. A certification of the approval of the certified survey map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.
- (4) *(rev. 1-12-93)* The applicant for a land division shall file five (5) acceptable reproductions of a certified survey map and a written application requesting approval with the Village Clerk-Treasurer.
- (b) **Referral to Plan Commission.** The Village Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) **Review by Other Village Agencies.** The Village Clerk-Treasurer shall transmit a copy of the map to the Village Engineer, Village Attorney, and to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The applicant shall be required to file at the time of application public improvement plans as required for Final Plats.
- (d) **Review and Approval.** The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the applicant.
- (e) **Recordation.**
 - (1) The applicant shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the applicant.
 - (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) **Re-Approvals.** Submittals of previously approved Certified Survey Maps for replatting or reapproval by the Village Board shall be in accordance with Section 14-1-35.

SEC. 14-1-35 REPLAT.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.
- (b) Whenever a Preliminary Plat for a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published and mailed to adjacent property owners following the same procedures as found in Section 14-1-32(b).
- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Village Board. No Final Plats shall be reapproved by the Village Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Village.

SEC. 14-1-36 DETERMINATION OF ADEQUACY OF PUBLIC FACILITIES AND SERVICES.

- (a) A Preliminary Plat, Final Plat or certified survey shall not be approved unless the Plan Commission and the Village Board determine that adequate public facilities and public services will be available to meet the needs of the proposed land division and that no public funds other than those already provided in an adopted capital or operating budget are required; the Village Board, at its discretion, may waive this provision if the Board agrees to use bonding/borrowing for the project.
- (b) The applicant shall furnish any data requested by the Village Clerk-Treasurer who shall transmit this information to the appropriate commission(s), committee(s) and staff for review; the Village Clerk-Treasurer shall act as coordinator of the reports from staff to the Plan Commission and Village Board on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space and recreation facilities, transportation facilities and schools.
- (c) Public facilities and public services for a proposed land division may be found to be adequate when the following conditions exist:
 - (1) The proposed land division is located in an urban service area where adequate sewer service is presently available for extension, under construction or designated by the Village Board for extension of sewer service within the current capital budget year and funds are specifically provided for such extension either from public or private financing. The Plan Commission and the Village Board shall consider the recommendations of the Village Engineer and the appropriate committee(s) on the capacity of trunk lines and of sewerage treatment facilities and any other information presented.
 - (2) The proposed land division is located within an urban service area

- contiguous to an arterial transmission water main of adequate capacity for the proposed development or if the water distribution system that is needed is under construction or scheduled for construction within the current budget year, and funds, either public or private, are available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
- (3) The Village Clerk-Treasurer verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Plan Commission and the Village Board that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing Village residents.
 - (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Village's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and Village Standards.
- (d) Where the Plan Commission and the Village Board determine that one (1) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) The above requirements shall not apply to those areas outside the corporate limits of the Village of Marshall and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Marshall public water distribution and/or public sewerage system if determined by the Village Engineer to be feasible. If such connection(s) are not determined feasible, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such Village public water and/or sewerage systems are determined by the Village Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the Village public water and sewerage facilities upon a determination by the Village Engineer that such facilities are available for feasible connection.

**SEC. 14-1-37 PROCEDURES AND CRITERIA FOR LAND DIVISIONS
WITHIN THE EXTRATERRITORIAL PLAT APPROVAL
JURISDICTION.**

- (a) **Application Required.** No person, firm or corporation shall divide any land located within the one and one-half (1-1/2) mile extraterritorial plat approval jurisdiction of the Village of Marshall without first filing an application and a certified survey map and/or preliminary plat with the Village for approval by the Plan Commission.
- (b) **Pre-application Procedure.**
- (1) Before filing an application for approval of a certified survey, the subdivider shall consult with the Plan Commission and shall:
 - a. Prepare a preliminary sketch for review and approval.
 - b. Complete an Environmental Assessment Checklist.
 - (2) This procedure will assist the applicant in appraising the objectives of these regulations, the Master Plan, the Official Map and other pertinent Village ordinances.
 - (3) The pre-application information shall be submitted to the Plan Commission for review and approval, fifteen (15) days prior to when the application will be considered.
- (c) **Extraterritorial Land Division Policies.** The following policies shall govern the Village Plan Commission in approving division of land within the one and one-half (1-1/2) mile extraterritorial area in order to protect the rural character and farming viability:
- (1)
 - a. No subdivisions without public sanitary sewer service as defined in this chapter except for land divisions by certified survey as referred to in Section 14-1-34 will be permitted within the one and one-half (1-1/2) mile extraterritorial limits of the Village of Marshall.
 - b. At the time of submission of a final subdivision plat, the subdivider shall present evidence of a binding commitment for public sanitary sewer service to each lot within the proposed subdivision prior to the sale of any lot within the subdivision.
 - (2) For land divisions by certified survey as defined in Section 14-1-34, the procedure for approval by the Village shall be as specified in Section 14-1-34. The Plan Commission may require approval of the certified survey map by the pertinent Town Board before acting as specified under this Section. Land divisions by certified survey as referred to in Section 14-1-34 will be permitted for farm related dwellings, for rural residential dwellings, and for commercial use not exceeding an overall density of one (1) unit for thirty-five (35) acres. The only exception to this policy is that lots resulting in the infill of existing subdivisions may also be permitted. Approval will be determined based on the provisions of Sec. 236.13, Wis. Stats.
 - (3) The Village of Marshall will attempt to seek consistency of locally adopted Town Plans. To the extent that the policies of the Village of Marshall are more restrictive and are applicable under law, the Village's policies shall prevail unless Town requirements control. All land divisions within the one

and one-half (1-1/2) mile extraterritorial area will be subject to the land preservation or dedication requirements of this Chapter. This specifically means the following:

- a. Any waterway or stormwater management area identified on the Village Master Plan or Official Map shall be dedicated in conformance with requirements of this Chapter.
 - b. Any lands falling within the limits of an environmental corridor, as mapped by the Village of Marshall or by county planning agencies, will be required to record a public open space easement specifying that the use shall be consistent with conservancy area zoning in the Village Zoning Code.
- (4) Lands falling within the one and one-half (1-1/2) mile extraterritorial area shall be required to meet all of the design standards contained in Article G of this Chapter, where applicable, unless Town requirements control.
 - (5) Land divisions by certified survey within the extraterritorial area will be required to follow erosion control plans in compliance with this Chapter.
 - (6) The Plan Commission may require placement of covenants or deed restrictions that are deemed necessary and appropriate by the Village Plan Commission to protect the purpose and intent of the Village's plan and ordinances. Any such restrictions shall be placed on the face of the certified survey map from which the lot or lots were created to verify the density standard established herein.
 - (7) In all cases, the time period within which action is required shall not begin until the Town Board, pertinent county reviewing officials, and the Village of Marshall have received all maps, drawings and data required for plat approval, applications have been completed and fees have been paid.

SEC. 14-1-38 AND SEC. 14-1-39 RESERVED FOR FUTURE USE.

APPENDIX A

Village of Marshall Environmental Assessment Checklist for Subdivisions and Land Divisions by Certified Survey

All “yes” answers must be explained in detail by attaching maps and supportive documentation describing the impacts of the proposed development.

Land Resources

Does the project site involve?

- A. Changes in relief and drainage patterns (attach a topographic map showing, at a minimum, two (2) foot contour intervals). Yes No
- B. A floodplain. (If yes, attach two (2) copies of a typical stream valley cross-section showing the channel of the stream, the 100-year floodplains limits and the floodway limits (if officially adopted), of each site of the channel and a cross-section of area to be developed). Yes No
- C. An area of soil instability -- greater than 20% slope and/or organic soils, peats, or mucks at or near the surface. Yes No
- D. Prime agricultural land (Class I, II or III soils). Yes No
- E. Wetlands and mapped environmental corridors. Yes No

Water Resources

Does the proposed project involve?

- A. Location within the area traversed by a navigable stream or dry run. Yes No
- B. Lake frontage. Yes No

Human and Scientific Interest

Does the project site involve?

- A. An area of archeological or geological interest. Yes No
- B. An area of historical interest. Yes No
- C. An area of buildings or monuments with unique architecture? Yes No

Energy, Transportation and Communications

- A. Does the development encompass any future street appearing on the Village of Marshall Official Map?
Yes _____ No _____
- B. Is the development traversed by an existing or planned utility corridor (gas, electricity, water, sewer interceptor, communications, and storm sewer)?
Yes _____ No _____