

**TITLE 10**

Land Use Regulations

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Chapter 2 Floodplain Zoning  
Chapter 3 Subdivision and Land Division Regulations  
Chapter 4 Building Code  
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**CHAPTER 3**

**SUBDIVISION AND LAND DIVISION REGULATIONS**

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**ARTICLE 1: GENERAL PROVISIONS****Section 10-3-0101: Title**

This Chapter shall be known, cited, and referred to as the VILLAGE OF PRAIRIE DU SAC SUBDIVISION REGULATIONS, except as referred to herein, where it shall be known as “this Chapter”.

**Section 10-3-0102: Authority**

This Chapter is enacted pursuant to the authority granted by Wisconsin Statutes, including but not limited to Chapters 61, 62.23, 80.08, 236, and 703. Specific statutory references are provided within the body of this Chapter solely as a means of assisting the reader. Such references are not to be considered as all inclusive, may not always be up to date, and shall in no manner be construed so as to limit the application or interpretation of this Chapter.

**Section 10-3-0103: Purpose**

The purposes of this Chapter are to:

- (a) Regulate and control the division of land within the Village and its extraterritorial area.
- (b) Protect and provide for the public health, safety, and general welfare of the community.
- (c) Guide the orderly and beneficial development of the community, in accordance with the Comprehensive Plan and in concert with Title 10, Chapter 1: Zoning (hereinafter referred to as the “zoning ordinance”) and intergovernmental agreements to which the Village is a party.
- (d) Provide for adequate light, air, and privacy and the undue pollution of land, air, and water.
- (e) Secure safety from fire, flood, and other danger.
- (f) Protect the character and the social and economic stability of the community.
- (g) Protect environmentally sensitive areas, farmland, open space, natural beauty, topography, and areas that are premature or unsuited for urban development or division.
- (h) Protect and conserve the value of land and the value of buildings and improvements upon the land, and to minimize the conflicts among land and buildings.
- (i) Provide adequate and efficient public facilities, such as roads, sidewalks, trails, water, sanitary sewerage, stormwater management, schools, and parks.
- (j) Ensure that public facilities and services are available concurrent with development, and will have a sufficient capacity to serve the proposed subdivision or land division, generally at the expense of the subdivider.
- (k) Provide for adequate circulation of motor vehicle, bicycle, and pedestrian traffic, having particular regard to avoiding congestion, ensuring safe and efficient movement, and providing for an interconnected transportation network within and between developments.
- (l) Establish design standards and review procedures for subdivisions and land divisions to further the orderly layout and use of land, allow for community involvement, and ensure that land is divided in a technically correct manner.
- (m) Avoid problems associated with inappropriately divided lands, including premature subdivision, excess subdivision, partial or incomplete subdivision, and scattered and low-grade subdivision.

**Section 10-3-0104: Jurisdiction and Applicability**

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(a) **Jurisdiction.**

- (1) No person, firm, or corporation shall divide or develop any land located within the corporate limits of the Village of Prairie du Sac or within its extraterritorial area which shall result in subdivision, land division, or condominium development, as these terms are defined in this Chapter, without first filing and receiving Village approval of a subdivision plat, certified survey map, or condominium plat respectively, and subsequently recording said plat or map with the county register of deeds, all as provided in this Chapter.
- (2) This Chapter shall not apply condominium developments that existed as of July 3, 2014, except to the extent that such condominium developments are expandable pursuant to Section 703.26, Wis. Stats., and except for the provisions in subsection (e).

(b) **Compliance.** No subdivision, land division, replat, or condominium development within the jurisdiction of this Chapter shall be entitled to be approved or recorded without compliance with all requirements of this Chapter that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, and the following:

- (1) The provisions of Chapters 703, 80.08, and 236, Wis. Stats., including §236.45(2)(ac).
- (2) All other Village ordinances that are in effect when a subdivider submits a preliminary plat, certified survey map, or condominium plat, including but not limited to the zoning ordinance and any official map ordinance.
- (3) The Comprehensive Plan in place when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
- (4) All other master plans, comprehensive plans, and components of such plans prepared by state, regional, county or municipal agencies, when such plans have been duly adopted by the Village Board when a subdivider submits a preliminary plat, certified survey map, or condominium plat.
- (5) The provisions of Wis. Admin. Code Chapter SPS 385 for subdivisions, land divisions, or replats not served by public sanitary sewer.
- (6) The provisions of Wis. Admin. Code Chapter Hy 33 and Trans 233 for subdivisions, land divisions, and replats that abut a U.S. or state trunk highway.
- (7) All other applicable state statutes, state administrative rules, and county ordinances.

(c) **Exemptions.** Unless the subdivider elects to prepare a certified survey map, the provisions of this Chapter as it applies to divisions of tracts of land into fewer than 5 lots shall not apply to:

- (1) Transfers of interests in land by will or pursuant to court orders;
- (2) Leases for a term not to exceed 10 years, mortgages, or easements;
- (3) Combinations of two or more lots into fewer lots, or sale or exchange of parcels of land between owners of adjoining property, if a Plat of Survey showing the parcel to be transferred has been submitted to the Zoning Administrator, including a signature certificate and indicating the location for monuments placed at all new lot corners, and the Zoning Administrator approves such Plat of Survey based on the following criteria:
  - a. Additional lots are not created.
  - b. Lots resulting are not reduced below the minimum dimensions and area required by these regulations, the zoning ordinance, or other applicable laws or ordinances.
  - c. Such lot combination or parcel exchange is not contrary to any prior Village approval over the land, either under this Chapter, the zoning ordinance, or otherwise.

- d. The submitter of the Plat of Survey provides reasonable assurance that the Plat of Survey will be recorded with the county register of deeds, and provides the Zoning Administrator a recorded copy.
- (d) **Replats and Corrections.** 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 Sections 236.40 through 236.44, Wis. Stats. The subdivider, or person wishing to replat, shall proceed as specified in Articles 3 and 4 of this Chapter. Corrections to an approved plat or certified survey map shall be done in accordance with and subject to the limitations of Section 236.295, Wis. Stats.
- (e) **Additional Requirements Applicable to Condominium Developments.** All condominium developments shall include the following provisions within condominium documents, which such provisions shall include Village Board consent prior to modification or termination:
- (1) A mechanism for dispute resolution among unit members concerning the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
  - (2) Establishment of a mandatory escrow account with sufficient funding for the upkeep, repair, maintenance, and replacement of common elements and limited common elements.
  - (3) A voluntary termination provision.
  - (4) A Declaration of Easements, Restrictions, Covenants and Conditions for the operation and maintenance of the condominium development and its units, which shall be subject to Village Board approval and subsequently recorded by the condominium developer.

#### **Section 10-3-0105: Abrogation and Greater Restrictions**

- (a) **Abrogation.** It is not intended that this Chapter abrogate or interfere with any constitutionally protected vested right or abrogate, repeal, annul, impair or interfere with any existing easements, covenants, deed restrictions, agreements, rules, regulations or permits previously adopted or issued pursuant to law. However, where this Chapter imposes greater restrictions, the provisions of this Chapter shall govern.
- (b) **Interpretation.** In their interpretation and application, the provisions of this Chapter shall be held to be the minimum requirements for the promotion of the public health, safety, morals and welfare, shall be liberally construed in favor of the Village and shall not be construed to be a limitation or repeal of any other power now possessed by the Village.
- (c) **Greater Restrictions.** Where property is affected by the regulations imposed by any provision of this Chapter and by other governmental regulations, the regulations which are more restrictive or which impose higher standards or requirements shall prevail. Where there are conflicts between or among regulations within this Chapter, the regulations which are more restrictive or which impose higher standards or requirements shall prevail.
- (d) **Additional Covenants or Restrictions.** In its actions authorized by this Chapter, the designated Village approval authority may require placement of covenants or deed restrictions that are deemed necessary and appropriate to protect the purpose and intent of the Comprehensive Plan and Village ordinances, in conjunction with any Plat or Certified Survey Map approval under this Chapter. The violation of any covenant or restriction required as a condition of plat or CSM approval shall be deemed a violation of this Chapter.
- (e) **Land Suitability Assessment.** No land shall be divided in a manner that would create any lot intended for development that is held unsuitable for development by the Village Plan Commission for reason of flooding; inadequate current or proposed drainage; adverse soil or rock formations, composition or conditions; negative impact on wetlands, waterways, or other sensitive natural

resources; unfavorable topography; or any other feature likely to be harmful to the health, safety, or welfare of the future residents of the proposed subdivision, land division, condominium development, or community. The Plan Commission, in applying the provisions of this subsection, shall as part of its minutes or a resolution, recite the particular facts upon which it bases its conclusion that the land is not suitable for residential use and afford the subdivider an opportunity to present evidence regarding such unsuitability if desired. Thereafter, the Plan Commission may affirm, modify, or withdraw its determination of unsuitability.

- (f) **Savings Clause.** In the event of a conflict between the terms and provisions of this Chapter 3 and any provision of applicable Wisconsin Statutes, the Statutes shall control; except where the applicable Statute allows the Village to impose more stringent standards or requirements. In the latter event, this Chapter 3 shall apply.

**Section 10-3-0106: Effective Date**

This Chapter became effective upon passage and publication according to law July 3, 2016, following the date of repeal and re-enactment of this Chapter. All plats and certified survey maps approved under the previous Title 10, Chapter 3 shall be valid for periods defined in that previous chapter, associated development agreements, and Chapter 236, Wis. Stats.

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## ARTICLE 2: INITIAL SUBMITTAL DOCUMENTS

### **Section 10-3-0201: Initial Submittal Documents**

The subdivider shall prepare and submit to the Zoning Administrator the items in subsections (a) through (c), except where indicated. Such items shall be submitted to the Zoning Administrator before he or she will accept and process an application for approval of a subdivision plat, condominium plat, or certified survey map, except that for divisions that will require a certified survey map, the site assessment checklist and subdivider's statement may accompany the application for certified survey map approval.

- (a) **Site Assessment Checklist.** Per the provisions of Section 10-3-0203, except where at least one of the following circumstances is present:
- (1) The land area covered by said division is 5 acres or fewer.
  - (2) The division will result in 2 or fewer new lots.
  - (3) The division would not result in any land development in the foreseeable future.
  - (4) The division would divide land that has been subdivided in the last ten years where a still-applicable site assessment checklist is on file with the Village.
- (b) **Concept Plan.** Per the provisions of Section 10-3-0204, except where at least one of the following circumstances is present:
- (1) The division can be accomplished by certified survey map, but the Zoning Administrator may require a concept plan if he or she believes that the certified survey map would have a significant impact on public improvements or the Comprehensive Plan.
  - (2) The division is exempted from the site assessment checklist requirement in subsection (a).
  - (3) The remainder of the area owned or controlled by the subdivider is included in a detailed neighborhood development plan adopted as a component of the Comprehensive Plan, and the subdivider demonstrates intent to develop according to that plan.
  - (4) A concept plan, planned unit development general development plan, or preliminary plat had been previously submitted for the same area, and the subdivider demonstrates intent to develop according to such plan or plat.
- (c) **Subdivider's Statement.** Per the provisions of Section 10-3-0205, except for land divisions within the extraterritorial area.

### **Section 10-3-0202: Review of Initial Submittal Documents**

- (a) **Format for Submittal.** The prospective subdivider may submit the required initial submittal documents to the Zoning Administrator in hard copy and digital PDF format.
- (b) **Zoning Administrator Review.** Upon the submittal of the initial documents required under Section 10-3-0201, the Zoning Administrator shall review the documents and may require a conference with the prospective subdivider. The purpose of such review and potential conference is to understand the proposed development; identify any concerns that the documents or division raises including the suitability of the land for division under Section 10-3-0105(e); and assist the subdivider in understanding the objectives of this Chapter, the Comprehensive Plan, and any other pertinent ordinances and plans.
- (c) **Possible Plan Commission or Joint Extraterritorial Committee Review.** As specified in Sections 10-3-0203 through 10-3-0205. In the event the Zoning Administrator believes that such review is required, he or she shall notify the subdivider and the subdivider shall submit copies of the documents

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in a quantity and format determined sufficient by the Zoning Administrator.

**Section 10-3-0203: Site Assessment Checklist**

- (a) **Purpose.** The purpose of the site assessment checklist is to provide the basis for an orderly, systematic review of the effects of new subdivisions, larger land divisions, and condominium developments upon the community and environment, in accordance with the principles and procedures of Section 236.45, Wis. Stats., and against the land suitability requirements in Section 10-3-0105(e).
- (b) **Site Assessment Checklist Form and Scale Map.** The subdivider shall complete a site assessment checklist on a form provided by the Zoning Administrator. The checklist form shall include questions to the subdivider that are intended to discern information about the presence of, and impacts on, land, water, biological, historical and archaeological, energy, transportation, and communications resources on the property. Issues identified on the completed site assessment checklist shall be explained in detail by attaching maps and supportive documentation on the type, location, and extent of the identified feature and the expected impact of the proposed division on that feature and of that feature on the developability of the land. The subdivider shall submit a scale map of the area proposed for division along with the completed form.
- (c) **Determination of Need for Further Information.** Upon receipt of a completed site assessment checklist, the Zoning Administrator may, for reasons stated in written correspondence setting forth specific questions on which it requires research, data, and input from the subdivider and other persons, require that the subdivider submit further information to explain concerns raised from information included in or absent from the site assessment checklist. Failure to submit such additional information in a timeframe specified in the Zoning Administrator's request shall be grounds for denial of the associated plat or certified survey map.
- (d) **Use of Completed Site Assessment Checklist and Further Information.** The completed site assessment checklist and any attached or further information, along with the Zoning Administrator's assessment of those materials, will be considered in the determination of the suitability of the land for division under Section 10-3-0105(e) and compliance with other Village ordinance standards. If determined unsuitable or non-compliant, and subdivider shall have the opportunity to remedy the reasons before a certified survey map, preliminary plat, or condominium plat is filed or rejected.

**Section 10-3-0204: Concept Plan**

- (a) **Purpose.** Where required under Section 10-3-0201(b), the purpose of the concept plan is to depict the general intent of the subdivider or condominium developer in terms of general layout of the subdivision, or condominium development and its relationship to nearby properties, roads, utilities and other public facilities. In conjunction with the site assessment checklist, the concept plan provides an opportunity to review the general intent and impact of the proposed division or condominium development without the need for detailed engineering, surveying, and other time consuming and costly processes associated with preparation of a plat or certified survey map.
- (b) **Required Coverage and Contents.** The concept plan shall be a map that includes all contiguous land owned or controlled by the subdivider. A complete concept plan shall depict the general layout of the proposed subdivision or condominium development, including existing and proposed building sites, roads, major public utilities, parks, open spaces, and general proposed land use patterns; and represent relationships to nearby properties and land uses. The concept plan may rely on and refer to a detailed neighborhood development plan prepared by or for the Village to provide direction on proposed layout. For a traditional neighborhood development or planned unit development, the required general development plan may serve as the concept plan.

- (c) **Review of Concept Plan.** The Zoning Administrator shall review the concept plan against the requirements of the Comprehensive Plan and Village ordinances. The Zoning Administrator shall refer the concept plan to the Plan Commission or Joint Extraterritorial Committee, and may refer the concept plan to the Village Board's Parks Committee and/or Village Board, for review within 30 days of a complete concept plan submittal.

**Section 10-3-0205: Subdivider's Statement**

- (a) **Required Contents.** The subdivider shall submit to the Zoning Administrator a signed statement listing all development projects for which the subdivider has sought or received Village approval during the previous 10 years. The statement shall indicate whether the subdivider has any outstanding obligations to perform on any such projects, via either contract or conditions of approval.
- (b) **Relationship to Proposal for New Division.** If the subdivider's statement is found to contain false or misleading information pertaining to past projects or contractual obligations, the Village will not accept an application for approval of a plat until the subdivider's statement is corrected, or consider an associated application for certified survey map approval complete. If the subdivider's statement or Zoning Administrator review thereof indicates outstanding obligations, the Village will not accept an application for approval of a plat, or consider an associated application for certified survey map approval complete, until the obligations have been fulfilled.

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**ARTICLE 3: PRELIMINARY PLATS FOR SUBDIVISIONS; CONDOMINIUM PLATS****Section 10-3-0301: Applicability**

The provisions of this Article apply to subdivisions as defined in Article 13 and to condominium developments. In the case of condominium developments, a condominium plat that conforms to Section 703.11, Wis. Stats. shall substitute for a preliminary plat, the review procedure and submittal shall meet the requirements in this Article to the extent the Zoning Administrator determines practical, and the preliminary plat and final plat review stages shall be combined.

**Section 10-3-0302: Preliminary Plat Review Procedure**

- (a) **Preliminary Plat Submittal to Village.** Following submittal and Village review of the initial submittal documents required under Article 2, the subdivider shall submit an application to the Zoning Administrator for preliminary plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the CSM, and all supplemental materials under Section 10-3-0304. A complete preliminary plat application shall be required at least 30 days prior to the date of the Plan Commission or Joint Extraterritorial Committee meeting at which a recommendation is expected.
- (b) **Preliminary Plat Submittal to Other Agencies.** The subdivider shall be responsible for providing each preliminary plat to State, County, Town, and other agencies as may be required by Chapter 236, Wis. Stats. and other applicable law. Before submitting the final plat, the subdivider shall provide a copy of the preliminary plat and preliminary engineering plans to all local utility providers, including natural gas, telephone, cable television, other telecommunications, and electric utilities, so that they may identify appropriate locations for facilities and easements to be indicated on the final plat.
- (c) **Staff Review of Preliminary Plat.** The Zoning Administrator shall provide copies of the preliminary plat and supplemental materials to the Public Works Director, Village Engineer, Village Planner, Village Attorney, and Fire Chief for their comments and recommendations. Such recommendations shall be provided in a timeframe to allow their consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion on whether the preliminary plat conforms to applicable Village ordinances and to statutes, and shall provide a recommendation on approval of the plat.
- (d) **Village Board's Parks Committee Recommendation.** The Village Board's Parks Committee shall review the plat for conformance with applicable park and recreation plans and needs, and shall forward its recommendation on such matters to the subdivider, Plan Commission, and Village Board.
- (e) **Village Plan Commission Recommendation.** Except as provided under subsection (f), the Plan Commission shall review the plat for conformance with applicable plans, ordinances, and statutes and shall forward its recommendation on the preliminary plat to the Village Board. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection if that is the recommended action.
- (f) **Preliminary Plat Review Under Intergovernmental Agreements.** The Joint Extraterritorial Committee shall function in lieu of the Plan Commission under subsection (e) with respect to preliminary plats within the extraterritorial area, if, and to the extent, provided in an intergovernmental agreement between the Village and the Town of Prairie du Sac.
- (g) **Village Board Action.** The Village Board shall, within 90 days of the date of the filing of a complete preliminary plat application, approve, approve conditionally or reject the preliminary plat by resolution, unless the time is extended by mutual agreement with the subdivider. The resolution shall include the conditions of approval or reasons for rejection. The Village Clerk shall then return one

copy of the adopted resolution and the plat to the subdivider with the date and action endorsed thereon, and place the plat and resolution in the permanent files of the Village. Failure of the Village Board to act within 90 days of a complete application shall constitute an approval, unless the time is extended by mutual agreement with the subdivider.

- (h) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a preliminary plat shall not constitute automatic approval of the final plat, but instead shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the final plat. Approval of a preliminary plat shall expire 36 months after the date of approval or conditional approval by the Village Board, unless within such period a complete application for final plat approval for the preliminary plat area is filed or the Village Board extends the timeframe for submittal of one or more final plats within the preliminary plat area. If the final plat is submitted within such timeframe and conforms substantially to the preliminary plat as approved, including any conditions of that approval, and to local plans and ordinances adopted as authorized by law, it is entitled to approval.

#### **Section 10-3-0303: Coverage of Preliminary Plat**

The preliminary plat shall include the entire contiguous area owned or controlled by the subdivider, except where:

- (a) The remainder of the area owned or controlled by the subdivider is included in a detailed neighborhood development plan adopted as a component of the Comprehensive Plan, and the subdivider demonstrates an intent to develop according to that plan, or
- (b) The previously submitted concept plan included all contiguous lands owned or controlled by the subdivider, and was of sufficient detail for the Village to clearly discern the subdivider's intent and the relationship of the proposed subdivision to surrounding properties.

#### **Section 10-3-0304: Required Preliminary Plat Submittal Materials**

- (a) **Generally.** A complete preliminary plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider, and for condominium developments. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 10-3-1202.
- (b) **Technical Requirements for Preliminary Plat.** The preliminary plat itself shall include all required contents under Chapter 236, Wis. Stats., and the following information:
- (1) Description.
    - a. Name of the proposed subdivision or condominium development.
    - b. Name, address, telephone number, and email address of the owner, subdivider, engineer, land surveyor, and land planner.
    - c. Date, graphic scale (not more than 100 feet to one inch), and north arrow.
    - d. Location of the proposed subdivision or condominium development by government lot, quarter section, township, range, municipality, and county.
    - e. Proposed number of lots, number of dwelling units if different, and land use types.
    - f. A vicinity sketch or small scale drawing of the section and government subdivision in which the subdivision or condominium development lies, with its approximate location indicated.

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(2) Existing Conditions.

- a. Municipal and county boundaries.
- b. Existing contours at verticals of not more than one foot, with two foot contours acceptable only if approved in advance by the Village Engineer.
- c. A scaled drawing of the exterior boundaries of the proposed subdivision or condominium development referenced to a corner established by the U.S. Public Land Survey, and the total acreage encompassed thereby.
- d. Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.
- e. The outer edges of all woodlands and parts of woodlands within the plat area, and the locations and specimens of all other mature trees not located within a woodland, as such terms are defined in Section 10-1-0104 of the zoning ordinance.
- f. Location, right-of-way width and names of any easements or rights-of-way for existing streets, alleys or other public ways, railroads, and utilities within or adjacent to the proposed subdivision or condominium development.
- g. Type, width, and established centerline elevations of any adjacent existing street pavements.
- h. Locations and ordinary high water marks of adjoining or encompassed navigable waterways and drainageways.
- i. Subsurface soil, rock and water conditions including depth to bedrock and average depth to ground water table, based on the Sauk County Soil Survey or more detailed sources where available. Where the Sauk County Soil Survey indicates potential for groundwater less than 5 feet from the existing ground surface, the subdivider or condominium developer shall so note on the face of the preliminary plat and indicate the lots affected.
- j. Location, size and invert elevation of any existing sanitary and storm sewers, culverts or drain pipes and the location and size of any existing water and gas mains on or adjacent to the plat and proposed for use. If sewers and water mains are not present on or adjacent to the preliminary plat, the distance to, and the size of those nearest and the invert elevations of sewers shall be indicated.
- k. Locations and names of adjacent subdivisions and condominium developments, parks, and cemeteries, and existing land use, zoning, and owner names/addresses of all adjacent properties.

(3) Proposed Improvements.

- a. Layout and scale dimensions of all lots and proposed lot and block numbers.
- b. Location, approximate dimensions, and proposed future ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.
- c. Location and approximate dimensions of any sites reserved for the private use of future residents.
- d. Location and approximate dimensions of any sites that are to be used for group housing, shopping centers, church sites, or other non-public uses.

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- e. Proposed locations, dimensions, and names (as applicable) for streets, paths, drainageways, and public easements, including extensions for reasonable distance beyond the limits of the proposed subdivision or condominium development when requested.
  - f. Any proposed building setback lines, buildable areas, or “build-to” lines under the zoning ordinance or otherwise, and in consideration of proposed zoning if different.
  - g. Vision clearance triangles per Section 10-1-0808(m) of the zoning ordinance.
  - h. Proposed locations of highway access control, noise mitigation measures, and landscaped buffer strips if required under this Chapter and the zoning ordinance, including but not limited to Section 10-1-0808.
- (c) **Preliminary Engineering Plans.** The subdivider shall submit preliminary engineering plans with the preliminary plat application, including the following:
- (1) Preliminary street profiles showing existing and proposed centerline elevations. Profiles shall be shown for a minimum distance of 300 feet beyond the plat boundaries where future street extensions may be planned.
  - (2) Preliminary utility layouts, including sanitary sewer, water main, and storm sewer, and indication of any expected need for improvements to existing facilities to provide for such utility needs.
  - (3) Proposed locations and dimensions of sidewalks and paths.
  - (4) Proposed street tree type, location, and size.
  - (5) Preliminary stormwater calculations, in order to demonstrate that adequately sized and positioned areas have been reserved for storm water management on the preliminary plat, per Title 10, Chapter 9 of the Municipal Code and the Village’s Erosion Control and Stormwater Management Requirements.
  - (6) A preliminary engineering plan map at least covering the area of the preliminary plat and showing the features described in this subsection, along with property lines, contours, and applicable environmental features such as wetlands and floodplains.
  - (7) Any other data deemed necessary by the Village Engineer to determine the adequacy of public facilities and services required under Section 10-3-0901.
- (d) **Preliminary Covenants.** The subdivider shall submit a draft of protective covenants to be recorded against the affected land with the preliminary plat application, including the following provisions:
- (1) Methods for the proper maintenance and management of any common open space, storm water management facility, drainageway, private road, or other required improvement intended for private ownership, maintenance, and/or protection.
  - (2) A method to effectively minimize monotony in the design of single-family and two-family residences, in compliance with Section 10-1-0601 of the zoning ordinance.
  - (3) Methods to ensure the construction and maintenance of any noise mitigation measures if the subdivision is adjacent to an arterial street.
  - (4) In all cases where the Village requires that provisions of this Chapter or other Village ordinance shall be satisfied or guaranteed by private covenants or restrictions, provisions making such covenants enforceable by the Village and prohibiting the repeal or amendment of such covenants or restrictions without the written approval of the Village Board. In all other cases, it is not the Village’s responsibility to enforce protective covenants.

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- (5) In any other case as determined necessary by the Village to satisfy the requirements of this Chapter.
- (e) **Other Required Information.** The subdivider shall submit the following additional information with the preliminary plat application:
- (1) The required preliminary plat application fee as indicated in the Village's Schedule of Fees.
  - (2) A signed agreement to reimburse the Village for consultant expenses in the review of the plat.
  - (3) Any amendments to the initial submittal documents required under Article 2 to reflect changes to the subdivision.
  - (4) Whenever a subdivider proposes that any common open space, storm water management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, a draft of the legal instruments and rules for the proposed property owners' association.
  - (5) Where required, a woodland preservation plan pursuant to Section 10-1-0703 of the zoning ordinance and Section 10-3-0718 of this Chapter.
  - (6) For residential subdivisions adjacent to an arterial street, a preliminary plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
  - (7) In any case where the Village Engineer determines that the proposed subdivision is likely to cause a significant impact on traffic on streets or highways beyond the proposed subdivision, the applicant shall pay the fees of a traffic engineer to be retained by the Village to complete and present a Traffic Impact Analysis following Wisconsin Department of Transportation District One guidelines. Where the report of the analysis concludes that the proposed subdivision will cause off-site public roads, intersections, or interchanges to function below Level of Service C, as defined by the Institute of Transportation Engineers, the Village may deny the application, require a size reduction in the proposed subdivision, or require that the developer construct and/or pay for required off-site improvements.
  - (8) Other information required by the Zoning Administrator, Plan Commission, or Joint Extraterritorial Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

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**ARTICLE 4: FINAL PLATS ASSOCIATED WITH SUBDIVISIONS****Section 10-3-0401: Applicability**

The provisions of this Article apply to subdivisions as defined in Article 13.

**Section 10-3-0402: Final Plat Review Procedure**

- (a) **Final Plat Submittal to Village.** Following the submittal of the preliminary plat, the subdivider may submit to the Zoning Administrator an application for final plat approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the final plat, and all supplemental materials under Section 10-3-0404. A complete final plat application shall be required at least 14 days prior to the date of the Plan Commission or Joint Extraterritorial Committee meeting at which a recommendation is expected. Upon the submittal of a final plat for lands within the Village or requiring Village infrastructure, the subdivider and Village shall begin negotiations on a development agreement specifying responsibilities of both parties, as described in greater detail in Section 10-3-0903.
- (b) **Final Plat Submittal to Other Agencies.** The subdivider shall be responsible for providing each final plat to State, County, Town, and other agencies as may be required by Chapter 236, Wis. Stats., and other applicable law.
- (c) **Staff Review of Final Plat.** The Zoning Administrator shall provide copies of the final plat and supplemental materials to the Public Works Director, Village Engineer, Village Planner, Village Attorney, and Fire Chief for comment and recommendation. Such recommendations shall be provided in a timeframe to allow consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion whether the final plat conforms to the preliminary plat, applicable Village ordinances, and to Statutes, and shall provide a recommendation on approval of the plat. The opinion and recommendation shall be part of the record of the proceedings at which the final plat is being considered.
- (d) **Village Plan Commission Recommendation.** Except as provided under subsection (e), the Plan Commission shall review the final plat for conformance with the approved preliminary plat, conditions of its approval, and all applicable ordinances and statutes, and shall forward its recommendation to the Village Board. The Commission's recommendation shall be to approve, approve with conditions, or reject the plat and shall include the reasons for rejection or conditions associated with any recommendation for approval.
- (e) **Final Plat Review Under Intergovernmental Agreements.** The Joint Extraterritorial Committee shall function in lieu of the Plan Commission under subsection (d) with respect to final plats within the extraterritorial area, if, and to the extent, provided in an intergovernmental agreement between the Village and the Town of Prairie du Sac.
- (f) **Village Board Action.** The Village Board shall, within 60 days of a complete final plat submittal, approve, conditionally approve, or reject such plat, unless the time is extended by mutual agreement with the subdivider. Village Board approval of the final plat shall be conditioned upon the execution of the development agreement under Section 10-3-0903, if in the Village or to be served by Village infrastructure. 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. Upon failure of the Village Board to act within 60 days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved.
- (g) **Recordation of Final Plat.** The plat shall be submitted for recording with the county Register of Deeds within 12 months from the date of the last approval and within 36 months from the date of the

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first approval, or the Village approval shall be deemed void. No plat shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the plat. The Village Clerk shall cause the certificate inscribed upon the plat attesting to such approval to be duly executed and the plat returned to the subdivider for recording, upon verification of the following:

- (1) Final plat approval by the Village Board.
  - (2) Satisfaction of all conditions imposed by that approval to the extent possible.
  - (3) Village Engineer approval of final engineering plans.
  - (4) A development agreement under Section 10-3-0703 has been signed by the subdivider and Village, if the plat area is within the Village or served by Village infrastructure.
  - (5) Payment of all required fees under this Chapter and other chapters of the Municipal Code.
- (h) **Recordation of Other Documents.** All required deed restrictions, protective covenants, property owners' association organizational documents, and development agreement shall be recorded prior to, or concurrently with, the final plat.
- (i) **Copies of Recorded Plat and Other Documents.** Within one month of the final plat being recorded by the county Register of Deeds, the subdivider shall provide a hard copy of the plat and a digital version of the plat referenced to the Sauk County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Village Engineer. The subdivider shall also provide verification of recordation of the plat and the other documents required under subsection (h) before the Village will issue building permits or zoning permits within the plat area.

#### **Section 10-3-0403: Coverage of Final Plat**

The final plat shall include the entire area owned or controlled by the subdivider, within the phase of development for which final approval is sought.

#### **Section 10-3-0404: Required Final Plat Submittal Materials**

- (a) **Generally.** A complete final plat application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 10-3-1202.
- (b) **Technical Requirements for Final Plat.** The final plat itself shall include all required contents under Chapter 236, Wis. Stats., and the following information:
- (1) All the certificates required by Section 236.21, Wis. Stats.; and certification that the plat fully complies with all of the provisions of this Chapter.
  - (2) Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.
  - (3) Location, approximate dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.
  - (4) Any unique building setback lines, buildable areas, "build-to" lines, or similar areas, not including those required by zoning.

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- (5) Vision clearance triangles per Section 10-1-0808(m) of the zoning ordinance.
  - (6) Proposed locations, restrictions, landscape, fencing, and other detailed plans associated with highway access control, noise mitigation, and landscape buffer strips if required under this Chapter and the zoning ordinance, including but not limited to Section 10-1-0808.
  - (7) The outer edges of all woodlands and parts of woodlands proposed to be preserved within the plat area, and the locations and specimens of all other mature trees not located within a woodland that are proposed to be preserved.
  - (8) If the final plat or condominium plat contains private road(s), the following note: "Notice of Possible Limitation of Public Services: This plat contains private roads. As a result, certain public services including but not limited to road maintenance (including plowing) and garbage collection may be limited."
- (c) **Other Required Information.** The subdivider shall submit the following additional information with the final plat application:
- (1) The required final plat application fee as indicated in the Village's Schedule of Fees.
  - (2) A signed agreement to reimburse the Village for consultant expenses in the review of the plat.
  - (3) Any amendments to the initial submittal documents required under Article 2 or any amendments to the approved preliminary plat layout to reflect changes to the subdivision.
  - (4) Confirmation that the subdivider submitted the preliminary plat to utility providers as required under Section 10-3-302 subsection, and attempted to address their comments.
  - (5) Final engineering plans meeting the requirements of Section 10-3-0804, and including the public improvements required under Section 10-3-0904.
  - (6) Revised covenants addressing matters covered in Section 10-3-304(d).
  - (7) Whenever a subdivider proposes that any common open space, storm water management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, revised legal instruments and rules for the proposed property owners' association.
  - (8) Where required, a park master plan for improvements within proposed public park, recreation, and open space within the subdivision, per Section 10-3-0903.
  - (9) Where required, a woodland preservation plan pursuant to Section 10-1-0703 of the zoning ordinance and Section 10-3-0718 of this Chapter.
  - (10) For residential land divisions adjacent to an arterial street, detailed plans to mitigate noise from such street. Such detailed plans should include locations and specifications for landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
  - (11) Other information required by the Zoning Administrator, Plan Commission, or Joint Extraterritorial Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

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**ARTICLE 5: CERTIFIED SURVEY MAPS ASSOCIATED WITH LAND DIVISIONS****Section 10-3-0501: Applicability**

The provisions of this Article apply to land divisions as defined in Article 13, except where exempt under Section 10-3-010(c).

**Section 10-3-0502: Certified Survey Map (CSM) Review Procedure**

- (a) **CSM Submittal to Village.** A subdivider of a proposed land division shall submit with the Zoning Administrator an application for CSM approval. The submittal shall include hard copies in quantities specified on the application form and a digital PDF copy of the completed application, the CSM, and all supplemental materials under Section 10-3-0504. A complete CSM application shall be required at least 14 days prior to the date of the Plan Commission or Joint Extraterritorial Committee meeting at which a recommendation is expected. Upon the submittal of a CSM served by new or extended Village infrastructure, the Village may require that the subdivider and Village begin negotiations on a development agreement specifying responsibilities of both parties, as described in Section 10-3-0903.
- (b) **CSM Submittal to Other Agencies.** The subdivider shall be responsible for providing each CSM to State, County, Town, and other agencies as may be required by Chapter 236, Wis. Stats., and by other applicable law.
- (c) **Staff Review of CSM.**
- (1) For Minor Land Divisions, the Zoning Administrator may within 20 days from the date of a complete CSM submittal associated with a minor land division, as defined in Article 13, approve, conditionally approve or reject said map. The Zoning Administrator shall use the requirements included and referenced in this Chapter as the sole basis for such action. The action of the Zoning Administrator is final, and the procedures in subsection (d) or (e) shall not apply to such CSM, except in the following circumstances:
- a. The Zoning Administrator, rather than taking action, within 20 days of a complete submittal, instead refers the CSM to the Plan Commission, or Joint Extraterritorial Committee if in the extraterritorial area and if Committee review is provided by intergovernmental agreement; or
- b. The subdivider, within 5 days of Zoning Administrator action, appeals such action to the Plan Commission, or to Joint Extraterritorial Committee if in the extraterritorial area and if Committee review is provided by intergovernmental agreement.
- (2) For all other land divisions aside from Minor Land Divisions, the Zoning Administrator shall provide copies of the CSM and supplemental materials to the Public Works Director, Village Engineer, Village Planner, Village Attorney, and Fire Chief for comment and recommendation. Such recommendations shall be provided in a timeframe to allow consideration by the Plan Commission or Joint Extraterritorial Committee. The Zoning Administrator or designee shall provide required review bodies with his or her opinion on whether the CSM conforms to applicable Village ordinances and statutes, and shall provide a recommendation on approval of the CSM. The opinion and recommendation shall be part of the record of the proceedings at which the CSM is being considered.
- (d) **Village Plan Commission Action.** Except as provided under subsections (c)(1) or (e), the Plan Commission shall review the CSM for conformance with this Chapter and all other applicable ordinances and statutes, and shall take action in only one of the following two ways:
- (1) Within 60 days from the date of a complete application submittal, the Commission shall approve, conditionally approve, or reject any CSM that does not propose the dedication of any

public land or infrastructure to the Village; or

- (2) Within 45 days from the date of a complete application submittal, the Commission shall recommend Village Board approval, conditional approval, or rejection of any CSM that proposes the dedication of public lands or infrastructure to the Village. The Commission shall transmit such map along with its recommendations to the Village Board, including reasons for a recommended rejection or any conditions on a recommended approval.
- (e) **CSM Review Under Intergovernmental Agreements.** The Joint Extraterritorial Committee shall function in lieu of the Plan Commission under subsection (d) with respect to CSMs within the extraterritorial area, if, and to the extent, provided in an intergovernmental agreement between the Village and the Town of Prairie du Sac.
- (f) **Village Board Action.** For certified survey maps governed by subsection (d)(2), the Village Board shall within 60 days from the date of a complete submittal, approve, conditionally approve or reject the CSM. Village Board approval of the CSM may be conditioned upon the execution of the development agreement under Section 10-3-0903.
- (g) **Review Periods and Notice of Action.** The time periods within which action on a CSM is required under subsections (c) through (f) shall not commence until the Village has received a complete application. Such time periods may be extended by written agreement of the subdivider. If the approval authority designated under subsections (c) through (f) fails to act on such CSM within the indicated time period, the period of time has not been extended by agreement, and no unsatisfied objections have been filed within that period, the CSM shall be deemed approved. If the map is rejected or conditionally approved, the reasons for rejection or conditions of approval shall be stated in the minutes of the meeting, and a written statement shall be forwarded to the subdivider.
- (h) **Recordation of CSM.** The CSM shall be submitted for recording with the county Register of Deeds within 6 months from the date of the last approval and within 24 months from the date of the first approval, or the Village approval shall be deemed void. No CSM shall be submitted for recording until the Village Clerk has inscribed his or her certification of Village approval on the CSM. The Village Clerk shall cause the certificate inscribed upon the CSM attesting to such approval to be duly executed and the plat returned to the subdivider for recording, upon verification of the following:
  - (1) CSM approval under this Section.
  - (2) Satisfaction of all conditions imposed by that approval to the extent possible.
  - (3) Village Engineer approval of final engineering plans, if any.
  - (4) A development agreement under Section 10-3-0703 has been signed by the subdivider and Village, if such an agreement was required.
  - (5) Payment of all required fees under this Chapter and other chapters of the Municipal Code.
- (i) **Recordation of Other Documents.** All required deed restrictions, protective covenants, property owners' association organizational documents, and development agreement shall be recorded prior to, or concurrently with, the CSM.
- (j) **Copies of Recorded CSM and Other Documents.** Within one month of the CSM being recorded by the county Register of Deeds, the subdivider shall provide 2 hard copies of the CSM and a digital version of the plat referenced to the Sauk County Coordinate System in an AutoCAD compatible format, to the Zoning Administrator and Village Engineer. The subdivider shall also provide verification of recordation of the CSM and the other documents required under subsection (i) before the Village will issue building permits or zoning permits within the CSM area.

### **Section 10-3-0503: Coverage of CSM**

The CSM shall include all lots proposed for division by the subdivider, including all remainder parcels that are less than 35 acres in area.

**Section 10-3-0504: Required CSM Submittal Materials**

- (a) **Generally.** A complete CSM application shall include all the contents and materials described in this section. The Zoning Administrator may waive or modify one or more of the requirements in this section upon written request from the subdivider. The request shall state the reasons for the waiver or modification. The Zoning Administrator shall make a determination on the request against the exception and waiver criteria in Section 10-3-1202.
- (b) **Technical Requirements for CSM.** The CSM shall include all required contents under Chapter 236, Wis. Stats., and the following information:
- (1) All the certificates required by Section 236.21, Wis. Stats.; and certification that the CSM fully complies with all of the provisions of this Chapter.
  - (2) Location of existing property lines, buildings, drives, paths, streams and watercourses, dry runs, lakes, ponds, wetlands, floodplains (by type), shoreland zoning areas and setbacks, rock outcrops, environmental corridors per the Comprehensive Plan, and other similar significant features within the parcel being subdivided.
  - (3) Location, approximate dimensions, and proposed ownership of any sites to be reserved or dedicated for parks, playgrounds, drainageways, environmental corridors, or other public and/or permanent open space uses.
  - (4) Any unique building setback lines, buildable areas, “build-to” lines, or similar areas, not including those required by zoning.
  - (5) Vision clearance triangles per Section 10-1-0808(m) of the zoning ordinance.
  - (6) Proposed locations, restrictions, and landscape plans associated with highway access control, noise mitigation, and landscape buffer strips if required under this Chapter and the zoning ordinance, including but not limited to Section 10-1-0808.
  - (7) The outer edges of all woodlands and parts of woodlands proposed to be preserved within the CSM area, and the locations and specimens of all other mature trees not located within a woodland that are proposed to be preserved.
  - (8) If the CSM contains private road(s), the following note: “Notice of Possible Limitation of Public Services: This CSM contains private roads. As a result, certain public services including but not limited to road maintenance, snow plowing, and garbage collection may be limited.”
- (c) **Other Required Information.** The subdivider shall submit the following additional information with the CSM application:
- (1) The required CSM application fee as indicated in the Village’s Schedule of Fees.
  - (2) A signed agreement to reimburse the Village for consultant expenses in the review of the CSM.
  - (3) Any amendments to the initial submittal documents required under Article 2.
  - (4) Preliminary engineering plans meeting the requirements of Section 10-3-0304(c), if the CSM requires new or extended Village infrastructure or stormwater management improvements required under Title 10, Section 9 or the Village’s Erosion Control and Stormwater Management Requirements.
  - (5) Covenants addressing matters covered in Section 10-3-0304(d), if applicable.

- (6) Whenever a subdivider proposes that any common open space, storm water management facility, drainageway, private road or other required development component is to be privately managed by a property owners' association, legal instruments and rules for the proposed property owners' association.
- (7) Where required under Section 10-3-0201(a), a completed site assessment checklist on a form provided by the Village, meeting the requirements of Section 10-3-0203.
- (8) If within the Village, a subdivider's statement per Section 10-3-0205.
- (9) Where required, a woodland preservation plan pursuant to Section 10-1-0703 of the zoning ordinance and Section 10-3-0718 of this Chapter.
- (10) For residential land divisions adjacent to an arterial street, a plan to mitigate noise from such street. Such plan may involve landscaping, berms, fencing, and/or extra lot depths adjacent to the arterial street, and/or configuration of the division in such a manner to minimize noise impacts on residences.
- (11) Other information required by the Zoning Administrator, Plan Commission, or Joint Extraterritorial Committee that is reasonably related to a determination of compliance with the provisions of this Chapter or other applicable ordinance.

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**ARTICLE 6: DESIGN STANDARDS****Section 10-3-0601: Applicability**

The provisions of this Article apply to all subdivisions and land divisions as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable law. Where the application of this Article is limited by law in the extraterritorial area, streets shall meet or exceed town road improvement standards in Section 86.26, Wisconsin Statutes or Town of Prairie du Sac standards, except where the Village and Town have entered an intergovernmental agreement that requires that the provisions of this Article apply.

**Section 10-3-0602: Street Arrangement and Classification**

- (a) **Conformance with Village Plans and Ordinances.** In any new subdivision, land division, or condominium development, the layout of public streets, bikeways, and pedestrian paths shall substantially conform to the arrangement and location indicated on the official map and Comprehensive Plan, including neighborhood development plan components.
- (b) **General Arrangement Criteria.** 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, the topography, such natural features as streams and mature trees, the future land to be served by such streets, the most advantageous development of adjoining areas, and an overall objective of an interconnected public street network in the community.
- (c) **Determination of Street Functional Classification.** The functional classification of various types of streets within and adjacent to each subdivision, land division, or condominium development shall be determined by the Village Engineer based on following criteria:
- (1) Arterial streets shall be arranged to provide for through traffic and ready access to centers of employment, centers of governmental activity, shopping areas, major recreation areas, 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. Arterial streets include all county, state, and federal highways.
  - (2) Collector streets shall be arranged to provide ready collection of traffic from residential areas and conveyance of this traffic to arterial streets and highways. Collector streets shall also connect to special traffic generators such as schools, churches, and shopping centers and other concentrations of population.
  - (3) Subcollector streets shall be arranged to direct traffic from minor streets within a land division, subdivision, or condominium development to the arterial and collector street network. Subcollector streets shall also be designed to provide connectivity between adjoining subdivision or condominium developments and to neighborhood facilities such as parks and schools.
  - (4) Minor streets shall be arranged to conform to the topography, discourage use by through traffic, permit the design of efficient storm and sanitary sewerage systems, and require the minimum street area necessary to provide safe and convenient access to abutting property. Not every street within a subdivision, land division, or condominium development is necessarily a minor street. The designation of a street as a minor street does not imply that it should be a cul-de-sac or otherwise not extend beyond the boundaries of the subdivision.
  - (5) Alleys may be provided for off-street loading and service access. Dead-end alleys without a proper turn-around shall not be approved, and alleys shall not connect to an arterial street. Alleys may be provided in traditional neighborhood development districts to service garages and for

refuse collection. All alleys must be paved with asphalt or other hard surfacing.

**Section 10-3-0603: Street Extensions**

Proposed street rights-of-way shall extend to the boundary lines of the tract being subdivided or developed unless prevented by topography or other physical conditions or unless, in the opinion of the appropriate Village approval authority, such extension is not necessary or desirable for the coordination of the layout of the subdivision, land division, or condominium development or for the advantageous development of the adjacent tracts.

**Section 10-3-0604: Street Names**

- (a) **Procedure.** The subdivider shall propose names of all new and extended public streets on the face of the plat or certified survey map, with all street names subject to Village Board approval as part of the approval of a final plat or certified survey map.
- (b) **Standards.** Street names shall not duplicate or be similar to existing street names in the zip codes that encompass the Village of Prairie du Sac, the Village of Sauk City, and their extraterritorial areas. Streets that are or are planned to be continuations of others already in existence and named shall bear the name of the existing street, except where otherwise approved by the Village Board. The following matters shall be considered when naming any street:
- (1) All north-south streets between the Wisconsin River and Highway 12 shall be called “streets” and shall be numbered accordingly to a system available from the Village Engineer.
  - (2) Any notable geologic, geographic, cultural, biographical, historical, botanical, horticultural, scientific, or other factors or events associated with the area served by the street.
  - (3) The appropriateness of honoring or showing gratitude to a person, group or event deserving of recognition within the community or the greater Sauk Prairie area.

**Section 10-3-0605: Design Standards Adjacent to Arterial Streets, Collector Streets, Railroads**

- (a) **Access Control.** Subdivisions, land divisions, and condominium developments shall be designed in such a manner that there shall be no direct access to arterial streets from newly created residential lots and to otherwise meet access and visibility standards in Section 10-1-0808 of the zoning ordinance.
- (b) **Streets Parallel to Arterial Streets.** The subdivider may be required to provide marginal access or service streets including those that are approximately parallel to, and at a suitable distance from, arterial streets and railroads. Marginal access streets and service drives may be required to facilitate the free flow of traffic along arterial streets and highways, and to encourage the appropriate use of the land between same. Minor streets running generally parallel and immediately adjacent to arterial streets and railroads shall be avoided in residential zoning districts.
- (c) **Landscaped Buffer Strips.** Where proposed residential lots back upon the right-of-way of an existing or proposed arterial street, limited access highway, or railroad right-of-way, a landscape buffer strip of at least 25 feet in depth in addition to the normal depth of the lot required in the zoning district shall be provided adjacent to the arterial street, railroad right-of-way, or limited access highway. The treatment within this landscaped buffer strip shall be unified along the entire frontage in accordance with a landscape plan prepared by the subdivider and approved by the Village. The treatment should consider noise mitigation. This strip shall be a permanently reserved part of the platted lots and shall be designated with a note on the plat or CSM as follows: “NOTE: The \_\_\_ foot landscaped buffer strip is reserved for the planting of trees, shrubs, and other vegetation, with the associated property owner responsible for their ongoing maintenance and replacement. The placement of structures within this strip is prohibited, except if approved by the Village Board.”

**Section 10-3-0606: Street Dimensional Standards**

- (a) **Base Dimensional Standards.** The minimum right-of-way width, roadway width, sidewalk requirements, and parking requirements for proposed public streets are as specified in Figure 10-3-0606(1).
- (b) **Additional and Alternative Standards.**
- (1) If the Village's official map, Comprehensive Plan, or Safe Routes to Schools Plan provides for alternative requirements (such as different right-of-way width or an on-street bicycle lane), the Village Engineer may substitute the alternative requirements for those listed in the table below.
  - (2) Extension of existing streets that exceed the standards in Figure 10-3-0606(1) shall be developed to conform to the existing street dimension or taper to the dimensions noted in that figure, as determined by the Village Engineer.
  - (3) Cross-sections for freeways, expressways, parkways, and boulevard streets shall be based upon detailed engineering studies submitted with the subdivision plat.
  - (4) Where on-street bike lanes are required, the width of each bike lane shall not be less than 4 feet, not including the gutter section. Such width shall be in addition to the width required by Figure 10-3-0606(1). Placement of bike lanes shall be in accordance with the AASHTO Guide for the Development of Bicycle Facilities.
  - (5) Cul-de-sac streets designated to have one end permanently closed shall not be permitted within the Village. Within the extraterritorial area and where streets are temporarily ended at the edges of a plat, cul-de-sac streets shall not exceed 1,000 feet in length measured from the centerline of the intersecting street up to, but not including, the cul-de-sac bulb. Such cul-de-sac bulb shall be of a design approved by the Village Engineer.
  - (6) Roundabout intersections shall be designed in accordance with WisDOT's Facilities Development Manual (FDM) or the FHWA Guide (NCHRP Report 672), as determined by the Village Engineer.

Figure 10-3-0606(1): Minimum Public Street Design Requirements

Type of Street	Right-of-way width (feet) <sup>1</sup>	Street width, curb-face to curb face (feet) <sup>1</sup>	Sidewalks Required <sup>2</sup>	On-Street Parking Allowed? <sup>1</sup>
<b>Highway 12</b>	350	Determined by WisDOT	No	No
<b>Other Arterial Street</b>	80	42	Yes, both sides	No
<b>Collector Street</b>	70	38	Yes, both sides	Determined on a case-by-case basis
<b>Subcollector Street</b>	66	38	Yes, both sides	Yes, both sides
<b>Minor Street— 2 side parking</b>	60	32	Yes, at least one side <sup>4</sup>	Yes, both sides
<b>Minor Street— 1 side parking</b>	60	28	Yes, at least one side <sup>4</sup>	Yes, one side <sup>3</sup>
<b>Minor Street— No parking</b>	60	24	Yes, at least one side <sup>4</sup>	No
<b>Alley</b>	16½	16	No	No

## NOTES:

- <sup>1</sup> The Village may require extra right-of-way width, street width, and/or off-street parking (including perpendicular parking) where adjacent land uses are expected to generate significant on-street parking demand, such as schools, parks, and other public and institutional uses.
- <sup>2</sup> All sidewalks shall be concrete and five feet in width. The Village may substitute a single 10 foot wide asphalt multiuse path for a sidewalk on one or both sides of the street where consistent with Village plans, safe pedestrian access, and best practices for multiuse path placement. See Section 10-3-0611.
- <sup>3</sup> One-sided parking shall be located on the south and east sides of the street unless otherwise determined by the Village Engineer.
- <sup>4</sup> One-sided sidewalks shall be located on the north and west sides of streets unless otherwise determined by the Village Engineer.

**Section 10-3-0607: Street Grades**

Street grades shall be established to avoid excessive grading, the indiscriminate removal of ground cover and trees, and general leveling of the topography. All changes in street grades shall be connected by vertical curves of minimum length meeting AASHTO standards for vertical curve design. The minimum centerline grade of all new streets shall in no case be less than 0.5% and no less than 0.4% for reconstructed streets. Unless necessitated by exceptional topography subject to the approval of the Village Engineer, the maximum centerline grade of any street or public way shall not exceed the following:

- (a) **Arterial Streets.** 6%.
- (b) **Collector and Subcollector Streets.** 8%.
- (c) **Minor Streets and Alleys.** 10%.
- (d) **Pedestrian Ways.** 12%, except where steps of acceptable design are provided.
- (e) **Multiuse Paths.** 6%, except steeper grades may be allowed for shorter distances.

**Section 10-3-0608: Street Radii of Curvature**

When a continuous street centerline deflects at any one point by more than 10 degrees, a circular curve shall be introduced having a radius of curvature on said centerline of not less than 500 feet for arterial and collector streets, and 150 feet for subcollector and minor streets. A tangent of at least 100 feet in length shall be provided between reverse curves on arterial and collector streets.

**Section 10-3-0609: Half-Streets and Reserve Strips**

- (a) 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 half-streets shall be avoided unless determined necessary by the Village Board.
- (b) Reserve strips of privately held lands shall not be permitted on any land division or subdivision as a means of the land owner to control access onto a public street.

**Section 10-3-0610: Street Intersections**

- (a) Streets shall intersect each other at as nearly right angles as topography and other limiting factors of good design permit.
- (b) Number of streets converging at one intersection shall be reduced to a minimum; not more than 2 unless a safe intersection design is approved by the Village Engineer.
- (c) The distance between intersections along arterial streets, except for USH 12, shall not be less than 400 feet, as measured from centerline to centerline. The distance between intersections along USH 12 shall be at least 1,200 foot spacing or shall meet WisDOT requirements, whichever is greater.
- (d) Property lines at street intersections shall approximate a 90-degree angle unless an alternative treatment is considered acceptable by the Village Engineer, and shall be rounded with a minimum radius of 25 feet.
- (e) Minor and subcollector streets shall not necessarily continue across arterial or collector streets; but if the centerlines of such minor streets approach the arterial or collector street from opposite sides within 300 feet of each other as measured along the centerline of the arterial or collector street, then the location shall be so adjusted that the adjoinment across the arterial or collector street is continuous and a jog is avoided.

**Section 10-3-0611: Sidewalks, Walkways, and Multiuse Paths**

- (a) **Sidewalks and Walkways.** All sidewalks and mid-block walkways shall be at least 5 feet in width, constructed of concrete, located per Table 10-3-0606(1), and designed in accordance with design requirements available from the Village Engineer. All sidewalks shall be separated from the paved street surface by a minimum 6 foot wide grassed terrace. Sidewalks shall be located 6 inches to inside the right-of-way line unless an alternative location is approved by the Village Engineer.
- (b) **Multiuse Paths.** Multiuse paths shall be provided by the subdivider where recommended by the Comprehensive Plan or Safe Routes to Schools Plan, and per Section 10-3-0612. The substitution of a multiuse path for one or both sidewalks, where required in Table 10-3-0606(1), may be approved at the discretion of the Zoning Administrator and Village Engineer where it can be demonstrated that such provision will better meet the needs of residents and is consistent with the Village's Comprehensive Plan or Safe Routes to Schools Plan and best practices. All multiuse paths shall be designed in accordance with the AASHTO Guide for the Development of Bicycle Facilities, except where modified by the Village Engineer.
- (c) **Minimum Widths.** The minimum width of a right-of-way or easement for a multiuse path shall be 15 feet, with a minimum pavement width of 10 feet. The minimum width of a right-of-way or easement for a pedestrian-only walkway shall be 10 feet, with a minimum surface width of 5 feet.

**Section 10-3-0612: 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, and shall meet the following additional standards:

- (a) **Minimum and Maximum Block Length.** In residentially zoned areas, blocks shall not be less than 400 feet nor more than 1,200 feet in length, unless otherwise dictated by exceptional topography or other limiting factors of good design.
- (b) **Connections Across Long Blocks.** Mid-block multiuse paths or walkways may be required near the center and entirely across any block over 900 feet in length where deemed appropriate by the Village approval authority to provide adequate pedestrian circulation or access to parks, schools, shopping centers, churches or transportation facilities.
- (c) **Minimum Block Width.** Blocks shall have sufficient width to provide for 2 tiers of lots of appropriate depth, except where otherwise required to separate residential development from through traffic. Width of blocks zoned for non-residential use shall be adequate to provide for off-street service, parking, and other facilities required by the use and the zoning restrictions.

**Section 10-3-0613: Lots**

- (a) **Generally.** The size, shape, and orientation of lots or condominium building sites shall be appropriate for the location of the land division, subdivision, or condominium development and for the type and intensity of development and use contemplated in the Comprehensive Plan and zoning ordinance. The lots shall be designed to provide an aesthetically pleasing building site and a proper architectural setting for the buildings contemplated.
- (b) **Regular Lots.** Side lot lines shall be at or near right angles to straight street lines or radial to curved street lines on which the lots face. Lot lines shall follow municipal boundary lines and zoning district boundaries rather than cross them.
- (c) **Double Frontage Lots.** Double frontage and reverse frontage lots shall be prohibited, except where necessary to provide separation of residential development from through traffic or to overcome

specific disadvantages of topography and orientation.

- (d) **Frontage on Public Street.** Every lot or record shall front or abut for a distance of at least 40 feet a public street to which it may legally take access.
- (e) **Conformance with Zoning Dimensional Requirements.** Area and width of lots shall conform to zoning ordinance requirements. Whenever a tract is subdivided into large parcels, such parcels shall be arranged and dimensioned as to allow re-subdivisions of any such parcels into smaller lots.
- (f) **Lot Depth.** Lots shall have a minimum average depth of 100 feet. Excessive depth in relation to width shall be avoided and a proportion of 2 to 1 shall be considered a desirable ratio under normal conditions. Depth of lots reserved or laid out for commercial or industrial use shall be adequate to provide for off-street service and parking required by the use contemplated and zoning.
- (g) **Waterfront Lots.** Lands lying between the meander line and the water's edge and any otherwise unplattable lands which lie between a proposed land division, subdivision, or condominium development and the water's edge shall be included as part of lots, outlots or public dedications in any plat abutting a lake, river, or stream.
- (h) **Flag Lots.** Flag lots, as defined in Article 13, shall be prohibited within the Village limits, except where pre-existing lot or development patterns necessitates use of a flag lot. Flag lots shall be discouraged within the extraterritorial area.

#### **Section 10-3-0614: Utility and Drainage Easements**

- (a) **Utility Easements.** The appropriate approval authority may require utility easements of a minimum of 12 feet in width where necessary or advisable for electric power and communication wires and conduits; storm and sanitary sewers; and gas, water and other utility lines. Where side or rear lot lines within a land division, subdivision or condominium development abut one another, the subdivision or condominium development may provide easements of 6 feet in width on abutting lot lines to form the 12 foot minimum.
- (b) **Drainage Easements.** Where a land division, subdivision, or condominium development is traversed by a navigable waterway or drainageway, an adequate drainageway/stormwater conveyance easement or dedication shall be provided. The location, width, alignment and improvement of such easement or dedication shall be subject to the approval of the Village Engineer and per Title 10, Chapter 9. Access to navigable waterways and drainage easements shall be 20 feet wide and spaced a minimum of every ½ mile. See also Section 10-3-1108.

#### **Section 10-3-0615: Parks and Open Spaces**

See Article 9.

#### **Section 10-3-0616: Woodland and Mature Tree Preservation**

Where the area of a land division, subdivision, or condominium development encompasses one or more woodlands or mature trees, as defined in Section 10-1-0104 of the zoning ordinance, the woodland preservation area planning and potential mitigation requirements of Section 10-1-0703 of the zoning ordinance apply.

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**ARTICLE 7: REQUIRED IMPROVEMENTS****Section 10-3-0701: Applicability**

The provisions of this Article apply to all subdivisions and land divisions as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable law.

**Section 10-3-0702: Determination of Adequacy of Public Facilities and Services**

- (a) **Generally.** The appropriate Village approval authority shall not approve a certified survey map, preliminary plat, final plat, or condominium plat unless adequate public facilities and public services are available to meet the needs of the future inhabitants of the proposed land division, subdivision, or condominium development.
- (b) **Required Data from Subdivider.** With or following the submittal of any preliminary plat, condominium plat, final plat, or certified survey map, the subdivider shall furnish any data requested by the Village Engineer. The Village Engineer shall work with the Zoning Administrator to transmit this information to appropriate Village staff, commissions, committees, and boards for review. The Zoning Administrator shall act as coordinator for their reports to the appropriate Village approval authority on the adequacy of water, sanitary and storm sewers, fire service, police, parks and open space, recreation facilities, and transportation facilities. Failure to submit such data as requested may be grounds for denial of the preliminary plat, condominium plat, final plat, or certified survey map.
- (c) **Determination Criteria.** Public facilities and public services for a proposed land division, subdivision, or condominium development shall be found to be adequate by the Village when all of the following conditions exist:
- (1) Where the proposed land division, subdivision or condominium development is located within the Village or a future annexation area by intergovernmental agreement, and main line interceptor sewer service is presently available to the area or is designated for extension, and the subdivision or condominium development is proposed to connect with such sanitary sewer service. The appropriate Village approval authority shall also consider the recommendations of the Village Engineer or sewer utility on the capacity of trunk lines and of sewerage treatment facilities and any other information presented. All new lots within the Village must be connected to by public sanitary sewer service.
  - (2) Where the proposed land division, subdivision, or condominium development is not located within Village or a future annexation area by intergovernmental agreement, other acceptable means of sanitary waste disposal are provided which will protect the public health, safety and welfare.
  - (3) Where the proposed land division, subdivision, or condominium development is located within the Village or a future annexation area by intergovernmental agreement, and will be serviced by public water service with adequate capacity for the proposed land division, subdivision, or condominium development, or the water distribution system that is needed is under construction or scheduled for construction. The appropriate Village approval authority shall consider the recommendations of the Village Engineer or water utility on water line capacities, water sources and storage facilities and any other information presented. All new lots within the Village must be connected to by public water service.
  - (4) Where the proposed land division, subdivision, or condominium development is not located within the Village or a future annexation area by intergovernmental agreement, other acceptable means of water service are provided which adequately protect the public health, safety and

welfare.

- (5) The Village Engineer recommends to the appropriate Village approval authority that adequate facilities are available to insure proper storm water management, in accordance with Title 10, Chapter 9 of the Municipal Code and the Village's Erosion Control and Stormwater Management Requirements.
  - (6) The Zoning Administrator determines that future residents of the proposed land division, subdivision, or condominium development can be assured park, recreation and open space areas, facilities and services which meet the standards of the Comprehensive Plan.
  - (7) The police and fire departments verify that timely and adequate service can be provided to the future residents and buildings.
  - (8) The proposed land division, subdivision, or condominium development is accessible by existing publicly maintained, all weather roads that are adequate to accommodate both existing traffic and new traffic to be generated, or necessary additional roads and road improvements are proposed by the subdivider or otherwise budgeted for construction. The appropriate Village approval authority shall consider recommendations of other consenting agencies and jurisdictions, and such factors as levels of service, average peak use, and any other information presented.
- (d) **Partial Determination of Adequacy.** Where the appropriate Village approval authority determines that one or more public facilities or services are not adequate for the proposed land division, subdivision or condominium development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public services being adequate, conditional approval may include only such portions or may specify phasing of the development.

#### **Section 10-3-0703: Development Agreement**

- (a) **Generally.** After the approval of any final plat and (where applicable) certified survey map or condominium plat located within the Village, the subdivider shall install all public improvements as hereinafter provided. Before recording any final plat located within the Village or served by Village infrastructure (and of CSMs and condominium plats where new or extended Village infrastructure is included), the subdivider and the Village shall enter into a development agreement, which stipulates to the improvements required by the Village. Said agreement shall be in a form and content approved by the Village Administrator and shall bind the subdivider to comply with the requirements of this Chapter and any specification, plans or conditions imposed or approved pursuant thereto.
- (b) **Performance Guarantee.** The subdivider or condominium developer shall file with said development agreement, subject to the approval of the Village Attorney, a certificate of deposit, irrevocable letter of credit, or certified check in an amount equal to 110% of the cost of improvements required to serve the land division, subdivision, or condominium development, as estimated by the Village Engineer. The subdivider may construct the project in such phases as the Village Board approves. If the subdivider's project will be constructed in phases, the amount of any surety required shall be limited to the phase of the project that is currently being constructed and any remaining surety obligations from previous phases.
- (c) **Required Development Agreement Contents.** Each development agreement shall:
  - (1) Specify the public improvements required for the land division, subdivision, or condominium plat, and require their construction according to approved engineering plans and specifications.
  - (2) Provide that all required improvements shall be completed by the subdivider or condominium developer or his contractors not later than 18 months from the date of Village approval of the engineering plans and specifications for the land division, subdivision, or condominium development, unless otherwise specified in the development agreement. This shall include all

- required park, recreational, and multiuse path improvements.
- (3) Provide for guarantees by the subdivider of all public improvements for not less than one year following final acceptance by the Village, and an additional one year after each replacement of any guaranteed work.
  - (4) Provide adequate supervision and regulation of construction schedules and methods.
  - (5) Outline requirements for acceptance of public improvements by the Village.
  - (6) Require that contractors engaged in work on public improvements be adequately insured for liability, including workers' compensation liability.
  - (7) Assure that the subdivider and all contractors agree to indemnify the Village and its professional consultants for any liability arising out of the construction of public improvements.
  - (8) Provide for the payment of required fees and the dedication of required lands and improvements;
  - (9) Provide for the reimbursement of the Village for staff time, professional consultant's fees, and other costs incurred in connection with the development of the property.
  - (10) Provide for the surety to guarantee completion of the public improvements and the other obligations of the subdivider under the agreement or this Chapter.
  - (11) Require the subdivider to submit "as built" plans in a digital format specified by the Village Engineer following the completion and acceptance of all public improvements.
  - (12) Require the subdivider to control weeds and all growth of natural vegetation in a manner consistent with Village ordinances on each lot, outlot, or publicly dedicated parcel until such time as that land is transferred to another entity.
  - (13) Require that the subdivider be responsible for clearing all soil, vegetation, gravel, and similar construction site debris that is tracked onto public streets during the day on which such tracking occurs.
  - (14) Require the construction and maintenance of landscape buffer strip landscaping and arterial street noise mitigation measures as approved to meet any applicable requirements under this Chapter.
  - (15) Require the subdivider's compliance with all other Village ordinances, conditions of approval and other applicable regulation;
  - (16) Include such other provisions as deemed necessary or appropriate by the Village Administrator to carry out the intent of this chapter and other provisions of this Code applicable to the development.

#### **Section 10-3-0704: Required Public and Private Improvements**

- (a) **Generally.** To the extent applicable, each subdivider shall construct or provide for public and private infrastructure improvements to the specifications provided in this Section and available from the Village Engineer within land divisions, subdivisions, and condominium developments in the Village and, if and where provided by intergovernmental agreement with the Town of Prairie du Sac, in the extraterritorial area.
- (b) **Plans and Specifications.** The improvements listed in this Section shall be constructed in accordance with engineering plans prepared by the subdivider and approved by the Village Engineer. Such plans and the associated improvements shall comply with applicable ordinances and as specified by the Village Engineer. The Village Engineer shall reference the most recent editions and addenda of the following publications: State of Wisconsin Department of Transportation (WisDOT) Standard

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Specifications for Highway and Structure Construction, WisDOT approved version of the USDOT Federal Highway Administration Manual on Uniform Traffic Control Devices, Standard Specifications for Sewer and Water Construction in Wisconsin (prepared by the Public Works Industry Improvement Program), AASHTO Guide for the Development of Bicycle Facilities, the Village's Erosion Control and Stormwater Management Requirements, and other appropriate engineering publications when making specifications other than those in Village ordinance.

- (c) **Responsibility.** Except as indicated in this Section, the subdivider shall be responsible for all costs for installation of all public infrastructure necessary to serve the land division, subdivision, or condominium development, including the bringing of the such infrastructure from where it exists to the division in question as well as providing all infrastructure within the division.
- (d) **Required Improvements.**
- (1) **Survey Monuments.** The subdivider shall install survey monuments placed in accordance with the requirements of Section 236.15, Wis. Stats., and as the Village Engineer may require.
  - (2) **Public Sanitary Sewerage Service.** Where public sanitary sewer service is available in the determination of the Village Engineer, the subdivider shall construct sanitary sewers in such a manner as to make adequate sanitary sewerage service available to each lot within the land division, subdivision, or condominium development. The size, type, depth, minimum grade, and installation of all sanitary sewers shall be specified and consistent with design requirements available from the Village Engineer. Proposed sanitary sewer lines shall extend to the boundary lines of the tract being divided unless prevented by topography or other physical conditions or unless, in the opinion of the Village Engineer, such extension is not necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of sewer laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.
  - (3) **Private Sewage Treatment Systems.** Where public sanitary sewer service is not available in the determination of the Village Engineer, the subdivider shall make adequate private sewage treatment systems available to each lot within the land division, subdivision, or condominium development as specified or allowed in applicable ordinances, statutes, or regulations, including but not limited to Wis. Admin. Code SPS 383. Private sewage treatment on a centralized basis is encouraged. If, in the opinion of the Village Engineer, public sanitary sewer service becomes available within 5 years from the approval of the certified survey map, final plat, or condominium plat, the subdivider shall install sanitary sewer mains and laterals to the street lot line and shall cap all laterals.
  - (4) **Public Water Supply Service.** Where public water supply service is available in the determination of the Village Engineer, the subdivider shall construct water mains in such a manner as to make adequate water service available to each lot within the land division, subdivision, or condominium development. The size, type, depth, and installation of all water mains shall be specified and consistent with design requirements available from the Village Engineer. Proposed water supply mains 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 Engineer, such extension is not necessary or desirable for the coordination of the layout of the land division, subdivision, or condominium development or for the advantageous development of the adjacent tracts. The subdivider shall install and complete the installation of water service laterals to the street lot line prior to any street paving, curbing, or sidewalk construction.
  - (5) **Private Water Systems.** Where public sanitary sewer service is not available in the determination of the Village Engineer, the subdivider shall make provision for adequate private water systems

- as specified by the Village, state, county and/or town. If, in the opinion of the Village Engineer, public water service will become available within 5 years from the approval of the certified survey map, final plat, or condominium plat, the subdivider shall install water mains and laterals to the street lot line and shall cap all laterals.
- (6) Storm Water Management Facilities. The subdivider shall construct storm water management facilities in accordance with Title 10, Chapter 9 of the Municipal Code, and the Village's Erosion Control and Stormwater Management Requirements. Such facilities may include catch basins and inlets, storm sewers, road ditches, open channels, detention or retention facilities, and infiltration facilities.
  - (7) Other Utilities. The subdivider shall cause gas, electrical power, telephone, cable, and other telecommunications facilities to be installed in such a manner as to provide adequate service to each lot in the land division, subdivision, or condominium development. No such utilities shall be located on overhead poles, except where underground installation is impossible due to exceptional topography, vegetative conflicts, other physical barrier, or by Village Board approval.
  - (8) Street Grading. After the installation of temporary block corner monuments and the above improvements, the subdivider shall grade all streets proposed to be dedicated to the public, including the grading of roadbeds in the street rights-of-way to subgrade.
  - (9) Curb and Gutter. After the installation of the above improvements, the subdivider shall construct concrete curb and gutter at pavement edges in accordance with Village ordinance and design requirements available from the Village Engineer. This requirement may be waived at the discretion of the Village Engineer in areas designated for permanent rural use as reflected in the Comprehensive Plan and any Village-adopted storm water management plan. Wherever possible, provision shall be made at the time of construction for driveway access curb cuts. The breaking or cutting of curbs will only be allowed for driveway aprons.
  - (10) Street Surfacing. After installation of the above utilities, the subdivider shall install base course and surface all roadways in streets proposed to be dedicated to the widths prescribed by Section 10-3-0606 and in accordance with design requirements available from the Village Engineer. No breaking of new pavement for utility installation or otherwise will be allowed for a period of 5 years from initial placement, unless approved by the Public Works Director in an emergency situation.
  - (11) Sidewalks and Multiuse Paths. Concrete sidewalks and/or multiuse paths shall be constructed in accordance with the requirements of Section 10-3-0606 and design requirements available from the Village Engineer.
  - (12) Street Lights. The subdivider shall install street lights along all streets proposed to be dedicated to the public. Street light design and placement shall be compatible with the neighborhood, the type of development proposed, electric utility requirements, and Village maintenance costs. Such lights shall be placed at each street intersection, at each street curve greater than 45 degrees, and at such interior block locations as required by the Village Engineer.
  - (13) Street Signs; Regulatory Signs and Pavement Markings. The subdivider shall install at the intersection of all streets proposed to be dedicated a street name sign of a design specified by the Village. The subdivider shall also install regulatory signs and regulatory pavement markings, such as for traffic lanes, bicycle lanes, restricted parking areas, "road closed" signs/barriers, and crosswalks, as determined necessary by the Village Engineer. The subdivider may propose, and the Village may approve, group development signs (e.g., subdivision entrance signs) in accordance with Article 9 of the zoning ordinance.
  - (14) Street Trees. The subdivider shall install at least one street tree for every 50 lineal feet, or

fraction thereof, of frontage a property has on a public street right-of-way. Trees shall be located within the terrace area wherever possible, midway between the sidewalk and curb. Street trees shall be installed in accordance with Section 10-1-0701(c)(1) and Figure 10-1-0701(d) of the zoning ordinance, and placed so as to not conflict with utility installation or traffic visibility.

- (15) Driveways. Where driveways are to be provided, the subdivider shall install a hard surfaced driveway from all property lines to the pavement edge of adjacent streets and shall otherwise comply with the applicable requirements of the Village's Municipal Code and design requirements available from the Village Engineer. If concrete curb and gutter exists or is proposed, then all driveway aprons must be constructed of concrete.
- (16) Off-site Improvements. Where the extension of streets and/or utilities from off-site locations is necessary to serve the proposed land division, subdivision, or condominium development, the subdivider shall be required to install such necessary extensions, including providing for perpetual Village access to the extended facilities and obtaining easements, rights-of-ways, and permits necessary for the extended facilities.

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**ARTICLE 8: CONSTRUCTION****Section 10-3-0801: Applicability**

The provisions of this Article apply to all subdivisions and land divisions as defined in Article 13, except where limited by law within the extraterritorial area and elsewhere by this Chapter, other Village ordinances, and applicable law.

**Section 10-3-0802: Commencement**

Initial site preparation shall meet the applicable provisions of this Article and Title 10, Chapter 9 of the Municipal Code. Except for initial site preparation, no construction or installation of improvements shall commence in a proposed land division, subdivision, or condominium development until (a) the certified survey map, final plat, or condominium plat has been approved and recorded and (b) the Village Engineer has approved associated engineering plans and given written authorization.

**Section 10-3-0803: Relationship to Building Permits**

No Village building or zoning permit associated with a land division, subdivision, or condominium development shall be issued until the associated plat or certified survey map is recorded. No Village building permit within the Village shall be within a land division, subdivision, or condominium development before the construction and Village acceptance of curb and gutter, binder street pavement, and sidewalks, or other improvement if specified in the development agreement, unless otherwise approved by the Village Board.

**Section 10-3-0804: Engineering Plans**

The following engineering plans and accompanying construction specifications shall be provided in both hard copy and digital form to the Village Engineer before authorization of construction or installation of the associated improvements specified in Article 7. All engineering plans and construction specifications shall meet applicable sections of this Chapter, other chapters in the Municipal Code, and design requirements available from the Village Engineer.

- (a) Street plans and profiles showing existing and proposed grades, elevations and cross-sections of required improvements including pavement, curb and gutter, sidewalks, walkways, and multiuse paths.
- (b) Sanitary sewer plans and profiles showing the locations, grades, sizes, elevations, and materials of required facilities.
- (c) Public water system main plans and profiles showing the locations, sizes, elevations, and materials of required facilities.
- (d) Master grading plan for the subdivision.
- (e) Erosion and sedimentation control plans meeting the requirements of Title 10, Chapter 9 of the Municipal Code and the Village's Erosion Control and Stormwater Management Requirements.
- (f) Storm water management plans and profiles showing the locations, grades, sizes, cross sections, elevations, materials, and designs in accordance with Title 10, Chapter 9 of the Municipal Code and the Village's Erosion Control and Stormwater Management Requirements.
- (g) Street lighting plans showing all proposed locations, types, designs, and specifications.
- (h) Sign plan for street name signs, regulatory signs and markings, and group development signs if any.
- (i) Plans showing the locations, size, and species of street trees, and landscaping, berming, or other

facilities within any required landscaped buffer strip or noise mitigation area or approach.

- (j) Where required under this Chapter and Section 10-1-0703 of the zoning ordinance, a woodland or mature tree preservation or mitigation plan.
- (k) A master plan for the development of any public parks, open spaces, or recreational areas within the division, including playground equipment, utility connections, and other facilities appropriate to the type, purpose, and location of such public lands.
- (l) Additional special plans or information as required under this Chapter.

**Section 10-3-0805: Inspection**

The subdivider, prior to commencing any work within the land division, subdivision, or condominium development, shall make arrangements with the Village Engineer to provide for inspection. At the subdivider's expense, the Village Engineer shall inspect and approve all completed work prior to release of the performance guarantees specified in Section 10-3-0703 and the associated development agreement.

**Section 10-3-0806: Submittal of Record Drawings**

Following construction and acceptance of all public improvements, the subdivider or condominium developer shall submit to the Village Engineer record drawings showing all public improvements for the plat as built, in a digital format specified by the Village Engineer. Failure to provide such drawings shall be grounds for the Village to cease issuance of building and zoning permits within the area of the division.

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**ARTICLE 9: PARKS AND RECREATION****Section 10-3-0901: General Provisions**

- (a) **Purpose.** The purpose of this Section is to ensure that adequate parks and other recreational sites are properly sized, located, preserved, and improved. This Section has also been established to ensure that the cost of providing the park and recreation sites and facilities necessary to serve the additional people brought into the community by land division and subdivision may be equitably apportioned on the basis of additional needs created by such divisions.
- (b) **Applicability.** This Section shall apply to all lands divided for new residential dwelling units within the Village. Within the extraterritorial area, if public park and recreation site dedication is not required for residential divisions by another jurisdiction with authority, proposed public parks and recreation sites shall be reserved for acquisition by the Town, county, or Village at undeveloped land costs for a period not exceeding 5 years, unless extended by mutual agreement between the subdivider and the local government(s) with potential interest in acquiring the land. The amount of land to be reserved shall be based on the park dedication area requirement in Section 10-3-0902.
- (c) **Parks Dedication and Fees, Generally.** The need and location of park and recreation sites to be dedicated shall be determined by the appropriate Village approval authority, following a recommendation from the Village Board's Parks Committee if the division is a plat in the Village. Where such authority determines that park and recreation site dedication is not compatible with the Comprehensive Plan or official map, or for other reasons is not advised by the Village, the subdivider shall, in lieu thereof, pay a fee to the Village to meet this requirement in whole or on a pro-rata basis. Where park and recreation site dedication is required, the subdivider shall be responsible for improving the park and recreation site under the terms of Section 10-3-0903. Where park and recreational site dedication is not required, the subdivider shall be responsible for paying a fee to improve other public park and recreational lands that will benefit the future residents of the division, in addition to a fee in lieu of park and recreational site dedication.

**Section 10-3-0902: Park and Recreational Site Dedication**

- (a) **Park Dedication Ratio.** Where the dedication of park and recreation sites is required under this Article, the normal amount of park and recreation site dedication shall be 1,300 square feet for each single family unit, 1,100 square feet for each duplex unit, and 1,000 square feet for each multifamily unit. If no particular number or type of dwelling units is proposed, the dedication requirement shall be based on the number of dwelling units permitted by right under the proposed land division, subdivision, or condominium development and the zoning in effect at the time of preliminary plat, certified survey map, or condominium plat submittal.
- (b) **Relationship to Comprehensive Plan and Official Map.** Whenever a public park or recreation site proposed in the Comprehensive Plan or official map is embraced, in whole or in part, in a tract of land to be divided, that proposed public park or recreation site shall be dedicated and credited toward the requirements of subsection (a). Where a public park and recreation site as shown on the Comprehensive Plan or official map within the tract are greater in area than required by dedication under subsection (a), the Village Board may require that the subdivider reserve for acquisition by the Village, through agreement, purchase, or condemnation, the remaining greater park area for a period of 2 years of final plat, certified survey map, or condominium plat approval unless extended by mutual agreement. Such reserved lands shall be kept in one or more outlots to be held by the subdivider. Over that period, the Village shall have the ability to negotiate the purchase of said land at undeveloped land prices.
- (c) **Other Locational Criteria.** The dedicated site shall be located so as to serve the recreation and open

space needs of the division or condominium development from which the dedication was made. Consideration shall be given in the location of such sites to the preservation of scenic and historic sites, ridge tops, stands of fine trees, marshes, rivers, streams, ponds, prairies, and ravines. All lands proposed to be dedicated for park purposes shall be demonstrated to present no environmental hazard, and that they will not require environmental mitigation or remediation measures, through a phase one environmental assessment provided by the subdivider.

- (d) **Minimum Park Area.** Each public park shall be a minimum of 2 acres, unless otherwise approved by the Village Board. Where the amount of land to be dedicated is less than 2 acres, the Village Board may require that the public park be located at the edge of the proposed division so that additional land may be added when the adjacent land is divided.
- (e) **Access.** Public access to all park and recreation sites shall be provided by street frontage of sufficient width to assure safe, convenient access to the dedicated land, with a minimum public street frontage of no less than 15% of the perimeter of the park. In unique situations, the Village approval authority may permit access via public easement to the dedicated site. The easement shall be sufficiently wide so that maintenance equipment will have convenient access to the site
- (f) **Usability.** The dedicated land shall be usable for recreation, as determined by the appropriate Village approval authority. Lands dedicated for storm water management shall not be credited towards the park and recreation site dedication requirement. Wetlands or sloped areas may be considered usable for recreational purposes at the discretion of the approval authority. The shape of the dedicated parcel of land shall be sufficiently square or round to be usable for recreational activities planned for the area or the type of park intended.

#### **Section 10-3-0903: Improvement of Dedicated Park and Recreational Sites**

- (a) **Generally.** Where a public park or recreational site is included within a plat or certified survey map, it shall be the responsibility of the subdivider to improve the park or recreational site in accordance with this Section, specifications approved by the Village Board (such as within the Comprehensive Plan), and a park master plan prepared by the Subdivider and approved by the Zoning Administrator.
- (b) **Improvement Standards.** When public park and recreation lands are dedicated to the Village, prior to final Village acceptance of such lands, the subdivider is required to:
  - (1) Properly grade and contour for proper drainage.
  - (2) Provide surface contour suitable for anticipated use of area.
  - (3) Cover areas to be seeded with a minimum of 6 inches of quality topsoil, seed as specified by the Village Engineer, fertilize with 16-6-6 at a rate of 7 pounds per one 1,000 square feet, and mulched, as specified in the standard "Specifications for Road and Bridge Construction Section 627 and 629." The topsoil furnished for the park or recreational site shall consist of the natural loam, sandy loam, silt loam, silty clay loam, or clay loam humus-bearing soils adapted to the sustenance of plant life, and such topsoil shall be neither excessively acid nor excessively alkaline. Fine grading and seeding must occur within one year following execution of the Development Agreement, unless otherwise authorized by the Village Board. The improved area shall not be deemed officially accepted until a uniform groundcover to a minimum 2 inch height has been established.
  - (4) For natural areas include within a dedicated park or recreational site, restore the land to a natural state to the extent practicable and necessary.
  - (5) For each neighborhood park, provide a standard residential water service unless located directly adjacent to a fire hydrant and provide a standard residential sewer service. For each community park, provide a minimum 6 inch water service or at least 1 fire hydrant, and at least one 4 inch

sanitary sewer lateral, all located at the street property line.

- (6) For each park, install playground equipment and other park improvements in accordance with a park master plan prepared by the subdivider and approved by the Village Board's Parks Committee.
  - (7) In cases where private lots adjoin the public park and recreational site, grade, sign, and/or landscape the area along such property lines to clearly demarcate the borders between private lots and the public site.
- (c) **Maintenance.** The subdivider shall maintain the park or recreational site until the Village accepts its dedication, which shall include all watering, mowing, and other maintenance to maintain a neat, clean, and living appearance. It shall be the responsibility of the Village to maintain the dedicated areas upon their dedication and acceptance by the Village.
- (d) **Failure to Complete.** If the subdivider fails to satisfy the requirements of this Section in a timeframe specified by the development agreement, the Village Board may contract said completion and bill such costs to the subdivider, following a public hearing and written notice to the subdivider of noncompliance. Failure to pay such costs may result in the immediate withholding of building permits within the division until such costs are paid.

#### **Section 10-3-0904: Park and Recreation Fees**

Where the appropriate Village approval authority determines that money in lieu of dedication of a park and recreational site is to be paid, in whole or in part, the subdivider shall pay a fee in lieu of parkland dedication and improvement per the fee schedule approved by the Village Board and Section 10-1-1319 of the zoning ordinance, and that zoning ordinance section shall govern.

#### **Section 10-3-0905: Potential Credit for Private Open Space and Improvements**

- (a) **Private Open Space Provision.** Where the appropriate Village approval authority agrees that private open space for park and recreation purposes is to be provided in a proposed land division, subdivision, or condominium development, following a recommendation from the Village Board's Parks Committee, and such space is to be privately owned and maintained as recreational space by the future residents of the division or development, such areas shall be credited against the requirement of public land dedication for park and recreation purposes or the payment of fees in lieu thereof.
- (b) **Private Open Space Improvement.** Where the appropriate Village approval authority agrees that private open space can be used to satisfy all or part of the Village's park land dedication requirements, and the subdivider agrees to install improvements such as play equipment or athletic facilities within the private open space, the value of such improvements may be credited toward the requirement for park improvement fees.
- (c) **Standards for Credit for Private Open Space and Improvements Thereto.** The appropriate Village approval authority must find that the following standards are met before providing credits under subsections (a) and (b).
  - (1) It is in the public interest to accept private open space instead of a public park and recreation site.
  - (2) Yards, setbacks, and other open areas required to be maintained by zoning regulations shall not be included in the computation of such private open space.
  - (3) The private ownership and maintenance of the open space must be adequately provided for by written and recorded agreement.
  - (4) The use of the private open space must be restricted for park and recreational purposes by recorded covenants that run in favor of the future owners of property within the tract and the

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Village and that cannot be eliminated without the consent of the Village Board.

- (5) The private open space shall be designed and improved for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access, and location of the private open space land.

**Section 10-3-0906: Access to Waterways**

- (a) **Statutory Requirement.** A land division, subdivision, or condominium development abutting a navigable waterway shall, in accordance with the provisions of Section 236.16(3), Wis. Stats., provide access at least 60 feet wide to the low water mark so that there will be public access, connected to public roads, at ½ mile intervals as measured along the lake or stream shore, except where greater intervals or different access is agreed upon by the state of Wisconsin, and excluding shore areas where public parks or open space, streets, or roads on either side of a stream are provided.
- (b) **Other Access to Navigable Waterways.** The Village may require a public access easement along all navigable waterways. Where natural waterways traverse the land division, subdivision, or condominium development containing sufficient waterway area to contain the design discharge and where such natural waterways are endowed with significant natural beauty and have proven themselves reasonably stable, the land divider, subdivider, or condominium developer shall leave such channels in their natural state and shall dedicate, or provide public access easements along, such waterways, together with a sufficient access, along the periphery of the swale as a separate parcel or parcels, unless otherwise allowed by the Village. Such dedication shall not be credited against the parkland dedication requirements specified in this Article.

**ARTICLE 10: FEES**

**Section 10-3-1001: Fees for Procedures Requested by the Village or Town of Prairie du Sac**

There shall be no fees for applications filed in the public interest by the Village Board, Plan Commission, Joint Extraterritorial Committee, or other agency or official of the Village or Town of Prairie du Sac.

**Section 10-3-1002: Fees for Procedures Requested by Any Other Party**

The fees for the applications, procedures, and permits established by this Chapter shall be established by resolution of the Village Board of the Village of Prairie du Sac.

**Section 10-3-1003: Payment of Fees for Procedures Requested by Any Other Party**

Except for reimbursable costs described below and as otherwise proscribed under this Chapter or by Development Agreement, fees shall be payable at the time applications are filed with the Village (per the requirements of this Chapter). Reapplication fees may be required. Fees are not refundable.

**Section 10-3-1004: Reimbursable Costs**

The Village Planner, Village Engineer, Public Works Director, Village Attorney, and other Village staff and consultants, may expend time in the investigation, inspection, observation, and processing of procedures or documents required by this Chapter. In addition to Village staff involvement, the Village may retain the services of other professional consultants including, but not limited to landscape architects, architects, environmental specialists, and recreation specialists, in such matters. Any person, firm, or corporation requesting action by the Village on matters under this Chapter shall be required to reimburse the Village for such consultant and staff time at the cost to the Village charged by any professional consultant retained by the Village on any such matter.

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**ARTICLE 11: VIOLATIONS AND PENALTIES****Section 10-3-1101: Violations**

It shall be unlawful to divide or develop land anywhere within the Village or its extraterritorial area in violation of this Chapter. In case of any violation, the Village Board, the Plan Commission or Joint Extraterritorial Committee, Zoning Administrator, or any person who would be specifically damaged by such violation may institute appropriate action or proceeding to enjoin a violation of this Chapter.

**Section 10-3-1102: Penalties**

- (a) **By Village.** Any person, firm or corporation who fails to comply with the provisions of this Chapter shall upon conviction thereof, forfeit not less than \$100.00 nor more than \$500.00 as stated in the Schedule of Fees and costs of prosecution for each violation and in default of payment of such forfeiture and costs shall be imprisoned in the County Jail until payment thereof, but not exceeding 30 days. Each day a violation exists or continues shall constitute a separate offense.
- (b) **Under Statutes.** Recordation improperly made has penalties provided in Section 236.30, Wis. Stats. Conveyance of lots in unrecorded plats has penalties provided in Section 236.31, Wis. Stats. Monuments disturbed or not placed have penalties as provided for in Section 236.32, Wis. Stats. An assessor's plat under Section 70.27, Wis. Stats. may be ordered by the Village at the expense of the subdivider when a subdivision is created by successive divisions.

**Section 10-3-1103: Matters Concerning Violations**

In addition to any other penalty imposed by this Article for a violation of the provisions of this Chapter, the Village reserves and maintains the continued right to abate violations of this Chapter, as follows:

- (a) **Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation poses a great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall cause the violation to be abated. Costs associated with said abatement shall be charged to the owner of the property on which said violation has occurred. The Zoning Administrator is hereby authorized to abate a violation of this Chapter.
- (b) **Non-Hazardous Condition Caused by Violation of this Chapter.** If the Zoning Administrator determines that a violation of this Chapter exists, and further determines that the nature of such violation is not such as to pose great and immediate danger to the public health, safety, peace, morals or decency, the Zoning Administrator shall serve written notice by registered mail on the current property owner (as indicated by tax records) on which said violation is occurring to remove said violation within 10 working days. If such violation is not removed within 10 working days, the Zoning Administrator shall cause the violation to be abated per subsection (a) above. Costs associated with said abatement shall be charged to the owner of property on which said violation has occurred.
- (c) **Cost of Abatement.** In addition to any other penalty imposed by this Article for a violation of this Chapter, the cost of abating a violation of this Chapter shall be collected as a debt from the owner of the property on which said violation has occurred. An account of the expenses incurred by the Village to abate the violation shall be kept and such expenses shall be charged to and paid by the property owner. Notice of the bill for abatement of the violation shall be mailed to the last known address of said property owner by registered mail, and shall be payable within 30 days from the receipt thereof. Within 60 days after such costs and expenses are incurred and remain unpaid, the Village Clerk shall enter such charges onto the tax roll as a special tax as provided by Section 66.615(5), Wis. Stats.

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## ARTICLE 12: EXCEPTIONS AND WAIVERS

### **Section 10-3-1201: Generally**

Where the appropriate Village approval authority finds that extraordinary hardships or practical difficulties may result from strict compliance with these regulations, and/or that the purposes of these regulations may be served to a greater extent by an alternative proposal such as a traditional neighborhood development or planned unit development, it may approve exceptions and waivers to the regulations in this Chapter so that substantial justice may be done and the public interest secured. Other Articles provide administrative officers the ability to grant exceptions and waivers in specified circumstances.

### **Section 10-3-1202: Criteria and Conditions for Exception or Waiver**

- (a) **Criteria.** No exception or waiver shall have the effect of nullifying the intent and purpose of this Chapter. Exceptions or waivers may be granted only where findings are made based upon the evidence presented in each specific case that all of the following criteria are met:
- (1) The granting of the exception or waiver will not be detrimental to the public safety, health, or welfare or injurious to other property.
  - (2) The conditions upon which the request is based are unique to the property for which the relief is sought and are not applicable generally to other property, except as allowed through a planned unit development or a traditional neighborhood development under the zoning ordinance.
  - (3) Because of the particular physical surroundings, shape, or topographical conditions of the specific property involved, a particular hardship to the owner would result, as distinguished from a mere inconvenience, if the strict letter of these regulations is carried out, except as allowed through a planned unit development or a traditional neighborhood development under the zoning ordinance.
  - (4) The relief sought will not in any manner vary the provisions of the Comprehensive Plan, zoning ordinance, official map, or other ordinances, except that those documents may be amended in the manner prescribed by law.
  - (5) The purpose of the exception or waiver is not based exclusively on a financial consideration.
- (b) **Conditions.** In approving exceptions or waivers, the appropriate Village approval authority may require such conditions as will in its judgment secure substantially the criteria in subsection (a) and the purpose of this Chapter.

### **Section 10-3-1203: Procedure**

A request for an exception or waiver shall be submitted in writing by the subdivider before or when the preliminary plat, final plat, certified survey map, or condominium plat is filed. The request shall state fully the grounds for the exception or waiver and all of the facts relied upon by the applicant. Exceptions or waivers to provisions of this Chapter that require approval of the designated Village approval authority shall require a  $\frac{3}{4}$  majority vote of the entire membership of such approval authority, except that a simple majority of those in attendance shall be required for exceptions or waivers associated with a planned unit development or traditional neighborhood development project.

## ARTICLE 13: DEFINITIONS

### Section 10-3-1301: Introduction to Word Usage, Abbreviations and Definitions

The purpose of this Article is to define words, terms and phrases contained in this Chapter which are essential to the understanding, administration and enforcement of this Chapter, and which may not be part of common English usage.

### Section 10-3-1302: Word Usage

The interpretation of this Chapter shall abide by the provisions and rules of this Section, except where the context clearly requires otherwise, or where the result would clearly be inconsistent with the apparent intent of this Chapter.

- (a) Words used or defined in one tense or form shall include other tenses and derivative forms.
- (b) Words in the singular number shall include the plural number, and words in the plural number shall include the single number.
- (c) The masculine gender shall include the feminine, and vice versa.
- (d) The words “shall,” “must,” and “will” are mandatory.
- (e) The words “may,” “can,” and “might” are permissive.
- (f) The word “person” includes individuals, firms, corporations, partnerships, associations, trusts, and any other legal entity.
- (g) The word “Village” shall mean the Village of Prairie du Sac, Wisconsin.
- (h) The word “County” shall mean the County of Sauk, Wisconsin, except where its context clearly requires otherwise.
- (i) The word “State” shall mean the State of Wisconsin.
- (j) The word “Plan Commission” shall mean the Village of Prairie du Sac Plan Commission.
- (k) The words “Joint Extraterritorial Committee” shall refer to the Joint Extraterritorial Committee as created under Section 62.23(7a), Wis. Stats.
- (l) The words “Board of Trustees” and “Village Board” shall refer to the Village of Prairie du Sac Board of Trustees.

### Section 10-3-1304: Definitions

The following words, terms and phrases, wherever they occur in this Chapter, shall have the meanings ascribed to them by this Section.

**Access:** A means of providing vehicular or non-vehicular egress from or ingress to a property, highway, or private roadway.

**Access, Direct:** A condition of immediate physical connection resulting from a highway, alley, or private road abutting a property.

**Acre:** 43,560 square feet.

**Alley:** A public or private right-of-way usually of reduced width as compared to a street, primarily intended to provide a secondary means of access to the side or rear of an abutting property fronting upon another street right-of-way and not for the use of through traffic.

**Appropriate Village Approval Authority:** For the purposes of this Chapter, the Village Plan Commission, Extraterritorial Zoning Committee, Village Board, or Zoning Administrator, whichever body is granted authority under this Chapter to approve a preliminary plat, final plat, certified survey map, or condominium plat, or an exception or waiver thereto.

**Block:** A tract of land bounded by streets, or by a combination of streets and public parks, cemeteries, railroad rights-of-way, shore-lines of waterways, or municipal boundary lines

**Building Setback Line:** A line parallel to a lot line and at a distance from the lot line to comply with the Village zoning ordinance's yard requirements.

**Certified Survey Map (CSM):** A map intended for the division of not more than four lots, as further defined in Chapter 236 of Wisconsin Statutes.

**Community:** A town, municipality, or a group of adjacent towns and/or municipalities having common social, economic or physical interests.

**Comprehensive Plan:** The adopted Comprehensive Plan of the Village of Prairie du Sac, as may be from time to time amended.

**Condominium Development or Condominium:** A real estate development that is legally created as a condominium form of ownership, regardless of land use, pursuant to Chapter 703, Wis. Stats.

**Covenants:** A contract entered between private parties, or between private parties and public bodies, which constitutes a restriction on the use of real estate for the benefit of one or more parties. Also occasionally referred to as "protective covenants," "articles of covenant," or "deed restrictions."

**Cul-de-sac:** A street having one end open to through traffic via another intersecting street and the other end permanently terminated for motor vehicle traffic via a turn around, such as a bulb.

**Density:** A term used to describe the number of dwelling units per acre.

**Developer:** The legal or beneficial owner(s) of a lot or parcel of any land proposed for inclusion in a development, including an option or contract purchaser. For the purposes of this Chapter, the terms "Developer" and "Subdivider" are synonymous.

**Development:** The division of a parcel of land into two or more lots; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any buildings; any use or change in use of any buildings or land; any extension of any use of land; or any clearing, grading, or other movement of land, for which permission may be required pursuant to this Chapter.

**Development Agreement:** A contract for public improvements negotiated between the subdivider and the Village under this Chapter.

**Division:** The separation of a lot, tract or parcel of land into 2 or more lots, tracts, parcels or other divisions of land for sale, development or lease.

**Driveway:** An area defined by gravel, limestone, or paving located wholly within the boundaries of privately held property and intended as an access from the public right-of-way to an allowed parking space or area. It does not include parking spaces or areas, or turnarounds.

**Dwelling Unit:** A room, or group of rooms, providing or intended to provide permanent living quarters for not more than one family.

**Easement:** Written authorization, recorded in the Register of Deeds' office, from a landowner authorizing another party to use or access a designated part of the land owner's property for a specified purpose.

**Extraterritorial Area:** The area outside of the Village of Prairie du Sac municipal limits within the Town of Prairie du Sac, within which the Village of Prairie du Sac exercise extraterritorial zoning and land division and subdivision review powers under Wisconsin Statutes, the Zoning Ordinance, and this Chapter.

**Family:** An individual or two or more persons, each related by blood, marriage, adoption or guardianship, living together as a single housekeeping unit; or a group of not more than four persons not so related,

maintaining a common household in which bathrooms, kitchen facilities, and living quarters are shared.

**Final Plat:** A map for a proposed subdivision of 5 or more lots presented for Village approval, and, if approved and associated conditions satisfied, will be submitted to the County Register of Deeds for recording.

**Flag lot:** A lot with its widest point set back from the road, and having a thin, long strip (“flagpole”) of land connected to the road to provide legal access and frontage.

**Frontage:** The length of the front property line of the lot, lots, or tract of land abutting a public street, road, highway, or rural right-of-way.

**Intergovernmental Agreement:** An agreement between Wisconsin units of government under Wisconsin Statutes, covering various land use, planning, jurisdictional, municipal boundary, administrative, and related issues of concern.

**Land Division:** A single division of land either platted or unplatted by the owner or subdivider resulting in the creation of not more than 4 parcels or building sites, each less than 35 acres in size. Where successive divisions result in the creation of 5 or more parcels over a period of 5 years, and where at least 5 of such lots are less than 35 acres, the latest act of division shall be defined as a major subdivision. Land divisions are created through the recording of a certified survey map.

**Lot of Record:** A platted lot or lot described in a certified survey map or in a metes and bounds description which has been approved by the appropriate authorities and has been recorded in the office of the County Register of Deeds.

**Lot, Corner:** A lot situated at the junction of and abutting on two or more intersecting streets, or a lot at the point of deflection in alignment of a continuous street, the interior angle of which does not exceed 135 degrees. Not a “through lot.”

**Lot Depth:** The average distance between the front lot line and the rear lot line of a lot.

**Lot Line:** The property line (including the vertical plane established by the line and the ground) bounding a lot, except that where any portion of a lot extends into the public right-of-way or a proposed public right-of-way, the line of such public right-of-way shall be the lot line for applying this Chapter.

**Lot Line, Front:** A lot line which abuts a public or private street right-of-way. In the case of a lot which has two or more street frontages, the lot line along the street from which the house is addressed shall be the front lot line.

**Lot Line, Rear:** In the case of rectangular or most trapezoidal shaped lots, that lot line which is parallel to and most distant from the front lot line of the lot. In the case of an irregular, triangular, or gore-shaped lot, a line 20 feet in length, entirely within the lot, parallel to and at the maximum possible distance from the front line shall be considered to be the rear lot line. In the case of lots which have frontage on more than one road or street, the rear lot line shall be selected by the property owner.

**Lot, Through:** A lot having a pair of opposite lot lines abutting two substantially parallel streets (one or more of which may be a portion of a cul-de-sac) and which is not a corner lot.

**Lot Width:** The maximum horizontal distance between the side lot lines of a lot, measured at a location on the lot that is (a) parallel to the front lot line and (b) at the minimum required front yard. Such minimum required front yard shall be per this Chapter for the associated zoning district, or further towards the rear lot line if so delineated on an approved subdivision plat or certified survey map.

**Mature Tree:** A tree that is native to the region and non-invasive as determined by the Wisconsin Department of Natural Resources, and is 12 inches or greater in diameter at a height of four feet above grade. However, no tree specifically planted for commercial purposes shall be defined as a mature tree for purposes of this Chapter.

**Minor Land Division:** A land division proposed to be completed by certified survey map and prepared for one of the following purposes, as determined by the Zoning Administrator:

a. The certified survey map will adjust one or more a common property lines between lots, outlots, legal

parcels, or other mortgage descriptions where no new lots are created and where all dimensional, setback, lot area, and other requirements of this Chapter and the zoning ordinance would be met;

- b. The certified survey map will combine one or more lots, outlots, legal parcels, or other mortgage descriptions in a manner that does not conflict with the intent of the original land division approval or conditions thereto, if known; or
- c. The certified survey map will split an existing lot developed with a two-family residential building, or proposed for development with a two-family residential building, for the purpose of a zero lot line structure, if permitted in the associated zoning district.

**Municipality:** For the purposes of this Chapter, any village or town government.

**Outlot:** A parcel of land, other than a lot, so designated on a subdivision plat or certified survey map, which is not intended for building development in the land division without further alteration or combination, except for buildings related to public utility, stormwater, or recreation services.

**Parcel:** Contiguous lands under the control of one owner, whether or not separated by any combination of streets, exterior subdivision boundary lines, or navigable waters.

**Planned Unit Development (PUD):** A designed grouping of varied and compatible land uses, such as housing, recreation, commercial, and industrial uses, all within one contained development or subdivision. As further described and defined in Article 10 of the zoning ordinance.

**Plat:** A map on which a developer's map for a subdivision or condominium development is presented to the Village for approval.

**Preliminary Plat:** A map showing the salient features of a proposed subdivision submitted for Village approval, and submitted in advance of a final plat.

**Private Sewage Treatment System:** A sewage treatment and disposal system serving a single structure with a septic tank and soil absorption field located on the same lot as the structure. This term also means an alternative sewage system approved by the State including a substitute for the septic tank or soil absorption field, a holding tank, a system serving more than one structure, or a system located on a different lot than the structure.

**Public Improvement:** Any improvement, facility, or service, together with customary improvements and appurtenances thereto, necessary to provide for public needs such as: streets, roads, alleys or pedestrian walks or paths, storm sewers, flood control improvements, water supply and distribution facilities, sanitary sewage disposal and treatment, public utility and energy services.

**Public Lands:** For the purposes of this Chapter, publicly owned and maintained properties that include, but are not limited to, street rights-of-way, public parks, and other publicly-owned open space.

**Public Way:** Any public road, street, highway, walkway, drainage-way, or part thereof.

**Replat:** The changing of the boundaries of a recorded subdivision plat or part thereof.

**Right-of-Way:** A public way dedicated or deeded to the Village or other public entity for its intended use, including but not limited to a public street.

**Setback:** The shortest distance between a building's or structure's exterior and the nearest point on the referenced lot line.

**Street:** Any public or private way that is dedicated or otherwise permanently open to pedestrian, vehicular, and utility use, except where specifically restricted for one or more of those uses.

**Street Tree:** A deciduous or evergreen tree planted within the terraces or median of a public right-of-way. See Section 10-1-0701 of zoning ordinance.

**Subdivider:** Any person, firm or corporation, or any agent thereof, dividing or proposing to divide land resulting in a land division, subdivision, condominium development, or replat.

**Subdivision:** 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 (1) a single act of division creates 5 or

more parcels, lots, or building sites, each less than 35 acres in size; or (2) an act of division results in the creation of 5 or more parcels, lots, or building sites by successive divisions within a period of 5 years, where at least 5 of the parcels, lots, or sites are less than 35 acres in size. The establishment of a condominium development pursuant to Chap. 703, Wis. Stats. shall also be deemed to be a subdivision for purposes of this Chapter. Subdivisions are created through the recording of a final plat, except for condominium developments.

**Traditional Neighborhood Development (TND):** A development that exhibits several of the following characteristics: alleys, streets laid out in a grid system, buildings oriented to the street, front porches on houses, pedestrian-orientation, mixed land uses, and village squares or greens. See Section 10-1-0204(t) and Article 11 of the zoning ordinance.

**Wetland:** An area that is saturated by surface water or groundwater, with vegetation adapted for life under those soil conditions.

**Woodland:** An area or stand of trees with a combined canopy area of one acre or greater, with at least 50 percent of the trees having a diameter of at least six inches at a height of four feet above grade. However, no area or stand of trees specifically planted and grown for commercial purposes, or where the majority of trees are non-native or invasive species, shall be defined as a woodland for purposes of this Chapter. See Section 10-1-0703 of the zoning ordinance.

**Zero Lot Line Structure:** A structure that is built over the property line, where walls separating occupancy units follow lot lines, such as a zero lot line duplex or townhouse.

**Zoning Ordinance:** Title 10, Chapter 1 of the Village of Prairie du Sac Municipal Code of Ordinances.