

Article D: Plat Review and Approval

Sec. 14-1-30 Submission of Preliminary Plat.

- (a) **Submission.** Before submitting a Final Plat for approval, the subdivider shall prepare a Preliminary Plat and a letter of application. The subdivider shall submit fifteen (15) copies of the Preliminary Plat. The Preliminary Plat shall be prepared in accordance with this Chapter, and the subdivider shall file copies of the Plat and the application as required by this Section with the Village Clerk-Treasurer at least ten (10) days prior to the meeting of the Plan Commission at which consideration is desired. The Village Clerk-Treasurer shall submit a copy of the Preliminary Plat to the Plan Commission and to the Village Engineer and Village Attorney for review and written report of their recommendations and reactions to the proposed plat. An abstract of title or registered property report may be requested at this time by the Village Attorney at this time for his/her examination and report.
- (b) **Public Improvements; Plans and Specifications.** Simultaneously with the filing of the Preliminary Plat, the owner shall file with the Village Clerk-Treasurer a report addressing sewer and water service feasibility, drainage facilities and centerline profiles showing streets in the subdivision.
- (c) **Property Owners Association; Restrictive Covenants.** A draft of the legal instruments and rules for proposed property owners associations, when the subdivider proposes that common property within a subdivision would be either owned or maintained by such an organization of property owners or a subunit of the Village pursuant to Sec. 236.293, Wis. Stats., and proposed deed restrictions or restrictive covenants, shall be submitted at the time of filing the Preliminary Plat with the Village Clerk-Treasurer.
- (d) **Affidavit.** The surveyor preparing the Preliminary Plat shall certify on the face of the plat that it is a correct representation of all existing land divisions and features and that he/she has fully complied with the provisions of this Chapter.
- (e) **Supplementary Data to be Filed with Preliminary Plat.** The following shall also be filed with the Preliminary Plat:
 - (1) **Use Statement.** A statement of the proposed use of lots stating type of residential buildings with number of proposed dwelling units; types of business or industry so as to reveal the effect of the development on traffic, fire hazards and congestion of population; and
 - (2) **Zoning Changes.** If any zoning changes are contemplated, the proposed zoning plan for the areas, including dimensions; and
- (f) **Street Plans and Profiles.** The subdivider shall provide general street plans and profiles showing existing ground surface, and proposed and established street grades, including extensions for a reasonable distance beyond the limits of the proposed subdivision when requested.
- (g) **Soil Testing.** If requested by the Village Engineer, the subdivider shall be required to provide a preliminary soils report, listing the types of soil in the proposed subdivision, their

- effect on the subdivision and a proposed soil testing and investigation program. Pursuant to the public policy concerns prescribed in Section 14-1-21, the Village Board may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table, pursuant to Section 14-1-32(c).
- (h) **Drafting Standards.** The subdivider shall submit to the Village Clerk-Treasurer and to those agencies having the authority to object to plats under provisions in Chapter 236 of the Wisconsin Statutes copies of a Preliminary Plat (or certified survey) based upon an accurate exterior boundary survey by a registered land surveyor which shall show clearly the proposed subdivision at a scale of not more than one (1) inch per one hundred (100) feet having two (2) foot contour intervals, shall identify the improvements (grading, tree planting, paving, installation of facilities and dedications of land), easements which the subdivider proposes to make and shall indicate by accompanying letter when the improvements will be provided. Any proposed restrictive covenants for the land involved shall be submitted.

Cross-Reference: Section 14-1-90, Administrative Fees; Cost Recovery Agreement

Sec. 14-1-31 Preliminary Plat Review and Approval.

- (a) **Referral to Other Agencies.**
- (1) The subdivider shall, within two (2) days after filing with the Village, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by the public sewer and provision for such service has not been made. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies. The subdivider shall provide written verification to the Village that these submittals have been made.
 - (2) The Village Clerk-Treasurer shall also transmit two (2) copies of the Preliminary Plat to the Village Plan Commission and additional copies to utilities and all affected Village committees, commissions or departments for their review and recommendations concerning matters within their jurisdiction. The recommendations of Village boards, commissions, and departments shall be transmitted to the Village Plan Commission within thirty (30) days from the date the Preliminary Plat is filed. The Preliminary Plat shall then be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans and comprehensive plan components, and neighborhood plans.

- (b) **Objecting Agency Response.** Within twenty (20) days of the date of receiving the copies of the plat, any state or county agency having authority to object under Subsection (a)(1) above shall notify the subdivider and all approving or objecting authorities of any objection based upon failure of the plat to comply with the statutes or rules which its examination is authorized to cover, or, if all objections have been satisfied, it shall so certify on the face of a copy of the plat and return that copy to the approving authority from which it was received. The plat shall not be approved or deemed approved until any objections have been satisfied. If the objecting agency fails to act within the twenty (20) day limit it shall be deemed to have no objection to the plat.
- (c) **Advisory Plan Commission Review.** After review of the Preliminary Plat and negotiations with the subdivider on changes deemed advisable and the kind and extent of public improvements which will be required, the Plan Commission shall, within sixty (60) days of the date the plat was filed with the Village Clerk-Treasurer, make a recommendation to approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. The Plan Commission may obtain an extension of time from the subdivider by which the Plan Commission must act on said Plat from the developer (this procedure is recommended in those cases where objections are made to the layout, design or similar aspects of said Preliminary Plat and there is insufficient time in which said corrections may be made by the subdivider and resubmitted to the Plan Commission for action). The subdivider shall be notified in writing of any conditions for approval or the reasons for rejection. The recommendations of the Plan Commission shall be submitted to the Village Board for approval.
- (d) **Board Action.** After receipt of the Plan Commission's recommendations, the Village Board shall, within ninety (90) days of the date the plat was filed with the Village Clerk-Treasurer, approve, approve conditionally or reject such plat and shall state, in writing, any conditions of approval or reasons for rejection, unless the time is extended by agreement with the subdivider. Failure of the Village Board to act within ninety (90) days or extension thereof shall constitute an approval of the Preliminary Plat, unless other authorized agencies object to the plat. The Village Clerk-Treasurer shall communicate to the subdivider the action of the Village Board. If the Preliminary Plat is approved, the Village Clerk-Treasurer shall endorse it for the Village Board.
- (e) **Effect of Preliminary Plat Approval.** Approval or conditional approval of a Preliminary Plat shall not constitute automatic approval of the Final Plat, except that if the Final Plat is submitted within six (6) months of Preliminary Plat approval and conforms substantially to the Preliminary Plat layout, the Final Plat shall be entitled to approval. Conditional approval may be granted subject to satisfactory compliance with pertinent provisions of this Chapter and Ch. 236, Wis. Stats. The Preliminary Plat shall be deemed an expression of approval or conditional approval of the layout submitted as a guide to the preparation of the Final Plat, which will be subject to further consideration by the Plan Commission and Village Board at the time of its submission.

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

Sec. 14-1-32 Technical Requirements for Preliminary Plats.

- (a) **General.** A Preliminary Plat shall be required for all subdivisions and shall be based upon a survey by a registered land surveyor and the plat prepared on mylar or paper of good quality at a scale of not more than one hundred (100) feet to the inch and shall show correctly on its face the following information:
- (1) **Title** under which the proposed subdivision is to be recorded, which name shall not duplicate or be alike in pronunciation of the name of any plat heretofore recorded in the Village unless considered an addition to the subdivision.
 - (2) **Legal Description/Location** of the proposed subdivision by government lot, quarter section, township, range, county and state.
 - (3) **Date, Scale and North Point.**
 - (4) **Names, Telephone Numbers, and Addresses** of the owner, and any agent having control of the land, engineer, subdivider, land surveyor preparing the plat.
 - (5) **Entire Area** contiguous to the proposed plat owned or controlled by the subdivider may be required by the Plan Commission and/or Village Board to be included on the Preliminary Plat even though only a portion of said area is proposed for immediate development. Where a subdivider owns or controls adjacent lands in addition to those proposed for development at that time, he/she shall submit a concept plan for the development of the adjacent lands showing streets, utilities, zoning districts, and other information as may affect the review of the Preliminary Plat in question. The Village Board, upon the recommendation of the Village Engineer, may waive these requirements where adjacent development patterns have already been established or where severe hardship would result from strict application thereof.
- (b) **Plat Data.** All Preliminary Plats shall show the following:
- (1) **Exact Length and Bearing** of the exterior boundaries of the proposed subdivision referenced to a corner established in the U.S. Public Land Survey and the total acreage encompassed thereby.
 - (2) **Locations of all Existing Property Boundary Lines**, structures, drives, streams and water courses, marshes, rock outcrops, wooded areas, railroad tracks and other significant features within the tract being subdivided or immediately adjacent thereto.
 - (3) **Location, Right-of-Way Width and Names** of all existing streets, alleys or other public ways, easements, railroad and utility rights-of-way and all section and quarter section lines within the exterior boundaries of the plat or immediately adjacent thereto.

- (4) **Location and Names of any Adjacent Subdivisions**, parks and cemeteries and owners of record of abutting unplatted lands.
- (5) **Type, Width and Elevation** of any existing street pavements within the exterior boundaries of the plat or immediately adjacent thereto, together with any legally established centerline elevations.
- (6) **Location, Size and Invert Elevation** of any existing sanitary or storm sewers, culverts and drain pipes, the location of manholes, catchbasins, hydrants, electric and communication facilities, whether overhead or underground and the location and size of any existing water and gas mains within the exterior boundaries of the plat or immediately adjacent thereto. If no sewers or water mains are located on or immediately adjacent to the tract, the nearest such sewers or water mains which might be extended to serve the tract shall be indicated by the direction and distance from the tract, size and invert elevations.
- (7) **Corporate Limit Lines** within the exterior boundaries of the plat or immediately adjacent thereto.
- (8) **Existing Zoning** on and adjacent to the proposed subdivision.
- (9) **Contours** within the exterior boundaries of the plat and extending to the centerline of adjacent public streets to National Map Accuracy Standards based upon Mean Sea Level Datum at vertical intervals of not more than two (2) feet. At least two (2) permanent bench marks shall be located in the immediate vicinity of the plat; the location of the bench marks shall be indicated on the plat, together with their elevations referenced to Mean Sea Level Datum and the monumentation of the bench marks clearly and completely described. Where, in the judgment of the Village Engineer, undue hardship would result because of the remoteness of the parcel from a mean sea level reference elevation, another datum may be used.
- (10) **High-Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom.
- (11) **Water Elevation** of all ponds, streams, lakes, flowages and wetlands within the exterior boundaries of the plat or located within one hundred (100) feet therefrom at the date of the survey.
- (12) **Floodland and Shoreland Boundaries** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood or, where such data is not available, two (2) feet above the elevation of the maximum flood of record within the exterior boundaries of the plat or within one hundred (100) feet therefrom.
- (13) **Location and Results of Percolation Tests** within the exterior boundaries of the plat conducted in accordance with Sec. H 85.06 of the Wisconsin Administrative Code where the subdivision will not be served by public sanitary sewer service.
- (14) **Location, Width and Suggested Names** of all proposed streets and public rights-of-way such as alleys and easements; the Village Board shall have final approval authority over street names.

- (15) **Approximate Dimensions of All Lots** together with proposed lot and block numbers. The area in square feet of each lot shall be provided.
- (16) **Location and Approximate Dimensions** of any sites to be reserved or dedicated for parks, playgrounds, drainageways or other public use or which are to be used for group housing, shopping centers, church sites or other nonpublic uses not requiring lotting.
- (17) **Approximate Radii of all Curves.**
- (18) **Any Proposed Lake and Stream Access** with a small drawing clearly indicating the location of the proposed subdivision in relation to access.
- (19) **Any Proposed Lake and Stream** improvement or relocation, and notice of application for approval by the Division of Environmental Protection, Department of Natural Resources, when applicable.
- (20) **Soil Tests and Reports** as may be required by the Village Engineer for the design of roadways, storm drainage facilities, on-site sewage disposal systems, erosion control facilities, and/or other subdivision improvements and features.
- (21) **Setbacks and Building Lines** for each lot consistent with the pertinent requirements of the Village Zoning Code.
- (22) **Design Features.**
 - a. Locations and widths of proposed alleys, pedestrian ways and utility easements.
 - b. Layout numbers and preliminary acreages and dimensions of lots and blocks.
 - c. Minimum front, rear, side, and street yard building setback lines.
 - d. Location and size of proposed sanitary sewer lines and water mains.
 - e. Gradients of proposed streets, sewer lines (and water mains, if required).
 - f. Areas, other than streets, alleys, pedestrian ways and utility easements, intended to be dedicated or reserved for public use, including the size of such area or areas in acres.
 - g. Location and description of survey monuments.
 - h. An identification system for the consecutive numbering of all blocks and lots within the subdivision.
 - i. Sites, if any, to be reserved for parks or other public uses.
 - j. Sites, if any, for multi-family dwellings, shopping centers, churches, industry or other non-public uses exclusive of single-family dwellings.
 - k. Provisions for surface water management including both minor and major system components, detention/retention facilities, including existing and post development one hundred (100) year flood elevations, etc.
 - l. Potential resubdivision and use of excessively deep [over two hundred (200) feet] or oversized lots must be indicated in a satisfactory manner.
 - m. Any wetlands, floodplains, or environmentally sensitive areas provided for by any local, state or federal law.
- (23) **Where the Village Board, Plan Commission or Village Engineer** finds that it requires additional information relative to a particular problem presented by a proposed

development in order to review the Preliminary Plat, it shall have the authority to request in writing such information from the subdivider.

- (c) **Testing.** The Village Board, upon the recommendation of the Village Engineer, may require that borings and soundings be made in specified areas to ascertain subsurface soil, rock and water conditions, including depth to bedrock and depth to ground water table. The Village does not guarantee, warrant, or represent that only those soils tested and shown to be unsuited for specific uses are the only unsuited soils within the Village and thereby asserts that there is no liability on the part of the Village Board, its agencies, or employees for sanitation problems or structural damages that may occur as a result of reliance upon, and conformance with, this Chapter. Where the subdivision will not be served by public sanitary sewer service, the provisions of Ch. H85, Wis. Adm. Code, shall be complied with; and the appropriate data submitted with the preliminary plat.
- (d) **Soil and Water Conservation.** The Village Board and/or Plan Commission, upon the recommendation of the Village Engineer, after determining from a review of the preliminary plat that the soil, slope, vegetation, and drainage characteristics of the site are such as to require substantial cutting, clearing, grading, and other earthmoving operations in the development of the subdivision or otherwise entail a severe erosion hazard, may require the subdivider to provide soil erosion and sedimentation control plans and specifications. Such plans shall generally follow the guidelines and standards set forth in the latest revision of publication WR-222, *Wisconsin Construction Site Best Management Practice Handbook*, as prepared by the Wisconsin Department of Natural Resources Bureau of Water Resources Management Nonpoint Source and Land Management Section.

Sec. 14-1-33 Technical Requirements for Final Plats.

- (a) **General.** A Final Plat prepared by a registered land surveyor shall be required for all subdivisions. It shall comply in all respects with the requirements of Section 236.20, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Final Plat shall show correctly on its face, or on a supporting document, in addition to the information required by Section 236.20, Wis. Stats., the following:
 - (1) **Exact Street Width** along the line of any obliquely intersecting street.
 - (2) **Exact Location and Description** of street lighting and lighting utility easements.
 - (3) **Railroad Rights-of-Way** within and abutting the plat.
 - (4) **All Lands Reserved** for future public acquisition or reserved for the common use of property owners within the Plat.
 - (5) **Special Restrictions** required by the Village Board, upon the recommendation of the Plan Commission, relating to access control along public ways or to the provision of planting strips.
 - (6) **Taxes.** Certifications by attached information showing that all taxes and special assessments currently due on the property to be subdivided have been paid in full.

- (7) **Groundwater Presence.** Where the ground water table is equal to or less than nine (9) feet from the proposed street centerline elevation, the subdivider shall place the following note on the plat:

Subsoil information indicates the presence of high ground conditions on Lot(s) _____ . On these lots, either basement elevations must be elevated above the groundwater level or the basement exteriors must be fully water-proofed.

- (8) **Dimensions of Lot Lines** shall be shown in feet and hundredths; no ditto marks shall be permitted. When lot lines are not at right angles to the street right-of-way line, the width of the lot shall be indicated at the building setback line in addition to the width of the lot at the street right-of-way line.
- (9) **A Numbered Identification System** for all lots and blocks.
- (c) **Deed Restrictions.** Restrictive covenants and deed registrations for the proposed subdivision shall be filed with the Final Plat.
- (d) **Property Owners Association.** The legal instruments creating a property owners association for the ownership and/or maintenance of common lands in the subdivision shall be filed with the Final Plat.
- (e) **Street Dedication.** Public rights-of-way for streets and other public areas shall be dedicated to the Village with Final Plat approval. Such dedications shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a), Wis. Stats.
- (f) **Survey Accuracy.**
- (1) **Examination.** The Village Engineer shall examine all Final Plats within the Village and may check for the accuracy and closure of the survey, the proper kind and location of monuments, and legibility and completeness of the drawing.
 - (2) **Maximum Error of Closure.** Maximum error of closure before adjustment of the survey of the exterior boundaries of the subdivision shall not exceed, in horizontal distance or position, the ratio of one part in five thousand (1:5,000), nor in azimuth, thirty (30) seconds of arc per interior angle. If field measurements exceed this maximum, new field measurements shall be made until a satisfactory closure of the field measurements has been obtained; the survey of the exterior boundary shall be adjusted to form a closed geometric figure.
 - (3) **Street, Block and Lot Dimensions.** All street, block and lot dimensions shall be computed as closed geometric figures based upon the control provided by the closed exterior boundary survey. If checks disclose an error for any interior line of the plat greater than the ratio of one part in three thousand (1:3,000), or an error in measured angle greater than one (1) minute of arc for any angle where the shorter side forming the angle is three hundred (300) feet or longer, necessary corrections shall be made. Where the shorter side of a measured angle is less than three hundred (300) feet in

ORDINANCE NO. 2010 14-1-34

**AN ORDINANCE
REGARDING AMENDMENTS TO
VILLAGE LAND DIVISION AND SUBDIVISION CODE**

The Village Board of the Village of Elmwood, Pierce County, Wisconsin, do ordain as follows:

SECTION I. RENUMBERING AND ADOPTION OF PROVISIONS.

Section 14-1-34(a)(6) of the Village of Elmwood Code of Ordinances is created to read as follows:

- (6) The Final Plat shall be examined by the Village Engineer, Village Planner, Village Attorney or other qualified staff to determine whether the Final Plat conforms substantially to the Preliminary Plat. Any such conclusions shall be made a part of the record of any meeting at which the Final Plat is considered, pursuant to Section 236.11(1)(e), Wis. Stats.

SECTION II. AMENDMENT OF PROVISIONS.

The third sentence of Section 14-1-34(a)(1) of the Village of Elmwood Code of Ordinances is amended and adopted to read as follows:

If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat, unless the Village Board and the applicant have agreed, in writing, to an extension.

SECTION III. AMENDMENT OF PROVISIONS.

Section 14-1-34(b)(3) of the Village of Elmwood Code of Ordinances is amended and adopted to read as follows:

- (3) If the Final Plat is not submitted within thirty-six (36) months of the last required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.

SECTION IV. AMENDMENT OF PROVISIONS.

The last sentence of Section 14-1-34(d) of the Village of Elmwood Code of Ordinances is amended and adopted to read as follows:

Pursuant to Sec. 236.25(2)(b), Wis. Stats., the County Register of Deeds cannot record the Final Plat unless it is offered within twelve (12) months from the date of last approval of the Final Plat or thirty-six (36) months from the last required approval of the Preliminary Plat.

SECTION V. REPEAL AND RECREATION OF PROVISIONS.

Subsections 14-1-51(c), (d) and (e) are renumbered to Subsections 14-1-51(d), (e) and (f) respectively; Subsection 14-1-51(b) of the Village of Elmwood Code of Ordinances is repealed and recreated and Subsection 14-1-51(c) is created as follows:

(b) **Subdivider's Agreement; Security for Improvements.**

- (1) Prior to the final approval and recording of any Certified Survey Map, Subdivision Final Plat, or Condominium requiring improvements located within the jurisdictional limits of this Chapter, and prior to the installation of any required improvements, and as a condition of said approval, the Subdivision, Condominium or Certified Survey Map Developer (as applicable), may enter into a contract ("Subdivider's Agreement") with the Village of Elmwood agreeing to furnish, construct, and install the subdivider's share of required improvements at the sole cost of the Subdivision, Condominium or Certified Survey Map Developer (as applicable) within eighteen (18) months from the date of the recording of the Final Plat or Certified Survey Map and shall file with said contract a bond, irrevocable letter of credit, or certified check in the amount equal to one hundred and ten percent (110%) of the Village Engineer's estimate of the subdivider's share of infrastructure costs. Such security amount determination shall be made by the Village Board after review and recommendation of the Village Engineer; security phasing, pursuant to Subsection (c) below, shall be utilized if the project is to be completed pursuant to an approved phasing plan.
- (2) The purpose of the guarantee is to ensure that such subdivider's share of required improvements will be completed by the Subdivision, Certified Survey Map or Condominium Developer (as applicable), or

the Developer's subcontractor or agent, and serves as a further guarantee that all obligations to subcontractors for work on the development are satisfied. Such improvements shall be completed by the Developer of the Subdivision, Certified Survey Map or Condominium project, or by his/her subcontractor, as set forth in the Subdivider's Agreement.

- (3) The contract form shall be approved by the Village Attorney and provided by the Village and may provide for a phasing of public improvements construction, providing such phasing is approved by the Village Board. The Village reserves the right to control the phasing through limits and sequencing so as to provide for continuity of streets, sewers, water mains, and other necessary public improvements within and between the phases.
- (4) The Village may allow for the reduction of the bond, irrevocable letter of credit, or certified check as work is completed on the project or phases of the project.
- (5) In addition, the following requirements shall apply:
 - a. Contracts and contract specifications for the construction of street and utility improvements on dedicated street rights-of-way, as well as the contractors and subcontractors providing such work, shall be subject to the inspection of construction by the Village of Elmwood or its agent, and approval of the Village Board or its representatives.
 - b. Governmental units to which these bond and contract provisions apply may file, in lieu of said contract and bond/security, a letter from officials authorized to act on their behalf agreeing to comply with the provisions of this Section, subject to the approval of the Village Attorney.
- (6) The Subdivision, Condominium or Certified Survey Map Developer (as applicable) shall agree in the development contract to pay the developer's share of all street and sidewalk assessments, specifically all area charges for sanitary sewer mains and all water main assessments, including where the land division abuts existing streets which are not improved within the Village standard street improvements (including, but not limited to curb and gutter, local storm sewer, sidewalks and bituminous pavement).

(c) **Phasing.**

- (1) Pursuant to Sec. 236.13(2)(a), Wis. Stats., if the project is approved to be constructed in phases, which approval shall not be unreasonably withheld, the security required to be deposited shall be limited to the phase of the project currently being constructed. The agreement shall provide a reasonable time by which such security shall be provided, which shall be no sooner than is reasonably necessary before the commencement of the installation of the improvements. The Subdivision, Condominium or Certified Survey Map Developer (as

applicable) may elect, with the approval of the Village, to install the subdivider's share of improvements in construction phases provided that:

- a. The phases are specified in the contract for land division improvements;
 - b. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) submits surety in an amount equal to one hundred and ten percent (110%) of the estimated costs of improvements required for the installation and construction schedules for that phase. Improvements constructed during that phase shall not be accepted nor shall any building permit be issued for construction within the completed area of that phase of the land division unless required infrastructure for that phase has been properly installed pursuant to this Chapter.
 - c. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) records deed restrictions approved by the Village Attorney which specify that the lots which are included in future construction phases of the land division will not be transferred or sold unless the Village's approval is obtained;
 - d. The Subdivision, Condominium or Certified Survey Map Developer (as applicable) minimizes grading and other disturbances to lands included in future construction phases in order to prevent erosion; and
 - e. Erosion control plans and measures submitted and approved herein shall address the individual phases of construction.
- (2) The time limit for completion of a phased improvement program shall take into account the needs and desires of the Village and adjacent property owners for street and other improvements to serve lands adjacent to and within the land division.
- (3) As work progresses on installation of improvements constructed as part of the contract, the Village Engineer, upon written request from the Subdivision, Condominium or Certified Survey Map Developer (as applicable) from time to time, is authorized to recommend to the Village Clerk-Treasurer a reduction in the amount of surety as hereinafter provided. When portions of construction (water, sanitary sewer, street, sidewalk, greenway or other improvements) are completed by the Subdivision, Condominium or Certified Survey Map Developer (as applicable) and determined acceptable by the Village Engineer, the Village Clerk-Treasurer is authorized, upon submission of lien waivers by the Subdivision, Condominium or Certified Survey Map Developer (as applicable)'s contractors, to reduce the amount of surety. The amount of surety may be reduced at the time all underground utilities are installed and tested. The amount of surety remaining shall be equal to one hundred and ten percent (110%) of the estimate of the Village Engineer of costs of work remaining to be

completed and accepted and to insure performance of the one (1) year guarantee as specified in Subsection (e) below against defects in workmanship and materials on work accepted. When the work on the major components of construction has been substantially completed, except for work which cannot be completed because of weather conditions or other reasons which, in the judgment of the Village Engineer are valid for noncompletion, the Village Clerk-Treasurer, in his/her sole discretion, is authorized to accept a reduction in the amount of surety to an amount in the estimate of the Village Engineer, sufficient to cover the subdivider's share of work remaining to be completed, including performance of the one (1) year guarantee period against defects in workmanship and materials. As a further guarantee that all obligations under contract for work on the development are satisfied, the contractor and subcontractors who are to be engaged in the construction of utilities or street improvements on the street right-of-way to be dedicated shall be approved for such work by the Village Engineer prior to commencing construction. The Village Board at its option, may extend the security or additional periods not to exceed one (1) year each.

SECTION VII. NUMBER AMENDED.

The reference in Section 14-1-31(e) of the Village of Elmwood Code of Ordinances to "six (6)" months is changed to "thirty-six (36) months".

SECTION VIII. REFERENCE AMENDED.

The references in Sections 14-1-31(a)(1) and 14-1-34(a)(2) and (b)(2) of the Village of Elmwood Code of Ordinances to "Wisconsin Department of Agriculture, Trade and Consumer Protection" are changed to "Wisconsin Department of Administration."

SECTION IX. SEVERABILITY.

If any provision of this Ordinance is invalid or unconstitutional or if the application of this Ordinance to any person or circumstance is invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the other provisions or applications of this Ordinance which can be given effect without the invalid or unconstitutional provisions or applications.

SECTION XI. CONFLICTING PROVISIONS REPEALED.

All Ordinances in conflict with any provision of this Ordinance are hereby repealed.

Village Board Member Bruce Hartung introduced the following Ordinance and moved its adoption:

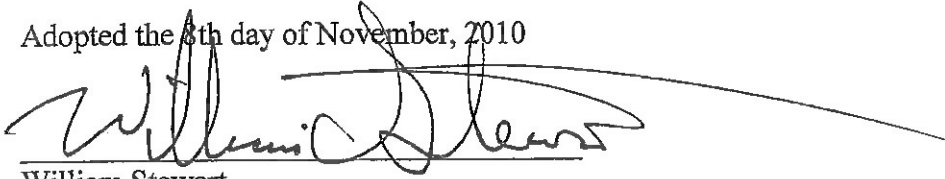
The motion for the adoption of the foregoing resolution was duly seconded by the Village Board Member Rick Stohr and upon a vote being taken, the following voted in favor thereof: William Stewart, Rick Stohr, Robert Weix, Brian Buck, Bruce Hartung and Trisha Knops.

And the following voted against the same: NONE, and the following were absent: Neil Boltik

Whereupon said Ordinance was declared passed and adopted.

This Ordinance shall take effect upon passage and publication as provided by law.

Adopted the 8th day of November, 2010



William Stewart
Village President

Attest:



Amy C. Wayne
Village Clerk/Treasurer

INTRODUCED: OCTOBER 20, 2010

PUBLISHED: OCTOBER 27, 2010 AND NOVEMBER 3, 2010

PUBLIC HEARING: NOVEMBER 8, 2010

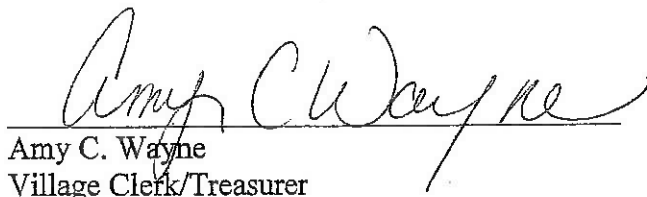
PASSED: NOVEMBER 8, 2010

POSTED: NOVEMBER 17, 2010 -OFFICE, LIBRARY, CITIZEN'S STATE BANK, T&S HARDWARE

State of Wisconsin
County of Pierce:

I hereby certify that the foregoing Ordinance is a true, correct and complete copy of an Ordinance duly and regularly passed by the Elmwood Village Board on the 8th day of November, 2010, following a recommendation from the Plan Commission and public hearing on the proposed Ordinance amendment, and said Ordinance is now in full force and effect.

DATED this 17th day of NOVEMBER, 2010



Amy C. Wayne
Village Clerk/Treasurer

length, the error shall not exceed the value of one (1) minute multiplied by the quotient of three hundred (300) divided by the length of the shorter side; however, such error shall not in any case exceed five (5) minutes of arc.

- (4) **Plat Location.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the tie required by Section 236.20(3)(b), Wis. Stats., may be expressed in terms of grid bearing and distance; and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. The grid bearing and distance of the tie shall be determined by a closed survey meeting the error of closure herein specified for the survey of the exterior boundaries of the subdivision.
- (g) **Engineer's Report.** The Village Board shall receive the results of the Village Engineer's examination prior to approving the Final Plat.
- (h) **Surveying and Monumenting.** All Final Plats shall meet all the surveying and monumenting requirements of Section 236.15, Wis. Stats.
- (i) **State Plane Coordinate System.** Where the plat is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the plat shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinates of the monument marking the relocated section or quarter corner to which the plat is tied shall be indicated on the plat. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (j) **Certificates.** All Final Plats shall provide all the certificates required by Section 236.21, Wis. Stats.; and in addition, the surveyor shall certify that he has fully complied with all the provisions of this Chapter.

Sec. 14-1-34 Final Plat Review and Approval. *Revised*

- (a) **Filing Requirements.**
- (1) The subdivider shall prepare a Final Plat and a letter of application in accordance with this Chapter and shall file fifteen (15) copies of the Plat and the application with the Village Clerk-Treasurer at least twenty-five (25) days prior to the meeting of the Plan Commission at which action is desired. The Village Clerk-Treasurer shall give notice of the Plan Commission's meeting in the manner prescribed in Section 14-1-31(a)(2). The owner or subdivider shall file copies of the Final Plat not later than six (6) months after the date of approval of the Preliminary Plat; otherwise, the Preliminary Plat and Final Plat will be considered void unless an extension is requested in writing by the subdivider and for good cause granted by the Village. The owner or subdivider shall also submit at this time a current certified abstract of title or registered property report and such other evidence as the Village Attorney may require

showing title or control in the applicant. A written transmittal letter shall identify all substantial changes that have been made to the plat since the approval of the Preliminary Plat.

- (2) The Village Clerk-Treasurer shall, within two (2) days after filing with the Village, transmit four (4) copies to the County Planning Agency, two (2) copies to the Director of the Planning Function in the Wisconsin Department of Agriculture, Trade and Consumer Protection, additional copies to the Director of the Planning Function for retransmission of two (2) copies each to the Wisconsin Department of Transportation if the subdivision abuts or adjoins a state trunk highway or a connecting street and the Wisconsin Department of Commerce if the subdivision is not served by a public sewer and provision for service has not been made, and the original Final Plat. The County Planning Agency, the Wisconsin Department of Agriculture, Trade and Consumer Protection, the Wisconsin Department of Transportation, and the Wisconsin Department of Commerce shall be hereinafter referred to as objecting agencies.
 - (3) The Final Plat shall conform to the Preliminary Plat as approved and to the requirements of all applicable ordinances and state laws and shall be submitted for certification of those agencies having the authority to object to the plat as provided by Sec. 236.12(2).
 - (4) Simultaneously with the filing of the Final Plat or map, the owner shall file with the Village Clerk-Treasurer twelve (12) copies of the final plans and specifications of public improvements required by this Chapter, and a signed copy of the developer's contract required by Section 14-1-51.
 - (5) The Village Clerk-Treasurer shall refer two (2) copies of the Final Plat to the Plan Commission, one (1) copy to the Village Engineer, one (1) copy to the Village Attorney, and a copy each to the telephone and power and other utility companies. The abstract of title or registered property report and Final Plat shall be referred to the Village Attorney for his/her examination and report. The Village Clerk-Treasurer shall also refer final plans and specifications for public improvements required by this Chapter to the Village Engineer for review. The recommendations of the Plan Commission, Village Attorney, and Village Engineer shall be made within thirty (30) days of the filing of the Final Plat. The Village Engineer shall examine the plat or map and final plans and specifications of public improvements for technical details and, if he/she finds them satisfactory, shall so certify in writing to the Plan Commission. If the plat or map or the plans and specifications are not satisfactory, the Village Engineer shall return them to the owner and so advise the Plan Commission.
- (b) **Plan Commission Review.**
- (1) The Plan Commission shall examine the Final Plat as to its conformance with the approved Preliminary Plat, any conditions of approval of the Preliminary Plat, this Chapter and all applicable ordinances, rules, regulations, comprehensive plans and comprehensive plan components which may affect it and shall recommend approval, conditional approval or rejection of the Plat to the Village Board.

- (2) The objecting state and county agencies shall, within twenty (20) days of the date of receiving their copies of the Final Plat, notify the subdivider and all other approving and objecting agencies of any objections, except that the Wisconsin Department of Agriculture, Trade and Consumer Protection has thirty (30) days in which to make objections. If there are no objections, they shall so certify on the face of the copy of the Plat and shall return that copy to the Village. If an objecting agency fails to act within twenty (20) days, it shall be deemed to have no objection to the Plat.
 - (3) If the Final Plat is not submitted within six (6) months of the last-required approval of the Preliminary Plat, the Village Board may refuse to approve the Final Plat.
 - (4) The Plan Commission shall, within thirty (30) days of the date of filing of the Final Plat with the Village Clerk-Treasurer, recommend approval, conditional approval or rejection of the Plat and shall transmit the Final Plat and application along with its recommendations to the Village Board. The Plan Commission may hold the matter in abeyance if there is incomplete or inadequate information, provided the timetables in Subsection (c) below are complied with.
- (c) **Board Review and Approval.**
- (1) a. The Village Board shall, within sixty (60) days of the date of filing the original Final Plat with the Village Clerk-Treasurer.
 1. Approve the Final Plat.
 2. Approve the Final Plat with conditions.
 3. Reject the Final Plat with reasons.
 4. Obtain a written agreement from the developer extending the time in which the Village Board must act on the Final Plat (this method is recommended in those cases in which objections are made to the layout, design or similar aspects of said Final Plat and there is insufficient time for said corrections to be made and resubmitted to by the developer to the Board for action.
 - b. 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.
 - c. The Village Board may not inscribe its approval on the Final Plat unless the Village Clerk-Treasurer certifies on the face of the Plat that the copies were forwarded to objecting agencies as required herein, the date thereof and that no objections have been filed within twenty (20) days or, if filed, have been met.
- (2) The Village Board shall, when it determines to approve a Final Plat, give at least ten (10) days' prior written notice of its intention to the Municipal Clerk of any municipality within one thousand (1,000) feet of the Final Plat.
 - (3) Failure of the Village Board to act within sixty (60) days, the time having not been extended and no unsatisfied objections having been filed, the plat shall be deemed approved. In the case of time extensions, the Village Board and applicant must mutually agree upon such extension.
- (d) **Recordation.** After the Final Plat has been approved by the Village Board and required improvements either installed or a contract and sureties insuring their installation is filed,

the Village Clerk-Treasurer shall cause the certificate inscribed upon the Plat attesting to such approval to be duly executed and the Plat returned to the subdivider for recording with the county register of deeds. The register of deeds cannot record the Plat unless it is offered within six (6) months from the date of Preliminary Plat approval or thirty (30) days after the date of Final Plat approval.

- (e) **Copies.** The subdivider shall file ten (10) copies of the adopted Final Plat with the Village Clerk-Treasurer for distribution to the Village Engineer, approving agencies, and other affected agencies for their files.
- (f) **Partial Platting.** The Final Plat may, if permitted by the Village Board, constitute only that portion of the approved Preliminary Plat which the subdivider proposes to record at the time.

Sec. 14-1-35 Land Divisions and Consolidations by Certified Survey Map.

(a) **Use of Certified Survey Map.**

- (1) When it is proposed to divide land into at least two (2) but not more than four (4) parcels or building sites; or when it is proposed to create by land division not more than four (4) parcels or building sites within a recorded subdivision plat without changing the exterior boundaries of a block, lot or outlot; or when it is proposed to divide any number of parcels greater than one and one-half (1.5) acres in size (thus not constituting a "subdivision" as defined in Section 14-1-10), the subdivider may subdivide by use of a Certified Survey Map. The subdivider shall prepare the Certified Survey Map in accordance with this Chapter and shall file ten (10) copies of the Map and the letter of application with the Village Clerk-Treasurer at least fifteen (15) days prior to the meeting of the Village Plan Commission at which action is desired.
- (2) A preliminary certified survey map shall be required when the division provides for land to be dedicated to the public.
- (3) In the event a proposed land division does not meet the above requirements, the proposed land division must be pursued as a subdivision plat.
- (4) The Certified Survey Map shall include the entire original parcels of land owned or controlled by the subdivider, including those proposed for division or consolidation. The applicant shall comply with all requirements of this Chapter including, but not limited to, Article F (Design Standards), Article E (Required Public Improvements), and Article G (Park and Public Land Dedications) when a certified survey map is used. A certification of the approval of the certified survey map by the Village Board shall be inscribed legibly on the face of the map. A certificate of the Village Clerk-Treasurer stating that there are no unpaid special assessments or taxes on the lands shall be included on the certified survey map.

- (5) The applicant for a land division shall file ten (10) acceptable reproductions of a certified survey map and a written application requesting approval with the Village Clerk-Treasurer.
- (b) **Referral to Plan Commission.** The Village Clerk-Treasurer shall, within two (2) normal work days after filing, transmit the copies of the map and letter of application to the Plan Commission.
- (c) **Review by Other Village Agencies.** The Village Clerk-Treasurer shall transmit a copy of the map to the Village Engineer, Village Attorney, and to all affected Village boards, commissions or departments for their review and recommendations concerning matters within their jurisdiction. Their recommendations shall be transmitted to the Plan Commission within ten (10) days from the date the map is filed. The map shall be reviewed by the Plan Commission for conformance with this Chapter and all ordinances, rules, regulations, comprehensive plans, comprehensive plan components and neighborhood plans. The applicant shall be required to file at the time of application public improvement plans as required for Final Plats.
- (d) **Plan Commission Review and Board Approval.** The Plan Commission shall, within thirty (30) days from the date of filing of the certified survey map, recommend approval, conditional approval or rejection of the map and shall transmit the map along with its recommendations to the Village Board. The Village Board shall approve, approve conditionally and thereby require resubmission of a corrected certified survey map or reject such certified survey map within sixty (60) days from the date of filing of the map unless the time is extended by agreement with the applicant. If the map is rejected, the reason shall be stated in the minutes of the meeting and a written statement forwarded to the applicant. If the map is approved, the Village Board shall cause the Village Clerk-Treasurer to so certify on the face of the original map and return the map to the applicant.
- (e) **Recordation.**
- (1) The applicant shall file a copy of the approved Certified Survey Map together with the approving resolution with the County Register of Deeds within thirty (30) days of the date of the last resolution of approval and not later than six (6) months following the date of the first resolution of approval. All recording fees shall be paid by the applicant.
- (2) No building permits shall be issued and no improvements shall be made until the certified survey is recorded and a document recording number is filed with the Building Inspector.
- (f) **Copies.** The subdivider shall file ten (10) copies of the adapted Certified Survey Map with the Village Clerk-Treasurer for distribution to the Village Engineer, Building Inspector and other affected departments for their files.

Sec. 14-1-36 Technical Requirements for Certified Survey Land Divisions.

- (a) **Certified Survey Requirements.** A Certified Survey Map prepared by a registered land surveyor shall be required for all land divisions. It shall comply with the provisions of Sec. 236.34, Wis. Stats., and this Chapter.
- (b) **Additional Information.** The Certified Survey Map shall show correctly on its face, in addition to the information required by Section 236.34, Wis. Stats., the following:
- (1) **All Existing Buildings,** watercourses, drainage ditches and other features pertinent to proper division.
 - (2) **Setbacks or Building Lines** required by the Village Board and the Village Zoning Code.
 - (3) **All Lands Reserved** for future acquisition.
 - (4) **Date of the Map.**
 - (5) **Graphic Scale and North Arrow.**
 - (6) **Name and Address** of the owner, subdivider and surveyor.
 - (7) **Square Footage** of each parcel.
 - (8) **Present Zoning** for the parcels.
 - (9) **Existing and Proposed Contours** at vertical intervals of not more than two (2) feet where the slope of the ground surface is less than ten percent (10%) and of not more than four (4) feet where the slope of the ground surface is ten percent (10%) or more. Elevations shall be marked on such contours based on National Geodetic Datum of 1929 (mean sea level). This requirement may be waived if the parcel or parcels created are fully developed.
 - (10) **All Proposed Streets,** roads, or highways within three hundred (300) feet of the boundaries of the parcels created by the minor land division.
 - (11) **Floodplain Limits** and the contour line lying a vertical distance of two (2) feet above the elevation of the one hundred (100) year recurrence interval flood, or where such data is not available, five (5) feet above the elevation of the maximum flood of record.
 - (12) **Location of Soil Boring Tests,** where required by Sec. H85.06(2), Wis. Adm. Code, made to a depth of six (6) feet, unless bedrock is at a lesser depth. The number of such tests shall be adequate to portray the character of the soil and the depths of bedrock and groundwater from the natural undisturbed surface. To accomplish this purpose, a minimum of one (1) test per three (3) acres shall be made initially. The results of such tests shall be submitted along with the preliminary plat.
 - (13) **Location of Soil Percolation Tests** where required by Sec. H85.06(3), Wis. Adm. Code, conducted in accordance with Sec. H85.06(4), Wis. Adm. Code, taken at the location and depth in which soil absorption waste disposal systems are to be installed. The number of such tests initially made shall not be less than one (1) test per three (3) acres or one (1) test per lot, whichever is greater. The results of such tests shall be submitted along with the preliminary plat.

- (14) **Entire Area** contiguous to the land outlined in the proposed Certified Survey Map owned or controlled by the subdivider shall be included on the Certified Survey Map even though only a portion of said area is proposed for immediate development. The Village Plan Commission or Village Board may waive this requirement where it is unnecessary to fulfill the purposes and intent of this Chapter and severe hardship would result from strict application thereof.
- (c) **State Plane Coordinate System.** Where the map is located within a quarter section, the corners of which have been relocated, monumented and coordinated by the Village, the map shall be tied directly to one of the section or quarter corners so relocated, monumented and coordinated. The exact grid bearing and distance of such tie shall be determined by field measurements, and the material and Wisconsin state plane coordinate of the monument marking the relocated section or quarter corner to which the map is tied shall be indicated on the map. All distances and bearings shall be referenced to the Wisconsin Coordinate System, South Zone, and adjusted to the Village's control survey.
- (d) **Certificates.** The surveyor shall certify on the face of the Map that he/she has fully complied with all the provisions of this Chapter. The Village Board, after a recommendation by the reviewing agencies, shall certify its approval on the face of the Map. The Village Clerk-Treasurer and the County Treasurer shall certify that there are no unpaid taxes or unpaid special assessments on any of the land included in the Map. In addition, dedication of streets and other public areas shall require the owner's certificate and the mortgagee's certificate in substantially the same form as required by Sec. 126.21(2)(a), Wis. Stats.
- (e) **Street Dedication.** Dedication of streets and other public areas shall require, in addition, the owner's certificate and the mortgagee's certificate in substantially the same form as required by Section 236.21(2)(a) of the Wisconsin Statutes.
- (f) **Recordation.** The Certified Survey Map shall only be recorded with the County Register of Deeds after the certificates of the Village Board, of the surveyor, and those certificates required by Sec. 236.21, Wis. Stats., are placed on the face of the Map. The Map shall be recorded by the subdivider within thirty (30) days of its approval by the Village Board. The Certified Survey Map shall be resubmitted for approval if not recorded within ninety (90) days.

Sec. 14-1-37 Replat.

- (a) Except as provided in Section 70.27(1), Wis. Stats., when it is proposed to replat a recorded subdivision, or part thereof, so as to change the exterior boundaries of a recorded subdivision, or part thereof, the subdivider or person wishing to replat shall vacate or alter the recorded Plat as provided in Sections 236.40 through 236.44 of the Wisconsin Statutes. The subdivider or person wishing to replat shall then proceed, using the approval procedures for Preliminary and Final Plats prescribed in this Article.

- (b) Whenever a Preliminary Plat for a replat is filed, the Plan Commission shall schedule and hold a public hearing before it acts on the plat. Notices of the proposed replat and public hearing shall be published and mailed to adjacent property owners following the same procedures as found in Section 14-1-31(b).
- (c) Whenever an approved Final Plat is submitted for reapproval within six (6) months of the initial resolution approving the plat, and which is substantially in conformance with the approved plat, and which has not been recorded with the Register of Deeds, said plat shall be reapproved by the Village Board. No Final Plats shall be reapproved by the Village Board following the expiration of the six (6) month period. Such plats shall be submitted as a new plat. All previous approvals shall be null and void and shall have no further bearing on the subsequent review and approval of the plat by the Village.

Sec. 14-1-38 Determination of Adequacy of Public Facilities and Services.

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

- available for the program. The Plan Commission and the Village Board shall consider the recommendations from the Village's utilities and the Village Engineer and the appropriate committee(s) on line capacities, water sources and storage facilities, as well as any other information presented.
- (3) The Village Clerk-Treasurer and Village Engineer verifies to the Plan Commission and the Village Board that adequate funds, either public or private, are available to insure the installation of all necessary storm water management facilities.
 - (4) The Director of Public Works can demonstrate to the Plan Commission and the Village Board that street maintenance and refuse collection services, either public or private, are so situated that adequate and timely service can be provided so as not to involve danger or injury to the health, safety or general welfare to the future residents of the proposed land division or existing Village residents.
 - (5) The Plan Commission verifies that the future residents of the proposed land division can be assured park, recreation and open space facilities and services which meet the standards of the Village's Master Plan.
 - (6) The Police Department, E.M.S. and Fire Department verify that timely and adequate service can be provided to the residents.
 - (7) The proposed land division is accessible by existing or officially mapped, publicly maintained, all-weather roadway system, adequate to accommodate both existing traffic and that traffic to be generated by the proposed land division in accordance with the Official Map and Village Standards.
- (d) Where the Plan Commission and the Village Board determine that two (2) or more public facilities or services are not adequate for the proposed development, but that a portion of the area could be served adequately, or that careful phasing of the development could result in all public facilities and public services being adequate, conditional approval may include only such portions or may specify phasing of the development.
- (e) The above requirements shall not apply to those areas outside the corporate limits of the Village of Elmwood and within the Village's extraterritorial limits. Areas within the Village capable of being served by public sewer and water shall be required to connect to the Village of Elmwood public water distribution and/or public sewerage system if determined by the Village Engineer to be feasible. If such connection(s) are not determined feasible by the Village Board, the proposed land division shall provide for adequate on-site systems and such special piping provisions as may be necessary to serve the anticipated development during the interim period until such Village public water and/or sewerage systems are determined by the Village Engineer to be feasibly available for connection. The subdivider, and his heirs and assigns, shall, by written plat restriction, agree to abandon the interim water and sewerage facilities and connect to the Village public water and sewerage facilities upon a determination by the Village Engineer that such facilities are available for feasible connection.

Sec. 14-1-39 through Sec. 14-1-49 Reserved for Future Use.