

The following sections are taken from Chapter 28 LAND DIVISION of the Village of Yorkville Code of Ordinances as they related to Certified Survey Maps. The full chapter can be found at [villageofyorkville.com/wp-content/uploads/2025/01/Chapter-28-Land-Division.pdf](http://villageofyorkville.com/wp-content/uploads/2025/01/Chapter-28-Land-Division.pdf)

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## Excerpts from: Article VII. Certified Survey Maps

### **Sec. 28-221. Compliance.**

A certified survey map is required for all minor subdivisions. Certified survey maps shall incorporate conservation values, themes, and goals into their design to meet the purposes of the chapter as indicated under sections 28-2 and 28-86.

(Ord. No. 2004-02, § 1(18.10(1)), 9-27-2004)

### **Sec. 28-222. Preapplication conference.**

Prior to the filing of an application for the approval of a certified survey map, and conditioned upon the subdivider entering into a predevelopment agreement with the village, the subdivider may consult with village staff and, as directed by the administrator, village consultants to obtain assistance in planning to obtain information concerning this chapter, village ordinances, the village's land use plan as contained within its comprehensive plan, and applicable neighborhood plans.

(Ord. No. 2004-02, § 1(18.10(2)), 9-27-2004)

### **Sec. 28-223. Initial application; preliminary certified survey maps.**

- (a) After the preapplication conference (if any), the subdivider shall submit an executed predevelopment agreement, the fees required above, the checklist for certified survey maps and the preliminary certified survey map to the village clerk for review by village staff, and village consultants as deemed necessary by the administrator. As a condition of further review of the preliminary certified survey map, the subdivider shall and hereby does grant permission for village officers, employees and agents to enter upon the subject property in furtherance of their official duties. The village may require the subdivider to submit at the time of the initial application a complete inventory of items listed under section 28-226 as an attachment to the preliminary certified survey map or delineated directing on the map if within 100 feet of the proposed building envelopes.
- (b) Before submission of the final certified survey map, the plan commission shall review and discuss the preliminary certified survey map along with recommendations from village staff and consultants. The public shall have an opportunity to speak as to the preliminary map. Notice of the meeting shall be sent in accordance with the procedure set forth in section 28-122(b).

(Ord. No. 2004-02, § 1(18.10(3)), 9-27-2004)

### **Sec. 28-224. Proof of ownership.**

The subdivider shall submit documentation to the village showing current ownership of the property proposed to be divided and all encumbrances, if any, shall be detailed on the certified survey map when submitted.

(Ord. No. 2004-02, § 1(18.10(4)), 9-27-2004)

### **Sec. 28-225. General requirements for final certified survey map.**

- (a) The final certified survey map shall comply with the provisions of Wis. Stat. § 236.34, and shall describe the entire lands involved in the process of division, except that any remnant parcel over 35 acres in size need not be depicted on the certified survey map unless specifically required by the village board after consideration of the preliminary certified survey map.
- (b) If any lots in the certified survey map are not served by municipal sanitary sewer, soil and site evaluations shall be submitted for approval to the county code administration office and/or the department of commerce according to the procedure and standards established under the applicable rules of Wis. Admin. Code ch. SPS 383.
- (c) Where the subdivider owns or controls land that is contiguous to the land being divided, a conceptual development plan shall be submitted along with the proposed final certified survey map when required by the village board after review of the preliminary certified survey map. The plan shall be drawn to scale, and shall identify proposed future development of the parcels, including approximate street, driveway and building locations.

(Ord. No. 2004-02, § 1(18.10(5)), 9-27-2004)

### **Sec. 28-226. Detailed requirements.**

A certified survey map shall comply with the provisions of Wis. Stats. § 236.34, applicable sections of this chapter, and shall set forth the following:

- (1) Date of map.
- (2) Graphic scale, location map and north point.
- (3) Name and address of the owner, subdivider, and surveyor.
- (4) All existing buildings, watercourses, drainage ditches, existing and required easements, and other features pertinent to proper division.
- (5) Names of adjoining streets, highways, parks, cemeteries, subdivisions, ponds, streams, lakes, flowages and wetlands.
- (6) Soil boring locations on sites to be served with a private on-site wastewater treatment system.
- (7) All lands reserved for future public acquisition or dedication.

- (8) Floodland and shoreland boundaries and the contour line lying at a vertical distance of two feet above the elevation of the 100-year recurrence interval flood.
- (9) Significant natural resource features on the site, including wetlands, floodplains, watercourses, shoreland boundaries, existing wooded areas, slopes of 20 percent or greater, drainageways, rare, threatened and endangered species, all environmental corridors as mapped by the Southeastern Wisconsin Regional Planning Commission ("SEWRPC") and the county, and other natural resource features, views and other prominent visual features.
- (10) Where the map is located within a quarter section, the corners of which have been relocated, monumented and placed on the Wisconsin State Plan Coordinate System by the state department of transportation, Southeastern Wisconsin Regional Planning Commission, the county or any city, village or village, the map shall be tied directly to one of the section or quarter corners so coordinated. The exact grid bearings and distance of such tie shall be determined by field measurements, and the material and Wisconsin State Plan Coordinate System, south zone, and adjusted to the county control survey.
- (11) The surveyor shall certify on the face of the map that it fully complies with all the provisions of this chapter.
- (12) The location of known drain tiles.
- (13) Any additional information required by the village board.

(Ord. No. 2004-02, § 1(18.10(6)), 9-27-2004)

### **Sec. 28-227. Final map review and approval procedures.**

- (a) *Subdivider to file with village clerk.* Following review of the preliminary certified survey map by the plan commission and village board, the subdivider shall file with the village clerk 5 copies of the proposed final certified survey map, along with an application for review and approval of a certified survey map by the village board. Electronic copies of the final certified survey map and additional submittals (if any) shall be provided to the clerk.
- (b) *Referral; administrative staff and utility commission reviews.* The subdivider shall provide copies of the certified survey map to the appropriate utilities for their review and comment. The village staff and utility comments will be forwarded to the village plan commission and village board for consideration during the review process.

(Ord. No. 2004-02, § 1(18.10(7)), 9-27-2004)

### **Sec. 28-228. Plan commission review and informational meeting.**

The clerk shall give notice of the review of the certified survey map at a joint meeting of the plan commission and village board by listing it as an agenda item in the meeting notice. The notice shall include the name of the applicant, the address of the property in question, and the requested action. The clerk may schedule an informational meeting. Notice of the informational meeting (if any) and review by the plan commission and village board shall be sent to all adjacent landowners to the parent

parcel, and all landowners within 500' of the parent parcel in accordance with the procedures set forth in article V of this chapter. The cost for such written notice shall be borne by the subdivider.  
(Ord. No. 2004-02, § 1(18.10(8)), 9-27-2004)

### **Sec 28-229. Plan commission recommendation.**

After review of the certified survey map and discussions with the subdivider on changes and the type and extent of public improvements that will be required, if any, the plan commission shall recommend to the village board disapproval, approval, or conditional approval of the certified survey map within 45 days of the filing date of the proposed final certified survey map.  
(Ord. No. 2004-02, § 1(18.10(9)), 9-27-2004)

### **Sec. 28-230. Board action.**

After receipt of the village plan commission's recommendation, the village board shall, within 90 days of the date the proposed final certified survey map was filed with the village clerk, approve, approve conditionally, or reject such certified survey map and shall state, in writing, 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 90 days or extension thereof shall constitute an approval of the proposed final certified survey map. The clerk shall communicate to the subdivider the action of the village board. If the certified survey map is approved, the village engineer shall endorse it for the village board. The certified survey map shall be recorded with the register of deeds office for the county within 12 months after final village board approval and within 36 months after the first approval of the map.

### **Sec. 28-231. Public improvements.**

In the event public improvements are required, plans, computations and specifications, which conform to the provisions required for subdivision improvements, shall be submitted to the village clerk at the time of submission of the proposed certified survey map. Such plans must be approved by the village engineer before village board approval of the certified survey map. Prior to, or as a condition of, village board approval of the certified survey map, the subdivider shall enter into a development agreement pursuant to section 28-48 and deposit required fees (the "Development Agreement"). In cases where public lands or rights-of-way are reserved or dedicated for future construction of public improvements, the subdivider shall enter into an agreement with the village concerning future costs and liability prior to, or as a condition of, certified survey map approval.  
(Ord. No. 2004-02, § 1(18.10(11)), 9-27-2004)

## Excerpts from: Article III. Design Standards

### Sec. 28-84. Lots.

- (a) In addition to complying with applicable provisions of this section, a lot created by subdivision or condominium plat shall comply with the additional lot requirements set forth in section 28-125.
- (b) The size, shape and orientation of the lots shall be appropriate for the location of the subdivision or minor subdivision and for the type of development and use contemplated. The lots shall be designed to provide an aesthetically pleasing building site, and a proper architectural setting for the buildings contemplated.
  - (1) *Shape.* Lots shall be approximately rectangular, with the exception of lots located on a curved street or on a cul-de-sac turnabout.
  - (2) *Flag lots.* Flag lots shall not be approved.
- (c) Every lot shall front or abut on a public street, or other officially approved means of access.
- (d) Except as otherwise provided in this section, lot dimensions shall conform to the minimum requirements of the village zoning ordinance, as amended from time to time and any applicable statutes and regulations, provided that:
  - (1) A lot created by certified survey map and served by public sanitary sewer shall have an area of not less than one acre, exclusive of areas dedicated for public rights-of-way, and at least 150 feet of frontage on a public street and at the setback line as measured from side lot line to side lot line.
  - (2) A lot created by certified survey map and not served by public sanitary sewer shall have an area of not less than three acres, exclusive of areas dedicated for public rights-of-way, and at least 300 feet of frontage on a public street or at the setback line as measured from side lot line to side lot line.
  - (3) The ratio of the length of the side of a residential lot to the frontage on the public street shall not be greater than 2.5:1.
  - (4) A lot on a cul-de-sac must satisfy the front footage requirements on the right-of-way or at the setback line.
  - (5) If the above density, area or front footage requirements conflict with the village's land use plan, the provision which is more restrictive or imposes higher standards shall control.
- (e) Side lot lines shall be at approximate right angles to straight street lines or radial to curved street lines on which the lots face.

(Ord. No. 2004-02, § 1(18.06(4)), 9-27-2004)

## **Sec. 28-89. Landscape plan.**

- (a) A landscape plan shall be required for all subdivisions and minor subdivisions, except those preparing a stewardship plan under in section 28-125(f)(8). Five full-size copies of a landscape plan shall be submitted with the final certified survey map or the final plat. The landscape plan shall be prepared on paper of good quality at a map scale of not more than 100 feet to one inch and shall show correctly the following information:
- (1) The proposed name of the certified survey map or subdivision.
  - (2) The location of the proposed certified survey map or subdivision.
  - (3) The names, addresses, and telephone numbers of the owners and/or subdividers and of the designer of the plan.
  - (4) The boundary line of the site with dimensions, indicated by a solid line, and the total land area encompassed by the site.
  - (5) The boundary lines of all proposed lot lines and open space areas.
  - (6) The location, extent, type (common name and scientific name in the case of plant materials), and sizes of all existing trees and natural resource features in all areas of subdivision or minor subdivision to be maintained and credited toward the landscaping requirements of this chapter. If any existing vegetation or other natural resource features are to be demolished or mitigated, the extent of such demolition or area to be mitigated shall also be clearly delineated and so noted on the plan.
  - (7) The location, extent, type (common name and scientific name in the case of plant materials), and sizes of proposed landscaping and landscape planting in all areas, including any landscaped entrances or other special landscaped features of the subdivision or minor subdivision.
- (b) All new landscape plant material shall be grown in a nursery located in plant hardiness zone 4 and shall conform to the applicable requirements as specified in the current edition of American Standard for Nursery Stock as approved by the American National Standards Institute, Inc., and sponsored by the American Association of Nurserymen, Inc. The American Joint Committee on Horticultural Nomenclature shall in accordance with the current edition of Standardized Plant Names prepare botanical plant names.
- (c) Areas of a subdivision or minor subdivision designated as landscape easement areas shall be maintained and kept free of all debris, rubbish, and noxious weeds by the property owner or condominium/homeowner's association.
- (Ord. No. 2004-02, § 1(18.06(10)), 9-27-2004)

## Excerpts from: Article I. In General

### Sec. 28-6. Minor subdivisions.

No person shall divide any land located within the limits of the village which shall result in a minor subdivision without complying with the provisions of this chapter with respect to minor subdivisions, including, but not limited to required improvements under article II, design standards under article III, and certified survey map procedures under article VII.  
(Ord. No. 2004-02, § 1(18.02(4)), 9-27-2004)

### Sec. 28-9. Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section. All other pertinent terms shall be as defined in Wis. Stat. ch. 236. Words used in the present tense shall include the future tense. Words used in the singular form shall include the plural form. Words used in the plural form shall include the singular form. The word "shall" is mandatory, and the word "may" is permissive.

*Certified survey map* means a map showing a division of land, conforming to Wis. Stat. § 236.34 and the Village Code, and prepared by a land surveyor registered in the state.

*Common facilities* mean those facilities which are designated, dedicated, reserved, restricted or otherwise set aside for the use and enjoyment by residents of the development.

*Common open space* means undeveloped land within a subdivision, minor subdivision, or conservation subdivision that has been designated, dedicated, reserved, or restricted in perpetuity from further development and is set aside for the use and enjoyment by residents of the development and for the preservation, restoration and management of historical, agricultural or environmentally sensitive features. Common open space shall not be part of individual residential lots. It shall be substantially free of structures, but may contain historical structures and archaeological sites including Indian mounds and/or such recreational facilities for residents as indicated on the approved development plan. It shall be restored and managed in accordance with a stewardship plan that shall be prepared for the open space.

*Condominium* means a community association combining individual unit ownership with shared use or ownership of common property or facilities, established in accordance with the requirements of the Condominium Ownership Act, Wis. Stats. ch. 703. A condominium is a legal form of ownership of real estate and not a specific building type or style. All sections of this chapter that apply to subdivisions shall apply to a condominium.

*Conservation easement* means a nonpossessory interest in real property designed to protect natural, scenic and open space values in perpetuity as defined in the Uniform Conservation Easement Act, Wis. Stat. § 700.40, and section 170(h) of the Internal Revenue Code.

*Conservation subdivision* means a subdivision in which dwelling units are concentrated and/or clustered in specific areas in order to allow other portions of the subdivision to be preserved for common open space, including restoration and management of historical, agricultural or

environmentally sensitive features. All sections of this chapter that apply to subdivisions shall apply to a conservation subdivision.

*Density factor* means the number of dwelling units permitted per acre according to the village's land use plan, applicable neighborhood plans, the village's ordinances, and applicable zoning regulations.

*Development envelopes* mean areas within which pavement and buildings will be located.

*Dwelling* means a detached building designed or used exclusively as a residence or sleeping place, including a manufactured home located outside of a mobile home park, but does not include boardinghouses or lodging houses, motels, hotels, tenements, or cabins.

*Ecological restoration* means to protect, enhance, recreate or remediate functional and healthy plant and animal communities. Ecological restoration is accomplished by implementing a stewardship plan for uplands, wetland areas, and aquatic resource areas, which include specific remedial and management activities for sustainable maintenance of each of these areas and the planting of those varieties of plants that are indigenous to the area.

*Flag lots* means a lot with access to the public street only by a narrow strip of land, easement, or private right-of-way and with otherwise insufficient frontage to be considered a buildable lot. Flag lots generally are not considered to conform to sound planning principles.

*Homeowners' association* means a community association, incorporated or not incorporated, combining individual home ownership with shared use or ownership of common property or common facilities.

*Manufactured home* means a structure certified and labeled as a manufactured home under 42 USC 5401-5426.

*Minor subdivision* means any division of land, whether by one or successive owners, which does not constitute a subdivision and which creates one or more parcels or building sites, any one of which is 15 acres or less in size. The remnant parcel, if any, shall count as one of the parcels or building sites created by said division.

*Net density* means the number of dwelling units permitted in the subdivision prior to calculating and adding any development yield bonus under section 28-125(a). This number is obtained by performing the following calculation:

- (1) Derive the net acreage for the parent parcel by subtracting from the gross acreage of the parent parcel the acreage consisting of the following: any land defined to be unsuitable under section 28-7, existing, dedicated or reserved street rights-of-way, restrictive utilities rights-of-way, and navigable streams, ponds or lakes;
- (2) Determine the density factor as permitted for the parent parcel, taking into account the village preference, if any is indicated on the land use plan, as well as adjustments made by the village board to ensure a density factor that is consistent with the surrounding neighborhood; and



- (3) Multiply the net acreage result under subsection (1) of this definition times the applicable density factor under subsection (2) of this definition to obtain the net density for the parent parcel.

*Nonprofit conservation organization* means any charitable corporation, charitable association or charitable trust (such as a land trust), the purposes or powers of which include retaining or protecting the natural, scenic or open space values of real property, assuring the availability of real property for agricultural, forest, recreational or open space use, protecting natural resources, maintaining or enhancing air or water quality, or preserving the historical, architectural, archaeological or cultural aspects of real property.

*Owner* includes the plural as well as the singular and may mean either a natural person, division, firm, association, syndicate, partnership, limited liability company, private corporation, public or quasi-public corporation or similar organization or any combination of these having legal title or sufficient proprietary interest to seek development of land. For purposes of successive division of a parcel of land by certified survey map, by one owner or successive owners, "owner" shall be taken to include any person, division, firm, association, syndicate, partnership, limited liability company, private corporation, public or quasi-public corporation or similar organization to whom conveyance has been made within seven years of application for approval of a certified survey map.

*Parent parcel* means the existing parcel of record, as of the effective date of the ordinance (i.e., September 27, 2004) from which this chapter is derived or the entire proposed development if combining any existing parcels.

*Plan commission* means the plan commission of the village.

*Primary environmental corridor* means a concentration of significant natural resources at least 400 acres in area, at least two miles in length, and at least 200 feet in width, as delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

*Professional ecological services* means an individual or firm with professional qualifications to prepare and implement an ecological stewardship plan for upland, wetland areas, and aquatic resource areas, including specific remedial and management activities for sustainable management of each of these areas and the planting of those variety of plants that are indigenous to the area.

*Village Land Division Ordinance* means chapter 28 of the Village's Code, as amended from time to time.

*Village Zoning Ordinance* means chapter 55 of the Village's Code, as amended from time to time.

*Secondary environmental corridor* means a concentration of significant natural resources at least 100 acres in area and at least one mile in length. Where such corridors serve to link primary environmental corridors, no minimum area or length criteria apply. Secondary environmental corridors are delineated and mapped by the Southeastern Wisconsin Regional Planning Commission.

*Single-family dwelling* means a building designed and/or used exclusively for residential purposes for one family only and containing not more than one dwelling unit.

*Stewardship plan* means a comprehensive management plan for the long-term enhancement and sustainability of natural ecosystems (uplands - including farmlands, woodlands, prairies, meadows,

wetlands, shorelands, lakes, river systems and similar ecosystems). Such plans shall include but not be limited to management goals, implementation and monitoring schedules, identification and description of measures to be taken should degradation of the system(s) be noted, and programs for the removal and control of invasive vegetation species.

*Stormwater treatment train* means a combination of physical and biological features that are constructed or planted to convey, cleanse, and enhance stormwater quality before the remaining water is released to receiving waters.

*Street* means a public way for pedestrian and vehicular traffic whether designated as a street, highway, thoroughfare, parkway, throughway, road, avenue, boulevard, lane, place or however otherwise designated.

*Subdivide* means the act of dividing land which constitutes a subdivision or minor subdivision under this chapter.

*Subdivider* means any person, corporation, partnership, association, individual, firm, trust or agent dividing or proposing to divide land resulting in a subdivision or minor subdivision.

*Subdivision* means the division of a lot, parcel or tract of land by the owners thereof or their agents, where:

- (1) The act of division of a parent parcel creates four or more parcels or building sites; or
- (2) The act of division creates four or more parcels or building sites by successive divisions within a period of seven years. The term includes resubdivision, and when appropriate to the context, shall relate to the process of subdividing or to the land subdivided, whether by one owner or successive owners.

In determining the number of parcels or building sites created by the division of land, the remnant parcel, if any, shall count as one of the parcels or building sites created by said division.

*Two-family dwelling* means a building used for residential occupancy by two families living independently of each other.

(Ord. No. 2004-02, § 1(18.03), 9-27-2004; Ord. No. 2005-02, § 1, 10-10-2005)

**Cross reference—** Definitions generally, § 1-2.

## **Excerpts from Article II. Required Improvements**

### **Sec. 28-51. Engineering, planning, legal and administrative costs; land division fee.**

- (a) The subdivider and village shall enter into a predevelopment reimbursement agreement requiring the subdivider to pay to the village all reasonable costs for engineering, planning, legal and administrative expenses incurred by the village, retroactive to the day of submittal of the concept or preliminary plan by subdivider, in:

- (1) Processing, reviewing, revising, and acting upon any applications, submittals, conceptual, preliminary or final development plans, including certified survey maps, preliminary and final plats and including consultation reasonably required to address issues and problems encountered during the application and review process for the development; and
  - (2) Processing, reviewing, revising, drafting and acting upon any agreements, easements, deed restrictions or other documents associated with the proposed development.
  - (3) Inspection and approval of all improvements constructed, installed or provided for in the development, including, but not limited to, consultation reasonably required to address problems encountered during the course of the design and construction of the development.
- (b) Such costs shall include the costs of the village's own employees and outside services for attorneys, engineers, inspectors, planners, agents, ecologists, sub-contractors and consulting engineers. The cost for Village employees' time shall be based upon the classification of the employee and the rates established by the Village Board, from time-to-time, for each such classification. Such costs shall also include, but not be limited to, those for attendance at telephone conferences and meetings. The cost for outside services shall be the direct cost incurred by the Village.
- (c) At the time of the submission or review of a conceptual plan, certified survey map, or preliminary plat, the subdivider shall execute a predevelopment reimbursement agreement and deposit with the clerk a fee for a subdivision plat or certified survey map as set forth in the schedule of fees on file in the village clerk's office, which may be revised by village board resolution. The village shall apply such funds toward payment of the above costs. If at any time such deposit becomes insufficient to pay expenses incurred by the village for the above costs, the subdivider shall deposit required additional amounts within 15 days of written demand by the village engineer. Until the required funds are received, the village as to the development plan under consideration will perform no additional work or review. The village may also reject any pending certified survey map, preliminary or final plat for nonpayment of the costs under this section. Within 60 days after final approval of the plat or certified survey map, and execution of any documents by all parties, or upon abandonment of the conceptual plan, certified survey map or plat and prior to final approval, including abandonment due to rejection by any reviewing agency, the village shall furnish the subdivider with a statement of all such costs incurred by it with respect to such conceptual plan, certified survey map or plat. Any excess funds shall be remitted to the subdivider, and any costs in excess of such deposit shall be paid by the subdivider. In the case of an approval of a plat or certified survey map, and if the development requires a written development agreement with the Village as to public infrastructure construction or any other public financial considerations, the subdivider's deposit shall carry forward under the terms of the development agreement entered into between the parties. Any interest earned on such deposit shall remain the property of the village to partially offset administrative expenses associated with planning and development.
- (d) In addition to reimbursement of the above costs, the subdivider shall be responsible for payment to the village of a land division fee per parcel created as set forth in the schedule of fees on file in the village clerk's office, which may be revised by village board resolution. Such fee shall be submitted at the time of execution by the subdivider of the development agreement required in section 28-48.

- (e) In addition to any discretionary deposit required by the village board to cover expected costs associated with the submission of a certified survey map, any person submitting a CSM shall pay, at the time of submission, a nonrefundable land division fee for the proposed certified survey map as set forth in the schedule of fees on file in the village clerk's office and may be revised by village board resolution.
- (f) If the Subdivider fails to replenish the required deposits or to reimburse the Village for costs the Village has incurred, the Village may impose a special charge upon the real property comprising the land division for any amounts due to the Village plus any costs the Village has incurred in attempting to collect the amounts due. This special charge shall become a lien upon the property.

(Ord. No. 2004-02, § 1(18.05(11)), 9-27-2004; Ord. No. 2008-01, § 23, 12-22-2008)